



Photo courtesy of Lionakis Beaumont Design Group

## Exciting News...

The Office of Public School Construction is happy to announce a 100 percent success rate for January apportionments granted under the second Priorities in Funding Round.

[read more...](#)

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The Office of Public School Construction newsletter

*“To enrich the lives of California’s school children as stewards of the taxpayers’ commitment to education”*

**EDMUND G. BROWN, JR.**  
*Governor, State of California*

**ANNA M. CABALLERO**  
*Secretary, State and Consumer Services Agency*

**SCOTT HARVEY**  
*Acting Director, Department of General Services*



Office of Public School Construction  
STAFF TO THE STATE ALLOCATION BOARD

## Exciting News...



**Lisa Silverman**  
Acting Executive Officer

The Office of Public School Construction (OPSC) is happy to announce a 100 percent success rate for January apportionments granted under the second Priorities in Funding Round. Of the 26 apportionments (totaling approximately \$107.6 million, including the 2011 Construction Cost Index increase) made at the January 26, 2011 State Allocation Board (SAB) meeting, the OPSC received 19 fund release requests and seven auto releases were made for the remaining site/design

only projects. To date, we have released approximately \$85.2 million and expect to release the remaining funds soon.

The OPSC is still accepting Fund Release Authorizations for the February Priorities in Funding apportionments. Of the 20 apportionments (totaling approximately \$87.9 million), the OPSC has received 12 fund release requests totaling \$77.6 million. So far, we have released approximately \$76.2 million, including auto releases for design only applications. As a reminder, districts that received apportionments at the February 23, 2011 SAB meeting have until May 24, 2011 to submit a *Fund Release Authorization* (Form SAB 50-05). Requests must be physically received by the OPSC prior to close of business that day.

Another exciting announcement is that the OPSC, in an effort to provide more focused and customized customer service, has formed a new Outreach and Training Team. Currently the team is involved in presenting a series of webinar presentations aimed at providing an in depth understanding of the various programs offered through OPSC, discussing program requirements, and step by step tutorials for filling out eligibility and funding forms. The current webinar series is running each Monday through May 16, 2011. Archives of previous webinars and registration information for upcoming webinars are available on the [OPSC's webinar page](#).

In addition to the webinar series, the Outreach and Training Team will be reaching out to school districts to offer no cost assistance tailored to the districts' individual needs. This assistance can also be requested at any time by contacting Brian LaPask, Outreach Team Supervisor, at (916) 375-4667 or [brian.laspask@dgs.ca.gov](mailto:brian.laspask@dgs.ca.gov).

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# Seismic Mitigation Program Update

By Alan Shoemaker

To date, four Seismic Mitigation Program (SMP) projects have been approved by the State Allocation Board (SAB). These projects total approximately \$19 million out of \$199.5 million set aside by the Kindergarten-University Public Education Facilities Bond Act of 2006 (Proposition 1D) for seismic repair, reconstruction, or replacement of the most vulnerable school facilities. Efforts are underway to increase participation in the SMP.

The OPSC hosted an inter-departmental Seismic Review Workshop along with the Division of the State Architect and the California Department of Education on March 3, 2011. During the workshop, attendees began assessing the scope and effectiveness of seismic building evaluations and reviewed the current process State agencies use to evaluate the seismic risk of school facilities.

The SAB's Seismic Mitigation Subcommittee convened on April 12, 2011 and April 26, 2011 to assess impediments to accessing the SMP and to develop recommendations in order to provide greater accessibility to the SMP. Meeting agendas and webcasts are available on the OPSC's [Meeting Archives webpage](#). The Subcommittee will continue discussion at a third meeting on May 18, 2011. The Subcommittee's goal is to provide recommendations to the full SAB on May 25, 2011.

On April 27, 2011, the California Senate Select Committee on Earthquake and Disaster Preparedness held a hearing that included discussion on potential SMP changes currently being discussed by the SAB Seismic Mitigation Subcommittee. In addition, a report to update the SAB on the status of the Subcommittee discussion was presented at the April 27, 2011 SAB meeting.

If you are interested in the SMP Facility Hardship grant, please contact: Darlene Newman at (916) 375-4269 or [darlene.newman@dgs.ca.gov](mailto:darlene.newman@dgs.ca.gov) Alan Shoemaker at (916) 376-5359 or [alan.shoemaker@dgs.ca.gov](mailto:alan.shoemaker@dgs.ca.gov)

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# Uniform Policy and Procedure for Handling Appeals

By Hannah Konhoff

At the April 27, 2011 State Allocation Board (SAB) meeting, the SAB adopted a uniform policy and procedure for appeals to be presented to the SAB. This policy is the result of meetings of the SAB and the Subcommittee on Rules and Procedures.

## Background

On February 14, 2011, the SAB Subcommittee on Rules and Procedures met to discuss three issues: an adoption of a uniform policy to handle items up for reconsideration by the SAB, the adoption of a uniform policy and procedure for handling appeals to the SAB, and a procedure for offering other legal solutions besides a finding of Material Inaccuracy. The Subcommittee decided to revisit the reconsideration item at a later meeting before presentation to the full SAB, and the Material Inaccuracy item was discussed briefly and referred to the SAB Subcommittee on Audits.

With regard to the appeals policy and procedure item, the Subcommittee adopted a recommendation that would establish a 90-120 day timeline for processing a policy appeal, and for appeals related to health and safety issues, 60-90 days.

At the March 23, 2011 SAB meeting, staff presented the Subcommittee's recommendations. Some SAB members expressed a concern that the language in the proposal regarding requests for postponement was unclear, and that districts may be precluded from requesting a postponement once a SAB item is published. The SAB directed staff to clarify the item and bring it back to the April meeting. The revised rules and procedures were adopted at the April 27, 2011 SAB meeting to add the following to the formal [Rules and Operating Procedures of the State Allocation Board](#):

## Filing an Appeal

Upon reaching a disagreement with the Office of Public School Construction (OPSC) on an item, the school district may submit an appeal. School Districts must file a *School District Appeal Request* (Form SAB 189) to begin the

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formalized appeal process for consideration by the SAB. The Form SAB 189 shall be filed with the OPSC and should state the basis for the appeal and any relevant information for resolving the dispute.

**Timeline for processing an appeal**

The timeframe for processing a policy appeal is 90-120 days. In the event the appeal is dealing with a health and safety issue, the appeal shall take precedence and be processed to the SAB within 60-90 days. Within five working days of receiving the appeal, the OPSC will send an acknowledgement letter informing the school district that OPSC has received the appeal, has begun processing it, and the date the item will be placed on the SAB workload. A copy of this letter shall be distributed to the Assistant Executive Officer (AEO) and the SAB Chair.

**Request for Postponement**

Any request for postponement by the school district or by OPSC shall be in written form addressed to the SAB Chair and Vice Chair and shall include a statement of the reasons supporting postponement. The first time the district or the OPSC requests a postponement, the request will be approved automatically, but a second request will be subject to the approval or disapproval of the SAB Chair and Vice Chair. An approval or disapproval shall be communicated in writing to the party seeking postponement within two working days of receipt of the request. If the request is received within two days of the hearing, the response shall be verbal. If approved, a new notice of the SAB meeting date shall be mailed to the school district no later than 15 days before the new SAB meeting date.

The SAB also approved the following timeline that Staff presented to be used for the processing of all appeals:

**Appeals Processing Timeline**

- OPSC receives the Form SAB 189 from District
- **Within 5 business days** - OPSC sends letter to the district acknowledging receipt and informing the district when the item will be placed on the SAB workload
- **Within 40 days** - OPSC, Executive Officer (EO), AEO and other relevant personnel shall meet with the school district

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- **Within 60 days** - Initial OPSC recommendation on appeal due to EO & AEO
- **Within 65 days** - EO & AEO have five days after receiving initial OPSC recommendation to review, edit and finalize recommendation
- **Within 70 days** - OPSC mails a letter to the school district with the finalized recommendation
- **Within 80 days** - The District shall inform OPSC in writing if they agree with the recommendation or wish to move forward to have the item heard by the SAB
- Appeal is scheduled to be heard at next regular SAB meeting – thus having the hearing **within 120 days** of receipt of the appeal.

### Important Update on the General Site Development Grant

Regulations to extend the General Site Development Grant until January 2012 became effective on April 27, 2011. The OPSC will present items for unfunded approvals at the June 22, 2011 SAB Meeting to add the General Site Development Grant to eligible projects that received SAB approval on or after January 1, 2011, but were processed without the grant.

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# “How to Apply for School Facilities Funding” Webinars

The Office of Public School Construction’s (OPSC) “How to Apply for School Facilities Funding” webinar series is currently underway.

Archives, materials, and Q & A for the following webinars are available on the [OPSC’s webinar webpage](#):

### Part I: Elements of a Complete Application

- Overview of the application intake process
- Comprehensive list of required documents for various application types:
- New Construction eligibility and funding
- Modernization eligibility and funding
- District representative update

### Part II: Site Development Funding

- Technical and practical tips for design professionals and cost estimators to maximize site development funding for new construction projects.

### Part III: New Construction Eligibility and Funding

- Statutory and regulatory requirements
- Tips for maximizing program eligibility
- Tips to maximize eligibility for supplemental grant funding
- Overview of the OPSC review process

Register now for these upcoming webinars:

### Part IV: Modernization Eligibility and Funding

Date: May 2, 2011

Time: 9:00am-11:00am

- Statutory and regulatory requirements
- Tips for maximizing program eligibility
- Tips to maximize eligibility for supplemental grant funding
- Overview of the OPSC review process

Space is limited. Reserve your Webinar seat now at:

<https://www1.gotomeeting.com/register/915249009>

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**Part V: Site Acquisition Funding**

Date: May 9, 2011

Time: 9:00am-11:00am

- Statutory and regulatory requirements
- Documents required to maximize site acquisition funding

Space is limited. Reserve your Webinar seat now at:

<https://www1.gotomeeting.com/register/432159521>

**Part VI: Financial Hardship**

Date: May 16, 2011

Time: 9:00am-11:00am

- Overview of the Financial Hardship review process
- Documents needed to submit a complete Financial Hardship application
- Examples of specific documents to expedite review

Space is limited. Reserve your Webinar seat now at:

<https://www1.gotomeeting.com/register/858034537>

**Did You Know?**

Districts will soon be receiving the annual *Certification of Unused Sites* (Form SAB 423). Districts are required to complete the Form SAB 423 and mail it back to the Office of Public School Construction. Forms must be received by July 1, 2011. If there are any questions, please contact Liz Cheyne at (916) 324-4325 or [liz.cheyne@dgs.ca.gov](mailto:liz.cheyne@dgs.ca.gov), or Freda Stathopoulos at (916) 325-4324 or [freda.stathopoulos@dgs.ca.gov](mailto:freda.stathopoulos@dgs.ca.gov).

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# Bond Proceeds Released

By Michael Watanabe

The Office of Public School Construction has processed the following fund releases from 2009 and 2010 bond sales as of March 31, 2011:

**March 2009 Bond Sale:**

Total funds released: \$528.73 million of \$528.8 million — 99 percent  
Total projects: 234 projects have received funds

**April 2009 Bond Sale:**

Total funds released: \$1.375 billion of \$1.438 billion — 96 percent  
Total projects: 397 projects have received funds

**October 2009 Bond Sale and November 2009 Commercial Paper:**

Total funds released: \$424.3 million of \$509.5 million — 83 percent  
Total projects: 207 projects have received funds

**November 2009 Bond Sale and December 2009 Commercial Paper:**

Total funds released: \$83.9 million of \$111.4 million — 75 percent  
Total projects: 33 projects have received funds

**March 2010 Bond Sale:**

Total funds released: \$1.138 billion of \$1.351 billion — 84 percent  
Total projects: 249 projects have received funds

**November 2010 Bond Sale:**

Total funds released: \$1.249 million of \$1.483 billion — 84 percent  
Total projects: 429 projects have received funds

See [Status of Funds](#) for more details.

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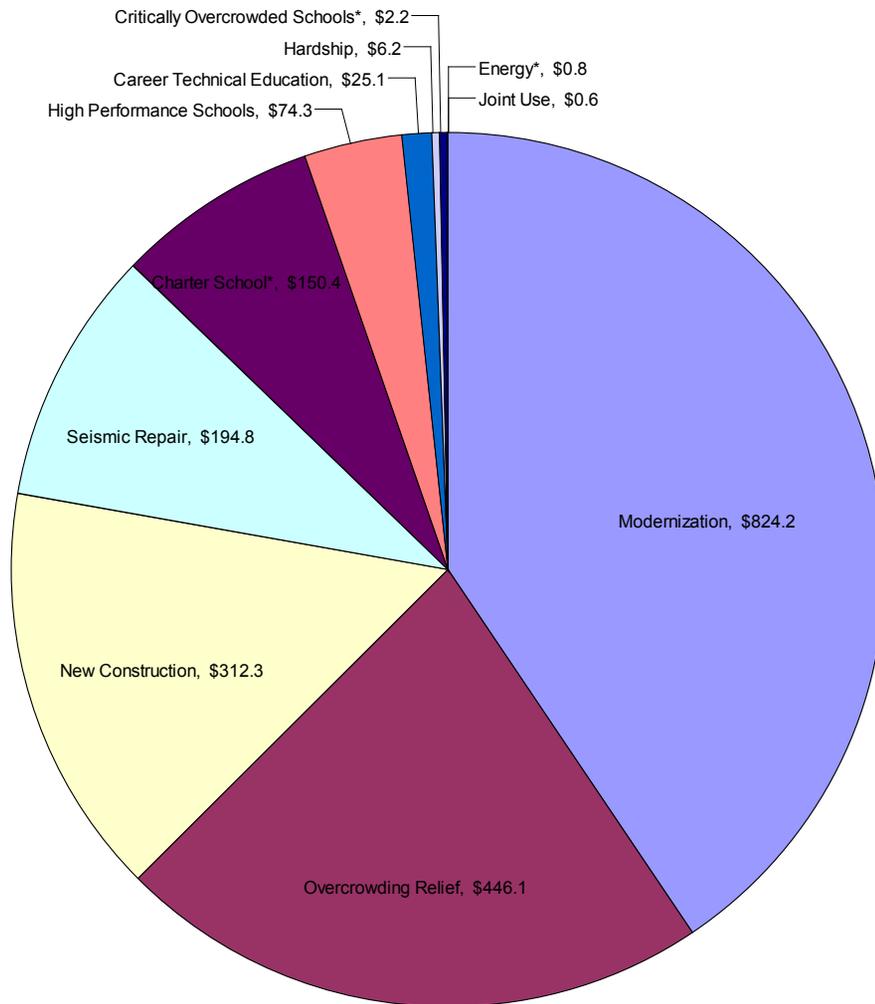
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## Remaining Bond Authority - \$2.037 billion

(by program, in millions)  
as of April 27, 2011



\* These funds could be transferred.

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# Regulatory Update

## Fiscal Crisis Regulations

- Adopted on an emergency basis at the December 15, 2010 State Allocation Board (SAB) meeting.
- Proposed to extend, until July 1, 2011, the Inactive Preliminary Charter School Apportionment regulations, the Inactive Preliminary Apportionment regulations for Critically Overcrowded Schools projects, and the Financial Hardship Re-Review regulations.
- Emergency effective date: April 5, 2011.

## Labor Compliance Program Regulations

- Adopted on an emergency basis at the February 23, 2011 SAB meeting.
- Proposed regulations provide that school districts that awarded construction contracts between August 1, 2010 and November 4, 2010 and that were funded from Propositions 47 or 55, must have a labor compliance program in place by May 1, 2011.
- Review process continues.

## Timeline Options for Charter School Facilities Program Advance Fund Release Requests

- Adopted on an emergency basis at the February 23, 2011 SAB meeting.
- Proposed regulations require CSFP advance fund releases for site acquisition to request the release of funds within 180 days of approval, while requiring advance fund releases for design to request the release of funds within 90 days of approval. These proposed regulations also apply to Critically Overcrowded School projects, specifically the advance release of environmental hardship site acquisition funds.
- Emergency effective date: April 28, 2011.

## Geographic Percent Factor for Santa Catalina Island

- Adopted at the December 15, 2010 SAB meeting.
- Proposed regulatory amendment allows for 50 percent for excessive cost due to geographic location for Santa Catalina Island only.
- Public comment period ended April 4, 2011.

## One-Year Extension of General Site Development Grant

- Adopted at the June 23, 2010 SAB meeting.
- Proposed to extend the grant until no later than January 1, 2012.
- Effective date: April 27, 2011.

*Note: Regulations become effective upon review and approval of the Office of Administrative Law.*

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# OPSC Deadlines and Key Dates

## Upcoming Meetings

### State Allocation Board (SAB) - [View SAB calendar](#)

- May 25, 2011 (Wednesday) 4:00 p.m.
- June 22, 2011 (Wednesday) 4:00 p.m.

### OPSC/DSA/CDE Pre-SAB Meeting Forums

- May 25, 2011 (Wednesday) 9:30 a.m.
- June 22, 2011 (Wednesday) 9:30 a.m.

### Implementation Committee - [View IMP calendar](#)

- May 12, 2011 (Thursday) 9:30 a.m. - 3:30 p.m.
- June 9, 2011 (Thursday) 9:30 a.m. - 3:30 p.m.

### SAB Subcommittee on Priorities in School Construction Funding/Cash Management, Part IV

- May 17, 2011 (Tuesday) 3:30 p.m. - 5:00 p.m. / location TBD

### Seismic Mitigation Subcommittee Hearing

- May 18, 2011 (Wednesday) 3:30 p.m. - 5:00 p.m. / location TBD

## Outreach

### How to Apply for School Facilities Funding - Webinar Series

Parts I-III: Archives available [online](#)

Part IV: Modernization Eligibility and Funding

- May 2, 2011 (Monday) 9:00 a.m. - 11:00 a.m.

Part V: Site Acquisition Funding

- May 9, 2011 (Monday) 9:00 a.m. - 11:00 a.m.

Part VI: Financial Hardship

- May 16, 2011 (Monday) 9:00 a.m. - 11:00 a.m.

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# OPSC Deadlines and Key Dates

## Upcoming Deadlines

### Second Priority Funding Round

#### February 23, 2011 Apportionments:

Deadline to submit *Fund Release Authorization* (Form SAB 50-05) for projects receiving apportionments under the continuation of the second Priority Funding Round at the February 23, 2011 SAB meeting:

- May 24, 2011

#### Overcrowding Relief Grant Funding Cycle:

Deadline to submit funding applications for the eighth funding cycle:

- July 29, 2011

#### Annual Unused Site Certification:

*Certification of Unused Sites* (Form SAB 423) due:

- July 1, 2011

## Did You Know?

On April 14, 2011, the Office of Public School Construction, along with representatives from the California Department of Education and the Division of the State Architect, presented "How to Build a School in California" at the Small School Districts' Association's 28th Annual Conference, "There's a Child behind Everything We Do."

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