

ADVISORY ACTIONS

ISSUE NO. 05

For SAB meeting held on
December 6, 2006

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opsc reminders

State Allocation Board Meetings*

- » January 24, 2007
- » February 28, 2007

Implementation Committee Meetings*

- » January 5, 2007
- » February 2, 2007

School Facilities Needs Assessment Grant Program

- » Submittal of Expenditure Report (Form SAB 61-02) required by January 1, 2007.

Interest Earned Report (Form SAB 180)

- » Due quarterly (March 31, June 30, September 30 and December 31) from each county for all districts that earned interest from the Leroy F. Greene Lease-Purchase Program.

SFP Joint-Use Program:

- » Application submitted by: May 31, 2007
- » Target SAB date: July 25, 2007

Deferred Maintenance Program (DMP):

- » Application submitted by: June 30, 2007
- » Target SAB date: December 2007

Annual Unused Sites Reporting

- » Certification of Unused Sites (Form SAB 423) due June 30, 2007
- » Modification of Unused Site Status (Form SAB 424) for each site with a modification due June 30, 2007

Reports Due On September 1, 2007

- » Community School Facilities Report (Form SAB 406C)
- » Expelled Pupils Facilities Report (Form SAB 406E)

* For the latest meeting dates, times and locations, check the OPSC Web site.



from the desk of
Luisa Park, Executive Officer

California voters have done it once again! Over the past three decades, construction school bonds have been supported by California's constituents. The success of Proposition 1D has allowed an additional \$7.329 billion in funds to be available for the State's K-12 school construction projects.

More great bond news is that funds are now available to apportion all of your previously approved but unfunded modernization projects. It is anticipated that these projects will be presented for apportionment at the January 24, 2007 SAB meeting. These projects will also see a higher per pupil base grant as the annual construction cost index will be applied.

In addition, the passage of Proposition 1D allows for all of the provisions included in Assembly Bill 127 to be operative, including an increase to the new construction base per pupil grant. Districts with new construction projects apportioned since July 1, 2006, will benefit from this grant increase with the exception of projects that were fully funded prior to July 1, 2006, that subsequently received the general site development grant after July 1st. The increases to your project apportionments are also anticipated to be presented to the January 2007 SAB meeting.

What a way to start a new year! We look forward to the continued pleasure of assisting you in meeting your school construction needs for years to come.

2006-2007 CBEDS Updates

By Lauri Lathrop-Ganas, OPSC Project Manager

It's that time of year again... and districts are busy gathering the enrollment data required for yearly California Basic Educational Data System (CBEDS) reports to be submitted to the California Department of Education (CDE) each October. Once a district submits its CBEDS information to the CDE, this data is used to update its eligibility prior to submittal of a School Facilities Program (SFP) funding application for new construction, pursuant to Regulation Sections 1859.51(e) and 1859.61(c). The Office of Public School Construction (OPSC) will only accept SFP funding applications after November 1st based on the current year CBEDS data.

What is the Process?

The process is a simple matter of completing an Enrollment Certification/Projection Form SAB 50-01, utilizing the latest CBEDS enrollment information for the current fiscal year. By doing so, districts pave the way for future new construction funding projects. The current CBEDS information, as well as the district's Special Day Class (SDC) enrollment and classroom distribution, is required prior to processing of any funding applications. For the district's convenience, the Form SAB 50-01 is available on the OPSC Web site www.dgs.ca.gov/opsc. Look to the left of the screen and click SAB Forms then scroll down to the combined Excel Worksheets SAB 50-01, 50-02 & 50-03, right click your mouse and click Save Target As... and save it to your file. Then close the OPSC program and go into your saved file to input your data. The worksheet automatically performs the calculations for you. So, be ahead of the game and submit your updated Form SAB 50-01 to the OPSC, and we will process your district's current CBEDS information into our Eligibility Program database. Your future projects depend on it!

What if I am a Small School District?

Small school districts experiencing a decline in enrollment are eligible for a three-year exemption to the CBEDS reporting requirement. Those districts would only be required to report the distribution of its SDC enrollment and classrooms, if they had not previously submitted this information.

Need Assistance?

If you need assistance completing the Form SAB 50-01 or have any questions regarding your SFP eligibility, please contact your OPSC Project Manager.

Deferred Maintenance Program Annual Apportionment

by Bill Johnstone, OPSC Project Manager

On December 6, 2006, the State Allocation Board (SAB) approved the 2005/2006 fiscal year funding for the Deferred Maintenance Program (DMP).

Over one thousand school districts shared approximately \$283 million in State DMP funding provided primarily by the Governor's Budget and other funding sources, to perform major maintenance work on school facilities. Of the approximately \$283 million available for the DMP, the SAB set aside over \$16 million for Extreme Hardship projects. This funding year, districts received 97.88 percent of the Maximum Basic apportionment allowed. There were 45 schools that received Extreme Hardship apportionments.

The following chart provides a summary of available State funding:

Deferred Maintenance Program Funds

TYPE OF REQUEST	VALUE OF REQUESTS	STATE FUNDS AVAILABLE	STATE APPORTIONMENT
Basic	\$271,819,316	\$266,091,392	\$266,086,771
Extreme Hardship	16,566,821	16,755,712	16,566,821
Total	\$288,386,137	\$282,847,104	\$282,653,592

How does the district receive their Basic Apportionment funds?

The district's County Office of Education (COE) must certify to the Office of Public School Construction (OPSC) by February 5, 2007, that school districts within their county and the COE have deposited the required matching funds into their District Deferred Maintenance Fund (DDMF). The Certification of Deposits, Form SAB 40-21, should be mailed to the following address:

**Office of Public School Construction
Attention: Accounting Unit
1130 K Street, Suite 400
Sacramento, CA 95814**

What happens if our district does not deposit the required amount?

If a district; 1) does not deposit their Maximum Basic grant or, 2) deposits a portion of their Maximum Basic Grant (which the State will match on a dollar for dollar basis) or, 3) if the Certification of Deposits is not received by the deadline, the Basic grant or a portion of the Basic grant not deposited will be rescinded at the next available SAB meeting after February 5, 2007. Under any of these circumstances, the district will need to submit a report to the Legislature by March 1, 2007. Please refer to Education Code Section 17584.1 for the requirements of the report. Also, it is important to note that school districts with schools eligible to participate in the Emergency Repair Program must deposit an amount equal to the maximum basic grant to be eligible to receive funding from that program pursuant to the Emergency Repair Program Regulation Section 1859.328.

Our district received an Extreme Hardship apportionment, what's next?

The district is encouraged to proceed with the project immediately in order to ensure the health and safety of students and staff, and to prevent further damage to the facilities. Please keep in mind that the project must comply with all applicable laws and all work must be bid in accordance with the Public Contract Code. Additionally, all contracts must comply with the related Education Codes, Government Codes, California Code of Regulations (Title 24), and any local legal requirements.

How does a district receive Extreme Hardship funds?

A district has up to one year from the date of the apportionment to complete their extreme hardship project and to request a fund release. However, if the district has not requested a fund release within six months of the date of apportionment, the district is required to submit a progress report to the OPSC. To request a fund release, complete a Fund Release Authorization, Form SAB 40-23, attach the supporting documentation listed on the form, and submit to the OPSC. All DMP forms are available from OPSC's Web site at www.dgs.ca.gov/opsc.

For additional information about the DMP, please contact Bill Johnstone, Project Manager, at 916.323.8176 or Jan Moss, Project Manager, at 916.327.0569. Should you have questions regarding fiscal requirements, please contact Darlene Ramos, OPSC Auditor, at 916.445.8041.

Repayment Schedule for Amounts Due to the State

By Darlene Ramos, OPSC Auditor

Recently, the State Allocation Board (SAB) was presented with a situation that required a school district to return funds to the State which would place the school district in financial distress if all the funds had to be returned to the State within 60 days as required by the Education Code Section 17076.10(c). To assist the district in meeting their financial commitment and avoid possible financial distress, in May 2006, Staff presented emergency regulatory amendments to the SAB that established criteria for repaying amounts due to the State. However, the Office of Administrative Law (OAL) was unable to approve the proposed amendments without changes to current law. In September 2006, the Governor signed into law Assembly Bill 607, Chapter 704, Statutes of 2006, which will be effective January 1, 2007 and will provide the SAB the authority to establish repayment plans of up to five years

for those school districts that are in severe financial distress. At the October 25, 2006 SAB meeting, the OPSC presented regulations that defined the criteria by which a school district would qualify for a repayment schedule. To qualify, a school district must be in a severe hardship condition as evidenced by at least one of the following criteria:

- » The district is listed on the current California Department of Education (CDE) List of Negative or Qualified Certifications of School Districts and County Offices of Education (COE).
- » The amount due to the State for one or more projects would cause the district to be listed on the CDE List of Negative and Qualified Certifications of School Districts and COEs current report.

The repayment regulations presented at the October 25, 2006 SAB meeting will be filed with OAL on an emergency basis. If you have any questions regarding these regulations, please contact your OPSC Project Manager.

2006 Legislative Summary

The 2006 legislative year brought us numerous bills related to school facilities. The following table is an overview of the most significant chaptered bills which impact the programs administered by the State Allocation Board (SAB) and State program participants. It is by no means a comprehensive study of the bills' ramifications and program implications. Deeper scrutiny and program-specific evaluation is underway. As information develops, we will communicate the various ways in which the following legislation may affect your school district with regard to the SAB and Office of Public School Construction (OPSC) programs.

BILL	SUMMARY	PRELIMINARY COMMENTS
AB 127 (Nunez and Perata) Chapter 35	<p>Kindergarten-University Public Education Facilities Bond Act of 2006</p> <p>This bill enacts the Kindergarten-University Public Education Facilities Bond Act of 2006 that was approved by the voters on Election Day. This bill makes changes to and provides funding for existing programs and enacts funding provisions for seismic mitigation of the most vulnerable school facilities, as identified by school districts using criteria developed by the Division of State Architect; career technical education facilities; high performance incentive grants; and overcrowding relief for school sites with excessive inventories of portable buildings.</p>	<p>The OPSC has begun the implementation of the various provisions of AB 127. The SAB has approved regulations for the following provisions:</p> <ul style="list-style-type: none"> • High Performance School Incentive Grant • Small High School Program • Charter Schools Facilities Program • Increase to the New Construction Grant <p>The OPSC is developing regulation proposals for the following provisions:</p> <ul style="list-style-type: none"> • Seismic Mitigation • Career Technical Education Facilities Program • Overcrowding Relief Grant
AB 607 (Goldberg) Chapter 704	<p>School Facilities Emergency Repair Account</p> <ol style="list-style-type: none"> 1. This bill allows school districts to seek grant funding for the Emergency Repair Program projects in addition to the existing reimbursement provisions. The bill requires the SAB to establish a process for schools to apply for grants and to provide certification of the completion of projects. 2. The bill provides a permanent narrative definition of good repair for school facilities and requires the OPSC to develop a permanent facility inspection and evaluation instrument which, by July 1, 2007, shall include a system that will evaluate each facility and provide an overall summary of the conditions at each school. 3. For the School Facility Program (SFP), the bill requires the SAB to approve a plan of equal annual payments for up to five years if the SAB determines that repayment of full liability within 60 days after an SAB's action would create a financial hardship for the school district. 	<p>This bill will allow districts that have schools that qualify for the ERP to receive ERP grants prior to the emergency project's completion. The OPSC has begun the implementation of the bill including a grant application process and revisions to the Interim Evaluation Instrument, which serves as the current definition of good repair. Please refer to the OPSC Web site for further details.</p>
AB 1482 (Canciamilla) Chapter 213	<p>School District Bonds</p> <p>This bill requires a school district governing board, prior to selling bonds, to adopt a resolution as an agenda item at a public meeting that expresses approval of the method of sale. After the sale of the bonds, the governing board is required to be presented with the actual cost information, to disclose that information at its next scheduled public meeting, and to submit an itemized summary of the costs of the bond sale to the California Debt and Investment Advisory Commission (CDIAC). The bill requires the governing board to ensure that all necessary information and reports regarding the sale or planned sale of bonds are submitted to the CDIAC.</p>	<p>While this bill does not specifically impact OPSC programs, it does impact bond sale requirements for districts.</p>
AB 2419 (Wyland) Chapter 778	<p>School Facilities: New Construction & Modernization: Career Technical Education Facilities</p> <p>The career technical advisory committee of a district must provide written confirmation that the need for vocational and career technical facilities is being adequately met within the district whenever the district applies for SFP new construction or modernization funding.</p>	<p>School districts will now be required to insure that career vocational facilities are adequately represented whenever a district applies for new construction or modernization funding. Discussion on this bill is anticipated to take place at the January Implementation Committee meeting.</p>

2006 Legislative Summary...

BILL	SUMMARY	PRELIMINARY COMMENTS
AB 2947 (Goldberg) Chapter 585	School Building Capacity: Special Education Program Transfers The existing school building capacity calculation used to determine new construction eligibility must be adjusted when there is a transfer of special education programs between a school district and a County Office of Education (COE).	This bill ensures that SFP new construction baseline eligibility is adjusted for special education pupil enrollment and facilities when districts and COE's transfer special education programs. Additionally, districts may be required to remit specified funds to the State when they receive facilities from a COE that received financial hardship assistance for the construction of the facilities.
AB 2951 (Goldberg) Chapter 866	Capital Facilities Fees Public agencies that provide public utility services are authorized to charge public agencies rates, charges, surcharges, or fees on the same basis as comparable nonpublic users, except for "capital facilities fees," which a public agency utility must negotiate with schools, public higher education, and state agencies.	
SB 1324 (Lowenthal) Chapter 308	Relocatable Buildings Existing law allows owned or leased relocatable buildings that do not meet the requirements of the Field Act, but were allowed to be used for classroom purposes before May 1, 2000, to be used as a school building until September 30, 2007. This bill authorizes the use of those relocatables until September 30, 2015. The relocatable building must be anchored to the ground to resist earthquake and wind loads.	Relocatable buildings used before May 2000 may continue to be used until September 2015 provided certain safety provisions are met.
SB 1415 (Scott) Chapter 810	Use of Proceeds from the Sale of Surplus School Property The bill increases from 5 to 10 years the time period following the sale (or lease with option to purchase) for which the school board and the SAB are required to determine that the district has no anticipated need for additional sites or building construction should the proceeds from the sale (or lease with option to purchase) of surplus property be deposited in the general fund. The district may apply for new construction or modernization funding if both of the following are met: 1) 5 years have elapsed since the date upon which the sale (or lease with option to purchase) was executed, and 2) the SAB determines that the district has demonstrated enrollment growth or a need for additional sites or building construction.	As required by the bill, the OPSC, in consultation with CDE, will develop regulations that govern the use of proceeds for one-time expenditures and define ongoing expenditures for the purposes of this new provision.
SB 1814 (Torlakson) Chapter 882	School Facilities and the California Environmental Quality Act This bill includes, as a project for which a master environmental impact report may be prepared, a plan for district projects to be undertaken by a school district, that also complies with applicable school facility requirements.	This bill provides an additional option for school districts that undertake projects that require the preparation of an environmental impact report.

Please stay tuned! We would like to encourage you to take an active role in the changes being made to the various programs administered by our office. The best way would be to attend the SAB Implementation Committee meetings that are held monthly in Sacramento and which are open to the public. The committee is an informal body comprised of various State agencies and school facility organizations that provides input on policy and legislation implementation.

Visit our Web site at www.opsc.dgs.ca.gov for information on upcoming agenda items and meeting dates and locations.

AS OF DECEMBER 6, 2006

Proposition Funds Put to Work

PROGRAM	BOND ALLOCATION	APPORTIONED	RELEASED/CONTRACTED
PROPOSITION 55			
New Construction	\$ 4,960,000,000	\$ 2,867,360,310	\$ 2,349,779,837
Modernization	2,250,000,000	2,231,210,331	1,940,624,524
Charter School	300,000,000	262,786,721	20,767,741
Critically Overcrowded Schools	2,440,000,000	1,882,581,650	0
Joint Use	50,000,000	50,000,000	16,701,541
Total Proposition 55	\$ 10,000,000,000	\$ 7,293,939,012	\$ 4,327,873,643
PROPOSITION 47			
New Construction	\$ 6,250,000,000	\$ 6,151,844,852	\$ 6,116,363,434
Modernization	3,300,000,000	3,287,447,625	3,284,731,952
Charter School	100,000,000	68,399,792	0
Critically Overcrowded Schools	1,700,000,000	1,641,507,667	60,088,549
Joint Use	50,000,000	49,869,397	41,279,990
Total Proposition 47	\$ 11,400,000,000	\$ 11,199,069,333	\$ 9,502,463,925
Grand Total – Propositions 55 & 47	\$ 21,400,000,000	\$ 18,493,008,345	\$ 13,830,337,568

AS OF DECEMBER 6, 2006

Status of Funds

PROGRAM	BALANCE AVAILABLE
PROPOSITION 55	
New Construction	\$ 2,306.1
Energy	0.0
Small High School	20.0
Modernization	11.3
Energy	0.0
Small High School	5.0
Critically Overcrowded Schools	
15% COS Unrestricted Fund	288.4
Charter School	14.1
DTSC/Relocation	13.1
Hazardous Material	2.6
Joint Use	0.0
Total Proposition 55	\$ 2,660.6
PROPOSITION 47	
New Construction	\$ 9.8
Charter School	29.1
Energy	0.0
Modernization	12.4
Energy	0.0
Critically Overcrowded Schools	
Reserved	58.5
Joint Use	0.1
Total Proposition 47	\$ 109.9
Grand Total – Propositions 55 & 47	\$ 2,770.5

Note: Amount shown above are in millions of dollars. The SAB approved \$282,113,597.00 for the Deferred Maintenance Program.

Groundbreakings and School Dedications

By Darlene J. Newman, OPSC Project Manager

The Office of Public School Construction (OPSC) would like to congratulate the following districts for their schools' groundbreaking and dedication ceremonies.

SCHOOL DISTRICT	COUNTY	PROJECT	GROUND BREAKING
Los Angeles Unified	Los Angeles	Belmont New Elementary School #6	October 2006
Val Verde Unified	Riverside	Rainbow Ridge Elementary School	October 2006
Desert Sands Unified	Riverside	Colonel Mitchell Paige Middle School	November 2006
Ceres Unified	Stanislaus	Berryhill Campus	December 2006
San Bernardino City	San Bernardino	Juanita Blakely Jones Elementary School	December 2006
SCHOOL DISTRICT	COUNTY	PROJECT	DEDICATION
Clovis Unified	Fresno	Everett "Bud" Rank Elementary School	October 2006

Did you know that you can highlight your district's new school dedications and groundbreaking ceremonies in the *Advisory Actions* newsletter? To have your event highlighted, please notify the OPSC, include all information as referenced in the table above, and please include the related School Facility Program application number. Submit this information to the OPSC, Attention: *New School Dedications and Groundbreakings*.



This is the third issue of the Office of Public School Construction's (OPSC) supplemental insert providing an update on the implementation of Assembly Bill (AB) 127 and Proposition 1D. Up to the day after Election Day, the OPSC was working diligently on the implementation of the bill assuming that Proposition 1D would pass. If it did, we would be that much further along in the implementation process than had we waited for the election results to begin the implementation process... all in the attempt to make the new provisions available to school districts to take advantage of as soon as possible.

Election Day has come and gone, and Proposition 1D passed! On November 7, 2006, 57 percent of Californians voted "yes" on the Kindergarten-University Public Education Facilities Bond Act of 2006.¹

The implementation of AB 127 has progressed substantially since the bill was chaptered on May 20, 2006. In fact, the implementing regulations for the following provisions that were presented and approved by the SAB at its September 2006 meeting should be approved by the Office of Administrative Law (OAL) in January 2007:

¹ California Secretary of State's Web site on the November 2006 Election Results, State Ballot Measures: <http://vote.ss.ca.gov>Returns/prop/00.htm>.

- » High Performance Incentive Grants
- » Small High School Program
- » Charter School Facilities Program
- » New Construction Grant Increase

We will notify districts once these regulations have been approved by the OAL and are in effect.

The following provisions are in their final stages of discussion at the Implementation Committee (Committee):

- » Seismic Mitigation
- » Overcrowding Relief Grant
- » Career Technical Education Facilities Program

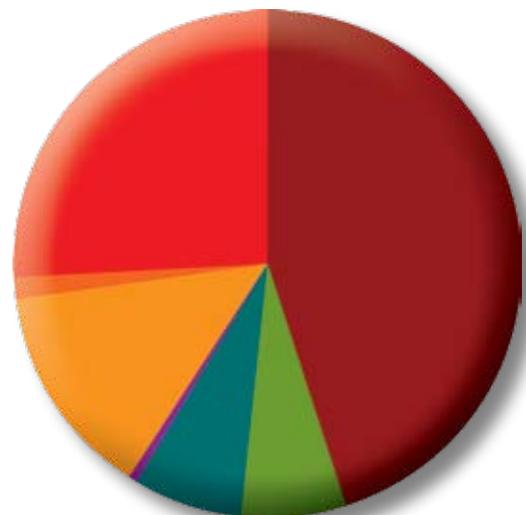
If you would like additional details regarding a particular provision, the issue papers developed for presentation to the Committee can be located on the OPSC's Web site: www.opsc.dgs.ca.gov. Click on "State Allocation Board" on the lefthand navigational bar, then click on "Implementation Committee Agenda Item History" on the righthand navigational bar. We welcome any feedback or suggestions you might have.

The OPSC, California Department of Education (CDE), and the Division of the State Architect (DSA) will be conducting workshops for the Seismic Mitigation, Overcrowding Relief Grant, and Career Technical Education Facilities early in 2007. We will notify you once the dates, locations, and times are set for the workshops.

K-12 EDUCATION FACILITIES

2006 Bond Proposal

LEGEND	PROGRAM	FUNDING PROPOSAL
	New Construction*	\$ 1,900,000,000 †
	Modernization*	3,300,000,000
	Charter Schools	500,000,000
	Career Technical Education	500,000,000
	Joint Use Projects	29,000,000
	Overcrowding Relief	1,000,000,000
	High Performance Schools	100,000,000
TOTAL		\$ 7,329,000,000



* No more than \$200,000,000 of the sum of the appropriations for new construction and modernization shall be used to fund the smaller learning communities and small high schools.

† Up to 10.5 percent shall be available for purposes of seismic repair, reconstruction, or replacement, pursuant to Education Code Section 17075.10.



STATE ALLOCATION BOARD

Implementation Committee

MAVONNE GARRITY, ASSISTANT EXECUTIVE OFFICER, STATE ALLOCATION BOARD

Following is a summary of the main issues that were discussed at the November 30th and December 1st meetings of the Committee.

OVERCROWDING RELIEF GRANT

The Overcrowding Relief Grant (ORG) provides \$1 billion to school districts to relieve their overcrowded school sites by replacing portable classrooms with permanent classrooms at the overcrowded site or another school site. New construction eligibility is not required in order to request the grant. Districts are deemed eligible for the grant if the pupil population density at a particular school site is equal to or greater than 175 percent of the recommended site density as determined by the CDE as of January 1, 2006. The amount of the grant is based on the number of pupils housed in the portables, taking into account Class Size Reduction funding, that should be removed to reduce the density of the site. Districts will work with the OPSC to determine the inventory of portables in the district, and how many pupil grants they can request to use on their eligible sites.

The ORG was initially presented to the Committee at the September 7, 2006 meeting, and was discussed again at the October 6 meeting. Discussion resumed at the November 30th meeting where OPSC staff presented how the grant will be determined, site acquisition guidelines for acquiring additional acreage, the potential application deadlines and funding cycles, and the application submittals for financial hardship districts.

There was discussion at the meeting regarding the Class Size Reduction adjustment that is required in the statute. It was suggested that the districts prorate the adjustments based upon the enrollment of the elementary school sites. Concerns were also raised regarding the proposed application submittal deadlines and the possibility of allowing for more planning time. Lastly, districts had questions regarding the processing of applications for financial hardship districts. The OPSC staff agreed to explore these issues in its regulation development.

Status: The OPSC staff plan to present regulations at the January 5, 2007 Committee meeting.

CAREER TECHNICAL EDUCATION FACILITIES PROGRAM

AB 127 establishes the Career Technical Education Facilities Program (CTEFP) and provides up to \$500 million for the program. The CTEFP is intended to provide funding for the construction or reconfiguration of facilities for career technical education (CTE).

The OPSC presented the framework of the program at the August 18, 2006 Committee meeting and focused largely on the program parameters and facility funding. The second Implementation Committee discussion of the program occurred at the October 6th meeting, at which the California Department of Education (CDE) addressed the education component of the application process. Other topics presented by OPSC included revisions to the grant amount determination, funding priority, and submission requirements.

The CDE organized two stakeholders' meetings on October 23rd and November 13th to gather input from the Chancellor's Office of the Community Colleges, the Labor and Workforce Development Agency, and business and industry groups. These meetings helped refine the CDE application portion of the CTEFP.

Major topics of discussion at the December 1st meeting were regarding the following:

- » Revised Application Guidelines
- » Eligible Entities
- » Grant Amounts
- » Local Contribution and State Loan
- » Reservation of Funds
- » Design Funding
- » Funding Cycles and Funding Priority
- » Fund Release
- » Savings

Staff proposed that districts may apply for CTEFP funding if they are operating a high school meeting the definition of a comprehensive high school pursuant to Education Code Sections 51224, 51225.3, and 51228. Concerns were raised that county offices of education (COEs) were being excluded as eligible applicants for the CTEFP. Considerable discussion and debate occurred on COEs as eligible applicants. Some

stakeholders advocated for not allowing COEs to apply, stating that the purpose of the program is to reinvigorate and mainstream CTE as a primary component of public education for all students and not to continue to offer CTE as a secondary component to be offered for an isolated student population. In response, others argued that not allowing COEs to apply was exclusionary.

For a more detailed summary of these components of the program, please read the discussion paper prepared for the CTEFP located on the OPSC's Web site www.opsc.dgs.ca.gov.

Status: Regulations will be presented at the January 5, 2007 Committee meeting. CDE will be presenting the process by which they score and weigh the Project Application.

SEISMIC MITIGATION

Proposition 1D provides up to \$199.5 million for seismic mitigation of school facilities that are the most vulnerable of Category 2 buildings and pose an unacceptable risk of injury in the event of a seismic event. At the December 1, 2006 Committee meeting, the DSA presented its report on the methodology that can be used to identify the most vulnerable Category 2 buildings for which the estimated total cost for structural retrofitting can be mitigated with the limited funding resources made available through the voter-approved Proposition. The report recommended the following methodology for determining the most vulnerable Category 2 buildings:

- » The building has to be one of the following: C-1, concrete moment frame; PC1A, precast/tilt-up concrete shear wall with flexible roof; PC2, precast concrete frame and roofs with concrete shear walls; or URM, unreinforced masonry bearing wall buildings.
- » The building is situated where the ground shaking intensity exceeds a very high threshold.
- » The building must be designed for occupancy by students and teachers.
- » A structural engineer must provide a report acceptable to the DSA that indicates that the building does not meet collapse prevention performance objectives and the specific deficiencies and reasoning why the building has a high potential for catastrophic collapse.

Due to time constraints, comments were requested to be forwarded to the OPSC before the next Committee meeting on January 5, 2007. Any comments received will be addressed at that meeting.

Status: It is anticipated that regulations will be presented at the January 5, 2007 Committee meeting.

ASSEMBLY BILL 607

In addition to discussions on AB 127, AB 607 (Chapter 704, Statutes of 2006 – Goldberg) was introduced for discussion. At the November 30, 2006 meeting of the Committee, the OPSC presented its proposals regarding revisions to the Emergency Repair Program (ERP) and the Interim Evaluation Instrument (IEI) definition of Good Repair. These changes are required by AB 607.

A Little Background...

As most districts will recall, 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. To help meet this end, the ERP was created, the definition of good repair was established, and the IEI was developed.

Changes to Come...

As a continuation of the above provisions of the Williams settlement, AB 607 adopts various changes to the Education Code (EC). AB 607 requires:

- » The list of eligible schools to be updated with the current Academic Performance Index (API) ranking every three years;
- » In addition to the reimbursement funding currently available, the ERP will be modified to allow for grant funding prior to projects being commenced or completed; and,
- » The development of a permanent statutory standard of good repair, and requires that the IEI be replaced with a permanent school facility inspection and evaluation instrument by July 2007. This permanent instrument must include a rating system that evaluates each school site component on a scale of good, fair, or poor, as well as an overall summary of the conditions at each school on a scale of exemplary, good, fair, or poor.

Meeting Discussions...

Implementation meeting discussions included staff's proposed revisions to ERP regulations and the Form SAB 61-03 related to the new grant provisions, as well as some clean-up regulations to clarify current ERP policy.

Members of the Green School Initiative gave a presentation to convey their objectives regarding educating LEAs on the use of environmentally friendly means to mitigate health and safety issues, and enhancing the language of the permanent evaluation instrument, especially with regard to suggestions/methodology for the detection of less obvious health and safety hazards.

Also discussed were temporary changes made to the IEI that reflect AB 607 requirements. 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."

Status: Staff will review the concerns and questions shared in the meeting discussions, and present another item, including draft regulations and the Form SAB 61-03, at the January meeting of the Committee.

WATCH FOR...

The following items are scheduled to be discussed at the January 5 and February 2, 2007 Committee meetings.

Implementation of recently enacted legislation as follows:

- » Proposition 1D pertaining to:
 - *Career Technical Education Program*
 - *Overcrowding Relief Grant*
 - *Seismic Mitigation*
- » AB 607 (Goldberg) pertaining to Emergency Repair Program reimbursements.
- » AB 2419 (Wyland) pertaining to districts providing written confirmation that the need for vocational and career technical facilities are met.

THE NEXT MEETING...

The next Implementation Committee meeting is scheduled for:

- » Friday, January 5, 2007 from 9:30 a.m. to 3:30 p.m. at the Legislative Office Building, 1020 N Street, Room 100, in Sacramento.