

STATE ALLOCATION BOARD

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



Date: October 22, 2007

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**, November 2, 2007 from 9:30 a.m. to 3:30 p.m. in the Legislative Office Building located at 1020 "N" Street, Room 100, Sacramento, California.

The Implementation Committee's proposed agenda is as follows:

1. Convene Meeting
2. Joint-Use
Proposed regulation changes

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 Carrie Richter at (916) 445-3159.

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

MAVONNE GARRITY, Chairperson
State Allocation Board Implementation Committee

MG:cr

STATE ALLOCATION BOARD
IMPLEMENTATION COMMITTEE

Pending Items List
November 2, 2007

A. Future Items

- Potential Proposed Amendments to the Financial Hardship Regulations
- Site Sale Proceeds
 - Discussion on proposed regulatory amendments regarding proceeds from the sale of a site funded in whole or part with State funds.*
- Alternative Education Loading Standards and Funding
 - Discussion on the loading standards and adequacy of the funding provided for continuation high, community day, and county community day schools under the School Facility Program.*

STATE ALLOCATION BOARD
IMPLEMENTATION COMMITTEE MEETING
November 2, 2007

SCHOOL FACILITY PROGRAM JOINT-USE PROJECTS

PURPOSE

To discuss proposed regulatory amendments to the School Facility Program (SFP) Joint-Use Program.

BACKGROUND

At the July and August 2007 State Allocation Board (SAB) meetings, the Board requested Staff to develop proposed amendments to the current SFP joint use regulations. The areas of interest being to change the application filing deadline and clarify non-profit organizations as joint-use partners and program requirements related to the use of local bond measure funds.

At the October Implementation Committee meeting, Staff brought forward these areas of interest for discussion along with other suggestions for helping to improve the SFP Joint-Use Program, resulting in the proposed regulations (Attachment A) being presented at today's meeting. For your convenience, the complete Education Code Article authorizing the SFP Joint Use Program has been included as Attachment B.

DISCUSSION

Non-Profit Organizations

Currently, the SFP Regulations provide a definition of "Non-Profit Organization" as an entity that is organized and operated for purposes of not making profit under the provisions of the Revenue and Taxation Code. Incorporating input provided at the October Implementation Committee meeting, Staff is proposing an amendment to SFP Regulation Section 1859.2 *Definitions*, to clarify the type of non-profit organizations that will be acceptable partners for the SFP Joint-Use Program.

In addition to the requirements already contained in regulation, Staff is proposing that the definition of the term "Non-Profit Organization" be expanded to identify non-profit organization joint-use partners providing community programs and some level of funding towards the project or assistance in providing services that will aid in the operations for the joint-use purpose after construction. Providing funding and/or services towards the joint-use project will help to uphold the intent of the Joint-Use Program, which is to create a combined effort between the district and joint-use partner that will benefit the local community where the project is to be constructed.

Application Filing Period

Staff is proposing an amendment to SFP Regulation Section 1859.121 *Joint-Use Project Application Submittals and Apportionments*, to change the annual application deadline from May 31 of each year, to May 1 for 2008 and March 1 thereafter, for SFP joint-use applications that statute requires be presented to the SAB in July of each year. This extended period will provide applicant districts, as well as Staff, a processing timeframe closer to that of a typical application submitted to the Office of Public School Construction (OPSC) while also providing adequate time to mitigate any issues that may arise.

Bond Funds

Staff is proposing an amendment to SFP Regulation Section 1859.127 *Joint-Use Partner(s) Financial Contribution*, that local bond measures approved by the voters must contain an acknowledgement that the proceeds will or may be used for both of the following:

- (1) Joint-use purposes. (The term joint-use must be present in the bond language.)
- (2) The subject projects. (This must be identified by at least one of two ways. Either the specific facility type requested for the SFP joint-use project and/or the specific school site.)

Joint-Use Project Priorities

Staff is proposing an amendment to SFP Regulation Section 1859.126 *Joint-Use Project Funding Priority and Funding Availability*. Within each project type, applications that have significant joint-use partner contributions toward the local match requirement will receive a higher priority than those with limited joint-use partner contribution and/or utilizing local bond funds for the full 25% partner matching share.

For example, if three different school districts have projects with joint-use partner contributions of 50%, 40% and 25% respectively, the application with the 50% contribution will automatically receive a higher priority than the other two. Still no district may receive funding for more than one application before all other districts have at least one approval, in accordance with current regulation. Once this criterion has been met all subsequent applications with the highest joint-use partner contribution will receive a higher priority. In accordance with the law, all Type I applications are funded before any Type II applications may receive funding.

Final DSA/CDE Approved Plans Adjustments

Type II projects that are submitted with preliminary plans have one year from the date of the apportionment to submit final Division of the State Architect and California Department of Education approvals of the plans. Often, when the OPSC receives the final approved plan set, there is a variance in the size of the facility to be constructed. Staff's proposal is to amend Section 1859.129 *Time Limit on Apportionment*, to codify the second review of the project in order to determine if the final approved plans contain any changes that affect the previously authorized apportionment. Should the final review find the apportionment based on the preliminary plans is not supported, possible through either a reduced amount of square footage or a change in the square footage pro-rate; a commensurate decrease to the apportionment will be presented to the SAB.

RECOMMENDATION

Present proposed amendments to the SFP Joint-Use Program Regulations at the December State Allocation Board meeting.

Attachment A

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

Section 1859.2. Definitions.

....
"Non-Profit Organization" means an entity that is organized and operated for purposes of not making a profit under the provisions of the Revenue and Taxation Code, that for the purposes of the Joint-Use Program, the source of funds is independent of the partner school district; has an independence in governance, management and staff with no more than one board member or manager who is also a board member or manager of the school district; and is an entity that operates programs or services for the community at large providing all ongoing operational costs or services associated with the joint-use purpose and/or a minimum of twenty-five percent of the eligible joint-use project facility cost. For the purpose of a Teacher Education facility, the entity must be a higher education institution.
....

"Teacher Education" means courses for credential programs or enhancement courses that are professional growth courses for elementary, secondary, higher education and special education instructors.
....

Article 12. Joint-Use Project Grant Determination

Section 1859.121. Joint-Use Project Application Submittals and Apportionments.

The Board shall accept Approved Applications for Joint-Use Funding on a yearly basis as follows:

- (a) For any funding made available for this purpose by May 31, 2003, applications will be accepted from November 5, 2002 through May 31, 2003. The Board will apportion the funding made available by May 31, 2003 at the July 2003 Board meeting.
- (a) For any additional funding that is made available for this purpose beginning June 1, 2003 and thereafter, the Board will accept applications from June 1 of the prior calendar year through May 31 of the current calendar year for any funding made available for this purpose by May 31 of each year. The Board will apportion the funding made available by May 31 of each year at the following July Board meeting based on the SFP regulations in effect at that time.
- (c) For any funding that is made available for this purpose, the Board will accept applications for the 2007/2008 funding cycle from June 1, 2007 through May 1, 2008. For the 2008/2009 funding cycle the Board will accept applications from May 2, 2008 through March 1, 2009. For the 2009/2010 funding cycle and for all future funding cycles, the Board will accept applications from March 2 of the prior calendar year through March 1 of the current calendar year. The Board will apportion the funding made available based on the SFP regulations in effect at that time.

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

Reference: Sections 17077.40, 17077.42 and 17077.45, Education Code.

Section 1859.122. Type I Joint-Use Program Eligibility Criteria.

A district requesting funding for a Type I Joint-Use Project may submit Form SAB 50-07 to the OPSC if all the following criteria are met:

- (a) The plans and specifications for the Type I Joint-Use Project are included in the plans and specifications for a new school or an addition to an existing public school for which the district has requested SFP new construction funding.
- (b) The Type I Joint-Use Project will be located on the same site where the SFP new construction project is located.
- (c) The Type I Joint-Use Project will increase the square footage and/or Extra Cost for any of the following proposed facilities included in the SFP new construction project:
 - (1) A multipurpose room.
 - (2) A gymnasium.
 - (3) A Childcare facility.
 - (4) A library.
 - (5) A Teacher Education facility.
- (d) At least one of the Joint-Use Partner(s) is an institution of Higher Education, a government agency, or a **Non-Profit Organization**. The Joint-Use Partner(s) may be a county office of education or another district provided the funds contributed by those agencies pursuant to Section 1859.127 are not otherwise available for other SFP projects.
- (e) The district has entered into a Joint-Use Agreement that meets the criteria in Education Code Section 17077.42.
- (f) The district has joint-use square footage eligibility pursuant to Section 1859.124(a) or has demonstrated that it will incur Extra Cost pursuant to Section 1859.125.1.
- (g) The construction contract for the Type I Joint-Use Project was not executed prior to April 29, 2002.
- (h) The plans and specifications for the Type I Joint-Use Project have been approved by the DSA.
- (i) The plans for the Type I Joint-Use project have been approved by the CDE.

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

Reference: Sections 17077.40, 17077.42 and 17077.45, Education Code.

Section 1859.127. Joint-Use Partner(s) Financial Contribution.

A financial contribution towards the cost of the Joint-Use Project equal to the state funding provided by these Regulations is required. The contribution made by the Joint-Use Partner(s) shall be no less than 25 percent of eligible project costs. The remaining local contribution may come from any other district source that would not otherwise be available to the State Allocation Board. If the school district has passed a local bond which specifies that such funds are to be used for the Joint-Use Project, then the school district may opt to provide up to the full 50 percent local share of eligible costs **providing the local bond measure contains an acknowledgement that the proceeds will or may be used for both of the following:**

- (a) Joint-use purposes verified through the term, "joint use" present in the voter approved bond language.**
- (b) The Joint-Use Project identified either by at least one of two ways:**
 - (1) The specific facility type requested and/or**
 - (2) The specific school site.**

Any funding provided by the Joint-Use Partner(s) cannot be funds that would otherwise be available to the district.

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

Reference: Sections 17077.40, 17077.42 and 17077.45, Education Code.

Section 1859.126. Joint-Use Project Funding Priority and Funding Availability.

In each application acceptance period, the Board shall fund eligible Joint-Use Projects as follows:

- (a) Type I Joint-Use Projects in the following order:
 - (1) Those with the highest level of Joint-Use Partner financial contribution. No school district shall receive more than one apportionment until all other applicant school districts with an eligible Type I Joint-Use Project receive at least one apportionment.**
 - ~~(1)~~ **(2) By date order received for the applications the districts have designated as first funding priority.**

~~(2)~~ (3) By date order received for the applications the districts have designated as second funding priority and so on until all Type I Joint-Use Project applications have been apportioned.

(b) Type II Joint-Use Projects in the following order:

(1) Those with the highest level of Joint-Use Partner financial contribution. No school district shall receive more than one apportionment until all other applicant school districts with an eligible Type II Joint-Use Project receive at least one apportionment.

~~(1)~~ (2) By date order received for the applications the districts have designated as first funding priority.

~~(2)~~ (3) By date order received for the applications the districts have designated as second funding priority and so on until all Type II Joint-Use Project applications have been apportioned.

If a Joint-Use Project cannot be fully apportioned because of the funding available, the district may either accept the available funding as the full and final apportionment for the project or refuse funding. If funding is refused, the application will be returned to the district and the Board shall consider funding the next project eligible for an apportionment based on the above funding priority mechanism.

Any Joint-Use Project not considered for an apportionment because of the above funding priority mechanism shall be returned to the district. A district may resubmit a returned Joint-Use Project application during the subsequent application acceptance period identified in Section 1859.121(b), if the application meets the eligibility criteria at the time of re-submittal.

Any funds not apportioned in the application acceptance period identified in Section 1859.121(a) or any Joint-Use Project funds returned due to projects being rescinded or reduced to cost incurred shall be made available for apportionment in the application acceptance period identified in Section 1859.121(b).

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

Reference: Sections 17077.40, 17077.42 and 17077.45, Education Code.

Section 1859.129. Time Limit on Apportionment.

- (a) If the district received an apportionment for a Type I Joint-Use Project or a Type II, part of a qualifying SFP Modernization project, Joint-Use Project, the district is subject to the time limit on the apportionment as outlined in Education Code Section 17076.10.
- (b) If the district received an apportionment for a Type II Joint-Use Project, not part of a qualifying SFP Modernization project, the district:
 - (1) Has one year from the date of that apportionment to submit the plans and specifications to the OPSC for the Joint-Use Project that have been approved by the DSA and the CDE (plans only), otherwise the apportionment will be rescinded without further Board action. If upon review by OPSC the final Division of the State Architect approved plans does not justify the previously authorized apportionment, a commensurate reduction to the apportionment shall be taken to the next available State Allocation Board meeting.
 - (2) Has 18 months from the date the DSA and CDE approved plans were submitted to the OPSC to submit a completed Form SAB 50-05 or the apportionment will 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.

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

Reference: Sections 17076.10, 17077.40, 17077.42 and 17077.45, Education Code.

Attachment A

GENERAL INFORMATION

This form is used by a district to request State funding for a **joint-use** project under the provisions of Education Code Sections 17077.40, 17077.42 and 17077.45.

Requests for funding may be made as follows:

1. A Type I Joint-Use Project pursuant to Section 1859.122. The following documents must be submitted with this form in order for the Office of Public School Construction (OPSC) to accept the application for processing:
 - Joint-use agreement, that complies with the requirements of Education Code Section 17077.42.
 - Plans and Specifications (P&S) for the **j**oint-**u**se **p**roject 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.
 - Plan approval letter for the **j**oint-**u**se **p**roject from the California Department of Education (CDE).
 - A cost estimate to construct the **j**oint-**u**se **p**roject, if the district is requesting Extra Cost funding pursuant to Section 1859.125.1.
 - [If the matching share contribution is provided through a local bond, please provide a copy of the full text of the bond measure pursuant to Section 1859.127.](#)
 - [If the district's Joint-Use Partner\(s\) is a Non-Profit Organization, please provide additional information for the programs and/or services provided within the community such as; advertisements, mission statement, organization overview, program/services list, publications, and other informational documents.](#)
2. A Type II Joint-Use Project pursuant to Section 1859.122.1 or 1859.122.2. The following documents must be submitted with this form in order for the OPSC to accept the application for processing:
 - Joint-use **A**greement, that complies with the requirements of Education Code Section 17077.42.
 - P&S for the **j**oint-**u**se **p**roject approved by the DSA if the **j**oint-**u**se **p**roject will be part of a qualifying School Facility Program (SFP) Modernization project, or preliminary plans if the **j**oint-**u**se **p**roject will not be part of a qualifying SFP Modernization project. 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.
 - Plan approval letter from the CDE.
 - [If the matching share contribution is provided through a local bond, please provide a copy of the full text of the bond measure pursuant to Section 1859.127.](#)
 - [If the district's Joint-Use Partner\(s\) is a Non-Profit Organization, please provide additional information for the programs and/or services provided within the community such as; advertisements, mission statement, organization overview, program/services list, publications, and other informational documents.](#)

SPECIFIC INSTRUCTIONS

[The district must provide the school name and physical address of the location for the Joint-Use Project.](#) 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 which assists those agencies to track a particular project through the entire **s**tate 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 box that indicates the type of **j**oint-**u**se **p**roject funding requested. Refer to Sections 1859.122, 1859.122.1 and 1859.122.2 for eligibility criteria.

2. Pupils Served

Check the box that indicates the highest pupil grade level that is or will be served by the **j**oint-**u**se **p**roject. If the **j**oint-**u**se **p**roject will serve more than one school site, the CDE shall determine the highest pupil grade level to be served by the **j**oint-**u**se **p**roject.

3. Qualifying SFP Project Application Number

If the request is for a Type I or II Joint-Use Project which will be part of a qualifying SFP project, indicate the SFP application number or the **project tracking number** **PTN** of the qualifying SFP project. Refer to Section 1859.123 and/or 1859.123.1.

4. Joint-Use Facility Square Footage

Enter the square footage of the non-toilet area, toilet area and total area of the joint-use facility.

5. Eligible Square Footage

Enter the eligible square footage of the **j**oint-**u**se **p**roject as determined by Section 1859.124.

6. Type I Joint-Use Project Extra Cost

If the request is for Extra Cost for a Type I Joint-Use Project, report: 50 percent of the estimated cost to construct the square footage in the **j**oint-**u**se **p**roject.

7. Site Development Cost

Enter 50 percent of service site development and utilities that meet the requirements of Sections 1859.125(a)(3) or 1859.125.1(a)(1)(B).

8. Project Assistance

Check the box if the district is requesting project assistance pursuant to Section 1859.73.1. This project assistance is available only for Type II Joint-Use Projects, not part of a qualifying SFP Modernization project.

9. Excessive Cost Hardship

Check the box(es) if the district qualifies and is requesting Excessive Cost Hardship funding for:

- (a) Geographic Percent Factor. Enter the percentage factor shown in the Geographic Percentage Chart for the location of the project. Refer to Section 1859.83(a).

APPLICATION FOR JOINT-USE FUNDING SCHOOL FACILITY PROGRAM

SAB 50-07 (REV ~~01/05~~11/07)

(b) Small Size Project. If the request is for a Type I or II Joint-Use Project, which will be part of a qualifying SFP project, check the box and enter the pupils assigned to the qualifying SFP project pursuant to Section 1859.123 and/or 1859.123.1. If request is for Type II Joint-Use Project, and will not be part of a qualifying SFP Modernization project, just check the box.

(c) Urban location, enter the:

- Existing Useable Acres, if the qualifying SFP New Construction project pursuant to Section 1859.123 is an addition to an existing school.
- The proposed Useable Acres that was/will be purchased as part of the qualifying SFP New Construction project pursuant to Section 1859.123.
- Master plan acreage size as recommended by the CDE.

10. District Project Priority

Enter the funding priority order of this application in relation to other district joint-use projects submitted to the OPSC on the same date. If the applications are not received on the same date, the OPSC will assign a higher district funding priority to that district application received first.

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 to Proceed for the construction phase of the project, or enter N/A if a Notice to Proceed has not been issued.

12. Labor Compliance Program

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

13. Matching Share

Indicate the percentage each party will contribute towards the matching share.

- (a) Indicate the percentage of matching share contribution the joint-use partner(s) will provide.
- (b) Indicate the percentage of matching share contribution the district will provide. If the district will provide more than 25 percent of the matching share, then the district must provide a copy of the bond which specifies that the monies from the bond are to be used to fund the joint-use project.

14. Joint-Use Partner(s)

- (a) Indicate the name of the Joint-Use Partner(s). Attach an additional sheet if needed.
- (b) Check the appropriate box for the type of entity that describes the Joint-Use Partner(s).

15. Certification

The district representative must complete this section.

**APPLICATION FOR JOINT-USE FUNDING
SCHOOL FACILITY PROGRAM**

The school district named below applies to the State Allocation Board via the Office of Public School Construction for a Joint-Use Project Grant(s) under the provisions of Chapter 12.5, Part 10, Division 1, Article 10.6, commencing with Section 17077.40, et seq., of the Education Code and the Regulations thereto.

SCHOOL DISTRICT	COUNTY	APPLICATION NUMBER
SCHOOL NAME		PROJECT TRACKING NUMBER
COUNTY SCHOOL ADDRESS	CITY	ZIP CODE

1. Type of Application—Check Only One

- Type I Joint-Use Project
- Type II Joint-Use Project—reconfigure existing school buildings
- Type II Joint-Use Project—construct new school buildings

2. Pupils Served—Check Only One

- Elementary School
- Middle School
- High School

3. Qualifying SFP Project Application Number

Application Number: # _____

Project Tracking Number: # _____

4. Joint-Use Facility Square Footage

Non-Toilet Facilities (sq. ft.): _____

Toilet Facilities (sq. ft.): _____

Total Joint-Use Facilities (sq. ft.): _____

5. Eligible Square Footage

6. Type I Joint-Use Project Extra Cost

Fifty percent of Construction Cost: \$ _____

7. Site Development Cost

Fifty percent of Service Site: \$ _____

Fifty percent of Utilities: \$ _____

8. Project Assistance

- Type II Joint-Use Project only—not part of a qualifying SFP Modernization project

9. Excessive Cost Hardship

- a. Geographic Percent Factor: _____ %
- b. Small Size Project (Pupils): _____
- c. Urban
 - Existing Acres (Useable): _____
 - Proposed Acres (Useable): _____
 - CDE Master Plan: _____

10. District Project Priority

Priority order of this joint-use project application in relation to other joint-use project applications submitted by the district at the same time. # _____

11. Project Progress Dates

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

12. 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

13. Matching Share

- a. Joint-Use Partner(s) contribution: _____ %
- b. District contribution: _____ %

14. Joint-Use Partner(s)

- a. Joint-Use Partner(s): _____
- b. Type: Governmental Agency
 Institution of Higher Education
 Non-Profit Organization

**APPLICATION FOR JOINT-USE FUNDING
SCHOOL FACILITY PROGRAM**

1415. CERTIFICATION

I certify, as the District Representative, that the information reported on this form is true and correct and that I am the 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, Article 10.6, commencing with Section 17077.40, et. seq., of the Education Code was adopted by the School District's Governing Board 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 Sections 17070.75 and 17070.77 (Refer to Sections 1859.100 through 1859.102); and,
- The district will comply with all laws pertaining to the construction of its school building; and,
- All contracts entered into 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 the request is for a Type I or II Joint-Use Project, which is part of a qualifying SFP project, the district has received approval of the plans from the CDE and approval of the P&S from the DSA; and,
- If this request is for a Type II Joint-Use Project, and is not part of a qualifying SFP Modernization project, the district has completed the preliminary plans for the project and has received preliminary approval of the plans from the CDE; 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 joint-use partners' financial contribution for the project required pursuant to Section 1859.127 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 district understands that the lack of substantial progress toward increasing the pupil capacity 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 request is for a Type I or II Joint-Use Project, which is part of a qualifying SFP Modernization project, 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,

- If the request is for a Type II Joint-Use Project, and is not part of a qualifying SFP Modernization project, the district understands that funds not released within 18 months from the date the DSA approved P&S are submitted to the OPSC, the 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,
- 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 and 1859.106; and,
- The district 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 joint-use project grant will be used for the construction 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,
- The district has complied with the applicable Joint-Use Program Eligibility Criteria outlined in Sections 1859.122, 1859.122.1 and 1859.122.2 as appropriate; 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 Proposition 47 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003; and,
- If the joint-use project will serve more than one school site, the CDE has determined the highest grade level that will be served by the joint-use project; 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.

SIGNATURE OF DISTRICT REPRESENTATIVE	DATE
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Attachment B

17077.40. (a) With funds made available for the purposes of this article, the board may provide a grant to fund joint-use projects to construct facilities on kindergarten to grade 12, inclusive, schoolsites.

(b) A school district may apply to the board for funding under this article for a project that meets any of the following criteria:

(1) The joint-use project is part of an application for new construction funding under this chapter, and will increase the size or extra cost associated with the joint use of the proposed multipurpose room, gymnasium, child care facility, library, or teacher education facility beyond that necessary for school use.

(2) The joint-use project proposes to either reconfigure existing school buildings or construct new school buildings, or both, to provide for a multipurpose room, a gymnasium, a library, a child care facility, or a teacher education facility and the project will be located at a school that does not have the type of facility for which funds are requested or the existing facility is inadequate.

(3) The joint-use project proposes to either reconfigure existing school buildings or construct new school buildings, or both, to provide for facilities to improve pupil academic achievement, and the plans for the facility were accepted for review and approval by the department prior to January 1, 2004.

17077.42. In order to be approved for a grant under this article, the applicant district shall demonstrate that it has complied with all of the following:

(a) The school district has entered into a joint-use agreement with a governmental agency, public community college, public college or public university, or a nonprofit organization approved by the board.

(b) The joint-use agreement specifies the method of sharing capital and operating costs, specifies relative responsibilities for the operation and staffing of the facility, and specifies the manner in which the safety of the pupils will be ensured.

(c) The joint-use agreement specifies the amount of the contribution to be made by the school district and the joint-use partner toward the 50 percent local share of eligible project costs. The contribution made by a joint-use partner shall be no less than 25 percent of eligible project costs, unless the school district has passed a local bond which specifies that such funds are to be used for the joint-use project, in which case the school district may opt to provide up to the full 50 percent local share of eligible costs.

(d) The school district demonstrates that the facility will be used to the maximum extent possible for both school and community purposes, or both school and higher education purposes, as applicable.

(e) (1) The project application qualifies for funding under paragraph (1) of subdivision (b) of Section 17077.40 and the school district has received all approvals necessary for apportionment under this chapter.

(2) The project qualifies for funding under paragraph (2) or (3) of subdivision (b) of Section 17077.40 and the school district has completed preliminary plans for the project and has received State Department of Education approval of the plans.

17077.45. (a) The board shall establish standards for determining the amount of the supplemental grant funding to be made available for each project under this article.

(1) For a project application qualifying for funding under paragraph (1) of subdivision (b) of Section 17077.40, the supplemental grant shall be in the form of an adjustment to the per-pupil eligibility of the project. This per-pupil eligibility adjustment shall be calculated to cover costs associated with the project that are uniquely related to the joint-use nature of the project, including, but not limited to, any increased costs associated with planning the joint-use aspect of the project.

(2) For a project application qualifying under paragraph (2) or (3) of subdivision (b) of Section 17077.40, the supplemental grant may be provided without regard to the existence of per-pupil eligibility pursuant to this chapter, and may be expressed on a per-square-foot cost basis, on a per-pupil cost basis, or on a per-project cost basis.

(b) Notwithstanding any other provision of this chapter, project costs may exceed the board's standards established pursuant to subdivision (a) only if the excess is paid completely by local or joint-use partner sources.

(c) On July 1 of each year the board shall apportion to qualifying applicant school districts those funds that it determines are available for the purpose of this article. The board shall not release funds to a qualifying applicant until the project plans have received all approval required pursuant to this chapter, including, but not limited to, the approval of the Division of the State Architect. If the project does not receive all necessary plan approvals within one year of the date of the apportionment, the board shall rescind the apportionment.

(d) If the total funding for the purposes of this article is not sufficient to fund all of the joint-use projects for funding under this article, the board shall first fund projects eligible under paragraphs (1), (2), and (3) of subdivision (b) of Section 17077.40 in that order. The board may establish other priority standards within that order, as necessary.

(e) Except as expressly provided in this article, projects funded pursuant to this article shall comply with all other requirements of this chapter, except for Article 11 (commencing with Section 17078.10), which shall apply only to projects under this article if they also qualify for funding under Article 11 (commencing with Section 17078.10).