

STATE ALLOCATION BOARD

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



Date: December 20, 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 Friday, January 5, 2007 from 9:30 a.m. to 3:30 p.m. in the Legislative Office Building located at 1020 "N" Street, Room 100, Sacramento, CA.

The Implementation Committee's proposed agenda is as follows:

1. Convene Meeting.
2. Implementation of Chapter 35, Statutes of 2006 (Assembly Bill 127 – Nunez and Perata).
Discussion on the proposed regulations, in the following order, on several provisions contained within the statute:
 - Seismic Mitigation
 - Career Technical Education Facilities Program
 - Overcrowding Relief Grant
3. Implementation of Chapter 704, Statutes of 2006 (Assembly Bill 607 – Goldberg)
Discussion on proposed regulatory amendments to the Emergency Repair Program and the interim 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 cursive script that reads "Maivonne Garrity".

MAVONNE GARRITY, Chairperson
State Allocation Board Implementation Committee

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**STATE ALLOCATION BOARD
IMPLEMENTATION COMMITTEE**

**Pending Items List
January 4 , 2007**

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 2947 pertaining to transfer of special education programs*
 - *SB 1415 pertaining to the Sale of Surplus School Property*

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
January 5, 2007

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).

DISCUSSION

Financial Hardship

At the last meeting the following question was posed...if a financial hardship district set aside funds for an ORG project, would the funds be considered contribution towards an SFP project. In order for funds not to be considered contribution towards a SFP project, they must be encumbered. In addition, a question was posed as to whether debt service (principal and interest) would be an eligible expenditure if a financial hardship district were to utilize bridge financing. Staff researched the issue and concluded that the interest expense would be an eligible expenditure.

Classrooms Provided/Occupancy

A question was raised at the last meeting regarding districts that submit an application for the ORG, but are not the highest density and do not get funded. If they were to proceed with the project and occupy the classrooms would the new construction eligibility be adjusted for classrooms provided? As long as the district submits the application prior to occupancy, the district's new construction eligibility will not be adjusted. If the application does not get funded in one cycle it will automatically carry over to the next cycle to compete with those applications by highest density. If funds are exhausted and the project never received funding and the district complied with the requirement to remove the portables from the eligible site and from K-12 classroom use, then the new construction eligibility will not be reduced as no additional capacity would have been added. However, if the portables were not removed, the new construction baseline would be reduced.

*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.

Following are highlights of the recommended new ORG regulations and revisions to the existing SFP Regulations (see the draft regulations on the Attachment):

- 1859.2 *Definitions*
 - New terms: Form SAB 50-11, Overcrowding Relief Grant, Overcrowding Relief Pupil Eligibility, Overcrowding Relief Grant Pupil Adjustment Form
- 1859.51 *Adjustments to the New Construction Baseline Eligibility*
 - New construction eligibility will not be reduced for ORG projects.
- 1859.61 *Adjustments to the Modernization Baseline Eligibility*
 - Site modernization eligibility will be re-evaluated and possibly reduced to account for the replaced facilities.
- 1859.81 *Financial Hardship*
 - Funds that are specifically set aside for purposes of the ORG will not be deemed available as a matching district contribution.
- 1859.81.1 *Separate Apportionment for Site Acquisition and Design Costs*
 - Projects requesting ORG funding cannot receive the separate design or site apportionments typically allowed for financial hardship districts.
- 1859.81.2 *Separate Apportionment for District-Owned Site Acquisition Costs*
 - Projects requesting ORG funding cannot receive a separate district-owned site apportionment.
- 1859.103 *Savings*
 - Districts will be required to return any savings realized at the conclusion of the project.
- 1859.104 *Program Reporting Requirements*
 - Districts must certify they will meet the requirement to remove the replaced portables from K-12 classroom use within six months of occupancy.
- 1859.180 *General*
 - Districts shall file a Form SAB 50-04 to seek an ORG apportionment.
- 1859.181 *Eligible Schools*
 - Eligible schools will be determined by the CDE as defined by EC Section 17079(a).
- 1859.182 *Determining Overcrowding Relief Pupil Eligibility*
 - Districtwide pupil eligibility will be determined by the number of portables counted in the new construction baseline multiplied by the State loading standard and adjusted for class size reduction portables. This determination may be adjusted for funding applications or errors or omissions.
- 1859.183 *Funding*
 - Pupil grants may be requested at any grade level regardless of the grade level of the eligible school.
 - Site pupil eligibility will be limited by the number of pupils whose removal from the pupil population density calculation would reduce the density of the site to 150 percent and the capacity of the project.
 - Districts may not receive more ORG pupil grants than the number of pupils that were housed in portables that were included in the district's new construction eligibility determination.
 - Grants must be used to replace an equivalent number of portables with permanent classrooms.
 - Within six months of occupancy, districts must remove the replaced portables from the eligible site and must remove them from K-12 classroom use at non-eligible sites.

- Grants may not be used for construction, acquisition or transportation of portable classrooms.
- Districts must comply with all new construction provisions except Section 1859.51(a).
- 1859.184 *Overcrowding Relief Grant Application Submittals and Apportionments*
 - Applications will be funded based on highest density for a total of three funding cycles. The funding cycles will occur as follows:

Application Filing Deadline	SAB Allocation Month	Total Allocation (in millions)*
January 31, 2008	July 2008	\$500
July 31, 2008	January 2009	\$300
January 30, 2009	July 2009	\$200

*Any remaining funds from each funding cycle will be rolled over into the next funding cycle. If funds are still available after the third allocation, a fourth allocation will occur.

RECOMMENDATION

Present the attached regulations, *Overcrowding Relief Grant Pupil Adjustment Form*, revised *Application for Funding* (Form SAB 50-04), revised *Expenditure Report* (Form SAB 50-06), and *Overcrowding Relief Grant Pupil Eligibility Determination* (Form SAB 50-11) to the next available State Allocation Board meeting for approval.

**ASSEMBLY BILL 127
OVERCROWDING RELIEF GRANT**

DRAFT (1-2-07)

CALIFORNIA DEPARTMENT OF EDUCATION PROPOSED CALCULATION

Date	January 2, 2007
CDS Code	19-64733-6061600
County	Los Angeles
Local Educational Agency	Los Angeles Unified School District
School	Sun Valley Middle
Net Usable Acres	19.40

	2005-06 CBEDS Enrollment	Number of Classrooms Above the First Floor	Pupils from New Construction and Critically Overcrowded Schools Applications (from Section E of Worksheet)	Adjusted CBEDS Enrollment	CDE Recommended Acres	Certified Net Usable Acres	Multistory Acres Adjustment	Total Usable Acres	Schoolsite Pupil Density Per Acre	Percentage of CDE Recommended School Site Pupil Density
Grades K-6				0	0.00		0.00			
Grades 7-12	2,788	16	6	2,782	64.70		0.46			
TOTAL	2,788	16	6	2,782	64.70	19.40	0.46	19.86	140	326%

	CDE Recommended Pupil Density Per Acre		
	100%	150%	175%
Grades K-6	57	85	100
Grades 7-12	43	65	75

	Percentage of CDE Recommended Pupil Density		
	100%	150%	175%
Pupil Density Per Acre	43	65	75
Total Enrollment	853	1,290	1,489

ELIGIBILITY

175% of CDE Recommended Pupil Density	75
Schoolsite Pupil Density	140
Eligible?	YES

ELIGIBLE STUDENTS

Adjusted CBEDS Enrollment	2,782
Total Schoolsite Enrollment at 150% of CDE Recommended Density	1,290
Eligible Pupils	1,492

The above information is certified as correct by the district representative.

Print Name

Title

Signature

Date

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

Section 1859.2. Definitions.

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

...

"Form SAB 50-11" means the *Overcrowding Relief Grant Pupil Eligibility Determination, Form SAB 50-11, which is incorporated by reference.*

...

"Overcrowding Relief Grant (ORG)" means the funding provided pursuant to Education Code Section 17079, et seq.
"Overcrowding Relief Grant Pupil Adjustment" means the form that is submitted to the California Department of Education for purposes of determining whether a school site is eligible for Overcrowding Relief Grant funding.
"Overcrowding Relief Grant Pupil Eligibility" means the result of the calculation determined in Section 1859.182(a).

...

"School District" shall have the meaning set forth in Education Code Sections 17070.15~~(h)~~(m) and 17073.25.

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

Reference: Sections 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.18, 17072.33, 17073.25, 17074.10, 17074.30, 17074.32, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17079, 17079.10, 17280, and 56026, Education Code; Section 53311, Government Code; and Section 1771.5, Labor Code.

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Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

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

- (a) Reduced by the number of pupils provided grants in a new construction SFP project and by the number of pupils that received a Preliminary Apportionment pursuant to Section 1859.140 or a Preliminary Charter School Apportionment pursuant to Section 1859.160.
- (b) Reduced by the number of pupils housed, based on the loading standards pursuant to Education Code Section 17071.25(a)(2)(A), in a new construction LPP project funded under the provisions of the LPP pursuant to Sections 1859.12 or 1859.13.
- (c) Reduced by the number of pupils housed in additional classrooms constructed or purchased based on the loading standards, pursuant to Education Code Section 17071.25(a)(2)(A), in a modernization SFP project.
- (d) Adjusted as a result of the audit findings made pursuant to Sections 1859.90 and 1859.105.
- (e) Increased/decreased by changes in projected enrollment in subsequent enrollment reporting years for all districts except decreases as provided in (j) below.
- (f) Adjusted as a result of errors or omissions by the district or by the OPSC.
- (g) Adjusted as a result of amendments to these Regulations that affect the eligibility.
- (h) Increased by the number of pupils eligible for grants pursuant to Section 1859.82 (a).
- (i) Reduced by the number of pupils housed, based on loading standards pursuant to Education Code Section 17071.25(a)(2)(A), in any Classroom Provided after the baseline eligibility was determined by the Board with the exception of those pupils housed or to be housed in a classroom:

Includes OAL approvals and Secretary of State filings of 10/08/99, 10/13, 12/22, 01/07/2000, 04/12, 06/26, 07/17, 09/12, 12/27, 01/02/2001, 04/05, 07/25, 08/13, 12/21, 04/10/2002, 06/01, 08/12, 09/09, 09/16, 10/04, 11/04, 01/16/2003, 02/06, 02/13, 02/27, 05/01, 07/07, 05/21/2004, 06/01, 07/02, 07/22, 11/02, 11/04, 11/10, 12/06, 12/20, 01/31/2005, 02/03, 02/15, 02/23, 02/28, 03/02, 04/26, 05/24, 05/26, 10/27, 10/31, 03/14/2006, 05/15, 08/21 and 09/05.

- (1) That is a trailer and transportable/towed on its own wheels and axles.
- (2) Of less than 700 interior square feet.
- (3) Excluded pursuant to Education Code Section 17071.30.
- (4) Where the contract for the lease, lease-purchase, purchase, or construction of the classroom was made prior to January 1, 2000.
- (5) That is included in a SFP project where the district has funded a portion of the project beyond its required district contribution and the pupil capacity of the classroom does not exceed 150 percent of the number of pupils receiving a new construction grant (rounded up) for the SFP project.
- (6) That was acquired with joint-use funds specifically available for that purpose.
- (7) [That was constructed with Overcrowding Relief Grant funds specifically available for that purpose.](#)
- (j) For Small School Districts, decreased:
 - (1) By any reduction in projected enrollment that follows a three-year period after the district's eligibility was approved by the Board.
 - (2) By any increase in the number of pupils included in the latest operational grant report made by the CDE pursuant to Education Code Section 42268 beginning three years after the district's most current eligibility was approved by the Board. The reduction in eligibility shall be determined by the number of pupils included in the latest operational grant report that exceed the number of pupils included in the operational grant report in effect when the district's most current eligibility was approved by the Board or adjusted by a subsequent operational grant report after that date.
- (k) Adjusted for any change in classroom inventory as a result of a reorganization election.
- (l) For classroom loading standards adopted by the Board for non-severely disabled individuals with exceptional needs and severely disabled individuals with exceptional needs.
- (m) As directed by the Board due to a finding of a Material Inaccuracy pursuant to Regulation Section 1859.104.1.
- (n) Increased by the number of pupils that received a Preliminary Apportionment that was rescinded pursuant to Section 1859.148 or a Preliminary Charter School Apportionment that was rescinded pursuant to Section 1859.166.
- (o) Adjusted for operational grant changes as determined/provided by the California Department of Education.
- (p) For a HSAA district with Preliminary Apportionments within the 2002 Critically Overcrowded School Facilities Account as follows:
 - (1) Decreased by the number of pupils that received a Preliminary Apportionment, distributed proportionately among HSAAAs in which the pupils used to justify the conversion of the Preliminary Apportionment were enrolled but did not reside.
 - (2) In the subsequent enrollment reporting year after verification of Occupancy of a project, increased by the number of pupils equal to the reduction due to Section 1859.51(p)(1), for the project which was occupied.
 - (3) Increased by the number of pupils equal to the reduction due to Section 1859.51(p)(1), for a Preliminary Apportionment rescinded pursuant to the provisions of Section 1859.148.
- (q) Adjusted by the difference between the Alternative Enrollment Projection for the current enrollment reporting year and the projected enrollment determined pursuant to Section 1859.42 for the current enrollment reporting year, or by the eligibility remaining from this calculation that can no longer be utilized if the funds made available pursuant to Education Code Section 17071.75(a)(1)(A) have been exhausted.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17052, 17070.51, 17071.25, 17071.75, 17071.76, 17072.20 ~~and~~ 17077.40, [and 17079.20](#), Education Code.

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Section 1859.61. Adjustments to the Modernization Baseline Eligibility.

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

- (a) Reduced by the number of pupils provided grants in a modernization SFP project at the specific site.

Includes OAL approvals and Secretary of State filings of 10/08/99, 10/13, 12/22, 01/07/2000, 04/12, 06/26, 07/17, 09/12, 12/27, 01/02/2001, 04/05, 07/25, 08/13, 12/21, 04/10/2002, 06/01, 08/12, 09/09, 09/16, 10/04, 11/04, 01/16/2003, 02/06, 02/13, 02/27, 05/01, 07/07, 05/21/2004, 06/01, 07/02, 07/22, 11/02, 11/04, 11/10, 12/06, 12/20, 01/31/2005, 02/03, 02/15, 02/23, 02/28, 03/02, 04/26, 05/24, 05/26, 10/27, 10/31, 03/14/2006, 05/15, 08/21 and 09/05.

- (b) Reduced by the number of pupils housed, based on the loading standards pursuant to Education Code Section 17071.25(a)(2), in a modernization LPP project funded under the LPP pursuant to Sections 1859.14 and 1859.15.
- (c) Increased by changes in projected enrollment in subsequent enrollment reporting years.
- (d) Increased for additional facilities not previously modernized with State funds, that become 25 years old, if permanent, or 20 years old, if portable or as a result of audit findings made pursuant to Sections 1859.90 and 1859.105.
- (e) Adjusted as a result of errors or omissions by the district or by the OPSC.
- (f) Adjusted as a result of amendments to these Subgroup 5.5 Regulations that affect the eligibility.
- (g) For classroom loading standards adopted by the Board for non-severely disabled individuals with exceptional needs and severely disabled individuals with exceptional needs.
- (h) As directed by the Board due to a finding of a Material Inaccuracy pursuant to Regulation Section 1859.104.1.
- (i) Increased for facilities previously modernized with State funds, which qualify for an additional modernization apportionment pursuant to Section 1859.78.8.
- (j) Adjusted as a result of the Reconfiguration of an existing high school under the provisions of the Small High School Program.
- (k) [Reduced as a result of replaced portables funded with the Overcrowding Relief Grant, pursuant to Education Code Section 17079, et seq.](#)

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.51, 17071.25, 17072.15, 17072.20, 17073.15, 17074.10, ~~and~~ 17074.32, [and 17079.30](#), Education Code.

...

Section 1859.81. Financial Hardship.

Except for Joint-Use Projects, a district is eligible for financial hardship to fund all or a portion of its matching share requirement after demonstrating both of the following:

- (a) The district is financially unable to provide all necessary matching funds for an eligible project. To determine this, an analysis shall be made of the district's financial records by the OPSC including data and records maintained by the CDE and the County Office of Education. The analysis shall consist of a review of the district's latest Independent Audit regarding funds available from all capital facility accounts, including, but not limited to, developer fees, funds generated from capital facility certificates of participation, federal grants, redevelopment funds, sale proceeds from surplus property, the appraised value of facilities approved for replacement pursuant to Section 1859.82, bond funds either encumbered, unencumbered or authorized but unsold, and savings from other SFP projects. All funds thus identified that have not been expended or encumbered by a contractual agreement for a specific capital outlay purpose prior to the initial request for financial hardship status shall be deemed available as a matching contribution.

After the initial request for financial hardship status is granted, no further encumbrances will be approved by the OPSC and all prospective revenue made available to the district's capital facility accounts shall be deemed available as matching contribution on the subsequent financial hardship review, with the exception of:

- (1) Approved interim housing expenditures.
- (2) Funding to pay for previously recognized multi-year encumbrances approved at the initial financial hardship approval.
- (3) Funding that is transferred into a Special Reserve Fund and is used for the express purpose of the Federal Renovation Program when the amount expended out of that fund does not exceed the maximum Federal Renovation Grant amount.
- (4) Funding that is transferred into a Special Reserve Fund and is used for the express purpose of the School Facilities Needs Assessment Grant Program or Emergency Repair Program when the amount expended out of that fund does not exceed the maximum grant amount apportioned.

(5) Funding that is transferred into a Special Reserve Fund and is used for the express purpose of the Overcrowding Relief Grant when the amount expended out of that fund does not exceed the district's share of the grant amount apportioned.

~~(5)~~ (6) All other capital facility funding for a period of three years when no subsequent financial hardship request is made during this period. The three-year period begins with the date of the most recent financial hardship new construction or modernization adjusted grant funding apportionment.

The financial hardship analysis is subject to approval by the Board.

- (b) From the funds deemed available as a matching contribution, the district may retain \$19,776 per classroom in each enrollment reporting period for the cost to provide interim housing for the currently unhoused pupils of the district. The amount shown shall be adjusted annually in the manner prescribed in Section 1859.71. The number of classrooms needed for interim housing for the currently unhoused pupils shall be the sum of the positive numbers determined in (b)(7) as follows:
- (1) Determine the current enrollment of the district by grade level as shown on the latest Form SAB 50-01.
 - (2) Determine the New Construction Grants apportioned by grade level for all SFP projects and LPP funded under the provisions of Sections 1859.12 or 1859.13 where the district has submitted Form SAB 50-06 indicating that the project is 100 percent complete.
 - (1) Subtract (b)(2) from (b)(1).
 - (2) Determine the number of classrooms by grade level reported in Part 1, Line 8 on Form SAB 50-02.
 - (3) Multiply the classrooms determined in (b)(4) by 25 for K-6, 27 for 7-12, 13 for Non-Severe and 9 for Severe.
 - (4) Subtract the product determined in (b)(5) from the difference determined in (b)(3) by grade level.
 - (5) Divide the difference by grade level determined in (b)(6) by 25 for K-6, 27 for 7-12, 13 for Non-Severe and 9 for Severe and round up to the nearest whole number.

From the funds deemed available as a matching contribution, the district may also retain \$19,776 per portable toilet unit in each reporting period for the cost to provide necessary interim toilet facilities for the currently unhoused pupils of the district. The amount shown shall be adjusted annually in the manner prescribed in Section 1859.71. The number of toilet facilities needed for interim housing shall be the sum of the positive numbers determined in (b)(7) divided by eight rounded up to the nearest whole number.

If the district's available funds, as determined by the OPSC analysis less costs for interim housing, is less than its matching share, the district will be deemed to have met the requirements of this Subsection.

- (c) The district has made all reasonable efforts to fund its matching share of the project by demonstrating it is levying the developer fee justified under law or an alternative revenue source equal to or greater than the developer fee otherwise justified under law at the time of request for hardship and the district meets at least one of the following:
- (1) The current outstanding bonded indebtedness of the district issued for the purpose of constructing school facilities in accordance with Education Code Section 17072.35 or 17074.25 as appropriate, at the time of request for financial hardship status, is at least 60 percent of the district's total bonding capacity. Outstanding bonded indebtedness includes that part of general obligation bonds, Mello-Roos Bonds, School Facility Improvement District Bonds and certificates of participation which the district is paying a debt service that was issued for capital outlay school facility purposes.
 - (2) The district had a successful registered voter bond election for at least the maximum amount allowed under Proposition 39 within the previous two years from the date of request for financial hardship status. The proceeds from the bond election that represent the maximum amount allowed under the provisions of Proposition 39 must be used to fund the district's matching share requirement for SFP project(s).
 - (3) It is a County Superintendent of Schools.
 - (4) The district's total bonding capacity at the time of the request for financial hardship status is \$5 million or less.
 - (5) Other evidence of reasonable effort as approved by the SAB.

Includes OAL approvals and Secretary of State filings of 10/08/99, 10/13, 12/22, 01/07/2000, 04/12, 06/26, 07/17, 09/12, 12/27, 01/02/2001, 04/05, 07/25, 08/13, 12/21, 04/10/2002, 06/01, 08/12, 09/09, 09/16, 10/04, 11/04, 01/16/2003, 02/06, 02/13, 02/27, 05/01, 07/07, 05/21/2004, 06/01, 07/02, 07/22, 11/02, 11/04, 11/10, 12/06, 12/20, 01/31/2005, 02/03, 02/15, 02/23, 02/28, 03/02, 04/26, 05/24, 05/26, 10/27, 10/31, 03/14/2006, 05/15, 08/21 and 09/05.

If the district's request for financial hardship status is denied by the Board, the district may be deemed eligible for rental payments of \$2,000 per year per classroom under the Emergency School Classroom Law of 1979 for a two year period when relocatable classroom buildings are available and the district provides financial documentation that it is unable to afford the full rental amount and any other information satisfactory to the Board that the rental reduction is necessary. The number of classrooms eligible for the \$2,000 rental payments shall be the sum of the numbers determined in (c)(5)(B) as follows:

- (A) Determine the number of pupils by grade level that the district requested a New Construction Grant on the Form SAB 50-04 that were denied financial hardship status.
- (B) Divide the number by grade level determined in (c)(5)(A) by 25 for K-6, 27 for 7-12, 13 for Non-Severe and 9 for Severe and round up to the nearest whole number.

If the district meets the financial hardship requirements in this Section, the amount of financial hardship is equal to the district's matching share less funds deemed available in (a).

Once a district has been notified by the OPSC that it meets the requirements of financial hardship in this Section, the district may file Form SAB 50-04 under the provisions of financial hardship anytime within a period of 180 calendar days from the date of the OPSC notification.

If the district does not submit Form SAB 50-04 under the provisions of financial hardship within 180 calendar days of the OPSC notification of approval of financial hardship status, the district must re-qualify for financial hardship status under the provisions of this Section by submittal of a new request for financial hardship status.

If the district submits Form SAB 50-04 within 180 calendar days of the OPSC notification of approval of financial hardship and the project(s) has been included on an unfunded list for more than 180 calendar days, a review of the district's funds pursuant to (a) will be made to determine if additional district funds are available to fund the district's matching share of the project(s).

Financial hardship approval status by the OPSC for a separate design and/or site apportionment does not apply to any subsequent funding for the project(s).

Note: Authority cited: Sections 17070.35, 17075.15 and 17592.73, Education Code.

Reference: Sections 17075.10 and 17075.15, Education Code.

Section 1859.81.1. Separate Apportionment for Site Acquisition and Design Costs.

A district that meets the financial hardship criteria in Section 1859.81 is eligible for the following:

- (a) For a new construction project, a separate apportionment for site acquisition, with the exception of site acquisition funding authorized by Section 1859.81.2 [or for projects receiving funding pursuant to the Overcrowding Relief Grant, Section 1859.180](#), when all the following requirements are met:
 - (1) The district has eligibility for grants that equal at least 50 percent of the CDE master plan capacity of the site.
 - (2) The district has received a contingent site approval letter from the CDE indicating that the proposed site is the best available.
 - (3) The district has obtained a preliminary appraisal of the property by a qualified appraiser utilizing criteria outlined in Section 1859.74.1. This report may be made without access to the site.
- (b) If the conditions in (a) are met on a site that does not require a RA, the Board will apportion all of the following less any district funds available for the project pursuant to Section 1859.81(a):
 - (1) An amount not to exceed 100 percent of the lesser of the preliminary appraised value of the site as determined by Section 1859.74.1 or the amount the district reasonably expects to pay for the site including any hazardous material clean-up.
 - (2) The estimated relocation expenses that will conform to Title 25, California Code of Regulations, Section 6000, et seq. The reasonable and necessary relocation costs for purchasing fixtures and equipment, personal

property, new machinery/equipment, and the installation of any improvements at the replacement residence or business location may be included as relocation assistance.

- (3) Four percent of the lesser of the preliminary appraised value of the site or the amount the district reasonably expects to pay for the site acquisition including any hazardous material clean-up but not less than \$50,000.
- (4) The estimated DTSC costs for review, approval, and oversight of the POESA and the PEA.
- (c) If the conditions in (a) are met on a site that will require a RA, the district is eligible for a separate site apportionment not to exceed 50 percent of one and one half times the value of an appraisal that conforms to Section 1859.74.1 for the costs included in (c)(1) and (c)(4) plus the additional costs included in (c)(2) and (c)(3). The costs included in (c)(2) and (c)(3) are in addition to 50 percent of one and one half times the appraisal value cap.
 - (1) The cost of the site as determined in Section 1859.74.1 and the amount the district reasonably expects to pay for any hazardous materials/waste removal and/or remediation costs for the site.
 - (2) Fifty percent of the estimated relocation expenses that will conform to Title 25, California Code of Regulations, Section 6000, et seq. The reasonable and necessary relocation costs for purchasing fixtures and equipment, personal property, new machinery/equipment, and the installation of any improvements at the replacement residence or business location may be included as relocation assistance.
- (1) Fifty percent of four percent of the lesser of the appraised value of the site or the amount the district reasonably expects to pay for the site acquisition including any hazardous materials/waste removal and/or remediation costs for the site, but not less than 50 percent of \$50,000.
- (2) The estimated DTSC costs for review, approval and oversight of the POESA and the PEA.
- (d) The limitation of 50 percent of one and one half times the value of an appraisal for costs in subsections (c), (c)(1) and (c)(4) may be exceeded when the Board finds that unforeseen circumstances exist, and when both of the following exist:
 - (1) CDE determines that the site is the best available site for meeting the educational and safety needs of the School District.
 - (2) Substantiation that the costs are limited to the minimum required to complete the evaluation and RA approved by the DTSC.
- (e) For new construction projects, the Board will apportion an amount not to exceed 40 percent of the new construction grant less any district funds available for the project pursuant to Section 1859.81(a). For modernization projects, the Board will apportion an amount not to exceed the following:
 - (1) If the Approved Application is received on or before April 29, 2002, 20 percent of the modernization grant less any district funds available for the project pursuant to Section 1859.81(a).
 - (2) If the Approved Application is received after April 29, 2002, 25 percent of the modernization grant less any district funds available for the project pursuant to Section 1859.81(a).

The amount apportioned is an estimate of the funds needed for design, engineering, and other pre-construction project costs.

Qualifying districts may request a separate apportionment for the design and for site acquisition for the same new construction project. [Those projects requesting an Overcrowding Relief Grant, pursuant to Section 1859.180, do not qualify for these separate apportionments.](#)

The amount provided as a separate apportionment shall be offset from the New Construction Adjusted Grant or the Modernization Adjusted Grant amount the district would otherwise be eligible for pursuant to Sections 1859.70 and 1859.81 when the district submits Form SAB 50-04. A district seeking a separate apportionment for site acquisition or design costs shall submit Form SAB 50-04. If a new construction project received a previous design apportionment, the district may request an additional design apportionment for that project up to the 40 percent maximum design apportionment allowed pursuant to this Section.

The Form SAB 50-04 that is subsequently submitted for the New Construction Adjusted Grant must be for at least 50 percent of the New Construction Grant the district requested as a separate design apportionment.

Includes OAL approvals and Secretary of State filings of 10/08/99, 10/13, 12/22, 01/07/2000, 04/12, 06/26, 07/17, 09/12, 12/27, 01/02/2001, 04/05, 07/25, 08/13, 12/21, 04/10/2002, 06/01, 08/12, 09/09, 09/16, 10/04, 11/04, 01/16/2003, 02/06, 02/13, 02/27, 05/01, 07/07, 05/21/2004, 06/01, 07/02, 07/22, 11/02, 11/04, 11/10, 12/06, 12/20, 01/31/2005, 02/03, 02/15, 02/23, 02/28, 03/02, 04/26, 05/24, 05/26, 10/27, 10/31, 03/14/2006, 05/15, 08/21 and 09/05.

The Form SAB 50-04 that is subsequently submitted for the Modernization Adjusted Grant must be for at least 80 percent of the Modernization Grant the district requested as a separate design apportionment that was received on or before April 29, 2002.

The Form SAB 50-04 that is subsequently submitted for the Modernization Adjusted Grant must be for at least 60 percent of the Modernization Grant the district requested as a separate design apportionment that was received after April 29, 2002.

When the Board is accepting applications pursuant to Section 1859.95, the funding of the new construction or modernization grant may be made from funds set aside by the Board for financial hardship. The amount provided as a separate apportionment shall be adjusted at a future date to assure that hardship funding for the project does not exceed the amount the district was otherwise eligible to receive.

Note: Authority cited: Sections 17070.35, 17072.13 and 17075.15, Education Code.

Reference: Sections 17072.12, 17072.20, 17072.33, 17074.15, ~~and~~ 17074.16, [and 17079.20](#), Education Code.

Section 1859.81.2. Separate Apportionment for District-Owned Site Acquisition Costs.

A district that meets the financial hardship criteria in Section 1859.81, [with the exception of those projects requesting an Overcrowding Relief Grant pursuant to Section 1859.180](#), is eligible for the following:

- (a) A separate apportionment for district-owned site acquisition cost authorized by Section 1859.74.5 when all the following are met:
 - (1) The district has eligibility for new construction grants that equal at least 50 percent of the CDE master plan capacity of the site.
 - (2) All the criteria in Section 1859.74.5(a)(1) through (1)(7) are met.
- (b) If the conditions in (a) are met, the Board will apportion one half of the value of the district-owned site as determined in Section 1859.74.5(b).

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17072.12, 17072.13, ~~and~~ 17072.20, [and 17079.20](#), Education Code.

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Article 11. Miscellaneous School Facility Program Requirements

Section 1859.103. Savings.

A district may expend the savings not needed for a project on other high priority capital facility needs of the district including the relocation of district facilities necessary as a result of Subdivision (b) of Education Code Section 17072.12. The grants for the projects funded pursuant to Section 1859.70.2 [or Section 1859.180](#) shall be limited to eligible expenditures, up to the State Apportionment for the project. Savings may be declared by the district in writing to the OPSC any time after the release of all funds for the project.

With the exception of savings attributable to a site apportionment made pursuant to Sections 1859.74.5 or 1859.81.2, the State's portion of any savings declared by the district or determined by the OPSC by audit must be used to reduce the SFP financial hardship grant of that project or other financial hardship projects within the district for a period of three years from the date the savings were declared by the district or determined by the OPSC audit. The State's portion of any savings from a new construction project or a Joint-Use Project may be used as a district matching share requirement, only on another new construction project, and the State's share of any savings from a modernization project may be used as a district matching share requirement, only on another modernization project.

Includes OAL approvals and Secretary of State filings of 10/08/99, 10/13, 12/22, 01/07/2000, 04/12, 06/26, 07/17, 09/12, 12/27, 01/02/2001, 04/05, 07/25, 08/13, 12/21, 04/10/2002, 06/01, 08/12, 09/09, 09/16, 10/04, 11/04, 01/16/2003, 02/06, 02/13, 02/27, 05/01, 07/07, 05/21/2004, 06/01, 07/02, 07/22, 11/02, 11/04, 11/10, 12/06, 12/20, 01/31/2005, 02/03, 02/15, 02/23, 02/28, 03/02, 04/26, 05/24, 05/26, 10/27, 10/31, 03/14/2006, 05/15, 08/21 and 09/05.

Any interest earned on a financial hardship project not expended on eligible project expenditures will be treated as savings and will be used to reduce the SFP financial hardship grant for that project.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.63, 17072.12, ~~and~~ 17077.40, and 17079.20, Education Code.

Section 1859.104. Program Reporting Requirements.

A district receiving funds in accordance with the Act shall submit the following:

- (a) An expenditure report from the district on the Form SAB 50-06. The program reporting requirements are as follows:
 - (1) The first expenditure report shall be due one year from the date that any funds were released to the district for the project pursuant to Section 1859.90, or upon completion of the project, whichever occurs first. A project shall be deemed complete when either of the following occur:
 - (A) When the notice of completion for the project has been filed, all outstanding invoices, claims, change orders have been satisfied and the facility is currently in use by the district.
 - (B) Three years from the date of the final fund release for an elementary school project or four years from the date of the final fund release for a middle or high school project.
 - (2) The second and subsequent expenditure reports, if necessary, shall be due annually beginning one year from the first report, or upon completion of the project, whichever occurs first. The final expenditure report must be made no later than three years from the date of the final fund release for an elementary school project or four years from the date of the final fund release for a middle or high school project.
- (b) With the exception of projects that qualify for an apportionment pursuant to Section 1859.75.1, a progress report, in the form of a narrative from the district, shall be due 18 months from the date any funds were released to the district for the project pursuant to Section 1859.90. The progress report shall include information regarding the progress the district has made towards substantial completion of the project. If the notice of completion has been filed within 18 months of the release of funds pursuant to Section 1859.90, or the expenditure reports required in (a)(1) or (2) indicate that substantial progress (as defined in Section 1859.105) on the project has occurred, no progress report is required.
- (c) A progress report, in the form of a narrative from the district, shall be due 12 months from the date the site acquisition funds were apportioned to the district for the project pursuant to Section 1859.75.1. The progress report shall include information regarding the progress the district has made towards acquiring the site as outlined in Section 1859.105.1 and may contain other evidence of reasonable effort to substantiate progress towards acquiring the site for purposes of an extension of the site apportionment as authorized by Education Code Section 17072.13(c)(2).
- (d) If an apportionment was made for a district-owned site pursuant to Section 1859.74.5, a certification that the non-school function currently taking place on the district-owned site has been discontinued or relocated. The certification must be submitted to the OPSC no later than the following dates:
 - (1) If the project is for an elementary school, 66 months from the date of the site apportionment.
 - (2) For all other projects, 78 months from the date of the site apportionment.
- (e) If an Apportionment was made under the Small High School Program pursuant to:
 - (1) Section 1859.78.9 or Section 1859.93.2, a cost evaluation report shall be due to the OPSC no later than two complete school years after the Occupancy of the approved project.
 - (2) Section 1859.93.2, the district must provide a preliminary report on any academic data requested by CDE two complete school years after the Occupancy of the approved project. The final report shall be due no later than two complete school years after the OPSC notifies the district of the Occupancy of the last approved project.
- (f) If an Apportionment was made under the Overcrowding Relief Grant pursuant to Section 1859.180, the School District must provide a certification that the replaced portables were removed from service per Education Code Section 17079.30.

Note: Authority cited: Sections 17070.35 and 17072.13, 17079.30 Education Code.

Includes OAL approvals and Secretary of State filings of 10/08/99, 10/13, 12/22, 01/07/2000, 04/12, 06/26, 07/17, 09/12, 12/27, 01/02/2001, 04/05, 07/25, 08/13, 12/21, 04/10/2002, 06/01, 08/12, 09/09, 09/16, 10/04, 11/04, 01/16/2003, 02/06, 02/13, 02/27, 05/01, 07/07, 05/21/2004, 06/01, 07/02, 07/22, 11/02, 11/04, 11/10, 12/06, 12/20, 01/31/2005, 02/03, 02/15, 02/23, 02/28, 03/02, 04/26, 05/24, 05/26, 10/27, 10/31, 03/14/2006, 05/15, 08/21 and 09/05.

Reference: Sections 17070.35, 17070.99, 17072.12, 17072.13 ~~and~~ 17076.10, and 17079.30 Education Code.

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Article 15. Overcrowding Relief Grant

Section 1859.180. General.

A School District seeking an Apportionment pursuant to the provisions of Education Code Section 17079 through 17079.30 for new construction shall complete and file a Form SAB 50-04.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17079.20, Education Code.

Section 1859.181. Eligible Schools.

An eligible school is a school for which the school site pupil population density is equal to or greater than 175% of the school site pupil population density recommended by the CDE, based on the CBEDS Report as of January 1, 2006, adjusted by the CDE by the following factors:

- (a) Reduced to take into account the additional pupil capacity created by multistory construction.
- (b) Reduced to take into account approved new construction projects, including projects approved pursuant to the Critically Overcrowded School Facilities Program, Education Code Sections 17078.10 through 17078.30.

In order to determine the school site pupil population density, the School District shall complete and submit to the CDE the Overcrowding Relief Grant Pupil Adjustment form. The School District shall also complete and submit to the OPSC the Form SAB 50-11.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17079, Education Code.

Section 1859.182. Determining Overcrowding Relief Pupil Eligibility.

- (a) For purposes of the Overcrowding Relief Grant, an eligible pupil is a pupil that is housed in a portable classroom at the eligible school site, less the prorated number of portables that were funded by the Class Size Reduction Program pursuant to Chapter 6.10 of the Education Code. The Class Size Reduction prorate shall be calculated as follows:
 - (1) Determine the total number of portables funded pursuant to Chapter 6.10 of the Education Code.
 - (2) Divide the total number of elementary schools currently in the School District by the amount determined above. The resulting number of classrooms must be reduced from each eligible school site.
- (b) The determination of the Overcrowding Relief Pupil Eligibility shall be conducted on a one-time basis for each eligible school, but may be adjusted as follows:
 - (1) Reduced by the number of eligible pupils that receive an Overcrowding Relief Grant.
 - (2) Adjusted as a result of errors or omissions by the School District or by the OPSC.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17079.10, Education Code.

Section 1859.183. Funding.

The Board shall provide a New Construction Adjusted Grant to each eligible pupil requested in the project. The pupil grants may be requested by the School District at any grade level, regardless of the grade level of the eligible school.

The maximum number of Overcrowding Relief Grants for each eligible school site shall be subject to the following limitations:

- (1) The number of Overcrowding Relief Grants may not exceed the number of pupils whose removal from the pupil density calculation would reduce the density of the eligible school site to 150 percent of the school site pupil population density recommended by the CDE, based on the CBEDS in effect as of January 1, 2006.
- (2) The number of Overcrowding Relief Grants may not exceed the capacity of those portables on the eligible school site that are being replaced in the project.

In no event shall a School District receive in total more Overcrowding Relief Grants than the number of pupils housed in portable classrooms that were included in the School District's initial new construction eligibility determination pursuant to Education Code 17071.75 as identified in part on Line 1 of Part III of the Form SAB 50-02 and as calculated on the Form SAB 50-11.

The Overcrowding Relief Grant must be used to replace an equivalent number of portable classrooms with permanent classrooms. Those portables that are replaced with Overcrowding Relief Grants must be removed from K – 12 grade classroom use, pursuant to Education Code Section 17079.30, within six months of the date of Occupancy of the replaced permanent classrooms. Overcrowding Relief Grants may not be expended upon the construction, acquisition or transportation of portable classrooms. Those School Districts receiving an Overcrowding Relief Grant must comply with all new construction provisions of the SFP, including but not limited to Sections 1859.100, 18593.102, 1859.104, 1859.105, and 1859.106.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17079.10, 17079.20 and 17079.30, Education Code.

Section 1859.184. Overcrowding Relief Grant Application Submittals and Apportionments

The Board shall accept approved applications for Overcrowding Relief Grants as follows:

- (a) For the funding made available for this purpose for the first funding cycle, the School District shall submit an approved application by January 31, 2008.
- (b) The Board shall accept approved applications on a semi-annual basis thereafter.

The Board shall apportion Overcrowding Relief Grants based upon the highest density of the eligible schools that have submitted an approved application. Any School District that does not receive an Overcrowding Relief Grant due to low school density and insufficient funds may request that its application remain with the OPSC for consideration in the following semi-annual funding cycle.

The Board shall apportion the Overcrowding Relief Grants as follows:

- (a) For the first funding cycle, up to a maximum of \$500 million for all approved applications that are received by January 31, 2008.
- (b) For the second funding cycle, up to a maximum of \$300 million for all approved applications that are received by July 31, 2008, plus any remaining funds not apportioned during the previous funding cycle.
- (c) Approved applications that are received by January 30, 2009 shall be apportioned any remaining funds not allocated at the previous funding cycles, plus an additional \$200 million. Should funds remain following the third funding cycle, those funds shall be pooled for a subsequent funding cycle.

The approved applications for Overcrowding Relief Grants must provide a narrative indicating how the project will relieve overcrowding at the eligible school.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17079.20, Education Code.

ATTACHMENT C

STATE OF CALIFORNIA

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

OVERCROWDING RELIEF GRANT PUPIL ELIGIBILITY DETERMINATION

SCHOOL FACILITY PROGRAM

SAB 50-11 (New 01/07)

Page 1 of 2

GENERAL INFORMATION

As part of the district's request for new construction funding for the Overcrowding Relief Grant (ORG) under the School Facility Program (SFP), a determination of the district's ORG pupil eligibility must be made. This shall be a one time report that is determined based upon the information reported on the district's *Existing School Building Capacity* (Form SAB 50-02) at the time the district established its SFP new construction eligibility. If the district has not established its new construction eligibility, it will be required to do so for purposes of determining eligibility for the ORG program.

If the district is submitting this form to correct an error or omission that was previously reported, please check the appropriate box.

SPECIFIC INSTRUCTIONS

PART I – Classroom Inventory

Complete the school district information as requested. If the high school district, unified school district, or county superintendent of schools established the SFP new construction eligibility on a HSAA or Super HSAA basis, it must submit one Form SAB 50-11 for each HSAA or Super HSAA.

PART II – Determination of Overcrowding Relief Grant Pupil Eligibility

Provide the requested information to complete the calculation of the district/HSAA eligibility.

PART III – Class Size Reduction Program Information and Calculation of Prorate

Provide the number of K-6 portables that were funded under the Class Size Reduction Program pursuant to Chapter 6.10 of the Education Code. Calculate the prorate as requested. This prorate will need to be reduced from each eligible elementary school site.

ATTACHMENT C

STATE OF CALIFORNIA

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

OVERCROWDING RELIEF GRANT PUPIL ELIGIBILITY DETERMINATION

SCHOOL FACILITY PROGRAM

SAB 50-11 (New 01/07)
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SCHOOL DISTRICT _____

FIVE DIGIT DISTRICT CODE NUMBER (see California Public School Directory) _____

COUNTY _____

HIGH SCHOOL ATTENDANCE AREA (HSAA) OR SUPER HSAA (if applicable) _____

- New Correcting an Error/Omission

PART I – Classroom Inventory

Refer to the district's Form SAB 50-02 for purposes of providing this information.

- Option A

If the District chose Option A on the Form SAB 50-02, the number of portables that were included in the district's/HSAA's new construction eligibility is the sum of the following:

Part II of Option A,	K-6	7-8	9-12	Non-Severe	Severe	TOTAL
Line a						
Line b						
Line c						
TOTAL						

- Option B

If the district chose Option B, the number of portables included in the district's/HSAA's new construction eligibility is determined by the following:

Option B,	K-6	7-8	9-12	Non-Severe	Severe	TOTAL
Part I, line 8						
less Part I, line 7	-	-	-	-	-	
less Part II, Option B, line d	-	-	-	-	-	
TOTAL						

PART II - Determination of Overcrowding Relief Grant Pupil Eligibility

	K-6	7-8	9-12	Non-Severe	Severe	TOTAL
Total Portables (as determined in Part I)						
Multiplied by State Loading Standard	x 25	x 27	x 27	x 13	x 9	
MAXIMUM NUMBER OF ORG GRANTS THAT MAY BE REQUESTED						

PART III – Class Size Reduction Program Information and Calculation of Prorate

- The following (K-6 grade) portables were funded pursuant to Chapter 6.10 of the Education Code: _____
- Total Number of elementary schools in the district/HSAA: _____
- Prorate Determination: Divide Line 1 by Line 2 and round to the nearest whole number: _____

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

- I am designated as an authorized district representative by the governing board of the district or the designee of the Superintendent of Public Instruction; and,
- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et seq., of the Education Code was adopted by the School District's Governing Board or the designee of the Superintendent of Public Instruction on _____, _____; and,
- This form is an exact duplicate (verbatim) of the form provided by Office of Public School Construction. In the event a conflict should exist, then the language in the OPSC form will prevail.

SIGNATURE OF DISTRICT REPRESENTATIVE _____

DATE _____

GENERAL INFORMATION

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

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

Requests for funding may be made as follows:

1. A separate apportionment for site acquisition for a new construction project for environmental hardship pursuant to Section 1859.75.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
 - Contingent site approval letter from the CDE.
 - Preliminary appraisal of property.
 - Approval letter from the Department of Toxic Substances Control.
2. A separate apportionment for site acquisition and/or design costs for a new construction project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. Districts may apply for a separate apportionment for the design and for site acquisition on the same project. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
 - Contingent site approval letter from the CDE (site apportionment only).
 - Preliminary appraisal of property (site apportionment only).
3. A separate apportionment for district-owned site acquisition cost pursuant to Section 1859.81.2. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate);
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
 - Site approval letter from the CDE.
 - Appraisal of district-owned site.
 - Cost benefit analysis as prescribed in Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
4. A separate apportionment for design cost for a modernization project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. For purposes of this apportionment, the Form SAB 50-03 must accompany this form (if not previously submitted).
5. A New Construction Adjusted Grant pursuant to Section 1859.70 or 1859.180. If the funding request includes site acquisition, the proposed site must either be owned by the district, in escrow, or the district has filed condemnation proceedings and received an order of possession of the site. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).

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

6. [For purposes of the Overcrowding Relief Grant \(ORG\), districts must submit the Overcrowding Relief Grant Pupil Eligibility Determination in order to determine the Overcrowding Relief Pupil Eligibility prior to or in conjunction with the submittal of this funding application. Districts must have had the CDE deem the site eligible for the ORG \(pursuant to Section 1859.181\) prior to or in conjunction with the submittal of this application.](#)

[The district is not required to submit its current CBEDS enrollment data.](#)

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

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

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

If the district is requesting New Construction funding after the initial baseline eligibility was approved by the Board and the district's current CBEDS enrollment reporting year is later than the enrollment reporting year used to determine the district's baseline

APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 01/07/06/06)

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

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

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

SPECIFIC INSTRUCTIONS

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

1. Type of Application

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

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

[If this request is for an Overcrowding Relief Grant, check the New Construction \(Overcrowding Relief Grant\) box.](#)

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

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

2. Type of Project

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

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

[For ORG projects, the amount entered cannot exceed the Overcrowding Relief Pupil Eligibility pursuant to Section 1859.182 or the total number of eligible pupils determined by the CDE.](#)

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

3. Number of Classrooms

Enter the:

- Number of classrooms as shown on the plans and specifications (P&S). If there was demolition at the site, report the net increase in the number of classrooms showing in the P&S.
- Master plan site size, as recommended by the California Department of Education.
- Recommended site size, as determined by the California Department of Education.

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- Existing Useable Acres already owned at that location (if any).
- Proposed Useable Acres that was/will be purchased as part of the application (if any).

4. Financial Hardship Request

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

5. New Construction Additional Grant Request

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

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

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

- Enter 50 percent of the amount allowable for hazardous materials/waste removal and/or remediation for the site acquired pursuant to Sections 1859.74.2, 1859.74.3, 1859.74.4, 1859.75.1 or 1859.81.1. If an RA is required, check the box.
- Enter 50 percent of eligible service-site development, off-site development including pedestrian safety paths and utilities costs allowed pursuant to

Section 1859.76. If the district is submitting a funding request for new construction under the Small High School Program, enter the 60 percent values. Attach cost estimates of the proposed site development work which shall be supported and justified in the P&S. All cost estimates shall reflect 100 percent of the proposed work.

Check the box if the district is requesting an Additional Grant for General Site Development pursuant to Section 1859.76

- If the district is requesting replacement facilities on the same site, enter the square footage requested as provided in Section 1859.82(a) or (b).
- Enter the square feet of eligible replacement area as provided by Section 1859.73.2.
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.71.3, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.71.3(a)(3).
- Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.71.2.

6. Modernization Additional Grant Request

- Check the box if the district is requesting project assistance allowance pursuant to Section 1859.78.2. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.78.5(a)(3).
- Check the box if the district requests an additional grant for site development utility cost necessary for the modernization of 50 years or older permanent building(s). Enter 60 percent of the eligible costs allowable pursuant to Section 1859.78.7(a).
- Check the box if the district is requesting a Separate Apportionment for Reconfiguration pursuant to Section 1859.78.9. Enter the full value of the Reconfiguration request, not to exceed an aggregate of \$500,000 for all high school entities created.
- Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.78.4.

7. Excessive Cost Hardship Request

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

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

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

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8. Project Priority Funding Order

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

9. Prior Approval Under the LPP

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

10. Prior Apportionment Under the SFP

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

11. Preliminary Apportionment to a Final Apportionment

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

12. Alternative Developer Fee

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

13. Adjustment to New Construction Baseline Eligibility

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

- Report all additional classroom(s) provided after the district submitted its request for determination of its new construction baseline eligibility for the grades shown, or indicate N/A if there are none. Refer to Section 1859.51(i).
- If the eligibility for this project was determined on a high school attendance area (HSAA) or Super HSAA pursuant to Section 1859.41, enter the number of pupils by grade level type that were included in the latest report by the CDE pursuant to Education Code Section 42268 that received operational grants in that HSAA or Super HSAA.

14. Pending Reorganization Election

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

15. Joint-Use Facility/Leased Property

Check the box if:

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

16. Project Progress Dates

Complete this section for new construction/modernization projects:

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

17. Labor Compliance Program

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

18. Construction Delivery Method

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

19. Overcrowding Relief Grant Narrative

[The district must either provide an explanation in the space provided or attach a letter signed by the district representative detailing how this project will relieve overcrowding.](#)

2019. Architect of Record or Licensed Architect Certification

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

2120. Architect of Record or Design Professional Certification

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

2221. Certification

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

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

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

1. Type of Application—Check Only One

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

Separate Apportionment

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

2. Type of Project

- a. Elementary School
- Middle School
- High School

Total Pupils Assigned:

K-6: _____
 7-8: _____
 9-12: _____
 Non-Severe: _____
 Severe: _____

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

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

K-6: _____
 7-8: _____
 9-12: _____
 Non-Severe: _____
 Severe: _____

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

K-6: _____
 7-8: _____
 9-12: _____
 Non-Severe: _____
 Severe: _____

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

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

Is this an Alternative Education School? Yes No

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

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

If yes, enter date of successful bond election: _____

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

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

If yes, enter date of successful bond election: _____

- f. Facility Hardship (no pupils assigned)

3. Number of Classrooms:

Master Plan Acreage Site Size (Useable): _____
 Recommended Site Size (Useable): _____
 Existing Acres (Useable): _____
 Proposed Acres (Useable): _____

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

5. New Construction Additional Grant Request—New Construction Only

- a. Therapy: Toilets (sq. ft.) _____
 Other (sq. ft.) _____

- b. Multilevel Construction (CRS): _____

- c. Project Assistance

- d. Site Acquisition:
 - Leased Site
 - Additional Acreage to Existing Site
 - Addition to Existing Site
 - (1) 50 percent Actual Cost: \$ _____
 - (2) 50 percent Appraised Value: \$ _____
 - (3) 50 percent Relocation Cost: \$ _____
 - (4) 2 percent (min. \$25,000): \$ _____
 - (5) 50 percent DTSC Fee: \$ _____

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

- Response Action (RA)

- f. Site Development
 - 50 percent Service-Site: \$ _____
 - 50 percent Off-Site: \$ _____
 - 50 percent Utilities: \$ _____
 - General Site

- g. Facility Hardship Section 1859.82(a) or (b)

Toilet (sq. ft.): _____
 Other (sq. ft.): _____

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SCHOOL FACILITY PROGRAM**

- h. Replacement area
 - Toilet (sq. ft.): _____
 - Other (sq. ft.): _____
- i. Energy Efficiency: _____ %
- j. Automatic Fire Detection/Alarm System
- Automatic Sprinkler System

6. Modernization Additional Grant Request—Modernization Only

- a. Project Assistance
- b. Energy Efficiency: _____ %
- c. Site Development—60 percent utilities: \$ _____
- d. Separate Apportionment for Reconfiguration (for Small High School Program only): \$ _____
- e. Automatic Fire Detection/Alarm System
- Automatic Sprinkler System

7. Excessive Cost Hardship Request

New Construction Only

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

Modernization Only

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

8. Project Priority Funding Order—New Construction Only

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

Project meets:

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

9. Prior Approval Under the LPP

New Construction: 22/ _____

Modernization: 77/ _____

10. Prior Apportionment Under the SFP

Site/Design—New Construction: 50/ _____

Design—Modernization: 57/ _____

11. Preliminary Apportionment to Final Apportionment

Preliminary Apportionment Application Number: # _____

12. Alternative Developer Fee—New Construction Only

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

13. Adjustment to New Construction Baseline Eligibility

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

14. Pending Reorganization Election—New Construction Only

Yes No

15. Joint-Use Facility/Leased Property

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

16. Project Progress Dates

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

17. Labor Compliance Program

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

18. Construction Delivery Method

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

19. Overcrowding Relief Grant Narrative

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2019. Architect of Record or Licensed Architect Certification

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

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

ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

SIGNATURE

DATE

2120. Architect of Record or Design Professional Certification

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

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

ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

SIGNATURE

DATE

2221. Certification

I certify, as the District Representative, that the information reported on this form, with the exception of items 19 and 20, is true and correct and that:

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

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- The district has received the necessary approval of the plans and specifications from the Division of the State Architect unless the request is for a separate site and/or design apportionment; and,
- If the district is requesting site acquisition funds as part of this application, the district has complied with Sections 1859.74 through 1859.75.1 as appropriate; and,
- With the exception of an apportionment made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105); and,
- If the apportionment for this project was made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 12 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105.1); and,
- The district understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Section 1859.90); and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
- The district understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Sections 1859.105, 1859.105.1, 1859.106; and,
- The district has complied with the provisions of Sections 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,
- If the SFP grants will be used for the construction or modernization of school facilities on leased land, the district has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- If the application contains a "Use of New Construction Grant" request, the district has adopted a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board on _____ as specified in Sections 1859.77.2, or 1859.77.3, as appropriate. The district's approved housing plan is as indicated (check all that apply):
 - 1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB and the district must identify the source of the funds. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
 - 2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
- 3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project. [Applicable for Sections 1859.77.2(b) and 1859.77.3(b)]
- If the district requested additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4, the district will include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project; and
- If this request is for a Large New Construction Project or a Large Modernization Project, the district has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and it has considered the need for vocational and career technical facilities to adequately meet its program needs in accordance with Education Code Sections 51224, 51225.3(b) and 52336.1; and
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the increased costs for the energy efficiency components in the project exceeds the amount of funding otherwise available to the district; and
- If this application is submitted after January 1, 2004 for modernization funding, the district has considered the potential for the presence of lead-containing materials in the modernization project and will follow all relevant federal, state, and local standards for the management of any identified lead; and
- The district has or will initiate and enforce a Labor Compliance Program that has been approved by the Department of Industrial Relations, pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003; and,
- Beginning with the 2005/2006 fiscal year, the district has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and
- If this application is submitted pursuant to Section 1859.93.2, the district certifies that it has an academic reform strategy scored by the CDE, and is available at the district office for OPSC verification; and
- If this application is submitted pursuant to Section 1859.93.2, the district certifies the enrollment at the Small High School will not exceed 500 pupils for a minimum of two complete school years after the Occupancy of the last Small High School funded, as outlined in Section 1859.104(e)(2); and
- If this application is submitted pursuant to Section 1859.78.9, the district certifies the enrollment at the resulting Small High Schools will not exceed 500 pupils for a minimum of two complete school years after the Occupancy of the Small High Schools; and
- If this application is submitted pursuant to Section 1859.78.9 or Section 1859.93.2, the district certifies that it will meet all reporting requirements as specified in Section 1859.104(e)(1) and/or (2); and
- [If this application is submitted pursuant to Section 1859.180, the district certifies that within six months of occupancy of the permanent classrooms, it will remove the replaced portables from K-12 grade classroom use with the exception of schools described in Education Code Section 17079.30 \(c\).](#)

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE

STATE OF CALIFORNIA
EXPENDITURE REPORT
SCHOOL FACILITY PROGRAM

Attachment E

STATE ALLOCATION BOARD
 OFFICE OF PUBLIC SCHOOL CONSTRUCTION

SAB 50-06 (REV 09/0201/07)

Page 1 of 1

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

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

1. Enter the estimated percentage of the project completed at the time of this report.
2. Enter the date construction actually began as stated in the architect's notice to proceed to the contractor.
3. Enter the date construction was completed as stated in the notice of completion on the last working contract.
4. If this is the first report submitted, enter "\$0" in this column. If there are prior reports, the amount reported in this column is the amount reported in column 6 of the preceding report.
5. Enter the transaction amounts during the current period.
6. Enter the sum of the corresponding line items in columns 4 and 5.
7. Enter the amount of district funds or Joint-Use Partner(s) funds contributed towards the project.
8. Enter the amount of State warrants received towards the project.
9. Enter the amount of interest earned on State and district funds.
10. Enter the total amount spent from State and district funds. Provide a detailed listing of each expenditure by warrant, the date of the warrant, payee, warrant number, and description/purpose of the expenditure. Identify any savings and the purposes for which it will be used. Identify expenditures made with district force account labor separately. The use of a transaction record, in lieu of warrant numbers, is acceptable for force account expenditures. Identify amounts applied to the project for incentive grants or rebates received by the district pursuant to Public Utilities Code Section 381. Refer to Sections 1859.77.1 and 1859.79. Contact the Office of Public School Construction for an EXCEL worksheet which may be used to assist the district in reporting these expenditures at the OPSC Web site at www.opsc.dgs.ca.gov/.
11. Enter the State funds remaining after all project costs are paid. (Sum of lines 7, 8, and 9 and subtract line 10.)
12. If applicable, enter the district's SFP financial hardship project(s) that savings from this project will be used.
13. [If this is an Overcrowding Relief Grant project, please attach a narrative signed by the district representative detailing how the district removed the replaced portables from K-12 classroom use.](#)

<p>Submit to:</p> <p>Department of General Service Office of Public School Construction Attn: SFP Audit 1130 K Street, Suite 300 Sacramento, CA 95814</p>	1. PERCENT OF PROJECT COMPLETED _____	2. NOTICE TO PROCEED DATE _____	3. NOTICE OF COMPLETION DATE _____	
		4. PREVIOUS REPORT	5. REPORT PERIOD	6. TOTAL TO DATE
	7. DISTRICT FUNDS OR JOINT-USE PARTNER(S) CONTRIBUTION			
	8. STATE FUNDS			
	9. INTEREST EARNED			
	10. PROJECT EXPENDITURES			
	11. TOTAL PROJECT SAVINGS			

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

PROJECT NUMBER _____	PROJECT NUMBER _____
_____	_____

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

- I am designated as an authorized district representative by the governing board of the district; and,
- Under penalty of perjury, under the laws of the State of California, the foregoing statements are true and correct, and that the Public Contract Code was adhered to in the construction of this project; and,
- This form is an exact duplicate (verbatim) of the form provided by Office of Public School Construction. In the event a conflict should exist, then the language in the OPSC form will prevail.

SIGNATURE OF DISTRICT REPRESENTATIVE	DATE
_____	_____

STATE ALLOCATION BOARD
IMPLEMENTATION COMMITTEE MEETING
January 5, 2007

IMPLEMENTATION OF THE
CAREER TECHNICAL EDUCATION FACILITIES PROGRAM

PURPOSE

To discuss the implementation and development of the Career Technical Education Facilities Program (CTEFP).

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.

Assembly Bill 2419, Chapter 778, Statutes of 2006, (Wyland) would require the Career Technical Education Advisory Committee of a school district, in conjunction with an application of the district for funding of any construction or modernization project, and as a condition of the district receiving funds for the project, to provide written confirmation that the need for vocation and career technical facilities is adequately met within the district, as specified. (See Attachment B for the text of the bill.)

Staff presented the CTEFP at the August 18, 2006 and October 6, 2006 meetings of the Implementation Committee. The October 6 meeting included a presentation by the California Department of Education (CDE) which involved 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. Staff returned on November 30, 2006 to address issues raised at the previous meetings and to present several proposed CTEFP revisions.

This discussion will be on proposed regulations to implement the CTEFP and California Department of Education will present the process by which the CTE program application will be weighted and scored.

DISCUSSION

Following are highlights of the recommended CTEFP regulations (see the draft regulations on Attachment C):

- 1859.2 *Definitions*
 - New terms: Career Technical Education Facilities Project, Form SAB 50-10, Service Regions, Reconfigure (for the purposes of the Career Technical Education Facilities Funding)

- 1859.51 *Adjustments to the New Construction Baseline Eligibility*
 - New construction eligibility will not be reduced for CTEFP projects.
- 1859.81 *Financial Hardship*
 - Financial Hardship is not available for the CTEFP projects.
- 1859.190 *General*
 - Districts shall file a Form SAB 50-10 to request for a CTEFP apportionment.
 - Modernization eligibility will not be reduced for CTEFP projects.
- 1859.191 *Career Technical Education Facilities Project Application Submittal*
 - Applications will be received in a six month cycle and will be processed and prioritized for CTEFP funding
 - Application for the first funding cycle must be submitted by October 31, 2007.
- 1859.192 *Career Technical Education Facilities Program Eligibility*
 - For new construction, an eligible applicant is a school district, other than a county office of education, operating a comprehensive high school and has an active CTEAC.
 - For modernization, an eligible applicant is a school district, other than a county office of education, or a joint powers authority and has an active CTEAC.
- 1859.193 *Career Technical Education Facilities Grant Determination*
 - A project may construct a new facility or modernize or reconfigure existing facilities.
 - The applicant must provide the square footage of the CTEF being constructed, modernized, reconfigured, or equipped.
 - The project may consist only of equipment.
 - All eligible equipment must have an average life expectancy of at least ten years.
 - For new construction that is part of a SFP new construction project
 - The applicant may request 50 percent of construction cost related to CTE facilities and 50 percent of equipment cost with a deduction by multiplying 960 square feet by the number of CTE facilities in a new construction project and by multiplying that amount by 50% of the Current Replacement Cost for non-Toilet facilities.
 - A project cannot exceed \$3 Million in State apportionment.
 - Site development request is not allowed.
 - For a stand alone new construction
 - The applicant can request 50 percent of construction cost related to CTE facilities and 50 percent of equipment cost, and 50 percent of site development if it meets certain requirements.
 - A project cannot exceed \$3 Million in State apportionment.
 - For Modernization of CTE facilities
 - The grant shall be 50 percent of the cost to modernize or reconfigure existing CTE facilities and/or 50 percent to equip the facilities or \$1.5 million in State apportionment whichever is the lesser amount.
 - Reconfiguring cannot displace minimum essential facilities.
 - The applicant can request a reservation of funds if meeting certain requirements. Funds will be reserved for a period of up to 12 months.
- 1859.193.1 *Qualifying SFP New Construction Project*
 - A CTE project can be a part of a SFP new construction or modernization project that is submitted concurrently.

- A CTE project can be a part of a SFP new construction or modernization project that has been approved, but not fully apportioned if certain criteria are met.
- 1859.194 *Career Technical Education Facilities Program Matching Share Requirement*
 - The District or JPA must provide a matching share contribution on a dollar-for-dollar basis.
 - The matching share can be by private industry groups, the school district, or a joint powers authority.
 - The matching share can be paid over time through a loan repayment if local funds are not available.
- 1859.195 *Career Technical Education Facilities Project Apportionment*
 - The Board will apportion up to a maximum of \$250 million for applications received in the first round ending October 31, 2007.
 - The Board will apportion up to a maximum of \$250 million plus any funds remaining from the first cycle for applications received in the second round ending April 30, 2008.
 - The funds available in the first two cycles shall be distributed to each of the Service Region based on the high school enrollment within each Service Region.
 - Distribution of funds will be proportionate based on the current year enrollment.
- 1859.196 *Career Technical Education Facilities Program Funding Order*
 - Funding of projects will be based on the numerical score for the applicant's career technical education plan as determined by CDE and the locale of each project.
 - Applications receiving a passing score will be sorted by the Service Region and within each Service Region, will be ranked from highest to lowest according to the numerical score.
 - Within each Service Region, there are three locales listed as Urban, Suburban or Rural.
 - Funds will be apportioned to the highest ranked project in each locale.
 - One of each locale must be apportioned before a locale is repeated again until all funds or applications are exhausted.
 - If two or more applications within a Service Region have the same score and are in the same locale, the applicant with the most important criteria as determined by the CDE will be funded first.
 - If there is a third and subsequent cycles, funds shall be apportioned regardless of the Service Region and will be by the highest ranked project in a locale. One of each locale must be apportioned before a locale is repeated.
 - If the remaining funds are not sufficient to fully fund a CTEFP project, the applicant can accept the available funding as full and final or refuse funding entirely.
- 1859.197 *Fund Release Process*
 - Funds that have been apportioned by the Board will be released after submittal of the Form SAB 50-05.
 - The District or JPA must submit the Form SAB 50-05 within 18 months of Apportionment.

- If the funds were reserved, the applicant has one year from the date of apportionment to submit the necessary approvals and/or plans and specifications to the OPSC.
- If the applicant is requesting for a loan for the entire matching share, the applicant must submit a loan request and can receive 10 percent of the State grant for the design of the project.
- 1859.198 *Time Limit on Apportionment and Substantial Progress*
 - The applicant is subject to the time limit on apportionment and substantial progress requirements.
 - Funds rescinded or reduced to cost incurred shall be made available for apportionment in subsequent funding cycles.
- 1859.199 *Program Accountability and Savings*
 - CTE projects will be subject to an Audit.
 - Repayments due back to the State as a result of these audits will be subject to the repayment provisions.
 - Savings cannot be retained.

Application for Funding (Form SAB 50-04)

The Form SAB 50-04 will be revised to reflect AB 2419, whereby school districts requesting State funding for any construction or modernization project will need to provide written confirmation that they have consulted with their career technical education advisory committee and that it has considered the need for vocational and career technical facilities to adequately meet its program needs. Previously, the requirement under the Leroy F. Green School Facilities Act of 1998 requires such certification by school districts only for large construction and modernization projects.

Fund Release Authorization (Form SAB 50-05)

The Form SAB 50-05 will be revised to include the release request of CTE apportioned funds.

RECOMMENDATION

Present the attached regulations, Application for Career Technical Education Facilities Funding (Form SAB 50-10), revision to the Application for Funding (Form SAB 50-04), and revision to the Fund Release Authorization (Form SAB 50-05) to the next available State Allocation Board meeting for approval.

ATTACHMENT B

BILL NUMBER: AB 2419 CHAPTERED
BILL TEXT

CHAPTER 778
FILED WITH SECRETARY OF STATE SEPTEMBER 29, 2006
APPROVED BY GOVERNOR SEPTEMBER 29, 2006
PASSED THE ASSEMBLY AUGUST 28, 2006
PASSED THE SENATE AUGUST 23, 2006
AMENDED IN SENATE AUGUST 22, 2006
AMENDED IN SENATE JUNE 26, 2006
AMENDED IN ASSEMBLY MAY 30, 2006

INTRODUCED BY Assembly Member Wyland

FEBRUARY 23, 2006

An act to add Section 17070.955 to the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2419, Wyland School facilities: new construction and modernization: career technical education facilities.

Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. The existing act requires a school district, as part of its application for large construction and modernization projects, to certify, in consultation with the career technical education advisory committee, that it has considered the need for vocational and career technical facilities to adequately meet its program needs.

This bill would require the career technical education advisory committee of a school district, in conjunction with an application of the district for funding of any construction or modernization project, and as a condition of the district receiving funds for the project, to provide written confirmation that the need for vocational and career technical facilities is being adequately met within the district, as specified.

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

SECTION 1. Section 17070.955 is added to the Education Code, immediately following Section 17070.95, to read:

17070.955. In conjunction with an application of a school district for any construction or modernization project, and as a condition of the district receiving funds for the project, the career technical education advisory committee for the district shall provide written confirmation that the need for vocational and career technical facilities is being adequately met within the district consistent with Section 51224, subdivision (b) of Section 51225.3, subdivision (b) of Section 51228, and Section 52336.1.

Article 1 General Provisions and Definitions

Section 1859.2 Definitions

Article 6 New Construction Eligibility Determinations

Section 1859.51 Adjustments to the New Construction Baseline Eligibility.

Article 9 Hardship Assistance

Section 1859.81 Financial Hardship.

Article 16 Career Technical Education Facilities Program

1859.190 General.

1859.191 Career Technical Education Facilities Project Application Submittals.

1859.192 Career Technical Education Facilities Program Eligibility.

1859.193 Career Technical Education Facilities Grant Determination.

1859.193.1 Qualifying SFP New Construction Project.

1859.194 Career Technical Education Facilities Program Matching Share Requirement.

1859.195 Career Technical Education Facilities Project Apportionment.

1859.196 Career Technical Education Facilities Program Funding Order.

1859.197 Career Technical Education Facilities Program Fund Release

1859.198 Time Limit on Apportionment and Substantial Progress

1859.199 Program Accountability

Section 1859.2. Definitions.

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

"Career Technical Education Facilities Project" means a project approved by the Board pursuant to Education Code Section 17078.72.

"Form SAB 50-10" means the *Application for Career Technical Education Facilities Funding*, which is incorporated by reference.

"Reconfigure" for the purposes of the Career Technical Education Facilities Project means remodeling an existing school building within its current confines and/or the expansion of the square footage of the existing building.

"Service Region" means one of the eleven service regions of the California County Superintendents Educational Services Association.

Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

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

- (a) Reduced by the number of pupils provided grants in a new construction SFP project and by the number of pupils that received a Preliminary Apportionment pursuant to Section 1859.140 or a Preliminary Charter School Apportionment pursuant to Section 1859.160.
- (b) Reduced by the number of pupils housed, based on the loading standards pursuant to Education Code Section 17071.25(a)(2)(A), in a new construction LPP project funded under the provisions of the LPP pursuant to Sections 1859.12 or 1859.13.
- (c) Reduced by the number of pupils housed in additional classrooms constructed or purchased based on the loading standards, pursuant to Education Code Section 17071.25(a)(2)(A), in a modernization SFP project.
- (d) Adjusted as a result of the audit findings made pursuant to Sections 1859.90 and 1859.105.
- (e) Increased/decreased by changes in projected enrollment in subsequent enrollment reporting years for all districts except decreases as provided in (j) below.
- (f) Adjusted as a result of errors or omissions by the district or by the OPSC.
- (g) Adjusted as a result of amendments to these Regulations that affect the eligibility.
- (h) Increased by the number of pupils eligible for grants pursuant to Section 1859.82 (a).
- (i) Reduced by the number of pupils housed, based on loading standards pursuant to Education Code Section 17071.25(a)(2)(A), in any Classroom Provided after the baseline eligibility was determined by the Board with the exception of those pupils housed or to be housed in a classroom:
 - (1) That is a trailer and transportable/towed on its own wheels and axles.
 - (2) Of less than 700 interior square feet.
 - (3) Excluded pursuant to Education Code Section 17071.30.
 - (4) Where the contract for the lease, lease-purchase, purchase, or construction of the classroom was made prior to January 1, 2000.
 - (5) That is included in a SFP project where the district has funded a portion of the project beyond its required district contribution and the pupil capacity of the classroom does not exceed 150 percent of the number of pupils receiving a new construction grant (rounded up) for the SFP project.
 - (6) That was acquired with joint-use funds specifically available for that purpose.
 - (7) That was acquired with career technical education funds specifically available pursuant to Education Code 17078.72.
- (j) For Small School Districts, decreased:

- (1) By any reduction in projected enrollment that follows a three-year period after the district's eligibility was approved by the Board.
- (2) By any increase in the number of pupils included in the latest operational grant report made by the CDE pursuant to Education Code Section 42268 beginning three years after the district's most current eligibility was approved by the Board. The reduction in eligibility shall be determined by the number of pupils included in the latest operational grant report that exceed the number of pupils included in the operational grant report in effect when the district's most current eligibility was approved by the Board or adjusted by a subsequent operational grant report after that date.
- (k) Adjusted for any change in classroom inventory as a result of a reorganization election.
- (l) For classroom loading standards adopted by the Board for non-severely disabled individuals with exceptional needs and severely disabled individuals with exceptional needs.
- (m) As directed by the Board due to a finding of a Material Inaccuracy pursuant to Regulation Section 1859.104.1.
- (n) Increased by the number of pupils that received a Preliminary Apportionment that was rescinded pursuant to Section 1859.148 or a Preliminary Charter School Apportionment that was rescinded pursuant to Section 1859.166.
- (o) Adjusted for operational grant changes as determined/provided by the California Department of Education.
- (p) For a HSAA district with Preliminary Apportionments within the 2002 Critically Overcrowded School Facilities Account as follows:
 - (1) Decreased by the number of pupils that received a Preliminary Apportionment, distributed proportionately among HSAAs in which the pupils used to justify the conversion of the Preliminary Apportionment were enrolled but did not reside.
 - (2) In the subsequent enrollment reporting year after verification of Occupancy of a project, increased by the number of pupils equal to the reduction due to Section 1859.51(p)(1), for the project which was occupied.
 - (3) Increased by the number of pupils equal to the reduction due to Section 1859.51(p)(1), for a Preliminary Apportionment rescinded pursuant to the provisions of Section 1859.148.
- (q) Adjusted by the difference between the Alternative Enrollment Projection for the current enrollment reporting year and the projected enrollment determined pursuant to Section 1859.42 for the current enrollment reporting year, or by the eligibility remaining from this calculation that can no longer be utilized if the funds made available pursuant to Education Code Section 17071.75(a)(1)(A) have been exhausted.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17052, 17070.51, 17071.25, 17071.75, 17071.76, 17072.20 ~~and~~, 17077.40, and 17078.72 Education Code.

Section 1859.81. Financial Hardship.

Except for Joint-Use Projects and Career-Technical Educational Facilities Projects, a district is eligible for financial hardship to fund all or a portion of its matching share requirement after demonstrating both of the following:

(a) The district is financially unable to provide all necessary matching funds for an eligible project. To determine this, an analysis shall be made of the district's financial records by the OPSC including data and records maintained by the CDE and the County Office of Education. The analysis shall consist of a review of the district's latest Independent Audit regarding funds available from all capital facility accounts, including, but not limited to, developer fees, funds generated from capital facility certificates of participation, federal grants, redevelopment funds, sale proceeds from surplus property, the appraised value of facilities approved for replacement pursuant to Section 1859.82, bond funds either encumbered, unencumbered or authorized but unsold, and savings from other SFP projects. All funds thus identified that have not been expended or encumbered by a contractual agreement for a specific capital outlay purpose prior to the initial request for financial hardship status shall be deemed available as a matching contribution.

After the initial request for financial hardship status is granted, no further encumbrances will be approved by the OPSC and all prospective revenue made available to the district's capital facility accounts shall be deemed available as matching contribution on the subsequent financial hardship review, with the exception of:

- (1) Approved interim housing expenditures.
- (2) Funding to pay for previously recognized multi-year encumbrances approved at the initial financial hardship approval.
- (3) Funding that is transferred into a Special Reserve Fund and is used for the express purpose of the Federal Renovation Program when the amount expended out of that fund does not exceed the maximum Federal Renovation Grant amount.
- (4) Funding that is transferred into a Special Reserve Fund and is used for the express purpose of the School Facilities Needs Assessment Grant Program or Emergency Repair Program when the amount expended out of that fund does not exceed the maximum grant amount apportioned.
- (5) Funding that is transferred into a Special Reserve Fund and is used for the express purpose of the Career Technical Education Facilities Program when the amount expended out of that fund does not exceed the applicant's share of the maximum grant amount apportioned.
- ~~(5)~~(6) All other capital facility funding for a period of three years when no subsequent financial hardship request is made during this period. The three-year period begins with the date of the most recent financial hardship new construction or modernization adjusted grant funding apportionment.

Note: Authority cited: Sections 17070.35, 17075.15 and 17592.73, Education Code.

Reference: Sections 17075.10 and 17075.15, Education Code.

Article 16. Career Technical Education Facilities Program

Section 1859.190. General.

An applicant seeking Career Technical Education Facilities Project funding pursuant to the provisions of Education Code Section 17072.78, shall complete and file Form SAB 50-10.

An applicant may submit multiple Career Technical Education Facilities applications for different career technical education projects located at a single school site, as approved by the CDE.

Modernization of facilities under Article 16 shall not affect the Modernization Eligibility of the facility pursuant to Section 1859.60.

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

Reference: Section 17078.72, Education Code.

Section 1859.191. Career Technical Education Facilities Project Application Submittal.

(a) The Board shall accept Approved Applications for Career Technical Education Facilities Project funding and make apportionments as follows:

- (1) All applications received in a six month cycle will be processed and prioritized for career technical education funding in the manner described in Section 1859.194.
- (2) Applications for the first funding cycle must be submitted by October 31, 2007 with subsequent funding cycles every six months thereafter, at the discretion of the Board, until the Career Technical Education Facilities funds are exhausted or other funds become available.
- (3) The Career Technical Education Facilities funds will be apportioned at the next available Board meeting after the end of each application cycle.

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

Reference: Section 17078.72, Education Code.

Section 1859.192. Career Technical Education Facilities Program Eligibility.

An applicant requesting funding for a Career Technical Education Facilities Project may submit Form SAB 50-10 to the OPSC if all the following criteria are met:

- (a) For a new construction project, the applicant:
 - (1) Is a school district, other than a county office of education, operating a high school pursuant to Education Code Sections 51224, 51225.3 and 51228.
 - (2) Has an active career technical advisory committee pursuant to Education Code Section 8070.
- (b) For a modernization project, the applicant :
 - (1) Is a school district, other than a county office of education, operating a high school pursuant to Education Code Sections 51224, 51225.3 and 51228; or,
 - (2) Is a joint powers authority operating career technical education programs as of May 20, 2006.
 - (3) Has an active career technical advisory committee pursuant to Education Code Section 8070.
- (c) The applicant's Career Technical Education plan has been reviewed by CDE and received a score of not less than 75 percent of the maximum points available.

An applicant need not demonstrate New Construction Eligibility or Modernization Eligibility in order to participate in the Career Technical Education Facilities Program.

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

Reference: Section 17078.72, Education Code.

Section 1859.193. Career Technical Education Facilities Grant Determination.

A Career Technical Education Facility project may construct a new facility or modernize or Reconfigure an existing school building. The application for Career Technical Education Facility funding may accompany an application for new construction funding pursuant to Section 1859.70 or may be submitted independently.

The applicant must identify square footage of the Career Technical Education Facility being constructed, modernized, reconfigured or equipped, on the funding application. Equipment purchased under the Career Technical Education Facilities Program must have an average useful life expectancy of at least ten years pursuant to Education Code 17078.72(a). An application for a Career Technical Education project may consist entirely of equipment.

(a) For new construction of Career Technical Education Facilities included in a qualifying New Construction Grant, the Career Technical Education Facilities grant amount shall be the lesser of either (1) or (2):

(1) The sum of the costs uniquely related to facilities required to provide Career Technical Education as determined below:

(A) 50 percent of the cost of construction of the Career Technical Education Facilities, as determined by the project architect, subject to OPSC review and approval.

(B) 50 percent of the cost to equip the Career Technical Education Facilities with necessary equipment.

(C) Minus an allowance for New Construction Grants provided for Career Technical Education classrooms, determined by:

1. Multiplying 960 square feet by the number of classrooms in the Career Technical Education Facilities project that were included in the New Construction project.

2. Multiplying the amount determined in (a)(1)(C)1 by 50 percent of the Current Replacement Cost for non-Toilet Facilities.

(2) \$3 million per Career Technical Education project.

Site development work is not allowed as part of a Career Technical Education Facilities Project included in a New Construction Grant. Site development work necessary pursuant to Section 1859.76, may be requested by the district under the qualifying SFP New Construction.

(b) For stand alone New Construction of Career Technical Education Facilities, the grant amount shall be the lesser of either (1) or (2):

(1) The sum of the costs uniquely related to facilities required to provide Career Technical Education as determined below:

(A) 50 percent of the cost of construction of the Career Technical Education Facilities, as determined by the project architect, subject to OPSC review and approval.

(B) 50 percent of the cost to equip the Career Technical Education Facilities with necessary equipment.

(C) 50 percent of site development work that meets the following criteria:

1. It is necessary and applicable to the Career Technical Education Facilities Project.

2. It meets the requirements for site development costs as outlined in Section 1859.76.

(2) \$3 million per Career Technical Education project.

If the district is requesting funding for site development work applicable to the Career Technical Education Facilities Project, the district must submit a detailed cost estimate and appropriate DSA approved plans with the Form SAB 50-10. The cost estimate must include appropriate justification documents that indicate the work is necessary to complete the Career Technical Education Facilities Project and conform to the requirements in Section 1859.76.

Utility service(s) cost shall be prorated, if necessary, for any excess capacity not needed to service the Career Technical Education Facilities Project.

- (c) For Modernization of Career Technical Education Facilities, the grant amount shall be the lesser of either (1) or (2):
- (1) The sum of the costs uniquely related to facilities required to provide Career Technical Education as determined below:
 - (A) 50 percent of the cost to modernize or Reconfigure the Career Technical Education Facilities, as determined by the project architect, subject to OPSC review and approval.
 - (B) 50 percent of the cost to equip the Career Technical Education Facilities with necessary equipment.
 - (2) \$1.5 million per Career Technical Education project.

Reconfiguring an existing school building must not displace a minimum essential facility. In any case involving the replacement of a minimum essential facility due to the reconfiguration of an existing building, the replacement must be part of the plans submitted in support of the Career Technical Education Facilities Application, must occur concurrently, and cannot be part of a SFP Application for new construction.

- (d) If an applicant meets the eligibility criteria in Section 1859.192, but does not have the necessary approvals from the DSA and/or the CDE at the time of apportionment, the Board may apportion funds for the Career Technical Education Facilities Project and reserve them for a period of up to twelve months. The grant amount to be reserved for the project will be the maximum funding as determined above in (a), (b), or (c).

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

Reference: Section 17078.72, Education Code.

Section 1859.193.1 Qualifying SFP Project.

For purposes of meeting the requirements in Sections 1859.193(a) or (c), the district may combine a Career Technical Education Project with any of the following applications in (a) or (b):

- (a) A new construction or modernization funding application that is submitted at the same time as the Career Technical Education Project application.
- (b) An Approved Application for new construction or modernization funding that has been approved, but has not received a full apportionment (i.e., currently on the workload list) or has been fully funded, if the following criteria are met:
 - (1) For new construction:
 - (A) The plans and specifications for the Career Technical Education Project were included in the original DSA approved plans and specifications for the Approved Application for new construction funding.
 - (B) The classrooms constructed for the Career Technical Education Project were not occupied prior to May 20, 2006.
 - (2) For modernization:
 - (A) The plans and specifications for the Career Technical Education Project were included in the original DSA approved plans and specifications for the Approved Application for modernization funding.

- (B) The classrooms constructed for the Career Technical Education Project were not occupied prior to May 20, 2006.
- (c) If the Career Technical Education Project application is submitted separately, there is no requirement that the Approved Application for new construction or modernization be withdrawn.

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

Reference: Section 17078.72, Education Code.

Section 1859.194 Career Technical Education Facilities Program Matching Share Requirement.

Any funding provided by these regulations shall require an applicant matching share contribution on a dollar-for-dollar basis. The applicant matching share may be provided by private industry groups, a school district, or a joint powers authority.

Should the applicant matching share not be immediately available it shall be paid over time through loan repayments authorized by the Board in lieu of the matching share. Determination of available applicant share, if any, may be made by the following:

- (a) Require the applicant declare any local funds available for applicant contribution from any of the following sources:
- (1) Developer Fees
 - (2) Certificates of Participation
 - (3) Local General Obligation Bonds
 - (4) Contribution from private industry groups or joint powers authority identified in CDE application
 - (5) Any other Capital Facility funding

Upon apportionment, the OPSC will prepare a loan agreement on behalf of the Board for the applicant.

(b) The loan agreement shall stipulate the following:

- (1) The loan term shall be set at ten years with a one-time extension of five years if the applicant is in jeopardy of becoming financially insolvent and becoming subject to the requirements of Assembly Bill (AB) 1200, Chapter 1213, Statutes of 1991 (Eastin).
- (2) The loan agreement shall include interest on the unpaid principal balance at the same rate as that charged by the Pooled Money Investment Board. The interest rate will be set on the date that the project funding apportionment is approved by the Board.
- (3) Interest starts accruing on the fund release date.
- (4) The first payment is due four years from the fund release date.
- (5) Should the district default on the loan payments, the OPSC will initiate collection procedures from the School Fund Apportionment pursuant to Education Code Section 17076.10 (c).

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

Reference: Section 17078.72, Education Code.

Section 1859.195. Career Technical Education Facilities Project Apportionment.

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

- (a) The Board may apportion up to a maximum of \$250 million for applications received in the first Career Technical Education Facilities funding cycle ending October 31, 2007.
- (b) The Board may apportion up to the sum of \$250 million plus any funds not apportioned in the first cycle for applications received in the second Career Technical Education Facilities funding cycle ending April 30, 2008.

- (c) In the first two funding cycles, the available \$250 million shall be distributed proportionally to each of the Service Regions based on the high school enrollment within each Service Region.
- (1) The proportional distribution of funds shall be determined by the current year enrollment as required by the CDE and as updated annually.
- (2) The cumulative apportionments in each Service Region may not exceed the prorated share of the available funds except as described in Section 1859.196(b).
- (d) The Board may apportion any or all remaining available Career Technical Education Facilities funds in subsequent cycles, as deemed necessary and practical by the Board.

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

Reference: Section 17078.72, Education Code.

Section 1859.196. Career Technical Education Facilities Program Funding Order.

- (a) In the first funding cycle, the Board shall fund eligible Career Technical Education Facilities Projects as follows:
 - (1) Approved Applications shall be sorted by Service Region.
 - (2) Within each Service Region, approved applications will be ranked from highest to lowest according to the numerical score for the applicant's career technical education plan as determined by the California Department of Education.
 - (3) The locale of each project shall be identified as Urban, Suburban or Rural.
 - (4) The Board shall apportion funds within each Service Region to the highest ranked project in each locale. One of each locale must be accounted for before a locale is repeated.
 - (5) The process will continue until the applications or funds are exhausted within each Service Region as prorated pursuant to Section 1859.191.
 - (6) In the event two or more applications within a Service Region have the same career technical education plan score and are in the same locale, the applicant with the **highest critical CDE criteria** will be funded first.
- (b) In the second funding cycle, funds remaining within a Service Region at the end of the first funding cycle will be added to the proportional share of \$250 million in the same Service Region. The Board shall fund eligible Career Technical Education Facilities Projects as described in (a) until the applications or funds are exhausted within each Service Region or until the conditions in (1) and (2) are met:
 - (1) All applications within one or more Service Regions are funded and there are funds remaining in those Service Regions.
 - (2) Qualifying applications in one or more different Service Regions are not funded because the requests exceed the funds allotted to the Service Region(s).

If (b)(1) and (2) are met in the second funding cycle, the remaining available career technical education facilities funds shall be pooled and apportioned to the highest ranked project in each locale regardless of Service Region. One of each locale must be accounted for before a locale is repeated.

- (c) For the third and any subsequent cycles, the Board shall apportion funds regardless of Service Region.
 - (1) Funds shall be apportioned to the highest ranked project in each locale. One of each locale must be accounted for before a locale is repeated.
 - (2) The process will continue until the applications or funds are exhausted, whichever comes first.
 - (3) In the event two or more applications have the same career technical education plan score and are in the same locale, the applicant with the **highest critical CDE criteria** will be funded first.

If a Career Technical Education Facilities Project cannot be fully apportioned because insufficient funding is available, the applicant may either accept the available funding as the full and final apportionment for the project or refuse funding entirely. If funding is refused, the application will be returned to the applicant and the Board shall consider funding the next project eligible for an apportionment based on the above funding priority mechanism.

For any Career Technical Education Facilities Project not apportioned under the funding mechanism described above, the application shall automatically carry over to the subsequent cycle or the applicant may request that the application be returned. A Career Technical Education Facilities Project returned to the applicant may be resubmitted during a subsequent application acceptance period identified in Section 1859.191, provided the application meets the eligibility criteria in Section 1859.192.

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

Reference: Section 17078.72, Education Code.

Section 1859.197. Fund Release Process.

The OPSC will release State funds that have been apportioned by the Board pursuant to Sections 1859.195 after submittal by the applicant of the Form SAB 50-05.

- (a) If an apportionment was made for a Career Technical Education Facilities Project, the applicant must submit a Form SAB 50-05 within 18 months of the Apportionment as outlined in Education Code Section 17076.10 or the apportionment shall be rescinded without further Board action.
- (b) If Career Technical Education Facilities funds were reserved for the applicant pursuant to Section 1859.193 (d) of these Regulations, the applicant:
 - (1) Has one year from the date of apportionment to submit the necessary approvals and/or plans and specifications to the OPSC for the Career Technical Education Facilities Project, otherwise the apportionment shall be rescinded without further Board action.
 - (2) Has 18 months from the date the necessary approvals and/or plans and specifications were submitted to the OPSC to submit a completed Form SAB 50-05 or the apportionment shall be rescinded without further Board action.
 - (3) Is subject to substantial progress time limit on the apportionment as outlined in Subdivision (b) of Education Code Section 17076.10.
- (c) If the applicant requires a loan for the entire matching share requirement pursuant to Section 1859.194(b) of these Regulations:
 - (1) The OPSC will release ten percent of the Career Technical Education Facilities grant to the applicant within 30 calendar days of the apportionment.
 - (2) The applicant has one year from the date of apportionment to submit the necessary approvals and/or plans and specifications to the OPSC for the Career Technical Education Facilities Project, otherwise the apportionment shall be rescinded without further Board action
 - (3) Upon receipt of a complete Career Technical Education Facilities funding application and necessary approvals and/or plans and specifications, the applicant has 18 months to submit a completed Form SAB 50-05 or the apportionment shall be rescinded without further Board action.
- (d) The applicant is subject to substantial progress time limit on the apportionment as outlined in Subdivision (b) of Education Code Section 17076.10.

The district may refile a new application for the project subject to the eligibility requirements at the time of resubmittal.

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

Reference: Section 17078.72, Education Code.

Section 1859.198. Time Limit on Apportionment and Substantial Progress

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

Any Career Technical Education Facilities Project funds returned due to projects being rescinded or reduced to cost incurred shall be made available for apportionment in subsequent funding cycles.

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

Reference: Section 17078.72, Education Code.

Section 1859.199. Program Accountability

A project shall be deemed complete when either of the following occurs, whichever occurs first:

- (a) The final notice of completion is filed for the project; or
- (b) Four years have elapsed from the final fund release for the project.

Projects will be subject to a Program Accountability Expenditure Audit pursuant to Section 1859.106. Any repayments due back to the state as a result of these audits will be subject to the repayment provisions identified in Section 1859.106.1.

An applicant district may not retain savings not needed for a Career Technical Education Facilities Project.

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

Reference: Section 17078.72, Education Code.

ATTACHMENT D

**CAREER TECHNICAL EDUCATION FACILITIES PROGRAM
LOAN AGREEMENT**

Between the State of California,

and

_____, Applicant

ARTICLE I – PURPOSE

- A. This Funding Agreement (“Agreement”) is made and entered into as of Date of SAB Apportionment (“Effective Date”) by and between the State Allocation Board (“State”) and _____ (“Applicant”). The provisions of this Agreement shall be effective from and after the Effective Date until the termination of the Agreement as provided herein.
- B. This Agreement is being entered into in accordance with the requirements of the Career Technical Education Facilities Program (CTEFP) in accordance with School Facility Program Regulation Section 1859.194.

ARTICLE II – FINANCING OF PROJECT

Fifty Percent Local Matching Share Obligation: Payments

- A. The Applicant’s Application for apportionment for the Project has been approved by the State. The District’s Apportionment is contingent upon the Applicant paying its 50 percent Local Matching Share obligation by making payments to the State pursuant to this Agreement.
- B. The Applicant will repay the State Annual Payment Amount (\$_____ .00) in ten equal annual installments for a total amount due of \$_____ commencing no later than two years from the fund release for the project. The total amount shall include interest on the unpaid principal balance at the rate paid on monies in the Pooled Money Investment Board described in California Government Code Section 16480 et seq. The interest rate will be set on the date that the project funding apportionment is approved by the State.
- C. Should the Applicant request early repayment, interest shall be recalculated based on the unpaid balance.
- D. Payments shall be made directly to the State for deposit into the 2006 School Facilities Account, or as otherwise directed by the State in writing.
- E. In the event of the Applicant’s default, signified by no payment within 60 days of the annual installment due date, the State shall have the right to recover from the Applicant the amount of all unpaid payments, if any, which are then due and owing, together with interest.

ARTICLE III – TERMINATION OF AGREEMENT

This agreement shall remain in full force and effect until such time as full repayment of the amount stipulated in Article II, Item B, unless the Applicant elects to exercise Article II, Item C.

The parties hereto have executed this Loan Agreement on the dates set forth below adjacent to their respective signatures.

THE STATE:

Date: _____

STATE ALLOCATION BOARD:

By: _____

Name: _____

Title: _____

APPLICANT:

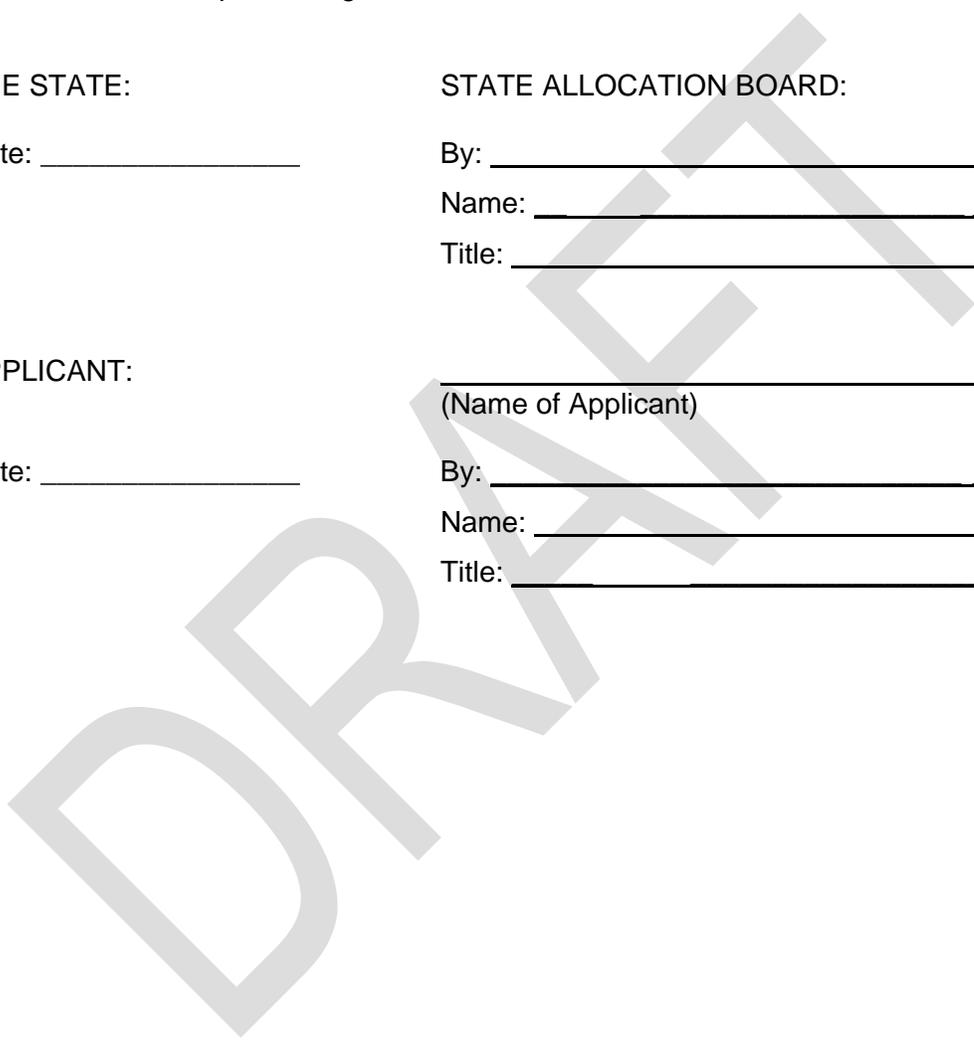
Date: _____

(Name of Applicant)

By: _____

Name: _____

Title: _____



ATTACHMENT E

STATE OF CALIFORNIA

APPLICATION FOR CAREER TECHNICAL EDUCATION FACILITIES FUNDING

SCHOOL FACILITY PROGRAM
SAB 50-10(new 1/07)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

Page 1 of 4

GENERAL INFORMATION

This Form is to be used by a school district/joint powers authority (JPA) to request a Career Technical Education Facilities Program (CTEFP) grant. Requests for funding may be made as follows:

New Construction or Modernization project pursuant to Regulation Section 1859.190. The following documents must be submitted with this form for purposes of this apportionment:

- California Department of Education's (CDE) Career Technical Education (CTE) Plan Approval letter.
- A copy of the submitted CTEFP application that complies with the requirements of Education Code Section 17078.72.

- If applicable, Plan Approval letter from the California Department of Education (CDE).
- If applicable, Plans and Specifications (P&S) for the project that were approved by the Division of the State Architect (DSA). Submittal of plans may be on CD-Rom or "Zip Drive" readable in AutoCAD 14. The specifications may be provided on a diskette that is IBM compatible.
- Cost estimate of proposed site development, if requesting site development funding.

SPECIFIC INSTRUCTIONS

A Project Tracking Number must be assigned by the applicant for all applications submitted to the OPSC, the DSA, or the CDE. This number may be obtained from the OPSC Web site at www.opsc.dgs.ca.gov or the DSA or the CDE Web sites under "Project Tracking Number Generator."

1. Type of Application

Check the box that indicates the type of CTEFP funding requested. Refer to Section 1859.192 for the eligibility criteria.

- c) If the request is for a CTEFP Project which is not a part of a qualifying SFP project, enter 50 percent of the site development costs that meet the requirements of Section 1859.193. Attach the cost estimates of the proposed site development work, which shall be supported and justified in the P&S. All cost estimates shall reflect 100 percent of the proposed work. Enter the total cost of a, b, and c.

2. CTE Industry Sector and Pathway

Enter the name of the Industry Sector and Pathway.

3. Reservation of Funds

Check the box "Yes" if requesting a reservation of funds pursuant to Section 1859.193(d). Otherwise, check the box "No".

4. Loan Request

Check the box "Yes" if requesting a loan pursuant to Section 1859.194. Otherwise, check the box "No".

5. Qualifying SFP Project Application Number

If the request is for a CTEFP Project which will be part of a qualifying SFP project, indicate the SFP application number or the project tracking number of the qualifying SFP project. Enter the number of CTE classrooms specified in CDE's CTE Application. Refer to section 1859.193.1.

6. CDE Application Overall Score

Enter the score from CDE's CTE plan approval letter for this project. Enter the maximum points possible from the CTEFP Application. Divide the Overall Score by the Maximum Points Possible and multiply by 100 to get the Overall Score Percentage. **Overall score percentage must be 75% or greater to be an eligible project.**

7. CTE Facility Square Footage

Enter the total eligible square footage of the CTE Facility.

8. Eligible Costs

- a) Enter the construction cost if constructing new or reconfiguring an existing building.
- b) Enter the equipment cost pursuant to Education Code 17078.72(a).

9. Cost Per Square Footage

Enter the cost per square footage by dividing the total eligible costs in Item 8 by the CTE facility square footage noted in Item 7.

10. Project Assistance

Check the box if the district is requesting project assistance pursuant to Section 1859.73.1. This grant is available only to a new construction or modernization CTE project that is not part of a qualifying SFP New Construction or Modernization project.

11. Project Progress Dates

Enter the following project progress dates:

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

12. Priority Order

Enter the funding priority of this application in relation to other applications for Career Technical Education Facilities Funding submitted on the same date.

**APPLICATION FOR CAREER TECHNICAL
EDUCATION FACILITIES FUNDING**

SCHOOL FACILITY PROGRAM
SAB 50-10(new 1/07)

The school district/JPA named below applies to the State Allocation Board via the Office of Public School Construction for a grant under the provisions of Article 13, Chapter 12.5, Part 10, Division 1, commencing with Section 17078.70, et seq, of the Education Code and the Regulations thereto.

School District/Joint Powers Authority		Application Number
School Name		Project Tracking Number
County	E-Mail Address	High School Attendance Area (if applicable)

1. Type of Application – Check Only One

- New Construction Project – construct new school Buildings and/or equipment
- Modernization Project – reconfigure existing school Buildings and/or equipment

2. CTE Industry Sector and Pathway

3. Reservation of Funds

Yes No

4. Loan Request

Yes No

5. Qualifying SFP Project Application Number

Application Number: # _____

Project Tracking Number: # _____

Number of CTE Classrooms in the CTE Application: _____

6. CDE Application Overall Score

Maximum Points Possible _____

Overall Score Percentage _____ %

7. CTE Facility Square Footage _____

8. Eligible Costs

a) Construction \$ _____

b) Equipment \$ _____

c) Site Development \$ _____

Total (a+b+c) \$ _____

9. Cost Per Square Footage \$ _____

10. Project Assistance

- CTE Project Only – not part of a qualifying SFP project

11. Project Progress Dates

a. Construction Contract signed on: _____

b. Notice to Proceed issued on: _____

12. Priority Order # _____

**APPLICATION FOR CAREER TECHNICAL
EDUCATION FACILITIES FUNDING**

SCHOOL FACILITY PROGRAM

SAB 50-10 (new 1/07)

OFFICE OF PUBLIC SCHOOL CONSTRUCTION

Page 3 of 4

CERTIFICATION

13. I certify, as the Representative for the School District or JPA, that the information reported on this form is true and correct and that: I am the authorized representative of the District or JPA as authorized by the governing board of the district or JPA; and,

- A resolution or other appropriate documentation supporting this application under Article 13, Chapter 12.5, Part 10, Division 1, commencing with Section 17078.70, et. seq., of the Education Code was adopted by the applicant's Governing board on _____; and,
- The district has established a "Restricted Maintenance Account" for the exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (Refer to Regulation Sections 1859.100 through 1859.102); if the applicant is a joint powers authority that is not required to establish a "Restricted Maintenance Account" under the provisions of Education Code Section 17070.75, the applicant certifies that it can maintain its facilities with a lesser annual deposit (refer to Section 1859.101); and,
- The matching funds required pursuant to Regulation Section 1859.194 has either been received and expended by the district, deposited in the County School Facility Fund or will be received and expended by the district prior to the notice of completion for the project; and,
- The participant has or will receive the necessary approval of the plans and specifications from the Division of the State Architect; and,
- The participant has or will receive the necessary approval of the plans and specifications from the CDE; and,
- The participant has complied with the provisions of Regulation Section 1859.76 and that the portion of the project funded by the State does not contain work specifically prohibited in that section; and,
- If the SFP grants will be used for a CTEFP project on school facilities on leased land, the participant has entered into a lease agreement for the leased property that meets the requirements of Regulation Section 1859.22; and,
- The participant has complied with the CTEFP eligibility criteria as outlined in Regulation Section 1859.192; and,
- The participant will comply with all laws pertaining to the construction of its CTE school building; and,
- The participant understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Regulation Section 1859.197); and,
- The participant understands that by reserving funds, the applicant must submit the necessary approvals and/or Plans and Specifications within one year of apportionment; otherwise the funds will be rescinded without further Board action. (refer to Regulation Section 1859.197); and,
- The participant understands that the lack of substantial progress within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Regulation Section 1859.198); and,
- The participant understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Regulation Sections 1859.105 & 1859.106, and that the portion of the project funded by the State does not contain work specifically prohibited; and,
- All contracts for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
- The participant has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- If this request is for modernization of CTE facilities, contracts for construction and/or equipment were executed on or after May 20, 2006; and,
- If this request is for new construction projects, the CTE classrooms constructed were not occupied prior to May 20, 2006; and,
- If the applicant is requesting a loan for the matching share, a CTEFP Loan Agreement must be executed pursuant to the requirements in Regulation Section 1859.194; and,
- The applicant has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief.

STATE OF CALIFORNIA

**APPLICATION FOR CAREER TECHNICAL
EDUCATION FACILITIES FUNDING**

SCHOOL FACILITY PROGRAM

SAB 50-10(new 1/07)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

Page 4 of 4

SIGNATURE OF DISTRICT REPRESENTATIVE _____ DATE _____

NAME OF DISTRICT REPRESENTATIVE (print)	TITLE	PHONE NUMBER
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DRAFT

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.

ATTACHMENT A
PROPOSED AMENDMENTS TO THE
EMERGENCY REPAIR PROGRAM REGULATIONS
State Allocation Board
Implementation Committee Meeting, January 5, 2007

...

Amend Regulation Section 1859.302 as follows:

Section 1859.302. Definitions.

For the purposes of these Subgroup 5.7 regulations, the terms set forth below shall have the following meanings, subject to the provisions of the Act:

"Accepted Application(s)" means a Local Educational Agency (LEA) has submitted the application and all documents to the Office of Public School Construction (OPSC) that are required to be submitted with the application as identified in the General Information and Required Documentation Section of the Form SAB 61-03, *Grant Request*, (Rev 01/07), as appropriate, and the OPSC has accepted the application.

"Act" means California Education Code (EC) Sections 17592.70 through 17592.73, inclusive, and 41207.5.

"Apportionment" means an allocation of funds by the Board for eligible School Facilities Needs Assessment Grant Program or Emergency Repair Program ~~expenditures costs~~.

~~"Accepted Application(s)" means a Local Educational Agency (LEA) has submitted the application and all documents to the Office of Public School Construction (OPSC) that are required to be submitted with the application as identified in the General Information Section of the Form SAB 61-03, *Application For Reimbursement and Expenditure Report*, (New 02/05), as appropriate, and the OPSC has accepted the application.~~

"Board" means the State Allocation Board as established by Section 15490 of the Government Code.

"CBEDS Report" means the enrollment information provided through the California Basic Educational Data System (CBEDS) by the LEA to the California Department of Education (CDE).

"Certification of Eligibility" means the on-line worksheet provided by the OPSC and accessible through the OPSC Website at www.opsc.dgs.ca.gov for the purpose of a one-time determination of whether a school site meets the provisions of Section 1859.311(b).

"Cosmetic Repairs" means repairs that enhance the physical environment of the school and are not directly related to the mitigation of a health and safety hazard.

"Deferred Maintenance Program (DMP)" means the State deferred maintenance funding authorized by EC Sections 17582 through 17588, inclusive.

"Emergency Facilities Needs" means structures or systems that in their present condition pose an immediate threat to the health and safety of pupils and staff while at school.

"Emergency Repair Program (ERP)" means the repair program implemented under the Act, Senate Bill 6, Chapter 899, Statutes of 2004.

~~"Emergency Repair Program ERP Grant" means an Apportionment provided by the State to reimburse the LEA for eligible costs, pursuant to EC Section 17592.72 and Regulation Sections 1859.323, 1859.323.1, and 1859.323.2.~~

~~"Expended" means work has been completed, or services rendered, and a warrant has been issued for payment.~~

"Employee" means an individual that is a classified or certificated temporary, probationary or permanent employee receiving a warrant as payment from the LEA.

"Expended" means work has been completed, or services rendered, and a warrant has been issued for payment.

"Form SAB 61-01" means the *Needs Assessment Report*, Form SAB 61-01 (New 01/05), which is incorporated by reference.

"Form SAB 61-02" means the *Expenditure Report*, Form SAB 61-02 (New 02/05), which is incorporated by reference.

"Form SAB 61-03" means the ~~*Grant Request Application For Reimbursement and Expenditure Report*~~, Form SAB 61-03 ~~(New 02/05 Rev 01/07)~~, which is incorporated by reference.

"Form SAB 61-04" means the *Expenditure Report*, Form SAB 61-04 (New 01/07), which is incorporated by reference.

"Grant" means an apportionment for a request for an Emergency Repair Program project.

"Grant Adjustment" means an increase or a decrease in the Grant after review of the Form SAB 61-04.

"Interim Evaluation Instrument" means the evaluation tool developed pursuant to EC Section 17002(d)(2).

"Like-Kind Material/System" means a building material or system that is substantially identical in function to the existing building material or system to be replaced.

"Local Educational Agency (LEA)" means a school district or county office of education meeting the requirements of Section 14101(18)(A) or (B) of the federal Elementary and Secondary Education Act of 1965.

"LEA Representative" means a member of the LEA staff or other agent authorized to execute and file application(s) with the Board on behalf of the LEA and/or act as liaison between the Board and the LEA.

~~"Local Educational Agency (LEA)" means a school district or county office of education meeting the requirements of Section 14101(18)(A) or (B) of the federal Elementary and Secondary Education Act of 1965.~~

"Needs Assessment" means the review of the facilities conducted pursuant to the Section 1859.315(c), the Form SAB 61-01 and EC Section 17592.70.

"Needs Assessment Grant" means the funding provided pursuant to EC Section 17592.70(c) and Sections 1859.312 and 1859.313.

"Nonessential Repairs" means work that is not directly related to the mitigation of a health and safety hazard including, but not limited to, repairs to correct items not in compliance with Title 24 of the California Code of Regulations that existed prior to and are not an Emergency Facilities Needs.

"Office of Public School Construction (OPSC)" means the State office within the Department of General Services that assists the Board as necessary and administers the School Facilities Needs Assessment Grant Program and the Emergency Repair Program.

"Pupil" means a student enrolled in any grade Kindergarten through grade twelve including individuals with exceptional needs meeting the provisions of EC Section 56026.

"Ready for Apportionment" means a review of an Accepted Application has been completed by the OPSC and it has been determined that it meets all requirements of law for an Apportionment, and the OPSC will recommend approval to the Board.

"Routine Restricted Maintenance Account" means the account into which funds are deposited by LEAs pursuant to EC Section 17070.75.

"School Facilities Emergency Repair Account" means the account established by the OPSC pursuant to EC Section 17592.71(a).

"School Facilities Needs Assessment Grant Program" means the one-time assessment of school facilities implemented under the Act, Senate Bill 6, Chapter 899, Statutes of 2004.

"School Facility Program (SFP)" means the Leroy F. Greene School Facility Act of 1998, commencing with EC Section 17070.10.

"Section" means a section in these Subgroup 5.7 regulations.

"Unfunded List" means an information list of unfunded projects including projects partially funded on a prorated basis pursuant to 1859.322 (b)(1).

"Web-Based Needs Assessment" means the on-line Form SAB 61-01 provided by the OPSC and accessible through the OPSC Website at www.opsc.dgs.ca.gov for the one-time purpose of submitting the Needs Assessment data electronically.

"Web-Based Progress Report Survey" means the on-line worksheet provided by the OPSC and accessible through the OPSC Website at www.opsc.dgs.ca.gov for the purpose of submitting a one-time report on the progress made toward completing the Needs Assessment.

~~"Web-Based Needs Assessment" means the on line Form SAB 61-01 provided by the OPSC and accessible through the OPSC Website at www.opsc.dgs.ca.gov for the one time purpose of submitting the Needs Assessment data electronically.~~

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Sections 17592.70, 17592.71, 17592.72 and 17592.73, Education Code.

...

Amend Regulation Section 1859.318 as follows:

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

Needs Assessment Grant funds remaining after the completion of the Needs Assessment must be used for repairs authorized in Section 1859.313(b) and must be used to supplement, not supplant, funds already available for routine, deferred, planned and scheduled maintenance, or emergency repairs of school facilities. In accordance with this requirement, the LEA must comply with all of the following in the 2005/2006 fiscal year:

- (a) Deposit the funding level required pursuant to EC Section 17070.75 in the Routine Restricted Maintenance Account, if participating in the SFP.
- (b) Deposit an amount equal to the State's matching share of the basic grant pursuant to EC Section 17584, if participating in the DMP.
- (c) If either (a) or (b) are not applicable, the district must budget an amount not less than the average maintenance budget for the three previous fiscal years.
- (d) In an effort to ensure that each of its schools is maintained in good repair, the LEA shall expend or encumber by issuing a purchase order or entering into a legal contract or document, or dedicate funds from the sources listed in subsections (a) through (c), above, to correct problems identified in the facilities inspection system required pursuant to EC Section 17070.75(e), which may include items listed in the DMP five-year plan, or the Interim Evaluation Instrument that do not qualify for funding as described in EC Section 17592.72(c)(1). For those projects eligible for ERP funding, the LEA may seek ~~reimbursement~~ funding at any time provided that the LEA has or will meet the above requirements.

Note: Authority Cited: Sections 17592.72, 17592.73, Education Code.

Reference: Section 17592.73, Education Code.

...

Amend Regulation Section 1859.320 as follows:

Section 1859.320. General.

An LEA seeking an ~~Emergency Repair Program~~ ERP Grant for ~~reimbursement~~ funding of cost for repairs or replacement of existing structural components or building systems that pose (d) a health and safety threat to the pupils or staff while at school, as defined by EC Section 17592.72(c)(1), shall submit to the OPSC a completed and file a Form SAB 61-03, with the OPSC. ~~Each Form SAB 61-03 filed with the OPSC may consist of the repair or replacement of only one building component or system and any work directly related to that repair or replacement.~~

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Section 17592.72, Education Code.

Amend Regulation Section 1859.321 as follows:

Section 1859.321. Eligible Schools.

Eligible schools are determined as follows:

(a) For fiscal years 2004-05 to 2006-07, inclusive, a An LEA that has a school site meeting all of the following is eligible to submit a Form SAB 61-03:

(a1) The school was identified on the list published by the CDE pursuant to EC Section ~~17592.70(b)~~ 17592.72.

(a2) The school was newly constructed prior to January 1, 2000.

(b) For subsequent fiscal years, an LEA that has a school site that is identified by the CDE pursuant to EC Section 17592.72 is eligible to submit a Form SAB 61-03.

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Section 17592.72, Education Code.

Amend Regulation Section 1859.322 as follows:

Section 1859.322. Emergency Repair Program Project Funding Order.

The Board shall ~~fund ERP applications~~ make apportionments on a monthly basis for Grants in the order of receipt of an Accepted Application and for Grant Adjustments in the order of receipt of a complete Form SAB 61-04, as follows:

- (a) If sufficient funding is available to provide funding to all applications presented that month, all applications will receive an full and final aApportionment of the eligible costs.
- (b) If funding is insufficient in any given month:
 - (1) ~~Apportionments~~ Grants will be provided to each application on a prorated basis with the balance placed on the Unfunded List, unless the proration will result in funding less than 25 percent of the eligible project costs. The proration shall be determined by dividing the total funds available by the total eligible costs of all applications Ready for Apportionment. All Grant Adjustments will be placed on the Unfunded List.
 - (2) If the proration, as determined in (1) above, will be less than 25 percent of the eligible project costs, the Board shall provide Grant funding at 100 percent of the eligible project costs of the Grants based on date order received until funds are no longer available and the remaining Grant applications shall be placed on the Unfunded List. All Grant Adjustments will be placed on the Unfunded List.
 - (3) The Board will continue to accept and process applications for the purpose of developing an Unfunded List based on the order of receipt of the Accepted Applications.

When funds become available, projects on the Unfunded List will be apportioned in the order of date received. Grants will be funded first and Grant Adjustments will be funded second. After an Apportionment has been made by the Board, funds will be released automatically by the OPSC, ~~and~~ If local funds have been expended, the Apportionment must be used by the LEA to reimburse the special reserve fund and the original source of funds used to make the expenditures for the ERP project.

Once ~~eight hundred million dollars (\$800,000,000) has been apportioned by the Board~~ all ERP funds have been depleted, any applications that have received a prorated Apportionment, a Grant, or a Grant Adjustment will be deemed a full and final Apportionment, any applications remaining fully unfunded on the Unfunded List will be returned to the LEA, and the Unfunded List shall be dissolved.

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Sections 17592.71, 17592.72, Education Code.

Amend Regulation Section 1859.323 as follows:

Section 1859.323. Eligible Project Costs.

Reimbursement Funding will be provided to meet the LEA share of the repair costs of Emergency Facilities Needs as defined in Education Code Section 17592.72(c)(1). To be eligible for funding consideration, the total project cost request on the Form SAB 61-03 must be \$5000 or higher unless the LEA can justify its request for a lesser amount. Reimbursement Funding of eligible projects costs shall be limited to the minimum work required on existing structural components or building systems to mitigate the health and safety hazard.

Replacement of existing structural components or building systems is permissible provided the project is in compliance with provisions of Section 1859.323.1.

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Section 17592.72, Education Code.

Amend Regulation Section 1859.323.1 as follows:

Section 1859.323.1. Replacement Projects

~~Full reimbursement~~ Funding of eligible replacement costs shall be provided only if it is more cost-effective to replace rather than repair a structural component or building system that poses a health or safety threat to pupils or staff while at school. For purposes of this section, it is more cost-effective to replace a structural component or building system when the estimated cost of an eligible repair is at least 75 percent of the cost of replacement.

If the cost to repair the component or system is less than 75 percent of the current replacement cost and the district elects to replace the component or system, then ~~reimbursement~~ Grant funding shall be equal to the lesser of either:
(a) ~~The cost of repair divided by the estimated cost to replace, multiplied by the actual eligible replacement cost~~
(c) ~~The estimated cost of repair.~~ Projects that use this option are not eligible for an increase to the Grant at the time of Grant Adjustment pursuant to Regulation Section 1859.324.1.

If the request is for replacement components or systems, a cost comparison must be prepared ~~and submitted with the Form SAB 61 03 to the OPSC.~~ The cost comparison shall consist of a repair cost estimate and a Like-Kind Material/System replacement cost estimate provided by qualified individual(s) or firm(s).

Replacement of a structural component or building system shall be limited to the use of a Like-Kind Material/System except when the work in the project proposes to use an alternative building material or system which is requested by the LEA ~~and is less costly than a Like-Kind Material/System replacement.~~ The cost comparison must also include the estimated cost of replacement using an alternative building material or system. If replacement with an alternate material/system is more costly than replacement with a Like-Kind Material/System, the LEA will receive funding for the alternate material/system in an amount not to exceed the cost of replacement with a Like-Kind Material/System. If it is determined that the only possible replacement is with the alternate material/system, the LEA will receive funding for the actual cost of the alternate material/system.

If the request is for replacement components or systems that included structural deficiencies, the cost comparison must also include a report from a licensed design professional identifying the minimum work necessary to obtain Division of the State Architect's approval.

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Section 17592.72, Education Code.

Amend Regulation Section 1859.323.2 as follows:

Section 1859.323.2. Ineligible Expenditures.

An Emergency Repair Program Grant may not be used for any of the following:

- (a) New square footage, components, or building systems that did not previously exist.
- (b) Nonessential Repairs.
- (c) Cosmetic Repairs.
- (d) Land acquisition.
- (e) Furniture and equipment.
- (f) Salaries of LEA employees except when permitted pursuant to Public Contract Code Section 20114.
- (g) Costs covered under warranty or by insurance.
- (h) Costs normally borne by others including, but not limited to, public utility companies.
- (i) Costs to repair or replace facilities with structural damage if the project meets the facility hardship or rehabilitation criteria set forth in School Facility Program Regulation Sections 1859.82 and 1859.83(e).
- (j) Any administrative and application filing fees.

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Section 17592.72, Education Code.

Amend Regulation Section 1859.324 as follows:

Section 1859.324. Reimbursement Funding.

An Emergency Repair Program Grant shall be used to reimburse fund the LEA's for eligible costs, as defined by Sections 1859.323 and 1859.323.1, ~~that meet all of the following provisions as follows:~~

- (a) For schools ranked in deciles one to three, inclusive, based on the 2003 Academic Performance Index that meet requirements defined by Section 1859.321(a) and all of the following provisions:
 - ~~(a1)~~ If contracts for services or work were signed for the project, contracts must have been entered into on or after September 29, 2004.
 - ~~(b2)~~ Funds must have been Expended on or after September 29, 2004 ~~and prior to the submittal of the Form SAB 61-03 to the OPSC.~~
 - (3) Applications must be filed-Accepted Applications on or before June 30, 2007. If these ERP regulations are not in effect by March 31, 2007, LEAs may submit applications for 90 days following the regulations approval.
- (b) For schools ranked in deciles one to three, inclusive, based on the 2006 Academic Performance Index that meet requirements defined by 1859.321(b) and all of the following provisions:
 - (1) If contracts for services or work were signed for the project, contracts must have been entered into on or after July 1, 2005.
 - (2) Funds must have been Expended on or after July 1, 2005.
 - (3) Applications must be filed-Accepted Applications on or before June 30, 2010.
- (c) For schools ranked in deciles one to three, inclusive, based on the 2009 Academic Performance Index that meet requirements defined by 1859.321(b) and all of the following provisions:
 - (1) If contracts for services or work were signed for the project, contracts must have been entered into on or after July 1, 2008.
 - (2) Funds must have been Expended on or after July 1, 2008.
 - (3) Applications must be filed-Accepted Applications on or before June 30, 2013.

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Section 17592.72, Education Code.

Add Regulation Section 1859.324.1 as follows:

Section 1859.324.1. Grant Adjustments

After review of a Form SAB 61-04, projects that require a Grant Adjustment will be presented to the Board for approval based upon one of the following review determinations:

- (a) If the expenditures are less than the Grant, the Grant will be deemed the full and final apportionment for the project and the OPSC shall recommend to the Board that the Apportionment be reduced by the amount of savings realized by the LEA. The savings, which include any interest earned on the Grant funds, either declared by the LEA or determined by the OPSC, must be returned to the State. Upon the approval of the recommendation by the Board, the LEA must submit a warrant for any amount identified as being owed within 60 days of the Board's action. If the LEA fails to make the required payment within 60 days, the department shall notify the Controller and the LEA in writing, and the Controller shall deduct an amount equal to the amount received by the LEA under this subdivision from the LEA's next principal apportionment or apportionments of state funds to the LEA, other than basic aid apportionments required by Section 6 of Article IX of the California Constitution. Any amounts obtained pursuant to this Section shall be deposited into the School Facilities Emergency Repair Account and will be made available for the funding of future ERP Grants and Grant Adjustments.
- (b) If the expenditures are greater than the Grant apportionment, provided the additional expenditures are associated with the project's original scope, the OPSC shall recommend to the Board that the Apportionment be increased. The Grant Adjustment will be deemed as the full and final apportionment for the project.

(c) If the expenditures are equal to the Grant, no further Board action is necessary. The Grant will be deemed as the full and final apportionment for the project.

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Sections 17592.72 and 17592.73, Education Code.

Section 1859.325. School Facility Due Diligence.

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

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

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Section 17592.72, Education Code.

Amend Regulation Section 1859.326 as follows:

Section 1859.326. ~~Emergency Repair Program Application~~ Expenditures and Audit.

The projects shall be subject to audit to ensure that the expenditures incurred by the LEA were made in accordance with the provisions of Sections 1859.323 through 1859.~~325~~ 329, inclusive.

After a full and final Apportionment has been made pursuant to Regulation Section 1859.324.1, ~~and should~~ the OPSC ~~notifies~~ the LEA of an impending ERP audit of the expenditures reported on the Form SAB 61-034, an audit by the OPSC shall commence within six months. Once the audit has commenced, ~~t~~he OPSC shall complete the audit within six months of the notification unless additional information requested from the LEA has not been received.

Should the OPSC conduct an audit of the expenditures and information provided by the LEA, which may include certifications, for the project and make a finding that some or all of the expenditures were not made in accordance with the provisions of EC Section 17592.72(c) and Regulation Sections 1859.323 through 1859.~~325~~ 329 inclusive, the OPSC shall recommend to the Board that the Apportionment be adjusted based on the audit findings. Upon adoption of the audit findings by the Board, the LEA must submit a warrant for any amount identified as being owed within ~~30~~ 60 days of the Board's action. If this does not occur, the OPSC shall initiate collection procedures as delineated in 1859.324.1(a).

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Section 17592.72 and 17592.73, Education Code.

Section 1859.327. Duplication of Emergency Repair Program Expenditures.

If the LEA's expenditures for the Emergency Repair Program Grant involve proposed work also included in a SFP or DMP project, the LEA must ensure all of the following:

- (a) No work or expenditures are duplicated.
- (b) After eliminating the work to be funded with the Emergency Repair Program Grant from the SFP or DMP project, the remaining work continues to meet the SFP or DMP requirements.

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Section 17592.72, Education Code.

Amend Regulation Section 1859.328 as follows:

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

Emergency Repair Program Grant funds must be used to supplement, not supplant funds already available for routine, deferred, planned and scheduled maintenance, or emergency repairs of school facilities. In accordance with these requirements, the LEA must comply with all of the following at the time the Accepted Application and the Form SAB 61-04 are is submitted to the OPSC:

- (a) Deposit the funding level required for the current fiscal year pursuant to EC Section 17070.75 in the Routine Restricted Maintenance Account, if participating in the SFP.
- (b) If participating in the DMP, the district:
 - (1) For applications submitted prior to January 1, 2006, has deposited an amount equal to the State's matching share of the maximum basic grant, calculated pursuant to EC Section 17584, for the latest available determination; and
 - (2) For applications submitted on or after January 1, 2006, has deposited an amount equal to the maximum basic grant, calculated pursuant to EC Section 17584, for the latest available determination; and
 - (3) Will deposit an amount equal to the maximum basic grant, calculated pursuant to EC Section 17584, for the next scheduled determination.
 - (4) Shall not transfer excess local funds in accordance with EC Section 17583 from the deposits made as specified in (2) and (3), above.
- (c) If either (a) or (b) are not applicable, the district must budget for the current fiscal year an amount not less than the average maintenance budget for the three previous fiscal years.
- (d) In an effort to ensure that each of its schools is maintained in good repair, the LEA shall expend or encumber by issuing a purchase order or entering into a legal contract or document, or dedicate funds from the sources listed in subsections (a) through (c), above, to correct problems identified in the facilities inspection system required pursuant to EC Section 17070.75(e), which may include items listed in the DMP five-year plan, or the Interim Evaluation Instrument that do not qualify for funding as described in EC Section 17592.72(c)(1). For those projects eligible for ERP funding, the LEA may seek ~~reimbursement~~ funding at any time provided that the LEA has or will meet the above requirements.

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Sections 17592.72 and 17592.73, Education Code.

Amend Regulation Section 1859.329 as follows:

Section 1859.329. Withdrawal and Amendment of Applications.

In the event an LEA has omitted ~~costs~~ expenditures from the Form SAB 61-03 at the time of submittal and the project has not received an Grant Apportionment from the Board, the LEA may withdraw its application and resubmit a revised Form SAB 61-03. The resubmitted application shall receive a new processing date by the OPSC. If the Board has already provided an Grant apportionment for the project, the LEA may request the additional cost on the Form SAB 61-04. Additional expenditures must be associated with the project's original scope. If the Board has already provided an ~~Apportionment~~ Grant Adjustment for the project, the LEA will not be able to receive additional funding for the project and the Apportionment provided by the Board will be considered full and final.

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Sections 17592.72 and 17592.73, Education Code.

Add Regulation Section 1859.330 as follows:

Section 1859.330. Time Limit on Grant Apportionment.

The LEAs that receive ERP Grants shall comply with all of the following provisions:

(a) When the Division of State Architect's review and approval is not required, within 12 months of the Grant apportionment the LEA shall:

- (1) Complete the emergency repair or replacement; and
- (2) Submit the Form SAB 61-04.

(b) When the Division of State Architect's review and approval is required, within 18 months of the Grant apportionment the LEA shall:

- (1) Complete the emergency repair or replacement; and
- (2) Submit the Form SAB 61-04.

If the LEA does not meet the Time Limit on Grant Apportionment, the Apportionment will be rescinded without further Board action. Within 60 days of the OPSC notification, the LEA must submit to the State a warrant for the amount of the Apportionment and any interest earned on State funds. If this does not occur, the OPSC shall initiate collection procedures as delineated in 1859.324.1(a). Any rescinded funds returned to the State will be made available for the funding of future ERP Grants and Grant Adjustments. The LEA may re-file Form SAB 61-03 to request a Grant for the rescinded projects provided it meets the provisions of Section 1859.324 at the time of re-filing.

Note: Authority Cited: Section 17592.72, Education Code.

Reference: Sections 17592.72, Education Code.

STATE ALLOCATION BOARD
IMPLEMENTATION COMMITTEE MEETING
January 5, 2007

EMERGENCY REPAIR PROGRAM REVISIONS

PURPOSE

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

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.

As a continuation of the provisions of the Williams settlement, AB 607 adopts various changes to the Education Code (EC). These changes, described in the November 30, 2006 Implementation item, provide flexibility and encourage participation in the ERP as well as replace the IEI with a permanent school facility inspection and evaluation instrument.

At the November 30, 2006 meeting of the Implementation Committee, the Office of Public School Construction (OPSC) presented its proposals regarding AB 607 revisions to both the IEI and the ERP. (Please see Attachment D for AB 607 text.)

As discussed at the November Implementation meeting, pending the development of the permanent school evaluation instrument and rating system, the IEI will receive a revision date, and shall continue to be considered the "Interim Evaluation Instrument." This revised IEI is scheduled to be presented for adoption at the next meeting of the State Allocation Board (SAB).

Following is staff's response to concerns voiced at the November Implementation meeting with regards to the revisions to the ERP, including draft regulations, *Grant Request* (Form SAB 61-03) and *Expenditure Report* (Form SAB 61-04).

DISCUSSION

Clarification of Application Filing Periods

AB 607 revises EC Section 1240 which 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. The following table provide examples for project eligibility and OPSC filing periods for the three eligibility scenarios (respectively, School A is falling off the API Index Deciles 1-3

Schools list; School B has continued ranking on the API Index Deciles 1-3 Schools list; School C is a new addition to the API Index Deciles 1-3 Schools list):

	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	July 1, 2005	July 1, 2007	June 30, 2010

*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.

Clarification of Funding Path

- 1) Grant request:
The *Grant Request* (Form SAB 61-03) would be submitted (with the appropriate supporting health/safety and cost estimate) to request grant funding for a project.
- 2) Expenditure Report:
The *Expenditure Report* (Form SAB 61-04) would be submitted once the project is complete to provide the final cost information and for verification of the 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:

Submittal Type	Step 1	Step 2
1) <i>Grant Request (SAB Form 61-03)</i>	<u>OPSC Review:</u> Health/Safety and Cost Estimate	SAB Apportionment: Automatic Fund Release
2) <i>Expenditure Report (SAB Form 61-04)</i> Required within 12 months of Grant apportionment (18 months if DSA-approved).	<u>OPSC Review:</u> Actual Costs vs. Grant Amount	Final SAB Action: <u>Increase:</u> Automatic fund release <u>Decrease:</u> Difference returned to State

In accordance with existing ERP regulations (Section 1859.326) all projects may be subject to an audit of the LEA certifications and to ensure that the expenditures were made in accordance with the provisions of the EC and ERP regulations.

Revisions to ERP Regulations (Attachment A)

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

- 1859.302. *Definitions*
 - New terms: Grant, Form SAB 61-04 (*Expenditure Report*), Grant Adjustment
 - Amended: Unfunded List
- 1859.320. *General*
 - The application process will allow LEAs to combine same-site projects and request funding for more than one type of system/component at each site.
- 1859.321. *Eligible Schools*
 - List of eligible schools updated for 2006 Base API and subsequent years.
- 1859.322 *Emergency Repair Program Project Funding Order*
 - If funds are insufficient, Grants will be funded first and Grant Adjustments second.
 - If prorate is necessary, only Grants would be prorated.
 - All Grant Adjustments will be placed on the Unfunded List in the case of an insufficient funding.
 - Once all ERP funds are depleted, all Grants and Grant Adjustments deemed full and final.
- 1859.323. *Eligible Project Costs*
 - The grant request on each application must be \$5,000 or higher unless the LEA can justify a lesser amount.
 - Architect fees are not specifically limited in the regulations but must be reasonable and necessary.
- 1859.323.1. *Replacement Projects*
 - Projects that do not meet 75% repair/replacement and opt to use estimated cost of repair amount toward replacement are not eligible for Grant increase.
 - Replacement with a more costly alternate material/system is allowed on a prorated basis.
 - Regulations allow the replacement with an alternate building system or material when the Like-Kind Material/System is not available.
- 1859.323.2. *Ineligible Expenditures*
 - Consultant-based or force account labor administrative and filing fees are ineligible for funding.
- 1859.324. *Eligible Projects*
 - Provides clarification for eligible projects based on the changes to the list of eligible schools and filing deadlines.
- 1859.324.1. *Grant Adjustment*
 - LEA files Form SAB 61-04 and final expenditure determination occurs.
 - Grant Adjustment will occur if necessary.
 - Grant may be decreased with the following provisions:
 - Savings and interest returned to State
 - Grant full and final
 - Grant may be increased with the following provisions:
 - Additional expenditures must be within project's original scope
 - Grant Adjustment full and final
 - If Expenditures equal Grant, then Grant is deemed full and final.
- 1859.326. *Expenditures and Audit*
 - Pursuant to existing regulations all projects are subject to audit after full and final apportionment determination.

- 1859.330. *Time Limit on Grant Apportionment*
 - LEAs must submit the Form SAB 61-04 within one year (or 18 months for projects requiring DSA approval).
 - Projects that are not completed within the time limit will be rescinded.
 - Any rescinded funds plus interest earned must be returned to the State and will be made available to fund future ERP projects.

Grant Request, Form SAB 61-03 (Attachment B)

- General Information/Instructions will reflect new regulations.
- Less supporting documentation will be required with Form SAB 61-03 submittal (only health/ safety documentation and cost estimate required).
- General Information section will clarify the additional support documentation LEAs will be required to have available on file should the project be audited.
- LEA will indicate if any project on the Grant Request requires DSA approval.
- LEAs can request funding for all project types located on a site, since each application may include more than one Type of Project in each Detail box.
- The new form includes more project options for the “Type of Project.”

Expenditure Report, Form SAB 61-04 (Attachment C)

This new form replaces the original Form SAB 61-03, Part B. It can be submitted with the *Grant Request*, if all expenditures are completed for the project. Otherwise, as stated previously, it must be submitted within 12 months of the Grant apportionment (or 18 months after Grant apportionment for projects that require DSA approval).

The Form SAB 61-04 would be reviewed by OPSC staff and compared to the Grant apportionment, resulting in one of the following three determinations:

- 1) The total eligible costs identified on the Form SAB 61-04 are less than the Grant previously apportioned. The project would be presented to the SAB for a Grant Adjustment/Decrease. The Grant is deemed full and final.
(or)
- 2) The total eligible costs identified on the Form SAB 61-04 are greater than the Grant previously apportioned. The project would be presented to the SAB for a Grant Adjustment/Increase. The Grant Adjustment is deemed full and final.
(or)
- 3) The total costs identified on the Form SAB 61-04 are equal to the Grant previously apportioned. No further Board action necessary. The Grant is deemed full and final.

Policy Regarding Funding the Replacement of Portables

As previously stated at the November Implementation Meeting, replacing portable classrooms can be eligible for ERP funding, and will be considered on a case-by case basis, dependent upon several factors, including 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?

RECOMMENDATIONS

1. Present the following to the next available SAB meeting for approval:
 - Revised ERP Regulations
 - *Grant Request* (Revised Form SAB 61-03)
 - *Expenditure Report* (New Form SAB 61-04)

ATTACHMENT A
PROPOSED AMENDMENTS TO THE
EMERGENCY REPAIR PROGRAM REGULATIONS
State Allocation Board
Implementation Committee Meeting, January 5, 2007

...

Amend Regulation Section 1859.302 as follows:

Section 1859.302. Definitions.

For the purposes of these Subgroup 5.7 regulations, the terms set forth below shall have the following meanings, subject to the provisions of the Act:

"Accepted Application(s)" means a Local Educational Agency (LEA) has submitted the application and all documents to the Office of Public School Construction (OPSC) that are required to be submitted with the application as identified in the General Information and Required Documentation Section of the Form SAB 61-03, *Grant Request*, (Rev 01/07), as appropriate, and the OPSC has accepted the application.

"Act" means California Education Code (EC) Sections 17592.70 through 17592.73, inclusive, and 41207.5.

"Apportionment" means an allocation of funds by the Board for eligible School Facilities Needs Assessment Grant Program or Emergency Repair Program ~~expenditures costs~~.

~~"Accepted Application(s)" means a Local Educational Agency (LEA) has submitted the application and all documents to the Office of Public School Construction (OPSC) that are required to be submitted with the application as identified in the General Information Section of the Form SAB 61-03, *Application For Reimbursement and Expenditure Report*, (New 02/05), as appropriate, and the OPSC has accepted the application.~~

"Board" means the State Allocation Board as established by Section 15490 of the Government Code.

"CBEDS Report" means the enrollment information provided through the California Basic Educational Data System (CBEDS) by the LEA to the California Department of Education (CDE).

"Certification of Eligibility" means the on-line worksheet provided by the OPSC and accessible through the OPSC Website at www.opsc.dgs.ca.gov for the purpose of a one-time determination of whether a school site meets the provisions of Section 1859.311(b).

"Cosmetic Repairs" means repairs that enhance the physical environment of the school and are not directly related to the mitigation of a health and safety hazard.

"Deferred Maintenance Program (DMP)" means the State deferred maintenance funding authorized by EC Sections 17582 through 17588, inclusive.

"Emergency Facilities Needs" means structures or systems that in their present condition pose an immediate threat to the health and safety of pupils and staff while at school.

"Emergency Repair Program (ERP)" means the repair program implemented under the Act, Senate Bill 6, Chapter 899, Statutes of 2004.

~~"Emergency Repair Program ERP Grant" means an Apportionment provided by the State to reimburse the LEA for eligible costs, pursuant to EC Section 17592.72 and Regulation Sections 1859.323, 1859.323.1, and 1859.323.2.~~

~~"Expended" means work has been completed, or services rendered, and a warrant has been issued for payment.~~

"Employee" means an individual that is a classified or certificated temporary, probationary or permanent employee receiving a warrant as payment from the LEA.

"Expended" means work has been completed, or services rendered, and a warrant has been issued for payment.

"Form SAB 61-01" means the *Needs Assessment Report*, Form SAB 61-01 (New 01/05), which is incorporated by reference.

"Form SAB 61-02" means the *Expenditure Report*, Form SAB 61-02 (New 02/05), which is incorporated by reference.

"Form SAB 61-03" means the ~~*Grant Request Application For Reimbursement and Expenditure Report*~~, Form SAB 61-03 ~~(New 02/05 Rev 01/07)~~, which is incorporated by reference.

"Form SAB 61-04" means the *Expenditure Report*, Form SAB 61-04 (New 01/07), which is incorporated by reference.

"Grant" means an apportionment for a request for an Emergency Repair Program project.

"Grant Adjustment" means an increase or a decrease in the Grant after review of the Form SAB 61-04.

"Interim Evaluation Instrument" means the evaluation tool developed pursuant to EC Section 17002(d)(2).

"Like-Kind Material/System" means a building material or system that is substantially identical in function to the existing building material or system to be replaced.

"Local Educational Agency (LEA)" means a school district or county office of education meeting the requirements of Section 14101(18)(A) or (B) of the federal Elementary and Secondary Education Act of 1965.

"LEA Representative" means a member of the LEA staff or other agent authorized to execute and file application(s) with the Board on behalf of the LEA and/or act as liaison between the Board and the LEA.

~~"Local Educational Agency (LEA)" means a school district or county office of education meeting the requirements of Section 14101(18)(A) or (B) of the federal Elementary and Secondary Education Act of 1965.~~

"Needs Assessment" means the review of the facilities conducted pursuant to the Section 1859.315(c), the Form SAB 61-01 and EC Section 17592.70.

"Needs Assessment Grant" means the funding provided pursuant to EC Section 17592.70(c) and Sections 1859.312 and 1859.313.

"Nonessential Repairs" means work that is not directly related to the mitigation of a health and safety hazard including, but not limited to, repairs to correct items not in compliance with Title 24 of the California Code of Regulations that existed prior to and are not an Emergency Facilities Needs.

"Office of Public School Construction (OPSC)" means the State office within the Department of General Services that assists the Board as necessary and administers the School Facilities Needs Assessment Grant Program and the Emergency Repair Program.

"Pupil" means a student enrolled in any grade Kindergarten through grade twelve including individuals with exceptional needs meeting the provisions of EC Section 56026.

"Ready for Apportionment" means a review of an Accepted Application has been completed by the OPSC and it has been determined that it meets all requirements of law for an Apportionment, and the OPSC will recommend approval to the Board.

"Routine Restricted Maintenance Account" means the account into which funds are deposited by LEAs pursuant to EC Section 17070.75.

"School Facilities Emergency Repair Account" means the account established by the OPSC pursuant to EC Section 17592.71(a).

"School Facilities Needs Assessment Grant Program" means the one-time assessment of school facilities implemented under the Act, Senate Bill 6, Chapter 899, Statutes of 2004.

"School Facility Program (SFP)" means the Leroy F. Greene School Facility Act of 1998, commencing with EC Section 17070.10.

"Section" means a section in these Subgroup 5.7 regulations.

"Unfunded List" means an information list of unfunded projects including projects partially funded on a prorated basis pursuant to 1859.322 (b)(1).

"Web-Based Needs Assessment" means the on-line Form SAB 61-01 provided by the OPSC and accessible through the OPSC Website at www.opsc.dgs.ca.gov for the one-time purpose of submitting the Needs Assessment data electronically.

"Web-Based Progress Report Survey" means the on-line worksheet provided by the OPSC and accessible through the OPSC Website at www.opsc.dgs.ca.gov for the purpose of submitting a one-time report on the progress made toward completing the Needs Assessment.

~~"Web-Based Needs Assessment" means the on line Form SAB 61-01 provided by the OPSC and accessible through the OPSC Website at www.opsc.dgs.ca.gov for the one time purpose of submitting the Needs Assessment data electronically.~~

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Sections 17592.70, 17592.71, 17592.72 and 17592.73, Education Code.

...

Amend Regulation Section 1859.318 as follows:

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

Needs Assessment Grant funds remaining after the completion of the Needs Assessment must be used for repairs authorized in Section 1859.313(b) and must be used to supplement, not supplant, funds already available for routine, deferred, planned and scheduled maintenance, or emergency repairs of school facilities. In accordance with this requirement, the LEA must comply with all of the following in the 2005/2006 fiscal year:

- (a) Deposit the funding level required pursuant to EC Section 17070.75 in the Routine Restricted Maintenance Account, if participating in the SFP.
- (b) Deposit an amount equal to the State's matching share of the basic grant pursuant to EC Section 17584, if participating in the DMP.
- (c) If either (a) or (b) are not applicable, the district must budget an amount not less than the average maintenance budget for the three previous fiscal years.
- (d) In an effort to ensure that each of its schools is maintained in good repair, the LEA shall expend or encumber by issuing a purchase order or entering into a legal contract or document, or dedicate funds from the sources listed in subsections (a) through (c), above, to correct problems identified in the facilities inspection system required pursuant to EC Section 17070.75(e), which may include items listed in the DMP five-year plan, or the Interim Evaluation Instrument that do not qualify for funding as described in EC Section 17592.72(c)(1). For those projects eligible for ERP funding, the LEA may seek ~~reimbursement~~ funding at any time provided that the LEA has or will meet the above requirements.

Note: Authority Cited: Sections 17592.72, 17592.73, Education Code.

Reference: Section 17592.73, Education Code.

...

Amend Regulation Section 1859.320 as follows:

Section 1859.320. General.

An LEA seeking an ~~Emergency Repair Program~~ ERP Grant for reimbursement funding of cost for repairs or replacement of existing structural components or building systems that pose (d) a health and safety threat to the pupils or staff while at school, as defined by EC Section 17592.72(c)(1), shall submit to the OPSC a completed and file a Form SAB 61-03, with the OPSC. ~~Each Form SAB 61-03 filed with the OPSC may consist of the repair or replacement of only one building component or system and any work directly related to that repair or replacement.~~

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Section 17592.72, Education Code.

Amend Regulation Section 1859.321 as follows:

Section 1859.321. Eligible Schools.

Eligible schools are determined as follows:

(a) For fiscal years 2004-05 to 2006-07, inclusive, a An LEA that has a school site meeting all of the following is eligible to submit a Form SAB 61-03:

(a1) The school was identified on the list published by the CDE pursuant to EC Section ~~17592.70(b)~~ 17592.72.

(a2) The school was newly constructed prior to January 1, 2000.

(b) For subsequent fiscal years, an LEA that has a school site that is identified by the CDE pursuant to EC Section 17592.72 is eligible to submit a Form SAB 61-03.

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Section 17592.72, Education Code.

Amend Regulation Section 1859.322 as follows:

Section 1859.322. Emergency Repair Program Project Funding Order.

The Board shall ~~fund ERP applications~~ make apportionments on a monthly basis for Grants in the order of receipt of an Accepted Application and for Grant Adjustments in the order of receipt of a complete Form SAB 61-04, as follows:

- (a) If sufficient funding is available to provide funding to all applications presented that month, all applications will receive an full and final aApportionment of the eligible costs.
- (b) If funding is insufficient in any given month:
 - (1) ~~Apportionments~~ Grants will be provided to each application on a prorated basis with the balance placed on the Unfunded List, unless the proration will result in funding less than 25 percent of the eligible project costs. The proration shall be determined by dividing the total funds available by the total eligible costs of all applications Ready for Apportionment. All Grant Adjustments will be placed on the Unfunded List.
 - (2) If the proration, as determined in (1) above, will be less than 25 percent of the eligible project costs, the Board shall provide Grant funding at 100 percent of the eligible project costs of the Grants based on date order received until funds are no longer available and the remaining Grant applications shall be placed on the Unfunded List. All Grant Adjustments will be placed on the Unfunded List.
 - (3) The Board will continue to accept and process applications for the purpose of developing an Unfunded List based on the order of receipt of the Accepted Applications.

When funds become available, projects on the Unfunded List will be apportioned in the order of date received. Grants will be funded first and Grant Adjustments will be funded second. After an Apportionment has been made by the Board, funds will be released automatically by the OPSC, ~~and~~ If local funds have been expended, the Apportionment must be used by the LEA to reimburse the special reserve fund and the original source of funds used to make the expenditures for the ERP project.

Once ~~eight hundred million dollars (\$800,000,000) has been apportioned by the Board~~ all ERP funds have been depleted, any applications that have received a prorated Apportionment, a Grant, or a Grant Adjustment will be deemed a full and final Apportionment, any applications remaining fully unfunded on the Unfunded List will be returned to the LEA, and the Unfunded List shall be dissolved.

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Sections 17592.71, 17592.72, Education Code.

Amend Regulation Section 1859.323 as follows:

Section 1859.323. Eligible Project Costs.

Reimbursement Funding will be provided to meet the LEA share of the repair costs of Emergency Facilities Needs as defined in Education Code Section 17592.72(c)(1). To be eligible for funding consideration, the total project cost request on the Form SAB 61-03 must be \$5000 or higher unless the LEA can justify its request for a lesser amount. Reimbursement Funding of eligible projects costs shall be limited to the minimum work required on existing structural components or building systems to mitigate the health and safety hazard.

Replacement of existing structural components or building systems is permissible provided the project is in compliance with provisions of Section 1859.323.1.

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Section 17592.72, Education Code.

Amend Regulation Section 1859.323.1 as follows:

Section 1859.323.1. Replacement Projects

~~Full reimbursement~~ Funding of eligible replacement costs shall be provided only if it is more cost-effective to replace rather than repair a structural component or building system that poses a health or safety threat to pupils or staff while at school. For purposes of this section, it is more cost-effective to replace a structural component or building system when the estimated cost of an eligible repair is at least 75 percent of the cost of replacement.

If the cost to repair the component or system is less than 75 percent of the current replacement cost and the district elects to replace the component or system, then ~~reimbursement~~ Grant funding shall be equal to the lesser of either:
(a) ~~The cost of repair divided by the estimated cost to replace, multiplied by the actual eligible replacement cost~~
(c) ~~The estimated cost of repair.~~ Projects that use this option are not eligible for an increase to the Grant at the time of Grant Adjustment pursuant to Regulation Section 1859.324.1.

If the request is for replacement components or systems, a cost comparison must be prepared ~~and submitted with the Form SAB 61 03 to the OPSC.~~ The cost comparison shall consist of a repair cost estimate and a Like-Kind Material/System replacement cost estimate provided by qualified individual(s) or firm(s).

Replacement of a structural component or building system shall be limited to the use of a Like-Kind Material/System except when the work in the project proposes to use an alternative building material or system which is requested by the LEA and is less costly than a Like-Kind Material/System replacement. The cost comparison must also include the estimated cost of replacement using an alternative building material or system. If replacement with an alternate material/system is more costly than replacement with a Like-Kind Material/System, the LEA will receive funding for the alternate material/system in an amount not to exceed the cost of replacement with a Like-Kind Material/System. If it is determined that the only possible replacement is with the alternate material/system, the LEA will receive funding for the actual cost of the alternate material/system.

If the request is for replacement components or systems that included structural deficiencies, the cost comparison must also include a report from a licensed design professional identifying the minimum work necessary to obtain Division of the State Architect's approval.

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Section 17592.72, Education Code.

Amend Regulation Section 1859.323.2 as follows:

Section 1859.323.2. Ineligible Expenditures.

An Emergency Repair Program Grant may not be used for any of the following:

- (a) New square footage, components, or building systems that did not previously exist.
- (b) Nonessential Repairs.
- (c) Cosmetic Repairs.
- (d) Land acquisition.
- (e) Furniture and equipment.
- (f) Salaries of LEA employees except when permitted pursuant to Public Contract Code Section 20114.
- (g) Costs covered under warranty or by insurance.
- (h) Costs normally borne by others including, but not limited to, public utility companies.
- (i) Costs to repair or replace facilities with structural damage if the project meets the facility hardship or rehabilitation criteria set forth in School Facility Program Regulation Sections 1859.82 and 1859.83(e).
- (j) Any administrative and application filing fees.

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Section 17592.72, Education Code.

Amend Regulation Section 1859.324 as follows:

Section 1859.324. Reimbursement Funding.

An Emergency Repair Program Grant shall be used to reimburse fund the LEA's for eligible costs, as defined by Sections 1859.323 and 1859.323.1, that meet all of the following provisions as follows:

- (a) For schools ranked in deciles one to three, inclusive, based on the 2003 Academic Performance Index that meet requirements defined by Section 1859.321(a) and all of the following provisions:
 - (a1) If contracts for services or work were signed for the project, contracts must have been entered into on or after September 29, 2004.
 - (b2) Funds must have been Expended on or after September 29, 2004 and prior to the submittal of the Form SAB 61-03 to the OPSC.
 - (3) Applications must be filed on or before June 30, 2007. If these ERP regulations are not in effect by March 31, 2007, LEAs may submit applications for 90 days following the regulations approval.
- (b) For schools ranked in deciles one to three, inclusive, based on the 2006 Academic Performance Index that meet requirements defined by 1859.321(b) and all of the following provisions:
 - (1) If contracts for services or work were signed for the project, contracts must have been entered into on or after July 1, 2005.
 - (2) Funds must have been Expended on or after July 1, 2005.
 - (3) Applications must be filed on or before June 30, 2010.
- (c) For schools ranked in deciles one to three, inclusive, based on the 2009 Academic Performance Index that meet requirements defined by 1859.321(b) and all of the following provisions:
 - (1) If contracts for services or work were signed for the project, contracts must have been entered into on or after July 1, 2008.
 - (2) Funds must have been Expended on or after July 1, 2008.
 - (3) Applications must be filed on or before June 30, 2013.

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Section 17592.72, Education Code.

Add Regulation Section 1859.324.1 as follows:

Section 1859.324.1. Grant Adjustments

After review of a Form SAB 61-04, projects that require a Grant Adjustment will be presented to the Board for approval based upon one of the following review determinations:

- (a) If the expenditures are less than the Grant, the Grant will be deemed the full and final apportionment for the project and the OPSC shall recommend to the Board that the Apportionment be reduced by the amount of savings realized by the LEA. The savings, which include any interest earned on the Grant funds, either declared by the LEA or determined by the OPSC, must be returned to the State. Upon the approval of the recommendation by the Board, the LEA must submit a warrant for any amount identified as being owed within 60 days of the Board's action. If the LEA fails to make the required payment within 60 days, the department shall notify the Controller and the LEA in writing, and the Controller shall deduct an amount equal to the amount received by the LEA under this subdivision from the LEA's next principal apportionment or apportionments of state funds to the LEA, other than basic aid apportionments required by Section 6 of Article IX of the California Constitution. Any amounts obtained pursuant to this Section shall be deposited into the School Facilities Emergency Repair Account and will be made available for the funding of future ERP Grants and Grant Adjustments.
- (b) If the expenditures are greater than the Grant apportionment, provided the additional expenditures are associated with the project's original scope, the OPSC shall recommend to the Board that the Apportionment be increased. The Grant Adjustment will be deemed as the full and final apportionment for the project.
- (c) If the expenditures are equal to the Grant, no further Board action is necessary. The Grant will be deemed as the full and final apportionment for the project.

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Sections 17592.72 and 17592.73, Education Code.

Section 1859.325. School Facility Due Diligence.

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

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

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Section 17592.72, Education Code.

Amend Regulation Section 1859.326 as follows:

Section 1859.326. ~~Emergency Repair Program Application~~ Expenditures and Audit.

The projects shall be subject to audit to ensure that the expenditures incurred by the LEA were made in accordance with the provisions of Sections 1859.323 through 1859.~~325~~ 329, inclusive.

After a full and final Apportionment has been made pursuant to Regulation Section 1859.324.1, ~~and should~~ the OPSC ~~notifies~~ the LEA of an impending ERP audit of the expenditures reported on the Form SAB 61-034, an audit by the OPSC shall commence within six months. Once the audit has commenced, ~~t~~The OPSC shall complete the audit within six months of the notification unless additional information requested from the LEA has not been received.

Should the OPSC conduct an audit of the expenditures and information provided by the LEA, which may include certifications, for the project and make a finding that some or all of the expenditures were not made in accordance with the provisions of EC Section 17592.72(c) and Regulation Sections 1859.323 through 1859.~~325~~ 329 inclusive, the OPSC shall recommend to the Board that the Apportionment be adjusted based on the audit findings. Upon adoption of the audit findings by the Board, the LEA must submit a warrant for any amount identified as being owed within ~~3060~~ 3060 days of the Board's action. If this does not occur, the OPSC shall initiate collection procedures as delineated in 1859.324.1(a).

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Section 17592.72 and 17592.73, Education Code.

Section 1859.327. Duplication of Emergency Repair Program Expenditures.

If the LEA's expenditures for the Emergency Repair Program Grant involve proposed work also included in a SFP or DMP project, the LEA must ensure all of the following:

- (a) No work or expenditures are duplicated.
- (b) After eliminating the work to be funded with the Emergency Repair Program Grant from the SFP or DMP project, the remaining work continues to meet the SFP or DMP requirements.

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Section 17592.72, Education Code.

Amend Regulation Section 1859.328 as follows:

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

Emergency Repair Program Grant funds must be used to supplement, not supplant funds already available for routine, deferred, planned and scheduled maintenance, or emergency repairs of school facilities. In accordance with these requirements, the LEA must comply with all of the following at the time the Accepted Application and the Form SAB 61-04 are is submitted to the OPSC:

- (a) Deposit the funding level required for the current fiscal year pursuant to EC Section 17070.75 in the Routine Restricted Maintenance Account, if participating in the SFP.
- (b) If participating in the DMP, the district:
 - (1) For applications submitted prior to January 1, 2006, has deposited an amount equal to the State's matching share of the maximum basic grant, calculated pursuant to EC Section 17584, for the latest available determination; and
 - (2) For applications submitted on or after January 1, 2006, has deposited an amount equal to the maximum basic grant, calculated pursuant to EC Section 17584, for the latest available determination; and
 - (3) Will deposit an amount equal to the maximum basic grant, calculated pursuant to EC Section 17584, for the next scheduled determination.
 - (4) Shall not transfer excess local funds in accordance with EC Section 17583 from the deposits made as specified in (2) and (3), above.
- (c) If either (a) or (b) are not applicable, the district must budget for the current fiscal year an amount not less than the average maintenance budget for the three previous fiscal years.
- (d) In an effort to ensure that each of its schools is maintained in good repair, the LEA shall expend or encumber by issuing a purchase order or entering into a legal contract or document, or dedicate funds from the sources listed in subsections (a) through (c), above, to correct problems identified in the facilities inspection system required pursuant to EC Section 17070.75(e), which may include items listed in the DMP five-year plan, or the Interim Evaluation Instrument that do not qualify for funding as described in EC Section 17592.72(c)(1). For those projects eligible for ERP funding, the LEA may seek ~~reimbursement~~ funding at any time provided that the LEA has or will meet the above requirements.

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Sections 17592.72 and 17592.73, Education Code.

Amend Regulation Section 1859.329 as follows:

Section 1859.329. Withdrawal and Amendment of Applications.

In the event an LEA has omitted ~~costs~~ expenditures from the Form SAB 61-03 at the time of submittal and the project has not received an Grant Apportionment from the Board, the LEA may withdraw its application and resubmit a revised Form SAB 61-03. The resubmitted application shall receive a new processing date by the OPSC. If the Board has already provided an Grant apportionment for the project, the LEA may request the additional cost on the Form SAB 61-04. Additional expenditures must be associated with the project's original scope. If the Board has already provided an Apportionment Grant Adjustment for the project, the LEA will not be able to receive additional funding for the project and the Apportionment provided by the Board will be considered full and final.

Note: Authority Cited: Section 17592.73, Education Code.

Reference: Sections 17592.72 and 17592.73, Education Code.

Add Regulation Section 1859.330 as follows:

Section 1859.330. Time Limit on Grant Apportionment.

The LEAs that receive ERP Grants shall comply with all of the following provisions:

(a) When the Division of State Architect's review and approval is not required, within 12 months of the Grant apportionment the LEA shall:

(1) Complete the emergency repair or replacement; and

(2) Submit the Form SAB 61-04.

(b) When the Division of State Architect's review and approval is required, within 18 months of the Grant apportionment the LEA shall:

(1) Complete the emergency repair or replacement; and

(2) Submit the Form SAB 61-04.

If the LEA does not meet the Time Limit on Grant Apportionment, the Apportionment will be rescinded without further Board action. Within 60 days of the OPSC notification, the LEA must submit to the State a warrant for the amount of the Apportionment and any interest earned on State funds. If this does not occur, the OPSC shall initiate collection procedures as delineated in 1859.324.1(a). Any rescinded funds returned to the State will be made available for the funding of future ERP Grants and Grant Adjustments. The LEA may re-file Form SAB 61-03 to request a Grant for the rescinded projects provided it meets the provisions of Section 1859.324 at the time of re-filing.

Note: Authority Cited: Section 17592.72, Education Code.

Reference: Sections 17592.72, Education Code.

APPLICATION FOR REIMBURSEMENT AND EXPENDITURE REPORT

EMERGENCY REPAIR PROGRAM

GENERAL INFORMATION

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

Part A

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

Part B

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

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

SPECIFIC INSTRUCTIONS

Part A. Project Information

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

7. **Description of Work/Scope of Project:** Provide a detailed narrative of the repairs that were required to mitigate the threat to the health and safety of students and staff as defined by Sections 1859.323 and 1859.323.1.

8. **Project Costs:** Provide a breakdown of eligible project cost information based on the LEAs actual expenditures. The total should match the total amount of expenditures listed in Part B of the form. This must include only costs directly related to and necessary for the eligible project as defined by Sections 1859.323, 1859.323.1, and 1859.323.2.

Part B. Expenditure Report

List the total expenditures for the project.

1. Planning

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

2. Construction

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

Certifications

The LEA representative must complete this section.

APPLICATION FOR REIMBURSEMENT AND EXPENDITURE REPORT

EMERGENCY REPAIR PROGRAM

SAB-61-03 (NEW-02/05)

Part B - Expenditure Report

Total Expenditures for the Project: \$ _____

1. Planning

SCHOOL SITE	LEA	COUNTY	APPLICATION NUMBER				
DATE	PAYEE	WARRANT NUMBER	ARCHITECT/ENGINEERING-CONSULTING FEES	DSA FEES	INSPECTIONS	OTHER COSTS	DESCRIPTION/PURPOSE
TOTALS			\$	\$	\$	\$	

APPLICATION FOR REIMBURSEMENT AND EXPENDITURE REPORT EMERGENCY REPAIR PROGRAM

Certifications

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

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

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

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

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

DRAFT

GENERAL INFORMATION AND REQUIRED DOCUMENTATION

A Local Educational Agency (LEA) may use this form to apply for funding of Emergency Facilities Needs repairs under the Emergency Repair Program (ERP) at eligible schools sites as defined by Section 1859.321. For purposes of apportionment the following documentation must be submitted with this form for each project requested on this application:

1. **Documentation:** Provide documentation that sufficiently substantiates the health and safety threat, which must include one or more of the following, as appropriate:
 - Photos showing the condition of the project prior to the repair work being performed
 - Signed copy of the Interim Evaluation Instrument (IEI) identifying the project as a health and safety threat
 - Copies of complaints made by parents, students, or staff referencing the problem
 - Inspection report by qualified individual(s) or firm(s)
 - Work orders that identify the health and safety threat
 - Other forms of documentation that substantiate the health and safety threat
2. **Cost Estimate:** All estimates must be as detailed as possible and no lump sum estimates will be accepted. Furthermore the estimates must have been prepared by qualified individuals or firms. For force account labor projects, LEAs may provide an estimate by submitting a completed Force Account Labor Worksheet, which is available on the OPSC Web site.

The LEA must retain the following documents on file should the OPSC request them at the time of audit (see Part C. Certifications):

1. DSA Approved Plans and Specifications, if required
2. For Replacement Projects (pursuant to Regulation Section 1859.323.1), LEAs must retain a cost comparison on file which must include all of the following:
 - Estimate to Repair the system/component
 - Estimate to Replace the system/component with a Like-Kind Material/System
 - For alternative building material/system replacement projects, the LEA must additionally retain an Estimate to Replace the system/component with an alternative building material/system

All estimates must be as detailed as possible and no lump sum estimates will be accepted. Furthermore the estimates must have been prepared by qualified individuals or firms but are not required to be prepared by the same person(s).

SPECIFIC INSTRUCTIONS**Part A. Project Information**

The LEA must complete one Project Detail box for each Type of Project that will be/has been repaired or replaced.

- **DSA Approval:** If any of the work indicated in any of the Project Detail boxes requires DSA approval, the LEA must check yes. Otherwise the LEA must check no.
- **Type of Project:** Choose project type indicating the type of building system or structural component the project is addressing. The LEA may indicate only one building system or structural component per Project Detail box completed. Multiple Project Detail boxes may be completed. Use additional sheets if necessary.
- **Project(s) Cost:** Provide the total eligible cost based on the LEA's estimate(s) and/or actual cost(s).
- **Statement of Health and Safety Condition:** Provide a concise statement of the condition(s) and how it posed/poses a threat to the health and safety of the students and staff at the school site.
- **Type of Health/Safety Document(s) Attached:** Check the box(es) that identifies the type of health/safety document(s) enclosed with the LEA's application submittal.

Part B. Total Grant Request

Provide the Total Grant Request based on the combined total of the LEA's estimate(s) and/or actual cost(s) for all Types of Projects requested on this application. If the Total Grant Request is less than \$5,000.00, the LEA must justify its request in the space provided.

Part C. Certifications

The LEA representative must complete this section.

LOCAL EDUCATIONAL AGENCY (LEA)	APPLICATION NUMBER (OPSC USE ONLY) 61/
SCHOOL NAME	FIVE-DIGIT DISTRICT CODE (SEE CALIFORNIA PUBLIC SCHOOL DIRECTORY)
COUNTY	SEVEN-DIGIT SITE CODE (SEE CALIFORNIA PUBLIC SCHOOL DIRECTORY)

PROJECT TYPES:

- Communication Systems • Electrical • Fire Detection/Alarm and/or Sprinkler System • Flooring Systems • Gas • Hazardous Materials • HVAC • Paving
- Pest/Vermin Infestation • Plumbing • Roofing • Structural Damage • Wall Systems • Windows/Doors/Gates • Other

A. PROJECT DETAIL (Complete one box for each type of project at this site. Use additional sheets if necessary.):

Will any of the work in the project(s) contained in this Grant Request require DSA approval? Yes No

1. Type of Project (choose one from Project Types above): _____
 Project(s) Cost: Estimate Actual (check all that apply) \$ _____
 Statement of Health and Safety Condition: _____
 Type of Health/Safety Document(s) Attached: Photo IEL Complaint Work Order Inspection Report Other _____

2. Type of Project (choose one from Project Types above): _____
 Project(s) Cost: Estimate Actual (check all that apply) \$ _____
 Statement of Health and Safety Condition: _____
 Type of Health/Safety Document(s) Attached: Photo IEL Complaint Work Order Inspection Report Other _____

3. Type of Project (choose one from Project Types above): _____
 Project(s) Cost: Estimate Actual (check all that apply) \$ _____
 Statement of Health and Safety Condition: _____
 Type of Health/Safety Document(s) Attached: Photo IEL Complaint Work Order Inspection Report Other _____

4. Type of Project (choose one from Project Types above): _____
 Project(s) Cost: Estimate Actual (check all that apply) \$ _____
 Statement of Health and Safety Condition: _____
 Type of Health/Safety Document(s) Attached: Photo IEL Complaint Work Order Inspection Report Other _____

B. TOTAL GRANT REQUEST: § _____

If the Total Grant Request is less than \$5,000.00, the LEA must justify this request in the space below.

C. CERTIFICATIONS

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

- I am designated as an authorized representative by the governing board of the LEA as of _____ ; and,
- The repairs in this project were/are necessary to mitigate conditions that pose(d) a threat to the health and safety of pupils or staff while at school; and,
- The LEA has/will complied/comply with all laws pertaining to the repair of its school facilities;
- The LEA has/will complied/comply with the Public Contract Code; and,
- The LEA has satisfied the supplement, not supplant requirement as defined in Section 1859.328; and,
- The contracts for services or work in this project were not entered into prior to the date specified in Section 1859.324; and,
- The LEA understands that some or all of the funding for the project may be returned to the State as a result of an audit pursuant to Regulation Section 1859.326 and 1859.327;
- The LEA will/has comply/complied with Regulation Section 1859.323.1 when replacing systems or components and has obtained a cost comparison which is on file at the LEA office for OPSC review; and
- The LEA will/has comply/complied with Regulation Section 1859.323.2(h) when making repairs to leased facilities; and
- The LEA has on file all cost estimates required for replacement projects as stipulated in the General Information and Required Documentation section on this form and will make these documents available in the event the OPSC requests them for purposes of audit; and,
- The LEA will/has obtain/obtained the Division of State Architect's approval of the plans and specifications, if required, which will be/are on file at the LEA office for OPSC review; and
- The LEA will/has retain/retained on file all appropriate support documentation for this project. For the list of necessary documents please refer to the General Information and Required Documentation section of the Form SAB 61-04.
- This form is an exact duplicate (verbatim) of the form provided by the Office of Public School Construction. In the event a conflict should exist, then the language in the OPSC form will prevail.

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

NAME OF LEA REPRESENTATIVE (PRINTED OR TYPED)	TITLE		
SIGNATURE OF LEA REPRESENTATIVE	DATE		
ADDRESS	CITY	STATE	ZIP
TELEPHONE NUMBER	E-MAIL ADDRESS		

Attachment C

STATE OF CALIFORNIA
EXPENDITURE REPORT
EMERGENCY REPAIR PROGRAM

SAB 61-04 (NEW 01/07)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

Page 1 of 3

GENERAL INFORMATION AND REQUIRED DOCUMENTATION

A Local Educational Agency (LEA) may use this form to report expenditures under the Emergency Repair Program (ERP) that support the Grant previously received. The LEA must retain the following documents, as appropriate, on file should the OPSC request them at the time of audit:

- Construction Contract(s) and supporting documentation [pursuant to Public Contract Code (PCC) Section 20111(b)]
- Schedule of Values
- DSA Approved Plans and Specifications and any change orders
- Cost comparison pursuant to Regulations Section 1859.323.1
- Purchase Order(s) and/or Purchase Agreement(s)
- Architect Agreement(s) and Schedule of Fees
- Qualification Appraisal documents (pursuant to Government Code 4526)
- Copy of Vendor Invoices
- Copy of Warrant(s) or Payment Voucher(s)
- For Force Account Labor Projects [pursuant to PCC Section 20114(a)], the OPSC Force Account Labor Worksheet or other documentation that contains the following information:
 - Employee name(s)
 - Number of hours each employee spent on project
 - Hourly wages

SPECIFIC INSTRUCTIONS

Part A. Project Detail

The LEA must complete one Project Detail line for each corresponding Project Detail box that was previously reported on the Form SAB 61-03. LEAs may print additional copies of page 2 as necessary to complete expenditure information.

- **Type of Project:** Choose project type indicating the type of building system or structural component for which the LEA previously requested funding on the Form SAB 61-03. The LEA may indicate only one building system or structural component per line. The numbered lines must correspond with the numbered Project Detail boxes on the Form SAB 61-03.
- **Project(s) Cost:** Provide a breakdown of the total eligible cost based on the LEA's actual cost(s).

Part B. Total Expenditure Amount

Provide the total expenditures based on the combined Total Project Cost(s) as reported in the Project Details box(es).

Part C. Certifications

The LEA representative must complete this section.

DRAFT

STATE OF CALIFORNIA
EXPENDITURE REPORT
EMERGENCY REPAIR PROGRAM

SAB 61-04 (NEW 01/07)

LOCAL EDUCATIONAL AGENCY (LEA)	APPLICATION NUMBER 61/
SCHOOL NAME	FIVE-DIGIT DISTRICT CODE (SEE CALIFORNIA PUBLIC SCHOOL DIRECTORY)
COUNTY	SEVEN-DIGIT SITE CODE (SEE CALIFORNIA PUBLIC SCHOOL DIRECTORY)

PROJECT TYPES:

- Communication Systems
- Electrical
- Fire Detection/Alarm and/or Sprinkler System
- Flooring Systems
- Gas
- Hazardous Materials
- HVAC
- Paving
- Pest/Vermin Infestation
- Plumbing
- Roofing
- Structural Damage
- Wall Systems
- Windows/Doors/Gates
- Other

A. PROJECT DETAIL

Complete one Project Detail box for each Type of Project as previously reported on the Form SAB 61-03. LEAs may print additional copies of this page as necessary to complete expenditure information.

TYPE OF PROJECT (INDICATE PROJECT TYPE FROM ABOVE)	DSA NUMBER (IF APPLICABLE)	PLANNING COST	REPAIR/REPLACEMENT COST	TESTING	INSPECTION	TOTAL PROJECT COST
1.		\$	\$	\$	\$	\$
2.		\$	\$	\$	\$	\$
3.		\$	\$	\$	\$	\$
4.		\$	\$	\$	\$	\$
5.		\$	\$	\$	\$	\$
6.		\$	\$	\$	\$	\$
7.		\$	\$	\$	\$	\$
8.		\$	\$	\$	\$	\$
9.		\$	\$	\$	\$	\$
10.		\$	\$	\$	\$	\$
11.		\$	\$	\$	\$	\$
12.		\$	\$	\$	\$	\$
13.		\$	\$	\$	\$	\$
14.		\$	\$	\$	\$	\$
TOTALS		\$	\$	\$	\$	\$

STATE OF CALIFORNIA
EXPENDITURE REPORT
EMERGENCY REPAIR PROGRAM

SAB 61-04 (NEW 01/07)

B. TOTAL EXPENDITURE AMOUNT (Combined Project Detail Totals): \$ _____

C. CERTIFICATIONS

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

- I am designated as an authorized representative by the governing board of the LEA as of _____ ; and,
- The LEA has on file all appropriate support documentation as stipulated in the General Information and Required Documentation section on this form and will make these documents available in the event the OPSC requests them for purposes of audit; and,
- The repairs in this project were necessary to mitigate conditions that posed a threat to the health and safety of pupils or staff while at school; and,
- The expenditures reported are within the original scope of the work identified in the Grant Request for this project; and,
- The LEA has complied with all laws pertaining to the repair of its school facilities; and,
- The LEA has complied with the Public Contract Code; and,
- The LEA has satisfied the supplement, not supplant requirement as defined in Section 1859.328; and,
- The expenditures for this project did not duplicate expenditures included in a School Facility Program, Deferred Maintenance Program or ERP project; and,
- The construction activities for this project(s) are completed; and,
- The LEA has complied with Regulation Section 1859.323.1 when replacing systems or components and has obtained a cost comparison which is on file at the LEA office for OPSC review; and,
- The LEA has complied with Regulation Section 1859.323.2(h) when making repairs to leased facilities; and
- The contracts for services or work in this project were not entered into prior to the date specified in Section 1859.324; and,
- The LEA understands that expenditures occurring after the submittal of this Expenditure Report are ineligible for reimbursement; and,
- Unless the project is determined to require a Grant Adjustment pursuant to ERP regulations Section 1859.234.1, that the grant amount previously provided by the Board shall be deemed a full and final apportionment, and that all Grant Adjustments are full and final; and,
- The LEA understands that some or all of the funding for the project may be returned to the State as a result of an audit pursuant to Regulation Sections 1859.326 and 1859.327; and,
- The LEA has obtained the Division of State Architect's approval of the plans and specifications, if required, which are on file at the LEA office for OPSC review; and
- This form is an exact duplicate (verbatim) of the form provided by the Office of Public School Construction. In the event a conflict should exist, then the language in the OPSC form will prevail.

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

NAME OF LEA REPRESENTATIVE (PRINTED OR TYPED)	TITLE		
SIGNATURE OF LEA REPRESENTATIVE	DATE		
ADDRESS	CITY	STATE	ZIP
TELEPHONE NUMBER	E-MAIL ADDRESS		

ATTACHMENT D

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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.

141
142

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

144
145

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

147
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:
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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.

**APPLICATION FOR REIMBURSEMENT AND EXPENDITURE REPORT
EMERGENCY REPAIR PROGRAM**

GENERAL INFORMATION

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

Part A

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

Part B

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

The closeout audit will be performed after the final apportionment is made by the Board in accordance with Regulation Section 1859.226. For audit purposes, additional documentation may be requested at a later date.

SPECIFIC INSTRUCTIONS

Part A: Project Information

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

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

Part B: Expenditure Report

List the total expenditures for the project.

1. Planning

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

2. Construction

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

Certifications

The LEA representative must complete this section.

APPLICATION FOR REIMBURSEMENT AND EXPENDITURE REPORT EMERGENCY REPAIR PROGRAM

Certifications

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

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

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

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

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

DRAFT

Local Educational Agencies (LEAs) are encouraged to consider the utilization of “environmentally preferable purchasing” (EPP) for all their projects, including those projects seeking funding under the Emergency Repair Program (ERP). EPP is the procurement or acquisition of goods and services that have a lesser or reduced effect on human health and the environment when compared with competing goods or services that serve the same purpose. It provides an opportunity to improve the overall health and safety conditions at school facilities. Though the ERP is intended to provide funding for the minimal work necessary for the mitigation of health and safety risks, this objective can often be met with the utilization of EPP. More information about EPP products and sources can be found on the Green California Web site at www.green.ca.gov.

GENERAL INFORMATION AND REQUIRED DOCUMENTATION

The LEA may use this form to apply for funding of Emergency Facilities Needs repairs under the Emergency Repair Program (ERP) at eligible schools sites as defined by Section 1859.321. For purposes of apportionment the following documentation must be submitted with this form for each project requested on this application:

1. **Documentation:** Provide documentation that sufficiently substantiates the health and safety threat, which must include one or more of the following, as appropriate:
 - Photos showing the condition of the project prior to the repair work being performed
 - Signed copy of the Interim Evaluation Instrument (IEI) identifying the project as a health and safety threat
 - Copies of complaints made by parents, students, or staff referencing the problem
 - Inspection report by qualified individual(s) or firm(s)
 - Work orders that identify the health and safety threat
 - Other forms of documentation that substantiate the health and safety threat
2. **Cost Estimate:** All estimates must be as detailed as possible and no lump sum estimates will be accepted. Furthermore the estimates must have been prepared by qualified individuals or firms. For force account labor projects, LEAs may provide an estimate by submitting a completed Force Account Labor Worksheet, which is available on the OPSC Web site.

The LEA must retain the following documents on file should the OPSC request them at the time of audit (see Part C. Certifications):

1. DSA Approved Plans and Specifications, if required
2. For Replacement Projects (pursuant to Regulation Section 1859.323.1), LEAs must retain a cost comparison on file which must include all of the following:
 - Estimate to Repair the system/component
 - Estimate to Replace the system/component with a Like-Kind Material/System
 - For alternative building material/system replacement projects, the LEA must additionally retain an Estimate to Replace the system/component with an alternative building material/system

All estimates must be as detailed as possible and no lump sum estimates will be accepted. Furthermore the estimates must have been prepared by qualified individuals or firms but are not required to be prepared by the same person(s).

SPECIFIC INSTRUCTIONS

Part A. Project Information

The LEA must complete one Project Detail box for each Type of Project that will be/has been repaired or replaced.

- **DSA Approval:** If any of the work indicated in any of the Project Detail boxes requires DSA approval, the LEA must check yes. Otherwise the LEA must check no.
- **Type of Project:** Choose project type indicating the type of building system or structural component the project is addressing. The LEA may indicate only one building system or structural component per Project Detail box completed. Multiple Project Detail boxes may be completed. Use additional sheets if necessary.
- **Project(s) Cost:** Provide the total eligible cost based on the LEA's estimate(s) and/or actual cost(s).
- **Statement of Health and Safety Condition:** Provide a concise statement of the condition(s) and how it posed/poses a threat to the health and safety of the students and staff at the school site.
- **Type of Health/Safety Document(s) Attached:** Check the box(es) that identifies the type of health/safety document(s) enclosed with the LEA's application submittal.

Part B. Total Grant Request

Provide the Total Grant Request based on the combined total of the LEA's estimate(s) and/or actual cost(s) for all Types of Projects requested on this application. If the Total Grant Request is less than \$5,000.00, the LEA must justify its request in the space provided.

Part C. Certifications

The LEA representative must complete this section.

LOCAL EDUCATIONAL AGENCY (LEA)	APPLICATION NUMBER (OPSC USE ONLY) 61/
SCHOOL NAME	FIVE-DIGIT DISTRICT CODE (SEE CALIFORNIA PUBLIC SCHOOL DIRECTORY)
COUNTY	SEVEN-DIGIT SITE CODE (SEE CALIFORNIA PUBLIC SCHOOL DIRECTORY)

PROJECT TYPES:

- Communication Systems
- Electrical
- Fire Detection/Alarm and/or Sprinkler System
- Flooring Systems
- Gas
- Hazardous Materials
- HVAC
- Paving
- Pest/Vermin Infestation
- Plumbing
- Roofing
- Structural Damage
- Wall Systems
- Windows/Doors/Gates
- Other

A. PROJECT DETAIL (Complete one box for each type of project at this site. Use additional sheets if necessary.):

Will any of the work in the project(s) contained in this Grant Request require DSA approval? Yes No

1. Type of Project (choose one from Project Types above): _____
 Project(s) Cost: Estimate Actual (check all that apply) \$ _____
 Statement of Health and Safety Condition: _____
 Type of Health/Safety Document(s) Attached: Photo IEL Complaint Work Order Inspection Report Other _____

2. Type of Project (choose one from Project Types above): _____
 Project(s) Cost: Estimate Actual (check all that apply) \$ _____
 Statement of Health and Safety Condition: _____
 Type of Health/Safety Document(s) Attached: Photo IEL Complaint Work Order Inspection Report Other _____

3. Type of Project (choose one from Project Types above): _____
 Project(s) Cost: Estimate Actual (check all that apply) \$ _____
 Statement of Health and Safety Condition: _____
 Type of Health/Safety Document(s) Attached: Photo IEL Complaint Work Order Inspection Report Other _____

4. Type of Project (choose one from Project Types above): _____
 Project(s) Cost: Estimate Actual (check all that apply) \$ _____
 Statement of Health and Safety Condition: _____
 Type of Health/Safety Document(s) Attached: Photo IEL Complaint Work Order Inspection Report Other _____

B. TOTAL GRANT REQUEST: § _____

If the Total Grant Request is less than \$5,000.00, the LEA must justify this request in the space below.

C. CERTIFICATIONS

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

- I am designated as an authorized representative by the governing board of the LEA as of _____; and,
- The repairs in this project were/are necessary to mitigate conditions that pose(d) a threat to the health and safety of pupils or staff while at school; and,
- The LEA has/will complied/comply with all laws pertaining to the repair of its school facilities;
- The LEA has/will complied/comply with the Public Contract Code; and,
- The LEA has satisfied the supplement, not supplant requirement as defined in Section 1859.328; and,
- The contracts for services or work in this project were not entered into prior to the date specified in Section 1859.324; and,
- The LEA understands that some or all of the funding for the project may be returned to the State as a result of an audit pursuant to Regulation Section 1859.326 and 1859.327;
- The LEA will/has comply/complied with Regulation Section 1859.323.1 when replacing systems or components and has obtained a cost comparison which is on file at the LEA office for OPSC review; and
- The LEA will/has comply/complied with Regulation Section 1859.323.2(h) when making repairs to leased facilities; and
- The LEA has on file all cost estimates required for replacement projects as stipulated in the General Information and Required Documentation section on this form and will make these documents available in the event the OPSC requests them for purposes of audit; and,
- The LEA will/has obtain/obtained the Division of State Architect's approval of the plans and specifications, if required, which will be/are on file at the LEA office for OPSC review; and
- The LEA will/has retain/retained on file all appropriate support documentation for this project. For the list of necessary documents please refer to the General Information and Required Documentation section of the Form SAB 61-04.
- This form is an exact duplicate (verbatim) of the form provided by the Office of Public School Construction. In the event a conflict should exist, then the language in the OPSC form will prevail.

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

NAME OF LEA REPRESENTATIVE (PRINTED OR TYPED)	TITLE		
SIGNATURE OF LEA REPRESENTATIVE	DATE		
ADDRESS	CITY	STATE	ZIP
TELEPHONE NUMBER	E-MAIL ADDRESS		

ATTACHMENT C

Article 1 General Provisions and Definitions

Section 1859.2 Definitions

Article 6 New Construction Eligibility Determinations

Section 1859.51 Adjustments to the New Construction Baseline Eligibility.

Article 9 Hardship Assistance

Section 1859.81 Financial Hardship.

Article 16 Career Technical Education Facilities Program

1859.190 General.

1859.191 Career Technical Education Facilities Project Application Submittals.

1859.192 Career Technical Education Facilities Program Eligibility.

1859.193 Career Technical Education Facilities Grant Determination.

1859.193.1 Qualifying SFP New Construction Project.

1859.194 Career Technical Education Facilities Program Matching Share Requirement.

1859.195 Career Technical Education Facilities Project Apportionment.

1859.196 Career Technical Education Facilities Program Funding Order.

1859.197 Career Technical Education Facilities Program Fund Release

1859.198 Time Limit on Apportionment and Substantial Progress

1859.199 Program Accountability

Section 1859.2. Definitions.

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

"Approved Application for Career Technical Education Facilities Project Funding" means an applicant has submitted an *Application for Career Technical Education Facilities Funding*, Form SAB 50-10, including all required supporting documents as identified in the General Information Section of that Form, to the OPSC and the OPSC has accepted the application for processing.

"Career Technical Education Facilities Project" means a project approved by the Board pursuant to Education Code Section 17078.72.

~~"Comprehensive High School" means a high school that serves grades 7-12 or 9-12 that offers a variety of curricula, including common courses that emphasize academic achievement and traditional subjects that all students are required to take.~~

"Form SAB 50-10" means the *Application for Career Technical Education Facilities Funding*, which is incorporated by reference.

~~"Large New Construction Project" means a funding application request for at least 200 New Construction Grants which will be used to construct a new Comprehensive High School or an addition to a Comprehensive High School.~~

~~"Large Modernization Project" means a funding application request for Modernization Grant(s) that exceed 50 percent of the current CBEDS enrollment of a Comprehensive High School that will be modernized.~~

"Reconfigure" for the purposes of the Career Technical Education Facilities Program Project means remodeling an existing school building within its current confines and/or the expansion of the square footage of the existing building.

"Service Region" means one of the eleven service regions of the California County Superintendents Educational Services Association.

Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

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

- (a) Reduced by the number of pupils provided grants in a new construction SFP project and by the number of pupils that received a Preliminary Apportionment pursuant to Section 1859.140 or a Preliminary Charter School Apportionment pursuant to Section 1859.160.
- (b) Reduced by the number of pupils housed, based on the loading standards pursuant to Education Code Section 17071.25(a)(2)(A), in a new construction LPP project funded under the provisions of the LPP pursuant to Sections 1859.12 or 1859.13.
- (c) Reduced by the number of pupils housed in additional classrooms constructed or purchased based on the loading standards, pursuant to Education Code Section 17071.25(a)(2)(A), in a modernization SFP project.
- (d) Adjusted as a result of the audit findings made pursuant to Sections 1859.90 and 1859.105.
- (e) Increased/decreased by changes in projected enrollment in subsequent enrollment reporting years for all districts except decreases as provided in (j) below.
- (f) Adjusted as a result of errors or omissions by the district or by the OPSC.
- (g) Adjusted as a result of amendments to these Regulations that affect the eligibility.
- (h) Increased by the number of pupils eligible for grants pursuant to Section 1859.82 (a).

- (i) Reduced by the number of pupils housed, based on loading standards pursuant to Education Code Section 17071.25(a)(2)(A), in any Classroom Provided after the baseline eligibility was determined by the Board with the exception of those pupils housed or to be housed in a classroom:
 - (1) That is a trailer and transportable/towed on its own wheels and axles.
 - (2) Of less than 700 interior square feet.
 - (3) Excluded pursuant to Education Code Section 17071.30.
 - (4) Where the contract for the lease, lease-purchase, purchase, or construction of the classroom was made prior to January 1, 2000.
 - (5) That is included in a SFP project where the district has funded a portion of the project beyond its required district contribution and the pupil capacity of the classroom does not exceed 150 percent of the number of pupils receiving a new construction grant (rounded up) for the SFP project.
 - (6) That was acquired with joint-use funds specifically available for that purpose.
 - (7) That was acquired with career technical education funds specifically available pursuant to Education Code 17078.72.
- (j) For Small School Districts, decreased:
 - (1) By any reduction in projected enrollment that follows a three-year period after the district's eligibility was approved by the Board.
 - (2) By any increase in the number of pupils included in the latest operational grant report made by the CDE pursuant to Education Code Section 42268 beginning three years after the district's most current eligibility was approved by the Board. The reduction in eligibility shall be determined by the number of pupils included in the latest operational grant report that exceed the number of pupils included in the operational grant report in effect when the district's most current eligibility was approved by the Board or adjusted by a subsequent operational grant report after that date.
- (k) Adjusted for any change in classroom inventory as a result of a reorganization election.
- (l) For classroom loading standards adopted by the Board for non-severely disabled individuals with exceptional needs and severely disabled individuals with exceptional needs.
- (m) As directed by the Board due to a finding of a Material Inaccuracy pursuant to Regulation Section 1859.104.1.
- (n) Increased by the number of pupils that received a Preliminary Apportionment that was rescinded pursuant to Section 1859.148 or a Preliminary Charter School Apportionment that was rescinded pursuant to Section 1859.166.
- (o) Adjusted for operational grant changes as determined/provided by the California Department of Education.
- (p) For a HSAA district with Preliminary Apportionments within the 2002 Critically Overcrowded School Facilities Account as follows:
 - (1) Decreased by the number of pupils that received a Preliminary Apportionment, distributed proportionately among HSAAs in which the pupils used to justify the conversion of the Preliminary Apportionment were enrolled but did not reside.
 - (2) In the subsequent enrollment reporting year after verification of Occupancy of a project, increased by the number of pupils equal to the reduction due to Section 1859.51(p)(1), for the project which was occupied.
 - (3) Increased by the number of pupils equal to the reduction due to Section 1859.51(p)(1), for a Preliminary Apportionment rescinded pursuant to the provisions of Section 1859.148.
- (q) Adjusted by the difference between the Alternative Enrollment Projection for the current enrollment reporting year and the projected enrollment determined pursuant to Section 1859.42 for the current enrollment reporting year, or by the eligibility remaining from this calculation that can no longer be utilized if the funds made available pursuant to Education Code Section 17071.75(a)(1)(A) have been exhausted.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17052, 17070.51, 17071.25, 17071.75, 17071.76, 17072.20 ~~and~~, 17077.40, and 17078.72 Education Code.

DRAFT

Section 1859.81. Financial Hardship.

Except for Joint-Use Projects and Career-Technical Educational Facilities Projects, a district is eligible for financial hardship to fund all or a portion of its matching share requirement after demonstrating both of the following:

(a) The district is financially unable to provide all necessary matching funds for an eligible project. To determine this, an analysis shall be made of the district's financial records by the OPSC including data and records maintained by the CDE and the County Office of Education. The analysis shall consist of a review of the district's latest Independent Audit regarding funds available from all capital facility accounts, including, but not limited to, developer fees, funds generated from capital facility certificates of participation, federal grants, redevelopment funds, sale proceeds from surplus property, the appraised value of facilities approved for replacement pursuant to Section 1859.82, bond funds either encumbered, unencumbered or authorized but unsold, and savings from other SFP projects. All funds thus identified that have not been expended or encumbered by a contractual agreement for a specific capital outlay purpose prior to the initial request for financial hardship status shall be deemed available as a matching contribution.

After the initial request for financial hardship status is granted, no further encumbrances will be approved by the OPSC and all prospective revenue made available to the district's capital facility accounts shall be deemed available as matching contribution on the subsequent financial hardship review, with the exception of:

- (1) Approved interim housing expenditures.
- (2) Funding to pay for previously recognized multi-year encumbrances approved at the initial financial hardship approval.
- (3) Funding that is transferred into a Special Reserve Fund and is used for the express purpose of the Federal Renovation Program when the amount expended out of that fund does not exceed the maximum Federal Renovation Grant amount.
- (4) Funding that is transferred into a Special Reserve Fund and is used for the express purpose of the School Facilities Needs Assessment Grant Program or Emergency Repair Program when the amount expended out of that fund does not exceed the maximum grant amount apportioned.
- (5) Funding that is transferred into a Special Reserve Fund and is used for the express purpose of the Career Technical Education Facilities Program when the amount expended out of that fund does not exceed the applicant's share of the maximum grant amount apportioned.
- ~~(5)~~(6) All other capital facility funding for a period of three years when no subsequent financial hardship request is made during this period. The three-year period begins with the date of the most recent financial hardship new construction or modernization adjusted grant funding apportionment.

Note: Authority cited: Sections 17070.35, 17075.15 and 17592.73, Education Code.

Reference: Sections 17075.10 and 17075.15, Education Code.

Article 16. Career Technical Education Facilities Program

Section 1859.190. General.

An applicant seeking Career Technical Education Facilities Project funding pursuant to the provisions of Education Code Section 17072.78, shall complete and file Form SAB 50-10.

An applicant may submit multiple Career Technical Education Facilities applications for different career technical education projects located at a single school site, as approved by the CDE.

Modernization of facilities under Article 16 shall not affect the Modernization Eligibility of the facility pursuant to Section 1859.60.

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

Reference: Section 17078.72, Education Code.

Section 1859.191. Career Technical Education Facilities Project Application Submittal.

- (a) The Board shall accept Approved Applications for Career Technical Education Facilities Project Funding and make apportionments as follows:
- (1) All applications received in a six month cycle will be processed and prioritized for career technical education funding in the manner described in Section 1859.194.
 - (2) Applications for the first funding cycle must be submitted by October 31, 2007 with subsequent funding cycles every six months thereafter, at the discretion of the Board, until the Career Technical Education Facilities funds are exhausted or other funds become available. The funding cycles are established as follows:
 - (A) Approved Applications for Career Technical Education Facilities Project Funding for the first funding cycle must be submitted to the OPSC by October 31, 2007. The CDE Career Technical Education Facilities Program application must be submitted to the CDE no later than August 3, 2007.
 - (B) Approved Applications for Career Technical Education Facilities Project Funding for the second funding cycle must be submitted to the OPSC by April 30, 2008. The CDE Career Technical Education Facilities Program application must be submitted to the CDE no later than February 1, 2008.
 - (C) At the discretion of the Board, subsequent funding cycles may continue every six months thereafter until the Career Technical Education Facilities Program funds are exhausted or other funds become available.
 - (3) The Career Technical Education Facilities funds will be apportioned at the next available Board meeting after the end of each application cycle.

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

Reference: Section 17078.72, Education Code.

Section 1859.192. Career Technical Education Facilities Program Eligibility.

An applicant requesting funding for a Career Technical Education Facilities Project may submit Form SAB 50-10 to the OPSC if all the following criteria are met:

(a) For a new construction project, the applicant:

- (1) Is a local educational agency operating a comprehensive high school pursuant Education Code Sections 51224, 51225.3 and 51228.

- (2) Has an active career technical advisory committee pursuant to Education Code Section 8070.
- (b) For a modernization project, the applicant :
 - (1) Is a local educational agency operating a comprehensive high school pursuant to Education Code Sections 51224, 51225.3 and 51228; or,
 - (2) Is a joint powers authority operating career technical education programs as of May 20, 2006.
 - (3) Has an active career technical advisory committee pursuant to Education Code Section 8070.
- (c) The applicant's Career Technical Education Facilities Program application has been reviewed by the CDE and meets all of the following criteria:
 - (1) Contains all mandatory elements required by the CDE;
 - (2) Received a score of at least 106 points representing not less than 60 percent of the maximum points available, as determined by the CDE.

An applicant need not demonstrate New Construction Eligibility or Modernization Eligibility in order to participate in the Career Technical Education Facilities Program.

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

Reference: Section 17078.72, Education Code.

Section 1859.193. Career Technical Education Facilities Grant Determination.

A Career Technical Education Facilities Project may construct a new facility or modernize or Reconfigure an existing school building. The application for Career Technical Education Facility funding may accompany an application for new construction funding pursuant to Section 1859.70 or may be submitted independently.

The applicant must identify square footage of the Career Technical Education Facility being constructed, modernized, reconfigured or equipped, on the funding application. Equipment purchased under the Career Technical Education Facilities Program must have an average useful life expectancy of at least ten years pursuant to Education Code 17078.72(a). An application for a Career Technical Education Facilities Project may consist entirely of equipment.

- (a) For new construction of a Career Technical Education Facilities Project included in a qualifying New Construction Grant, the Career Technical Education Facilities grant amount shall be the lesser of either (1) or (2):
 - (1) The sum of the costs uniquely related to facilities required to provide Career Technical Education as determined below:
 - (A) 50 percent of the cost of construction of the Career Technical Education Facilities Project, as determined by the project architect, subject to OPSC review and approval.
 - (B) 50 percent of the cost to equip the Career Technical Education Facilities Project with necessary equipment.
 - (C) Minus an allowance for New Construction Grants provided for Career Technical Education classrooms, determined by:
 - 1. Multiplying 960 square feet by the number of classrooms in the Career Technical Education Facilities Project that were included in the New Construction project.
 - 2. Multiplying the amount determined in (a)(1)(C)1 by 50 percent of the Current Replacement Cost for non-Toilet Facilities.
 - (2) \$3 million per Career Technical Education Facilities Project.

Site development work is not allowed as part of a Career Technical Education Facilities Project included in a New Construction Grant. Site development work necessary pursuant to Section 1859.76, may be requested by the district under the qualifying SFP New Construction.

(b) For stand alone New Construction of a Career Technical Education Facilities Project, the grant amount shall be the lesser of either (1) or (2):

(1) The sum of the costs uniquely related to facilities required to provide Career Technical Education as determined below:

(A) 50 percent of the cost of construction of the Career Technical Education Facilities Project, as determined by the project architect, subject to OPSC review and approval.

(B) 50 percent of the cost to equip the Career Technical Education Facilities Project with necessary equipment.

(C) 50 percent of site development work that meets the following criteria:

1. It is necessary and applicable to the Career Technical Education Facilities Project.

2. It meets the requirements for site development costs as outlined in Section 1859.76.

(2) \$3 million per Career Technical Education Facilities Project.

If the district is requesting funding for site development work applicable to the Career Technical Education Facilities Project, the district must submit a detailed cost estimate and appropriate DSA approved plans with the Form SAB 50-10. The cost estimate must include appropriate justification documents that indicate the work is necessary to complete the Career Technical Education Facilities Project and conform to the requirements in Section 1859.76.

Utility service(s) cost shall be prorated, if necessary, for any excess capacity not needed to service the Career Technical Education Facilities Project.

(c) For Modernization of a Career Technical Education Facilities Project, the grant amount shall be the lesser of either (1) or (2):

(1) The sum of the costs uniquely related to facilities required to provide Career Technical Education Facilities Project as determined below:

(A) 50 percent of the cost to modernize or Reconfigure the Career Technical Education Facilities, as determined by the project architect, subject to OPSC review and approval.

(B) 50 percent of the cost to equip the Career Technical Education Facilities with necessary equipment.

(2) \$1.5 million per Career Technical Education Facilities Project.

Reconfiguring an existing school building must not displace a minimum essential facility. In any case involving the replacement of a minimum essential facility due to the reconfiguration of an existing building, the replacement must be part of the plans submitted in support of the Career Technical Education Facilities Application, must occur concurrently, and cannot be part of a SFP Application for new construction.

(d) If an applicant meets the eligibility criteria in Section 1859.192, but does not have the necessary approvals from the DSA and/or the CDE at the time of apportionment, the Board may apportion funds for the Career Technical Education Facilities Project and reserve them for a period of up to twelve months. The grant amount to be reserved for the project will be the maximum funding as determined above in (a), (b), or (c).

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

Reference: Section 17078.72, Education Code.

Section 1859.193.1 Qualifying SFP Project.

For purposes of meeting the requirements in Sections 1859.193(a) or (c), the district may combine a Career Technical Education Facilities Project with any of the following applications in (a) or (b):

- (a) A new construction or modernization funding application that is submitted at the same time as the Career Technical Education Facilities Project application.
- (b) An Approved Application for new construction or modernization funding that has been approved, but has not received a full apportionment (i.e., currently on the workload list) or has been fully funded, if the following criteria are met:
 - (1) For new construction:
 - (A) The plans and specifications for the Career Technical Education Facilities Project were included in the original DSA approved plans and specifications for the Approved Application for new construction funding.
 - (B) The classrooms constructed for the Career Technical Education Facilities Project were not occupied prior to May 20, 2006.
 - (2) For modernization:
 - (A) The plans and specifications for the Career Technical Education Facilities Project were included in the original DSA approved plans and specifications for the Approved Application for modernization funding.
 - (B) The classrooms constructed for the Career Technical Education Facilities Project were not occupied prior to May 20, 2006.
- (c) If the Career Technical Education Facilities Project application is submitted separately, there is no requirement that the Approved Application for new construction or modernization be withdrawn.

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

Reference: Section 17078.72, Education Code.

Section 1859.194 Career Technical Education Facilities Program Matching Share Requirement.

Any funding provided by these regulations shall require an applicant matching share contribution on a dollar-for-dollar basis. ~~The applicant matching share may be provided by private industry groups, a school district, or a joint powers authority.~~ The applicant matching share may come from any source including, but not limited to, private industry groups, school districts, county offices of education, and joint powers authorities.

~~Should the applicant matching share not be immediately available it shall be paid over time through loan repayments authorized by the Board in lieu of the matching share. Determination of available applicant share, if any, may be made by the following:~~

~~If the applicant's available matching share does not equal the grant amount or the matching share is not immediately available, a loan may be made to the applicant. The amount of the loan shall be determined by compliance with (a) below. If the need for a loan is substantiated, it shall be paid over time through loan payments authorized by the Board.~~

- (a) Require the applicant declare any local funds available for applicant contribution from any of the following sources:
 - (1) Developer Fees
 - (2) Certificates of Participation
 - (3) Local General Obligation Bonds, Mello-Roos Bonds and School Facility Improvement District Bonds
 - (4) Contribution from private industry groups or joint powers authority identified in CDE application
 - (5) Any other Capital Facility funding

Upon apportionment, the OPSC will prepare a loan agreement on behalf of the Board for the applicant.

(b) The loan agreement shall stipulate the following:

- (1) The loan term shall be set at ten years with a one-time extension of five years if the applicant is in jeopardy of becoming financially insolvent and becoming subject to the requirements of Assembly Bill (AB) 1200, Chapter 1213, Statutes of 1991 (Eastin).

- (2) The loan agreement shall include interest on the unpaid principal balance at the same rate as that charged by the Pooled Money Investment Board. The interest rate will be set on the date that the project funding apportionment is approved by the Board.
- (3) Interest starts accruing on the fund release date.
- (4) The first payment is due no later than two years from the fund release date.
- (5) Should the district default on the loan payments, the OPSC will initiate collection procedures from the School Fund Apportionment pursuant to Education Code Section 17076.10 (c).

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

Reference: Section 17078.72, Education Code.

Section 1859.195. Career Technical Education Facilities Project Apportionment.

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

- (a) The Board may apportion up to a maximum of ~~\$250~~ \$350 million for applications received in the first Career Technical Education Facilities funding cycle ending October 31, 2007.
 - (1) The amount of \$250 million shall be distributed proportionally to the Service Regions based on the high school enrollment within each Service Region. The proportional distribution of funds shall be determined by the current year enrollment as required by the CDE and as updated annually.
 - (2) If funding requested on qualifying applications exceeds the funds allotted to one or more Service Region, the amount of \$100 million shall be available for apportionment to the highest ranked projects regardless of Service Region.
- (b) The Board may apportion up to the sum of ~~\$250~~ \$150 million plus any funds not apportioned in the first cycle for applications received in the second Career Technical Education Facilities funding cycle ending April 30, 2008.
 - (1) The amount of \$150 million plus any funds remaining from (a)(2) shall be distributed proportionally to each of the Service Regions based on the high school enrollment within each Service Region.
 - (2) Any unused funds distributed under (a)(1) shall be added to the amount determined for each Service Region in (b)(1).
 - (3) The cumulative apportionments in each Service Region may not exceed the amount determined in (1) and (2) except as described in Section 1859.196(b).
- ~~(c) In the first two funding cycles, the available \$250 million shall be distributed proportionally to each of the Service Regions based on the high school enrollment within each Service Region.~~
 - ~~(1) The proportional distribution of funds shall be determined by the current year enrollment as required by the CDE and as updated annually.~~
 - ~~(2) The cumulative apportionments in each Service Region may not exceed the prorated share of the available funds except as described in Section 1859.196(b).~~
- ~~(c)(d) The Board may apportion any or all remaining available Career Technical Education Facilities funds in subsequent cycles, as deemed necessary and practical by the Board.~~

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

Reference: Section 17078.72, Education Code.

Section 1859.196. Career Technical Education Facilities Program Funding Order.

- (a) In the first funding cycle, the Board shall fund eligible Career Technical Education Facilities Projects as follows:

- (1) Approved Applications for Career Technical Education Facilities Project Funding shall be sorted by Service Region.
- (2) Within each Service Region, approved applications will be ranked from highest to lowest according to the numerical score for the applicant's Career Technical Education Facilities Program application plan as determined by the CDE-California Department of Education.
- (3) The locale of each project shall be identified as Urban, Suburban or Rural.
- (4) The Board shall apportion funds within each Service Region to the highest ranked project in each locale. One of each locale must be accounted for before a locale is repeated. If there are no projects in a particular locale, that locale is considered accounted for.
- (5) The process will continue until the applications or funds are exhausted within each Service Region as prorated pursuant to Section 1859.195.
- (6) In the event two or more applications within a Service Region have the same career technical education plan score and are in the same locale, the applicant with the most total points in all weighted areas of the CDE-approved Career Technical Education Facilities Program application will be funded first.
- (b) In the second funding cycle, funds remaining within a Service Region at the end of the first funding cycle will be added to the proportional share of \$250 million in the same Service Region. The Board shall fund eligible Career Technical Education Facilities Projects as described in (a) until the applications or funds are exhausted within each Service Region or until the conditions in (1) and (2) are met:
 - (1) All applications within one or more Service Regions are funded and there are funds remaining in those Service Regions.
 - (2) Qualifying applications in one or more Service Regions are not funded because the requests exceed the funds allotted to the Service Region(s) in Section 1859.195(b).

If (b)(1) and (2) are met in the second funding cycle, the remaining available career technical education facilities funds shall be pooled and apportioned to the highest ranked project in each locale regardless of Service Region. One of each locale must be accounted for before a locale is repeated.

- (c) For the third and any subsequent cycles, the Board shall apportion funds regardless of Service Region.
 - (1) Funds shall be apportioned to the highest ranked project in each locale. One of each locale must be accounted for before a locale is repeated. If there are no projects in a particular locale, that locale is considered accounted for.
 - (2) The process will continue until the applications or funds are exhausted, whichever comes first.
 - (3) In the event two or more applications have the same career technical education plan score and are in the same locale, the applicant with the most total points in all weighted areas of the CDE-approved Career Technical Education Facilities Program application will be funded first.

If a Career Technical Education Facilities Project cannot be fully apportioned because insufficient funding is available, the applicant may either accept the available funding as the full and final apportionment for the project or refuse funding entirely. If funding is refused, the application will be returned to the applicant and the Board shall consider funding the next project eligible for an apportionment based on the above funding priority mechanism. If an applicant refuses funding, the application shall automatically carry over to the subsequent cycle or the applicant may request that the application be returned.

For any Career Technical Education Facilities Project not apportioned under the funding mechanism described above, the application shall automatically carry over to the subsequent cycle or the applicant may request that the application be returned. A Career Technical Education Facilities Project returned to the applicant may be resubmitted during a subsequent application acceptance period identified in Section 1859.191, provided the application meets the eligibility criteria in Section 1859.192.

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

Reference: Section 17078.72, Education Code.

Section 1859.197. Fund Release Process.

The OPSC will release State funds that have been apportioned by the Board pursuant to Sections 1859.195 after submittal by the applicant of the Form SAB 50-05.

- (a) If an apportionment was made for a Career Technical Education Facilities Project, the applicant must submit a Form SAB 50-05 within 18 months of the Apportionment as outlined in Education Code Section 17076.10 or the apportionment shall be rescinded without further Board action.
- (b) If Career Technical Education Facilities funds were reserved for the applicant pursuant to Section 1859.193 (d) of these Regulations, the applicant:
 - (1) Has one year from the date of apportionment to submit the ~~necessary approvals and/or CDE plan approval and DSA-approved~~ plans and specifications, as required, to the OPSC for the Career Technical Education Facilities Project, otherwise the apportionment shall be rescinded without further Board action.
 - (2) Has 18 months from the date the ~~CDE plan approval and DSA-approved plans and specifications, as needed, are necessary approvals and/or plans and specifications were~~ submitted to the OPSC to submit a completed Form SAB 50-05 or the apportionment shall be rescinded without further Board action.
 - ~~(3) Is subject to substantial progress time limit on the apportionment as outlined in Subdivision (b) of Education Code Section 17076.10.~~
- (c) If the applicant requires a loan for the entire matching share requirement pursuant to Section 1859.194(b) of these Regulations:
 - (1) The OPSC will release ten percent of the Career Technical Education Facilities grant to the applicant within 30 calendar days of the apportionment.
 - (2) The applicant has one year from the date of apportionment to submit the ~~necessary approvals and/or CDE plan approval and DSA-approved~~ plans and specifications, as required, to the OPSC for the Career Technical Education Facilities Project, otherwise the apportionment shall be rescinded without further Board action
 - ~~(3) Upon receipt of a complete Career Technical Education Facilities funding application and necessary approvals and/or plans and specifications, the applicant has 18 months to submit a completed Form SAB 50-05 or the apportionment shall be rescinded without further Board action.~~
 - ~~(3) The applicant has 18 months from the date in (c)(2) to submit a completed Form SAB 50-05 or the apportionment shall be rescinded without further Board action.~~
- (d) The applicant is subject to substantial progress time limit on the apportionment as outlined in Subdivision (b) of Education Code Section 17076.10.

~~The district may refile a new application for the project subject to the eligibility requirements at the time of resubmittal.~~

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

Reference: Section 17078.72, Education Code.

Section 1859.198. Time Limit on Apportionment and Substantial Progress

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

Any Career Technical Education Facilities Project funds returned due to projects being rescinded or reduced to cost incurred shall be made available for apportionment in subsequent funding cycles.

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

Reference: Section 17078.72, Education Code.

Section 1859.199. Program Accountability

A project shall be deemed complete when either of the following occurs, whichever occurs first:

- (a) The final notice of completion is filed for the project; or,
- (b) Four years have elapsed from the final fund release for the project.

Projects will be subject to a Program Accountability Expenditure Audit pursuant to Section 1859.106. Any repayments due back to the state as a result of these audits will be subject to the repayment provisions identified in Section 1859.106.1.

An applicant district may not retain savings not needed for a Career Technical Education Facilities Project.

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

Reference: Section 17078.72, Education Code.

DRAFT

Draft Version: January 12, 2007

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

**CALIFORNIA DEPARTMENT OF EDUCATION
APPLICATION GUIDELINES**

Date: _____ (TBA)

DUE DATES:

1st Funding Cycle: No later than 5:00 P.M. Friday, August 3, 2007
2nd Funding Cycle: No later than 5:00 P.M. Friday, February 1, 2008

California Department of Education
1430 N Street
Sacramento, CA 95814

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

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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-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.

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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 11)**
- **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 1-7 (Narrative 10 pages maximum)**
The narrative must include clear descriptions of the Elements beginning on page 8. Please label and specify which Element item is being addressed.
- **Educational Specification and Equipment/Space Requirements Sheet (See Form B on page 12)**
- **Budget Justification/Detail Sheet (See Form C on page 13)**
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.
- Please indicate which question, element or subject is being addressed.

- Original and all copies stapled in upper left corner.
- Do not use binders or folders.
- Submit your original hard copy application document and three copies.
- Include an electronic copy of your application on either a 3.5" floppy disk or CD. The disk or CD will not be returned to the applicant.

DUE DATES:

The original hard copy application document, three copies, and the electronic floppy disk or CD must be received no later than:

1st Funding Cycle: No later than 5:00 P.M. Friday, August 3, 2007

2nd Funding Cycle: No later than 5:00 P.M. Friday, February 1, 2008

Postmarks will not be accepted.

Submit original, three copies, and electronic floppy disk or CD to:

John Gordon

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

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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 (*) on the following pages. The table below 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
Overall Feasibility of the Project (For reviewers only, see note below)	5

Total: 170

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.*

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-validated 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 annual 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 ()

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	Checklist of Required Documentation	
A.	Cover Page (Form A)	
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 ()

Career Technical Education Facilities Program

TIMELINES FOR THE REVIEW AND RELEASE OF GRANT FUNDING

Funding Opportunity Announced and Application Guidelines Released _____, 2007

Workshops for Applicants conducted regionally by OPSC & CDE _____, 2007/8

1st Funding Cycle

- CTEFP applications must be received (not postmarked) by CDE no later than the close of business (5:00 pm), Friday, August 3, 2007.
- CDE will review and score the applications between August 6th and September 26th.
- Scoring results will be mailed to school districts by Thursday, September 27, 2007.
- Any appeals to the CTEFP application score must be received by CDE no later than the close of business (5:00 pm), Tuesday, October 16, 2007.
- Appeals will be reviewed and determined by Tuesday, October 20, 2007.
- All CTEFP funding applications are due to the Office of Public School Construction (OPSC) by Wednesday, October 31st.

Successful Applicants Recommended to SAB:

2nd Funding Cycle

- CTEFP applications must be received (not postmarked) by CDE no later than the close of business (5:00 pm), Friday, February 1, 2008.
- CDE will review and score the application between February 5th and March 26th.
- Scoring results will be mailed to school districts by Thursday, March 27, 2008.
- Any appeals to the CTEFP application score must be received by CDE no later than the close of business (5:00 pm), Tuesday, April 15, 2008.
- Appeals will be reviewed and determined by Tuesday, April 29, 2008.
- All CTEFP eligible funding applications are due to OPSC by Wednesday, April 30, 2008.

Successful Applicants Recommended to SAB:

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:
<p>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.</p>
Signature of Superintendent and Date:

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.

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>DRAFT</p> <p>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:

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

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

FORM E

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



**AB 127, ARTICLE 13
Career Technical Education Facilities Program**

Application Scoring Guide

Application Log Number: _____ Reviewer Number: _____ Date: _____

NOTE TO REVIEWER:

This scoring guide is intended to assist the reviewer to focus on topics highlighted in the Application for Career Technical Education Facilities/Equipment under AB 127, Article 13.

A project must score at least 106 points in order for the project to be considered for funding. Projects must meet eligibility requirements established by the State Allocation Board in order to receive funding.

COVER PAGE – FORM A (5 Points Total)		The Cover page is complete as required	The Cover Page is incomplete
A.	Is the Cover Page part of the application, and does it contain all of the requested information, including all required signatures and certifications? (5 Points)	5 pts.	0 pts.

ELEMENT 1. CAREER TECHNICAL EDUCATION PLAN (50 Points Total)		Circle one:		
<p>Is a complete copy of the CTE Plan, including <u>all</u> of the components described in items A-D of Element 1, attached to the application?</p> <p>Has the CTE Plan been approved by the required partners as specified in AB 127, Article 13, Section 17078.72 (i)(4)? If so, please provide the date: _____</p> <p><i>(Note: If the answer is No to either question, the application shall not be reviewed further and will not be considered for funding.)</i></p>		YES	NO	
		YES	NO	
		Very good explanation with specific supporting detail	Adequate explanation with general supporting detail	Minimal explanation with minimal supporting detail
A*	Description of the Career Technical Education Plan includes the rationale for the CTE modification, reconfiguration, new construction, or equipment? Is the industry sector identified? Is the high-demand labor market for qualified technical employees in this field and region explained? (20 Points)	20-18 pts.	17-11pts.	10-1 pts.
B.	Is the roster of membership, affiliation and contact information of the advisory committee, required pursuant to Education Code Section 8070, included? (5 Points)	5 pts.	4-3 pts.	2-1 pts.
C.	Is there a description of how the school is committed to ensuring that all students are given the opportunity to participate in CTE programs, activities and experiences? (10 Points)	10-9 pts.	8-6 pts.	5-1 pts.
D.	Is there a description of how the CTE program includes the following: Industry-validated certifications, State Board of Education-adopted CTE Standards, a sequence of CTE courses, and career pathways? (15 Points)	15-13 pts.	12-8 pts.	7-1 pts.

ELEMENT 2. PROJECTIONS OF STUDENT ENROLLMENT (25 Points Total)		Very good explanation with specific supporting detail	Adequate explanation with general supporting detail	Minimal explanation with minimal supporting detail
A*	Is there a description of the total number of pupils expected to attend the CTE program that will be supported with these funds and a clear description of the method used to project the student enrollments? (15 Points)	15-13 pts.	12-8 pts.	7-0 pts.
B.	Is there a description of the procedures in place that will ensure the projected student enrollment will be met? Is there a description of the specific role of the guidance and counseling component of the school in the recruitment and enrollment process? (10 Points)	10-9 pts.	8-6 pts.	5-0 pts.

ELEMENT 3. IDENTIFICATION OF FEEDER SCHOOLS AND PARTNERS (15 Points Total)		Roster is comprehensive including an exemplary number of participating stakeholders	Roster is adequate with a representative group of participating stakeholders	Minimal stakeholder involvement is evident in the roster
A*	Is there a roster with affiliations of 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? Is there a description of the geographic proximity of other similar programs to ensure that the project complements CTE offerings in the area? (10 Points)	10-9 pts.	8-6 pts.	5-0 pts.
		Thorough description of similar programs within geographic proximity	Adequate description of similar programs within geographic proximity	Minimal description of similar programs within geographic proximity
	<i>(Second component of Element 3, Item A)</i> Is there a description of the geographic proximity of other similar programs to ensure that the project complements CTE offerings in the area? (5 Points)	5 pts.	4-3 pts.	2-0 pts.

ELEMENT 4. THE ACCOUNTABILITY PLAN (25 Points Total)		Very good explanation with specific supporting detail	Adequate explanation with general supporting detail	Minimal explanation with minimal supporting detail
A*	Is there a description of the school's accountability plan for enrollments and outcomes, including 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 Points)	20-18 pts.	17-11pts.	10-0 pts.
B.	Is there a description of how the school will meet or exceed its obligations pursuant to Education Code Section 51228(b)? (5 Points)	5 pts.	4-3 pts.	2-0 pts.

ELEMENT 5. EDUCATIONAL SPECIFICATION AND EQUIPMENT/SPACE REQUIREMENTS SHEET - FORM B (10 Points Total)		Very good explanation with specific supporting detail	Adequate explanation with general supporting detail	Minimal explanation with minimal supporting detail
A.	Did the applicant 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 Points)	10-9 pts.	8-6 pts.	5-0 pts.

ELEMENT 6. BUDGET JUSTIFICATION/DETAIL SHEET - FORM C (30 Points Total)		YES Rationale and methodology are provided to calculate cost per pupil	NO Rationale and methodology are not provided to calculate cost per pupil	
A*	Is there a description of the estimated capital cost per pupil and the rationale/method used for calculating this number? Is reference made to the CTE Plan where feasible? (15 Points)	15 pts.		0 pts.
		Very good explanation with specific supporting detail	Adequate explanation with general supporting detail	Minimal explanation with minimal supporting detail
B*	Is there a description of the financial participation of industry partners in the construction and equipping of the facility? (15 Points)	15-13 pts.	12-8 pts.	7-0 pts.

ELEMENT 7. UNIQUE CONDITIONS (5 Additional Points Total. The reviewer may award additional points to the total score if unique conditions exist that warrant significant consideration in ranking the application)		Very good explanation with specific supporting detail	Adequate explanation with general supporting detail	Minimal explanation with minimal supporting detail
A.	Did the applicant provide any information on 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 Points)	5 pts.	4-3 pts.	2-0 pts.

OVERALL FEASIBILITY OF THE PROJECT (5 Points Total)		Very good explanation with specific supporting detail	Adequate explanation with general supporting detail	Minimal explanation with minimal supporting detail
A.	The reviewer has the opportunity to judge 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 judgment. The intent of this section is to assess the cohesiveness and viability of the total project. (5 Points)	5 pts.	4-3 pts.	2-0 pts.

* Weighted Items

REVIEWER'S OVERALL ASSESSMENT OF APPLICATION

The intent of this section is to provide the reviewer an opportunity to comment on the application in general:

APPLICATION LOG NUMBER:

SCORES FOR THIS APPLICANT:

Item	Score
Cover Page (Form A) 5 pts.	
Element 1. Career Technical Education Plan 50 pts.	
Element 2. Projections of Student Enrollment 25 pts.	
Element 3. Identification of Feeder Schools and Partners 15 pts.	
Element 4. The Accountability Plan 25 pts.	
Element 5. Educational Specification and Equipment/Space Requirements Sheet (Form B) 10 pts.	
Element 6. Budget Justification/Detail Sheet (Form C) 30 pts.	
Overall Feasibility of the Project 5 pts	
SCORE: <i>(Maximum score for above items is 165)</i>	
Element 7. Unique Conditions <i>(Additional points as determined by the reviewer)</i> 5 pts	
TOTAL ADJUSTED SCORE: <i>(Maximum score is 170)</i>	

(Minimum passing threshold score is 106)

APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 01/07/06/06)

GENERAL INFORMATION

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

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

Requests for funding may be made as follows:

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

- Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
- Site/plan approval letter from the CDE.
- Appraisal of property if requesting site acquisition funds.
- Plans and specifications (P&S) for the project that were approved by the DSA. Submittal of plans may be on CD-ROM or "Zip Drive" readable in AutoCAD 14. The specifications may be provided on a diskette that is IBM compatible.
- Cost estimate of proposed site development, if requesting site development funding.
- If this request is pursuant to Section 1859.77.2 and the district's housing plan is other than those listed in the certification section of this form, a copy of the school board resolution and the approved housing plan.
- If the site apportionment is requested pursuant to Regulation Section 1859.74.5, a cost benefit analysis as prescribed in Regulation Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
- If this is a request for funding under the Small High School Program, pursuant to Regulation Section 1859.93.2, the district must also provide a CDE Small High School academic reform strategy approval.
- If this request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, a justification of how the project relieves overcrowding, including but not limited to, the elimination of the use of Concept 6 calendars, four track year-round calendars, or bussing in excess of 40 minutes.
- [Written confirmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3\(b\), 51228\(b\), and 52236.1.](#)

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

- Form SAB 50-03 (if not previously submitted).
- P&S for the project that were approved by the DSA.
- DSA approval letter for elevator to meet handicapped compliance, if funding is requested.
- Cost estimate of the proposed site development necessary for the Reconfiguration of an existing high school.
- Plan approval letter from the CDE.
- Districtwide enrollment data on Form SAB 50-01 when requesting project assistance (if not previously submitted).
- If the request includes funding for 50 year old permanent buildings pursuant to Section 1859.78.6, a site diagram identifying all buildings to be modernized in the project. The diagram must specify those buildings that are at least 50 years old.
- [Written confirmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3\(b\), 51228\(b\), and 52236.1.](#)

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

If the district is requesting New Construction funding after the initial baseline eligibility was approved by the Board and the district's current CBEDS enrollment reporting year

APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 01/07/06/06)

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

SPECIFIC INSTRUCTIONS

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

1. Type of Application

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

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

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

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

2. Type of Project

- Select the type of project that best represents this application request and enter the total number of pupils assigned to the project for each grade group. Include pupils to be housed in a new or replacement school authorized by

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

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

Section 1859.82 (a). The amount entered cannot exceed the district's baseline eligibility determined on Form SAB 50-03 and will be the basis for the amount of the new construction or modernization grants provided for the project.

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

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

3. Number of Classrooms

Enter the:

- Number of classrooms as shown on the plans and specifications (P&S). If there was demolition at the site, report the net increase in the number of classrooms showing in the P&S.

- Master plan site size, as recommended by the California Department of Education.
- Recommended site size, as determined by the California Department of Education.
- Existing Useable Acres already owned at that location (if any).
- Proposed Useable Acres that was/will be purchased as part of the application (if any).

4. Financial Hardship Request

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

5. New Construction Additional Grant Request

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

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

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

- Enter 50 percent of the amount allowable for hazardous materials/waste removal and/or remediation for the site acquired pursuant to Sections 1859.74.2, 1859.74.3, 1859.74.4, 1859.75.1 or 1859.81.1. If an RA is required, check the box.

- Enter 50 percent of eligible service-site development, off-site development including pedestrian safety paths and utilities costs allowed pursuant to Section 1859.76. If the district is submitting a funding request for new construction under the Small High School Program, enter the 60 percent values. Attach cost estimates of the proposed site development work which shall be supported and justified in the P&S. All cost estimates shall reflect 100 percent of the proposed work.

Check the box if the district is requesting an Additional Grant for General Site Development pursuant to Section 1859.76

- If the district is requesting replacement facilities on the same site, enter the square footage requested as provided in Section 1859.82(a) or (b).
- Enter the square feet of eligible replacement area as provided by Section 1859.73.2.
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.71.3, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.71.3(a)(3).
- Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.71.2.

6. Modernization Additional Grant Request

- Check the box if the district is requesting project assistance allowance pursuant to Section 1859.78.2. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.78.5(a)(3).
- Check the box if the district requests an additional grant for site development utility cost necessary for the modernization of 50 years or older permanent building(s). Enter 60 percent of the eligible costs allowable pursuant to Section 1859.78.7(a).
- Check the box if the district is requesting a Separate Apportionment for Reconfiguration pursuant to Section 1859.78.9. Enter the full value of the Reconfiguration request, not to exceed an aggregate of \$500,000 for all high school entities created.
- Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.78.4.

7. Excessive Cost Hardship Request

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

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

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

**APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM**

SAB 50-04 (REV 01/07/06/06)

8. Project Priority Funding Order

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

9. Prior Approval Under the LPP

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

10. Prior Apportionment Under the SFP

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

11. Preliminary Apportionment to a Final Apportionment

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

12. Alternative Developer Fee

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

13. Adjustment to New Construction Baseline Eligibility

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

- Report all additional classroom(s) provided after the district submitted its request for determination of its new construction baseline eligibility for the grades shown, or indicate N/A if there are none. Refer to Section 1859.51(i).
- If the eligibility for this project was determined on a high school attendance area (HSAA) or Super HSAA pursuant to Section 1859.41, enter the number of pupils by grade level type that were included in the latest report by the CDE pursuant to Education Code Section 42268 that received operational grants in that HSAA or Super HSAA.

14. Pending Reorganization Election

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

15. Joint-Use Facility/Leased Property

Check the box if:

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

16. Project Progress Dates

Complete this section for new construction/modernization projects:

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

17. Labor Compliance Program

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

18. Construction Delivery Method

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

19. Career Technical Education Funds Request

Indicate if Career Technical Education (CTE) funds will be requested for classroom(s) included in the plans and specifications for this project pursuant to Section 1859.193. If "Yes", enter the number of CTE classroom(s) shown on the P&S.

2019. Architect of Record or Licensed Architect Certification

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

2120. Architect of Record or Design Professional Certification

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

2221. Certification

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

**APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM**

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

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

1. Type of Application—Check Only One

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

Separate Apportionment

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

2. Type of Project

- a. Elementary School
- Middle School
- High School

Total Pupils Assigned:

K-6: _____
 7-8: _____
 9-12: _____
 Non-Severe: _____
 Severe: _____

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

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

K-6: _____
 7-8: _____
 9-12: _____
 Non-Severe: _____
 Severe: _____

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

K-6: _____
 7-8: _____
 9-12: _____
 Non-Severe: _____
 Severe: _____

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

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

Is this an Alternative Education School? Yes No

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

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

If yes, enter date of successful bond election: _____

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

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

If yes, enter date of successful bond election: _____

- f. Facility Hardship (no pupils assigned)

3. Number of Classrooms:

Master Plan Acreage Site Size (Useable): _____
 Recommended Site Size (Useable): _____
 Existing Acres (Useable): _____
 Proposed Acres (Useable): _____

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

5. New Construction Additional Grant Request—New Construction Only

- a. Therapy: _____ Toilets (sq. ft.) _____
 Other (sq. ft.) _____

- b. Multilevel Construction (CRS): _____

- c. Project Assistance

- d. Site Acquisition:

Leased Site

Additional Acreage to Existing Site

Addition to Existing Site

(1) 50 percent Actual Cost: \$ _____

(2) 50 percent Appraised Value: \$ _____

(3) 50 percent Relocation Cost: \$ _____

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

(5) 50 percent DTSC Fee: \$ _____

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

Response Action (RA)

- f. Site Development

50 percent Service-Site: \$ _____

50 percent Off-Site: \$ _____

50 percent Utilities: \$ _____

General Site

- g. Facility Hardship Section 1859.82(a) or (b)

Toilet (sq. ft.): _____

Other (sq. ft.): _____

**APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM**

- h. Replacement area
 - Toilet (sq. ft.): _____
 - Other (sq. ft.): _____
- i. Energy Efficiency: _____ %
- j. Automatic Fire Detection/Alarm System
- Automatic Sprinkler System

6. Modernization Additional Grant Request—Modernization Only

- a. Project Assistance
- b. Energy Efficiency: _____ %
- c. Site Development—60 percent utilities: \$ _____
- d. Separate Apportionment for Reconfiguration (for Small High School Program only): \$ _____
- e. Automatic Fire Detection/Alarm System
- Automatic Sprinkler System

7. Excessive Cost Hardship Request

New Construction Only

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

Modernization Only

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

8. Project Priority Funding Order—New Construction Only

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

Project meets:

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

9. Prior Approval Under the LPP

New Construction: 22/ _____
Modernization: 77/ _____

10. Prior Apportionment Under the SFP

Site/Design—New Construction: 50/ _____
Design—Modernization: 57/ _____

11. Preliminary Apportionment to Final Apportionment

Preliminary Apportionment Application Number: # _____

12. Alternative Developer Fee—New Construction Only

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

13. Adjustment to New Construction Baseline Eligibility

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

14. Pending Reorganization Election—New Construction Only

Yes No

15. Joint-Use Facility/Leased Property

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

16. Project Progress Dates

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

17. Labor Compliance Program

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

18. Construction Delivery Method

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

19. Career Technical Education Funds Request

Will CTE Funds be requested for classroom(s) included in the plans and specifications for this project? Yes No
Number of CTE classroom(s): _____

**APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM**

2019. Architect of Record or Licensed Architect Certification

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

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

ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

SIGNATURE

DATE

2120. Architect of Record or Design Professional Certification

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

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

ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

SIGNATURE

DATE

2221. Certification

I certify, as the District Representative, that the information reported on this form, with the exception of items 19 and 20, is true and correct and that:

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

APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

- The district has received the necessary approval of the plans and specifications from the Division of the State Architect unless the request is for a separate site and/or design apportionment; and,
- If the district is requesting site acquisition funds as part of this application, the district has complied with Sections 1859.74 through 1859.75.1 as appropriate; and,
- With the exception of an apportionment made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105); and,
- If the apportionment for this project was made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 12 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105.1); and,
- The district understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Section 1859.90); and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
- The district understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Sections 1859.105, 1859.105.1, 1859.106; and,
- The district has complied with the provisions of Sections 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,
- If the SFP grants will be used for the construction or modernization of school facilities on leased land, the district has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- If the application contains a "Use of New Construction Grant" request, the district has adopted a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board on _____ as specified in Sections 1859.77.2, or 1859.77.3, as appropriate. The district's approved housing plan is as indicated (check all that apply):
 - 1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB and the district must identify the source of the funds. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
 - 2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
- 3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project. [Applicable for Sections 1859.77.2(b) and 1859.77.3(b)]
- If the district requested additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4, the district will include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project; and,
- **If this request is for a Large New Construction Project or a Large Modernization Project,** The district has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and **it has considered** the need for vocational and career technical facilities **is being to** adequately **met meet its program needs** in accordance with Education Code Sections 51224, 51225.3(b), 51228(b) and 52336.1; and,
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the increased costs for the energy efficiency components in the project exceeds the amount of funding otherwise available to the district; and,
- If this application is submitted after January 1, 2004 for modernization funding, the district has considered the potential for the presence of lead-containing materials in the modernization project and will follow all relevant federal, state, and local standards for the management of any identified lead; and
- The district has or will initiate and enforce a Labor Compliance Program that has been approved by the Department of Industrial Relations, pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003; and,
- Beginning with the 2005/2006 fiscal year, the district has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and
- If this application is submitted pursuant to Section 1859.93.2, the district certifies that is has an academic reform strategy scored by the CDE, and is available at the district office for OPSC verification; and,
- If this application is submitted pursuant to Section 1859.93.2, the district certifies the enrollment at the Small High School will not exceed 500 pupils for a minimum of two complete school years after the Occupancy of the last Small High School funded, as outlined in Section 1859.104(e)(2); and,
- If this application is submitted pursuant to Section 1859.78.9, the district certifies the enrollment at the resulting Small High Schools will not exceed 500 pupils for a minimum of two complete school years after the Occupancy of the Small High Schools; and,
- If this application is submitted pursuant to Section 1859.78.9 or Section 1859.93.2, the district certifies that is will meet all reporting requirements as specified in Section 1859.104(e)(1) and/or (2).

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

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

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

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

[For the purposes of completing this form to obtain a fund release for a Final Career Technical Education Facilities Apportionment, a joint powers authority shall be treated as a school district.](#)

DRAFT

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

Part I. Preliminary Apportionment—Design Only

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

Part II. Preliminary Charter School Apportionment

A. Design Only

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

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

B. Separate Site Apportionment

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

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

Part III. Separate Site Apportionment

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

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

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

Part IV. New Construction/Modernization

District/Charter School must be able to check **all both** boxes:

- The district certifies that its applicable matching share has either:
 - been deposited in the County School Facility Fund
 - has already been expended by the district for the project
 - will be expended by the district prior to the Notice of Completion for the project
- The district certifies it has entered into a binding contract(s) for at least 50 percent of the construction included in the plans applicable to the state funded project), and has issued the Notice to Proceed on _____ for that contract signed on _____.
- If the district certified compliance with Education Code Section 17070.955 on its Application for Funding (Form SAB 50-04) and if it was not previously sent with the Form SAB 50-04, then the district must submit written confirmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52236.1.

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

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

Part V. New Construction—Site Acquisition Only

District must be able to check both boxes:

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

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

Part VI. Joint-Use Projects

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

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

**FUND RELEASE AUTHORIZATION
SCHOOL FACILITY PROGRAM**

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

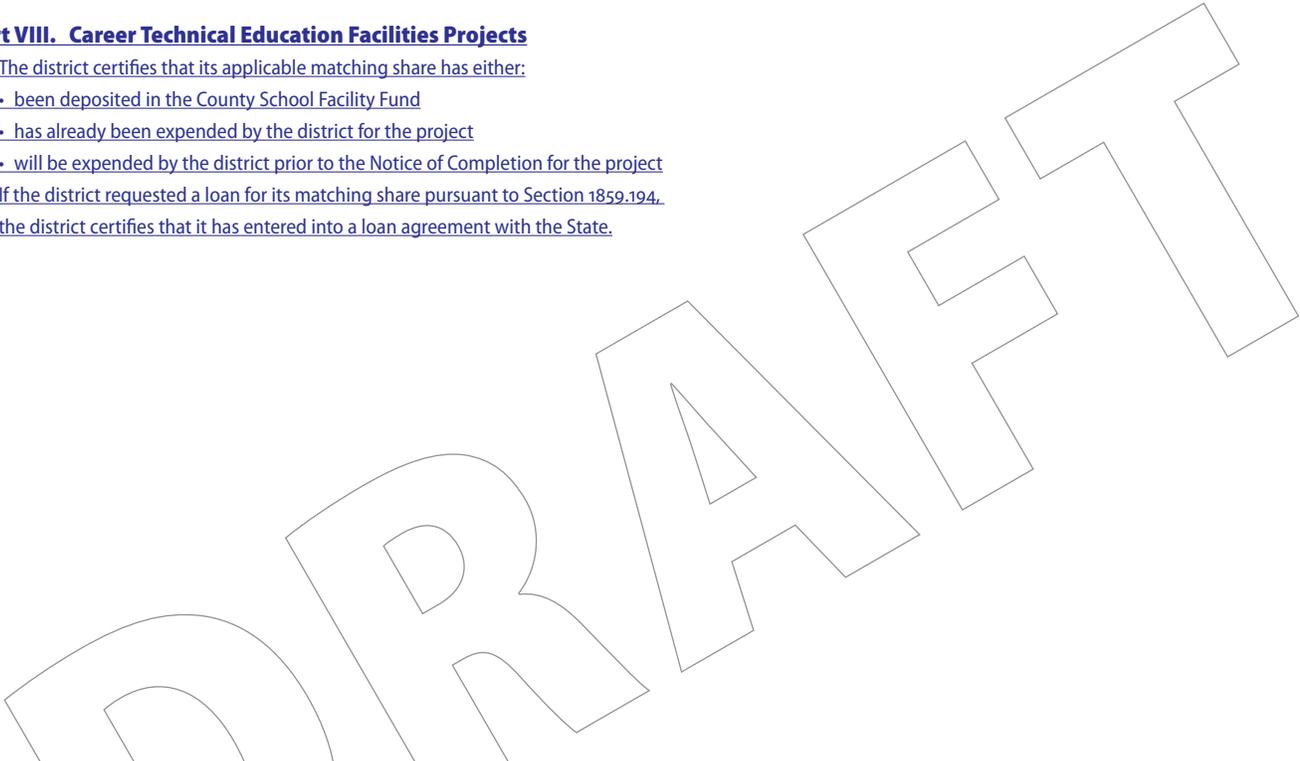
- Available bond funds such as general obligation, or Mello-Roos.
- Available developer fees, proceeds from the sale of surplus property, or federal grants.
- Other funds available (identify)
- Funds already expended by the district for the project.
- Funds already expended by the joint-use partners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

Part ~~IX~~VIII. Identify District's Construction Delivery Method

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

Part VIII. Career Technical Education Facilities Projects

- The district certifies that its applicable matching share has either:
 - been deposited in the County School Facility Fund
 - has already been expended by the district for the project
 - will be expended by the district prior to the Notice of Completion for the project
- If the district requested a loan for its matching share pursuant to Section 1859.194, the district certifies that it has entered into a loan agreement with the State.



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

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

SIGNATURE OF DISTRICT REPRESENTATIVE	DATE
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GENERAL INFORMATION

This form is to be used by a school district/joint powers authority (JPA) to request a Career Technical Education Facilities Program (CTEFP) grant. Requests for funding may be made as follows:

New Construction or Modernization project pursuant to Regulation Section 1859.190. The following documents must be submitted with this form for purposes of this apportionment:

- California Department of Education's (CDE) Career Technical Education (CTE) Plan Approval letter.
- A copy of the submitted CTEFP application that complies with the requirements of Education Code Section 17078.72.

- If applicable, Plan Approval letter from the California Department of Education (CDE).
- If applicable, Plans and Specifications (P&S) for the project that were approved by the Division of the State Architect (DSA). Submittal of plans may be on CD-ROM or "Zip Drive" readable in AutoCAD 14. The specifications may be provided on a diskette that is IBM compatible.
- Cost estimate of proposed site development, if requesting site development funding.
- If requesting a loan, the applicant must attach the completed CTEFP Funding Availability Worksheet.

SPECIFIC INSTRUCTIONS

A Project Tracking Number must be assigned by the applicant for all applications submitted to the OPSC, the DSA, or the CDE. This number may be obtained from the OPSC Web site at www.opsc.dgs.ca.gov or the DSA or the CDE Web sites under "Project Tracking Number Generator."

1. Type of Application

Check the box that indicates the type of CTEFP funding requested. Refer to Section 1859.192 for the eligibility criteria.

2. CTE Industry Sector and Pathway

Enter the name of the Industry Sector and Pathway.

3. Reservation of Funds

Check the box "Yes" if requesting a reservation of funds pursuant to Section 1859.193(d). Otherwise, check the box "No."

4. Loan Request

Check the box "Yes" if requesting a loan pursuant to Section 1859.194. Otherwise, check the box "No."

5. Qualifying SFP Project Application Number

If the request is for a CTEFP Project which will be part of a qualifying SFP project, indicate the SFP application number or the project tracking number of the qualifying SFP project. Enter the number of CTE classrooms specified in CDE's CTE Application. Refer to Section 1859.193.1.

6. CDE Application Overall Score

Enter the score from CDE's CTE plan approval letter for this project. Divide the Overall Score by the Maximum Points Possible and multiply by 100 to get the Overall Score Percentage. (The applicant must have received an adequate score of not less than 60 percent.)

7. CTE Facility Square Footage

Enter the total eligible square footage of the CTE Facility.

8. Eligible Costs

- Enter the construction cost if constructing new or reconfiguring an existing building.
- Enter the equipment cost pursuant to Education Code Section 17078.72(a).
- If the request is for a CTEFP Project which is not a part of a qualifying SFP project, enter 50 percent of the site development costs that meet the requirements of Section 1859.193.

9. Cost Per Square Footage

Enter the cost per square footage by dividing the total eligible costs in Item 8 by the CTE facility square footage noted in Item 7.

10. Project Assistance

Check the box if the district is requesting project assistance pursuant to Section 1859.73.1. This grant is available only to a new construction or modernization CTE project that is not part of a qualifying SFP New Construction or Modernization project.

11. Project Progress Dates

Enter the following project progress dates:

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

12. Priority Order

Enter the funding priority of this application in relation to other applications for Career Technical Education Facilities Funding submitted on the same date.

The school district/JPA named below applies to the State Allocation Board via the Office of Public School Construction for a grant under the provisions of Article 13, Chapter 12.5, Part 10, Division 1, commencing with Section 17078.70, et seq, of the Education Code and the Regulations thereto.

SCHOOL DISTRICT/JOINT POWERS AUTHORITY		APPLICATION NUMBER
SCHOOL NAME		PROJECT TRACKING NUMBER
COUNTY	E-MAIL ADDRESS	HIGH SCHOOL ATTENDANCE AREA (HSAA) (IF APPLICABLE)

1. Type of Application—Check Only One

- New Construction Project—construct new school buildings and/or equipment
- Modernization Project—reconfigure existing school buildings and/or equipment

2. CTE Industry Sector and Pathway:

3. Reservation of Funds:

- Yes No

4. Loan Request:

- Yes No

5. Qualifying SFP Project Application Number

Application Number: # _____

Project Tracking Number: # _____

Number of CTE Classrooms in the CTE Application: _____

6. CDE Application Overall Score:

Maximum Points Possible: _____

Overall Score Percentage: 170 %

7. CTE Facility Square Footage:

8. Eligible Costs

a. Construction: \$ _____

b. Equipment: \$ _____

c. Site Development: \$ _____

Total (a+b+c): \$ _____

9. Cost Per Square Footage:

\$ _____

10. Project Assistance

- CTE Project Only—not part of a qualifying SFP project

11. Project Progress Dates

a. Construction Contract signed on: _____

b. Notice to Proceed issued on: _____

12. Priority Order:

13. Certification

I certify, as the Representative for the School District or JPA, that the information reported on this form is true and correct and that I am the authorized representative of the District or JPA as authorized by the governing board of the district or JPA; and,

- A resolution or other appropriate documentation supporting this application under Article 13, Chapter 12.5, Part 10, Division 1, commencing with Section 17078.70, et. seq., of the Education Code was adopted by the applicant's Governing board on _____; and,
- The district has established a "Restricted Maintenance Account" for the exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Sections 17070.75 and 17070.77 (refer to Sections 1859.100 through 1859.102); if the applicant is a joint powers authority that is not required to establish a "Restricted Maintenance Account" under the provisions of Education Code Section 17070.75, the applicant certifies that it can maintain its facilities with a lesser annual deposit (refer to Section 1859.101); and,
- The matching funds required pursuant to Section 1859.194 has either been received and expended by the district, deposited in the County School Facility Fund or will be received and expended by the district prior to the notice of completion for the project; and,
- The participant has or will receive the necessary approval of the plans and specifications from the Division of the State Architect; and,
- The participant has or will receive the necessary approval of the plans and specifications from the CDE; and,
- The participant has complied with the provisions of Section 1859.76 and that the portion of the project funded by the State does not contain work specifically prohibited in that section; and,
- If the SFP grants will be used for a CTEFP project on school facilities on leased land, the participant has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- The participant has complied with the CTEFP eligibility criteria as outlined in Section 1859.192; and,
- The participant will comply with all laws pertaining to the construction of its CTE school building; and,
- The participant understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Section 1859.197); and,

**APPLICATION FOR CAREER TECHNICAL EDUCATION FACILITIES FUNDING
SCHOOL FACILITY PROGRAM**

- The participant understands that by reserving funds, the applicant must submit the necessary approvals and/or Plans and Specifications within one year of apportionment; otherwise the funds will be rescinded without further Board action (refer to Section 1859.197); and,
- The participant understands that the lack of substantial progress within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.198); and,
- The participant understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Sections 1859.105 and 1859.106, and that the portion of the project funded by the State does not contain work specifically prohibited; and,
- All contracts for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
- The participant has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- If this request is for modernization of CTE facilities, contracts for construction and/or equipment were executed on or after May 20, 2006; and,
- If this request is for new construction projects, the CTE classrooms constructed were not occupied prior to May 20, 2006; and,
- If the applicant is requesting a loan for the matching share, a CTEFP Loan Agreement will be executed pursuant to the requirements in Section 1859.194; and,
- The applicant has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief.

SIGNATURE OF DISTRICT OR JPA REPRESENTATIVE		DATE
NAME OF DISTRICT OR JPA REPRESENTATIVE (PRINT)	TITLE	TELEPHONE

