

INITIAL STATEMENT OF REASONS

Section 1859.2. Definitions.

Specific Purpose of the Regulation

To provide the meaning of specific words and terms that are essential to these regulations.

Need for the Regulation

State Allocation Board (SAB) Forms are defined in this Section including their latest revision date. It was necessary to update the revision date for the Form SAB 50-04 to "03/10" because changes were made to the Form. This will assure that applicants submit the most current version of the Forms for consistency and uniformity of the School Facility Program (SFP) Regulations.

Section 1859.83. Excessive Cost Hardship Grant.

Specific Purpose of the Regulation

To make the funding calculation methods uniform for all types of accessibility and fire code work being requested for Modernization Excessive Cost Hardship Grants. Accessibility compliance refers to the costs to school districts to meet the Americans with Disabilities Act of 1990 and/or the handicapped access requirements enforced by the Division of the State Architect (DSA).

Need for the Regulation

New Subsection (f)(2): It was necessary to designate as "(2)" an existing sentence so that subsection (f) will set forth the two funding options available to school districts for all modernization accessibility and fire code compliance costs:

- (1) three percent of the modernization base grant, or
- (2) 60 percent of the estimated hard construction costs for minimum work necessary as verified by the DSA.

In addition, it was necessary to add the non-substantive clause "funding provided in (1) above" to distinguish funding option (2) from funding option (1).

Deleted Subsection (f)(2): It was necessary to delete the separate funding calculation for project work described in Section 1859.79.2(a)(1) (which is "replacement of like-kind in new building areas") so that the same funding calculation options apply for all types of accessibility and fire code work in Modernization Excessive Cost Hardship Grant projects.

SCHOOL FACILITY PROGRAM FORM

Application for Funding, Form SAB 50-04 (Revised 03/10).

Specific Purpose of the Form

To clarify document submittal requirements for school districts when requesting State funding for modernization projects if the request for funding is for excessive cost due to accessibility and fire code requirements. In addition, to make a non-substantive correction to the name of a committee.

Need for the Form

Page 1, General Information, 2nd column, #5, 8th bullet item: It was necessary to make a non-substantive correction by adding the word “education” to “career technical education advisory committee.”

Page 1, General Information, 2nd column, #6, 5th bullet item: It was necessary to add “(2)” in “Section 1859.83(f)(2)” to refer to the second funding option for excessive cost due to accessibility and fire code requirements, which is 60 percent of the estimated hard construction costs for minimum work necessary for accessibility and fire code requirements as verified by the DSA.

Page 2, General Information, 1st column, top of page, 1st bullet item: It was necessary to make a non-substantive correction by adding the word “education” to “career technical education advisory committee.”

Page 4, Specific Instructions, 1st column, #7, 1st paragraph:

It was necessary to add “(2)” in “Section 1859.83(f)(2)” to refer to the second funding option for excessive cost due to accessibility and fire code requirements, which is 60 percent of the estimated hard construction costs for minimum work necessary for accessibility and fire code requirements as verified by the DSA.

It was necessary to add “If requesting funding pursuant to Section 1859.83(f)(2), Attach . . . “ to clarify that the requirement to submit the DSA-approved list of the minimum work necessary to meet accessibility requirements applies only if the district selects funding option (2), which is 60 percent of the estimated hard construction costs for minimum work necessary for accessibility and fire code requirements as verified by the DSA.

Page 9, 2nd column, top of page, 1st bullet item: It was necessary to make a non-substantive correction by adding the word “education” to “career technical education advisory committee.”

Technical Documents Relied Upon

The State Allocation Board’s Action item, dated March 24, 2010, entitled “Modernization Funding for Accessibility and Fire Code Requirements.”

Alternatives to the Proposed Regulatory Action that would be as Effective and Less Burdensome to Private Persons

The SAB finds that no alternatives it has considered would be more effective in carrying out the purpose of the proposed regulations or would be as effective and less burdensome to affected private persons than the proposed regulations.

Alternatives to the Proposed Regulatory Action that would Lessen any Adverse Economic Impact on Small Business

The SAB has determined that the proposed regulations do not affect small businesses.

Finding of Significant Adverse Economic Impact on Businesses

The SAB has determined that the adoption of the regulations will not affect businesses, including small businesses, because they are not required to comply with or enforce the regulations, nor will they benefit from or be disadvantaged by the regulations.

Impact on Local Agencies or School Districts

The SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.