

May 4, 2012

TO: ALL SCHOOL DISTRICTS, COUNTY SUPERINTENDENTS OF SCHOOLS, CHARTER SCHOOLS, AND OTHER INTERESTED PARTIES

TITLE 2. STATE ALLOCATION BOARD

NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD PROPOSES TO AMEND AND REPEAL VARIOUS REGULATION SECTIONS, ALONG WITH AN ASSOCIATED FORM, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

REGULATION SECTIONS PROPOSED FOR AMENDMENT: 1859.2, 1859.61, 1859.74, 1859.77.1, 1859.79, 1859.79.2, 1859.79.3, 1859.83 AND 1859.104.

REGULATION SECTIONS PROPOSED FOR REPEAL: 1859.70.3, 1859.71.5, 1859.78.9, 1859.93.2 AND 1859.93.3.

FORM PROPOSED FOR AMENDMENT:

*Application for Funding*, Form SAB 50-04, (Revised 12/14 01/12), referenced in Regulation Section 1859.2

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend and repeal the above-referenced Regulation Sections, and to amend an associated form, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend and repeal the above-referenced regulation sections under the authority provided by Sections 17070.35, 17072.13, 17075.15 and 17079.30 of the Education Code. The proposal interprets and makes specific reference Sections 17070.35, 17070.51, 17071.25, 17072.10, 17072.12, 17072.13, 17072.15, 17072.20, 17072.30, 17072.32, 17073.15, 17074.10, 17074.15, 17074.16, 17074.25, 17075.10, 17075.15, 17076.10, 17077.10, 17077.40, 17077.42, 17077.45, 17079.30, 17250.30, 17251 and 100420(c) of the Education Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil

grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on October 8, 1999.

The SAB, at its January 25, 2012 meeting, adopted amendments to the SFP Regulations to:

- allow school districts to request fewer than the currently required 101 pupil grants for modernization projects applying for Special Day Class (SDC) pupil grants, and
- establish the Excessive Cost Hardship Grant for SDC Small Size Projects of fewer than 101 pupil grants at four percent of the grant funding, and
- repeal regulation sections and delete references relating to the Small High School Program (SHSP) because the statutory authority for the SHSP has been repealed.

### I. Special Day Class Small Size Projects

Since September 2000, the SFP Regulations have required school districts applying for modernization funding to utilize at least 101 pupil grants, or their remaining modernization pupil grants at the school site if less than 101 grants. The proposed amendments to the SFP Regulations create exceptions for modernization projects for SDC pupils - - meaning those with exceptional needs and either “Severely Disabled” or “Non-Severely Disabled.”

Under the current SFP Regulations, without the proposed amendments, school districts requesting SDC modernization grants would have to apply for a minimum of:

- 12 classrooms worth of grants for Severely Disabled pupils and
- eight classrooms worth of grants for Non-Severely Disabled pupils.

The proposed amendments would allow districts to apply for funding for SDC modernization projects for a minimum of four classrooms worth of pupil grants. This can be expressed as a minimum 36 Severe pupil grants or 52 Non-Severe pupil grants. However, if the remaining pupil grant eligibility at that school site is a lower number, an application may still be submitted if it utilizes all the remaining pupil grants.

School districts have recently had their funding applications denied for SDC modernization projects because of the minimum 101 pupil grant requirement. This minimum threshold was originally adopted (Regulation Section 1859.79.3) to prevent districts from submitting funding requests for multiple small size modernization projects at the same site in an effort to receive an excessive cost hardship grant that would otherwise not be authorized, and from improperly trying to minimize the Division of the State Architect (DSA) review process. Such rationale for the 101 pupil grant minimum would not apply to school districts requesting to submit SDC modernization projects under these proposed regulations.

Part I. Economic Impact. There are two SDC modernization funding applications that will become eligible for funding under the proposed regulatory amendments, representing State funding of approximately \$1 million. In addition, as of January 1, 2012, there is another \$41.7 million of potential applications for SDC Severe and/or Non-Severe modernization funding projects at 73 school sites in 38 school districts. However, it is not known how many other districts may apply for SDC modernization projects.

### II. Excessive Cost Hardship Grant – Small Size Projects

The Excessive Cost Hardship Grant for small size projects [Regulation Section 1859.83(b)] provides an additional grant for projects that house no more than 200 pupils, calculated as a

percentage of the base grant amount. The Section does not mention SDC projects. The Section provides “In addition to any other funding authorized by these Regulations, a district is eligible for funding as a result of unusual circumstances that created excessive project costs beyond the control of the district.” “Small size projects” are included for this additional grant because they generally cannot achieve the cost economies of larger projects.

The proposed regulations add subsections specifically for SDC Severely and Non-Severely Disabled pupil projects to qualify for the excessive cost hardship grant. Such SDC projects between 36 to 200 Severely Disabled pupils and between 52 to 200 Non-Severely Disabled pupils would be eligible for the existing four percent small size project grant increase because they are commensurate in scope and base grant amount to projects in that four percent category.

Part II. Economic Impact. *Existing* Regulation Section 1859.83(b) authorizes four percent additional grants for SFP small size projects. The proposed regulations allowing SDC projects represent a commitment of \$40,000 in State school bond funds for the small size project additional grants for the two SDC modernization funding applications that will become eligible for funding under the proposed regulatory amendments. It is not known how many other districts may apply for SDC modernization projects.

### III. Small High School Program

Assembly Bill 1465, Chapter 894, Statutes of 2004 (Chan) amended Education Code Sections 17072.10, 17072.30, 17072.32, and 17074.32 to establish the SHSP. These Sections were repealed effective January 1, 2008, pursuant to the same statute. Because the statutory authority was repealed, the proposed regulatory amendments would remove the references to the SHPS in the SFP Regulations and bring the regulations current.

The purpose of the SHSP was to provide State funds to school districts to reconfigure existing high schools and to build new high schools with 500 or fewer pupils attending in order to encourage districts to build smaller high schools. A total of \$20 million for New Construction and \$5 million for Modernization were allocated for the SHSP from the Kindergarten-University Public Education Facilities Bond Act of 2004.

Part III. Economic Impact. There is no economic impact from this portion of the proposed regulatory amendments because the SHSP ended four years ago upon the expiration of the statutory authority, with the balance of unallocated funds returned to the New Construction and Modernization Programs.

The regulatory amendments addressing the three different issues noted above as I, II, and III are therefore consistent and compatible with State laws and regulations.

The specific benefits anticipated by these proposed regulatory amendments promote fairness and social equity, and provide openness and transparency in business and government.

The proposed amendments and repealed sections are as follows:

Existing Regulation Section 1859.2 represents a set of defined words and terms used exclusively for these regulations. The proposed amendments delete three definitions pertaining to the SHSP - - “Reconfiguration,” “Small High School,” and “Small High School Program,” because the statutory authority for the SHSP was repealed effective January 1, 2008.

Existing Regulation Section 1859.61 sets forth criteria for making adjustments to a school district's modernization baseline eligibility, including subsection (j) requiring an adjustment as a result of the Reconfiguration of an existing high school under the SHSP. The proposed amendments delete subsection (j) because the statutory authority for the SHSP was repealed effective January 1, 2008. In addition, the subsections following it are re-lettered as (j), (k), and (l) for the purpose of maintaining the consistency and continuity of the SFP Regulations.

Existing Regulation Section 1859.70.3 set aside \$20 million of new construction funding to construct small high schools pursuant to Education Code Section 17072.10(c), and made \$5 million of modernization funding available to assist in reconfiguring large high schools pursuant to Education Code Section 17074.32. The proposed amendments repeal this section because the statutory authority for the SHSP was repealed effective January 1, 2008, with the balance of unallocated funds returned to the New Construction and Modernization Programs.

Existing Regulation Section 1859.71.5 provides a 20 percent increase to the per-pupil grant for SHSP projects funded pursuant to Regulation Sections 1859.93.2 and 1859.93.3, and other funding increases authorized by these Regulations to ensure that Apportionments represent 60 percent of the total project cost. The proposed amendments repeal this section because the statutory authority for the SHSP was repealed effective January 1, 2008, with the balance of unallocated funds returned to the New Construction and Modernization Programs.

Existing Regulation Section 1859.74 authorizes an additional grant to school districts for site acquisition costs for approved SFP new construction projects, according to specific criteria. The last paragraph of this section limits the site acquisition funding for SHSP projects on a prorated basis for sites that exceed the recommended site size for a small high school (500 pupils or fewer). The proposed amendments delete this final sentence because the statutory authority for the SHSP was repealed effective January 1, 2008, with the balance of unallocated funds returned to the New Construction and Modernization Programs.

Existing Regulation Section 1859.77.1 requires that for SFP new construction projects, school districts must make a matching share contribution for any State funding provided under these Regulations, including subsection (b) that for SHSP projects the required district matching share must be equal to at least 40 percent of the total project cost. The proposed amendments delete subsection (b) and delete Education Code Section 17074.32 from the list of "Reference Sections" because the statutory authority for the SHSP was repealed effective January 1, 2008, with the balance of unallocated funds returned to the New Construction and Modernization Programs. In addition, a non-substantive change is made by deleting subsection "(a)" so that its words remain in sentence format rather than as a stand-alone subsection. This is for the purpose of maintaining consistency and continuity of the SFP Regulations.

Existing Regulation Section 1859.78.9 authorizes an additional modernization grant apportionment, not to exceed an aggregate of \$500,000, for each approved SHSP Reconfiguration project submitted by September 30, 2007 and meeting other listed criteria. The proposed amendments repeal this section because the statutory authority for the SHSP was repealed effective January 1, 2008, with the balance of unallocated funds returned to the New Construction and Modernization Programs.

Existing Regulation Section 1859.79 requires that for SFP modernization projects, school districts must make a matching share contribution equal to at least 20 percent (for applications on or before April 29, 2002) or 40 percent (for applications after April 29, 2002) of the total project cost. The proposed amendments 1) delete the reference to modernization grants for SHSP Reconfiguration projects in the introductory sentence, 2) delete the final sentence of this

Section referring to costs of SHSP Reconfiguration projects, and 3) delete Education Code Section 17074.32 from the list of “Reference Sections,” because the statutory authority for the SHSP was repealed effective January 1, 2008, with the balance of unallocated funds returned to the New Construction and Modernization Programs.

Existing Regulation Section 1859.79.2 specifies the permissible and impermissible uses of Modernization grant funds. The proposed amendments delete subsection (e) referring to costs of SHSP Reconfiguration projects, and delete Education Code Section 17074.32 from the list of “Reference Sections,” because the statutory authority for the SHSP was repealed effective January 1, 2008, with the balance of unallocated funds returned to the New Construction and Modernization Programs.

Existing Regulation Section 1859.79.3 requires applications for Modernization grant funding to submit Form SAB 50-04 for at least 101 pupil grants or for the remaining modernization eligibility at the school site if less than 101 grants. The proposed amendments letter the introductory sentence as “(a)” and authorize SDC modernization applications for “any one of the following:

- (1) at least 52 Non-Severe grants, or
- (2) at least 36 Severe grants, or
- (3) at least 101 grants, or
- (4) the remaining modernization eligibility at the school site if less than the grants in (1), (2), or (3).”

The purpose of the proposed amendments is to allow school districts to apply for funding for smaller size SDC modernization projects for the benefit of disabled pupils and to meet the needs of some districts for smaller size SDC projects. In addition, the proposed amendments letter the final sentence of the Section as subsection “(b)” for the purpose of maintaining consistency and continuity of the SFP Regulations.

Existing Regulation Section 1859.83 sets forth district eligibility criteria for excessive cost hardship grant funding as a result of specified unusual circumstances, including subsections (b) - - Excessive Cost Hardship Grants for small size projects (no more than 200 pupils), and (c)(3) - - New Construction Excessive Cost Hardship Grants for Small High School projects.

- Regarding subsection (b), the proposed amendments add clauses to (b)(1) and (b)(2) and add new (b)(5) to specify that SDC modernization projects for at least 52 Non-Severe pupil grants or at least 36 Severe pupil grants, but less than 101 pupil grants, are eligible for an Excessive Cost Hardship Grant equal to four percent of the modernization grant funding. The purpose for extending this Hardship Grant to such SDC projects is to help applicant districts offset the project costs because small size projects generally cannot achieve the cost economies of larger projects, and because such SDC projects are commensurate in scope and base grant amount to other projects in that four percent category.
- Regarding subsection (c), the proposed amendments delete the reference to SHSP new construction projects in (c)(1), and delete subsection (c)(3) regarding SHSP new construction projects because the statutory authority for the SHSP was repealed effective on January 1, 2008, with the balance of unallocated funds returned to the New Construction and Modernization Programs.
- In addition, Education Code Section 17250.30 is added to the list of “Reference Sections” at the end of the Regulation Section.

Existing Regulation Section 1859.93.2 establishes the application criteria for school districts to apply for new construction grant funding for the SHSP. The proposed amendments repeal this section because the statutory authority for the SHSP was repealed effective January 1, 2008, with the balance of unallocated funds returned to the New Construction and Modernization Programs.

Existing Regulation Section 1859.93.3 sets forth the criteria by which SHSP projects will be prioritized and funded. The proposed amendments repeal this section because the statutory authority for the SHSP was repealed effective January 1, 2008, with the balance of unallocated funds returned to the New Construction and Modernization Programs.

Existing Regulation Section 1859.104 sets forth document submittal requirements for school districts receiving funds under the Leroy F. Greene School Facilities Act of 1998, including subsection (e) for apportionments made under the SHSP. The proposed amendments delete subsection (e) because the statutory authority for the SHSP was repealed effective January 1, 2008, with the balance of unallocated funds returned to the New Construction and Modernization Programs. In addition, the subsections following it are re-lettered as (e) and (f) for the purpose of maintaining consistency and continuity of the SFP Regulations.

Existing Form SAB 50-04, *Application for Funding*, is submitted by school districts to apply for State funding for new construction or modernization projects, including funding for SHSP New Construction projects and SHSP Modernization Reconfiguration projects. The proposed amendments delete the General Information, Specific Instructions, funding options, data fields, and Certifications regarding the SHSP because the statutory authority for the SHSP was repealed effective January 1, 2008, with the balance of unallocated funds returned to the New Construction and Modernization Programs. Following deleted subsections, certain subsections were re-lettered for the purpose of maintaining consistency and continuity of this Form.

#### IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of 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, school districts, or charter schools to incur additional costs in order to comply with the proposed regulations.

#### DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The Executive Officer of the SAB has made the following initial determinations concerning the proposed regulations:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There is no requirement that a report be made.
- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.
- The proposed regulatory action promotes fairness and social equity for disabled California school pupils by permitting SDC modernization projects to qualify for SFP school bond

funding - - that is, fewer than 12 classrooms for Severely Disabled pupils and fewer than eight classrooms for Non-Severely Disabled pupils.

- There are no benefits to the health and welfare of California residents, worker safety, and the State's environment.

There is a fiscal impact to the State from the proposed regulatory amendments, with an initial expected impact of \$1 million of State bond funds for two Severely Disabled and Non-Severely Disabled SDC modernization projects that would become eligible for small size project funding. These two projects represent an additional commitment of \$40,000 in State bond funds for the small size project additional grants. This would cause a corresponding decrease upon the remaining \$401.8 million balance of Modernization bond authority under Propositions 47, 55, and 1D. It is not known how many other districts may apply for SDC modernization projects. Approval of the regulatory amendments could potentially create and preserve jobs involved in school classroom modernization projects while stimulating the State's economy.

### EFFECT ON SMALL BUSINESSES

It has been determined that the adoption/repeal of the regulation sections will not affect small businesses in the ways identified in subsections (a)(1) - (4) of Section 4, Title 1, CCR. These regulations only apply to school districts and charter schools for purposes of funding school facility projects.

### SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OPSC no later than June 18, 2012, at 5:00 p.m. The express terms of the proposed regulation as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young, Regulations Coordinator

Mailing Address: Office of Public School Construction  
707 Third Street, Room 1-430  
West Sacramento, CA 95605

E-mail Address: [robert.young@dgs.ca.gov](mailto:robert.young@dgs.ca.gov)

Fax No.: (916) 376-5332

### AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 375-5939. If Mr. Young is unavailable, these questions may be directed to the backup contact person, Lisa Jones, Supervisor, Regulations Team, at (916) 376-1753.

## ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts/repeals/amends the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

## SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

## RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~/underline.
2. A copy of this Notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.dgs.ca.gov/opsc> under "Resources," then click on "Laws and Regulations," then click on "SFP Pending Regulatory Changes."

## ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), a rulemaking agency must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

## AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

Section 1859.2. Definitions.

....

"Form SAB 50-04" means the *Application for Funding*, Form SAB 50-04 (Revised ~~12/11~~ 01/12), which is incorporated by reference.

....

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

~~"Reconfiguration" for the purposes of the Small High School Program means a project to create new Small High Schools, on an existing high school which can include limited new construction, as needed, pursuant to Education Code Section 17074.32, and the work shall be part of a current Modernization project and considered one project regardless of the number of new high school entities created.~~

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

....

"Small Charter School" shall be defined as a school with an enrollment of not more than 175 pupils, based on the latest available CBEDS report or if a CBEDS report is unavailable, the registration list for the Charter School may be used.

~~"Small High School" for purposes of the Small High School Program means a high school with an enrollment of 500 pupils or less.~~

~~"Small High School Program" means an Approved Application submitted pursuant to Education Code Section 17072.10(c) or 17074.32.~~

"Small School District" means a school district with current districtwide enrollment reported in Part A, the continuation high pupils reported in Part C, and the Special Day Class pupils reported in Part D on the latest Form SAB 50-01, used to determine or adjust the district's baseline eligibility pursuant to Sections 1859.50 and 1859.51 or submitted separately to the OPSC, that is 2,500 or less.

....

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

Reference: Sections 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.18, 17072.33, 17073.25, 17074.10, 17074.30, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17078.72(k), 17079, 17079.10, 17280, 56026, and 101012(a)(8), Education Code; Section 53311, Government Code; and Sections 1771.3 and 1771.5, Labor Code.

Section 1859.61. Adjustments to the Modernization Baseline Eligibility.

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

....

~~(j) Adjusted as a result of the Reconfiguration of an existing high school under the provisions of the Small High School Program.~~

~~(k)-(j)~~ Decreased for facilities that were deemed eligible for modernization pursuant to Sections 1859.60 and 1859.61(d) and subsequently replaced, or will be replaced under a signed contract for construction or acquisition of facilities, in a project funded by the district without participation from the State.

~~(l)-(k)~~ Adjusted as a result of replaced eligible portables funded with the Overcrowding Relief Grant, pursuant to Education Code Section 17079, et seq.

~~(m)-(l)~~ Adjusted as a result of classrooms demolished and replaced pursuant to Regulation Section 1859.82.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.51, 17071.25, 17072.15, 17072.20, 17073.15, 17074.10, 17075.10, and 17079.30, Education Code.

~~Section 1859.70.3. Available Funding for the Small High School Program.~~

~~For purposes of the Small High School Program, the Board shall set aside the funding as follows:~~

- ~~(a) \$20 million for the new construction of Small High Schools pursuant to Education Code Section 17072.10(c).~~
- ~~(b) \$5 million in modernization funding to assist with the Reconfiguration of large high schools pursuant to Education Code Section 17074.32.~~

~~Pursuant to Education Code Section 101012(a)(5), the Board may provide up to \$200 million for the purposes set forth in Education Code Sections 17072.10(c) and 17074.32.~~

~~Note: Authority cited: Section 17070.35, Education Code.~~

~~Reference: Sections 17072.10 and 17074.32, Education Code.~~

~~Section 1859.71.5. New Construction Grant Increase for the Small High School Program.~~

~~The Board shall provide an increase of 20 percent to the per pupil grant as identified in Section 1859.70.3(a), for projects receiving funding under the Small High School Program pursuant to Sections 1859.93.2 and 1859.93.3, and shall provide an increase, as appropriate, to any other funding authorized by these Regulations to ensure that the Apportionment represents 60 percent of the total project cost.~~

~~Note: Authority cited: Section 17070.35, Education Code.~~

~~Reference: Section 17072.10, Education Code.~~

Section 1859.74. New Construction Additional Grant for Site Acquisition Cost.

With the exception of projects that received site acquisition funds under the LPP or projects that qualify for site acquisition funds under Section 1859.74.5, the Board shall provide funding, in addition to any other funding authorized by these Regulations, for the lesser of one half of the actual cost of the site or one-half of the appraised value of the site acquired as described in (a) and (b) of this Section.

.....

The actual site cost or the appraised value of the site shall be reduced, on a prorated basis, by the percentage of the excess acreage of the site that exceeds the master plan site acreage approved by the CDE.

~~For the purposes of the Small High School Program, the actual site cost or the appraised value of the site shall be reduced, on a prorated basis, by the amount that exceeds the recommended site size for 500 pupils as determined by the CDE.~~

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17072.10, 17072.12 and 17251, Education Code.

Section 1859.77.1. New Construction District Matching Share Requirement.

Any funding provided by these Regulations shall require a district matching share contribution on a dollar-for-dollar basis with the exception of the following:

- (a) Financial hardship provided by Section 1859.81 or any additional grant provided for a district-owned site acquisition cost pursuant to Sections 1859.74.5 or 1859.81.2.

~~(b) If the Approved Application is funded under the Small High School Program, a district matching share equal to at least 40 percent of the total project cost shall be required.~~

The district may include as its district matching share any amounts expended on the project for an energy audit made pursuant to Education Code Section 17077.10 and any amounts applied to the project for incentive grants or rebates received by the district from a program funded pursuant to Public Utilities Code Section 381.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17072.30, ~~17074.32~~ and 17077.10, Education Code.

~~Section 1859.78.9. Separate Apportionment for Modernization Reconfiguration under the Small High School Program.~~

~~(a) The Board shall provide an additional apportionment pursuant to Education Code Section 17074.32 for Modernization Reconfiguration work on an existing high school site, not to exceed \$500,000 for each new Small High School created from the reconfiguration, subject to OPSC verification, if all of the following criteria are met:~~

~~(1) A district shall submit an Approved Application by September 30, 2007.~~

~~(2) The current enrollment at the existing high school must be at least 1,000 pupils.~~

~~(3) At least two new Small High Schools must be created as a result of Reconfiguration.~~

~~(4) The district must obtain a county district school code from the Department of Education for the resulting new school sites.~~

~~(5) Funds provided under this Section shall be used only for work included in the Reconfiguration.~~

~~(b) The State funding pursuant to this Section shall continue for projects that meet subsection (a) until all available funds are exhausted. In the event that remaining funds are insufficient to fund a Reconfiguration project in its entirety, the district will have the following options:~~

~~(1) Accept the remaining funds as a full and final apportionment; or,~~

~~(2) Refuse the funding in its entirety. If the district wishes to proceed with the Modernization portion of the application, the application will retain its received date and proceed without the Modernization Grant Separate Apportionment for Reconfiguration.~~

~~The district must maintain an enrollment, not to exceed 500 pupils, for a minimum of two complete school years after the Occupancy of the new Small High Schools.~~

~~Any additional Classrooms Provided to the campus, beyond the existing number of classrooms prior to the Reconfiguration work, shall be reduced from the district's New Construction Eligibility pursuant to Section 1859.51.~~

~~At the conclusion of the Reconfiguration project, a new Modernization Eligibility will be established at any resulting new Small High Schools.~~

~~After all qualifying projects pursuant to this Section have been apportioned, any remaining funds pursuant to Education Code Section 17074.32 shall be made available for eligible modernization projects pursuant to this Act.~~

~~Note: Authority cited: Section 17070.35, Education Code.~~

~~Reference: Section 17074.32, Education Code.~~

Section 1859.79. Modernization Matching Share Requirement.

Except in the case of financial hardship as provided in Section 1859.81, ~~or the modernization grant for Reconfiguration as provided in Section 1859.78.9,~~ a district matching share for a modernization project shall be required as follows:

- (a) If the Approved Application is received on or before April 29, 2002, any Modernization Grant plus any other funding provided by these Regulations shall require a district matching share equal to at least 20 percent of those amounts which, combined with the State's Modernization Adjusted Grant, shall represent 100 percent of the total project cost.
- (b) If the Approved Application is received after April 29, 2002, any Modernization Grant, plus any other funding authorized by these Regulations shall require a district matching share equal to at least 40 percent of those amounts which, combined with the State's Modernization Adjusted Grant, shall represent 100 percent of the total project cost.

The district may include as its district matching share any amounts expended on the project for an energy audit made pursuant to Education Code Section 17077.10 and any amounts applied to the project for incentive grants or rebates received by the district from a program funded pursuant to Public Utilities Code Section 381.

~~The district's modernization matching share shall not be expended on costs included in a Reconfiguration project pursuant to Section 1859.78.9.~~

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17074.15, 17074.16, ~~17074.32~~ and 17077.10, Education Code.

Section 1859.79.2. Use of Modernization Grant Funds.

The Modernization Grant plus any other funds provided by these Regulations shall be expended as set forth in Education Code Sections 17074.25, 17074.10(f) and 17070.15(i) and may also be utilized for other purposes as set forth in Education Code Section 100420(c), and Labor Code Section 1771.3(a). Modernization funding may also be used for the costs incurred by the district directly or through a contract with a third party provider for the initiation and enforcement of a LCP. Modernization funding, with the exception of savings, is limited to expenditure on the specific site where the modernization grant eligibility was generated. The grant may not be used for the following:

....

- ~~(e) Costs associated with Reconfiguration pursuant to Section 1859.78.9.~~

....

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.15, 17074.25, ~~17074.32~~ and 100420(c), Education Code, and Section 1771.3, Labor Code.

Section 1859.79.3. Minimal Requests for Modernization Grant Funds.

(a) With the exception of Approved Applications that meet the requirements of Section 1859.107(a), districts seeking a Modernization Grant must submit Form SAB 50-04 for any one of the following:

- (1) at least 52 Non-Severe grants, or
- (2) at least 36 Severe grants, or
- (3) at least 101 grants, or
- (4) the remaining modernization eligibility at the school site if less than 101 grants ~~the grants in (1), (2), or (3).~~

(b) Form SAB 50-04 requesting Modernization Grant funds that do not meet the above criteria will not be accepted by the SAB.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17074.15, 17074.16, 17074.25 and 100420(c), Education Code.

### Section 1859.83. Excessive Cost Hardship Grant.

In addition to any other funding authorized by these Regulations, a district is eligible for funding as a result of unusual circumstances that created excessive project costs beyond the control of the district. The Excessive Cost Hardship Grant shall be based on any of the following:

.....

- (b) Excessive Cost for Projects that House No More than 200 Pupils (Small Size Projects).
  - (1) Excluding Joint-Use Projects and grant requests pursuant to Section 1859.79.3(a)(1) or (a)(2), if the project will house less than 101 pupils, the district is eligible for an Excessive Cost Hardship Grant equal to 12 percent of the funding provided by the New Construction Grant or 12 percent of the funding provided by the Modernization Grant.
  - (2) Excluding Joint-Use Projects and grant requests pursuant to Section 1859.79.3(a)(1) or (a)(2), if the project will house between 101 and 200 pupils, the district is eligible for an Excessive Cost Hardship Grant equal to four percent of the funding provided by the New Construction Grant or four percent of the funding provided by the Modernization Grant.
  - (3) A Type I Joint-Use Project and a Type II, part of a qualifying SFP Modernization project, Joint-Use Project is eligible for an Excessive Cost Hardship Grant equal to:
    - (A) 12 percent of the funding provided by Section 1859.125(a)(1) through (a)(2), if the qualifying SFP New Construction or Modernization project pursuant to Section 1859.123 or 1859.123.1 will house less than 101 pupils.
    - (B) Four percent of the funding provided by Section 1859.125(a)(1) through (a)(2), if the qualifying SFP New Construction or Modernization project pursuant to Section 1859.123 or 1859.123.1 will house between 101 and 200 pupils.
  - (4) A Type II Joint-Use Project, not part of a qualifying SFP Modernization project, is eligible for an Excessive Cost Hardship Grant equal to eight percent of the funding provided by Section 1859.125(a)(1) through (a)(2).
  - (5) A grant request pursuant to Section 1859.79.3(a)(1) or (a)(2) and less than 101 pupils is eligible for an Excessive Cost Hardship Grant equal to four percent of the funding provided by the Modernization Grant.
- (c) Excessive Cost to Construct a New School Project.
  - (1) With the exception of Alternative Education schools for which the final plans and specifications for the project were accepted by the DSA on or after March 24, 2004, ~~or Small High School Program new construction projects~~, if the project is for a new elementary, middle or high school on a site with no existing school facilities, the district is eligible for a New Construction Excessive Cost Hardship Grant equal to the difference in the amount provided by the New Construction Grant and the amount shown below, based on the number of classrooms, including classrooms used for Individuals with Exceptional Needs, in the project:

.....

- ~~(3) If the project is for a Small High School on a site with no existing facilities, or for only one of the Small High Schools created pursuant to Section 1859.93.2(c)(4), the district is eligible for a New Construction Excessive Cost Hardship Grant equal to the difference in the amount provided in the New Construction Grant and the amount shown below, based on the number of classrooms in the project:~~

Classrooms	Small High School
1	\$1,759,200
2	\$1,830,000
3	\$2,262,000
4	\$2,646,000
5	\$2,913,600
6	\$3,181,200
7	\$3,448,800
8	\$3,655,200
9	\$3,820,800
10	\$3,985,200
11	\$4,150,800
12	\$4,302,000
13	\$4,450,800
14	\$4,599,600
15	\$4,749,600
16	\$4,898,400
17	\$5,048,400
18	\$5,197,200
19	\$5,346,000
20	\$5,496,000
21	\$5,644,800
22	\$5,793,600

The amounts shown will be adjusted annually in the manner prescribed in Section 1859.71.

The grant shall not exceed the number of classrooms necessary to house 500 pupils.

After the expiration of the time frame specified in Section 1859.93.2(e), any Excessive Cost Hardship Grant shall be offset against future New Construction Grant funds as provided in (c)(1) above.

....

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

Reference: Sections 17072.32, 17074.15, 17074.16, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45 and 17250.30, Education Code, and Section 1771.3, Labor Code.

**Section 1859.93.2. New Construction Adjusted Grant for the Small High School Program.**

A district may submit an Approved Application for a Small High School project from January 1, 2006 through September 30, 2007, if all of the following are met:

- (a) The Application meets all the criteria on the Form SAB 50-04 for a New Construction Adjusted Grant, pursuant to Section 1859.21.
- (b) The district has at least 500 high school pupil grants of new construction eligibility available pursuant to Regulation Section 1859.50 and 1859.51.
- (c) The Small High School may be constructed on one of the following:
  - (1) A stand-alone school site with no existing facilities;
  - (2) An adjacent site to an existing high school and share core facilities including, but not limited to library, multi-purpose room and gymnasium. The existing high school and new small high school may not share administration and toilet facilities.

- ~~(3) A site of a large high school if the CDE deems that the site will not create a school that is overcrowded or educationally inadequate; or~~
- ~~(4) Two or more small high schools may be constructed on separate but adjacent sites and may share one or all of the core facilities in (c)(2).~~
- ~~(d) The Small High School may not be constructed where it would otherwise have been built due to sparse population.~~
- ~~(e) The district shall only provide the number of classrooms at the new school site necessary to house the capacity of the Small High School, not to exceed 500 pupils, until two complete school years after the Occupancy of the last Small High School funded pursuant to Education Code Section 17072.10(c)(1), which would correspond with timing of the data submitted by the district pursuant to Section 1859.104(e)(2).~~

~~Note: Authority cited: Section 17070.35, Education Code.~~

~~Reference: Section 17072.10, Education Code.~~

~~Section 1859.93.3. New Construction Small High School Program Funding Order.~~

~~Approved Applications shall be identified in each of the following categories:~~

- ~~(a) By Geographical Region One (North), Three/Four (South), or Two (Central).~~
- ~~(b) By Urban, Suburban and Rural areas.~~

~~Projects will be identified according to the numerical score for the district's academic reform strategy as determined by the California Department of Education within each category (a) and (b) above, from highest to lowest. The Board shall apportion to the highest ranked project of each possible type starting with the order listed in category (a) and continuing with the order listed in category (b) until all funds are apportioned.~~

~~No district shall receive more than one apportionment unless all other qualified districts within the applicant's corresponding categories (a) and (b) have been awarded.~~

~~After all apportionments have been made for projects approved under Section 1859.93.2, any remaining funds pursuant to Education Code Section 17072.10(c) shall be made available for eligible new construction projects pursuant to this Act.~~

~~Note: Authority cited: Section 17070.35, Education Code.~~

~~Reference: Section 17072.10, Education Code.~~

~~Section 1859.104. Program Reporting Requirements.~~

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

~~...~~

~~(e) If an Apportionment was made under the Small High School Program pursuant to:~~

- ~~(1) Section 1859.78.9 or Section 1859.93.2, a cost evaluation report shall be due to the OPSC no later than two complete school years after the Occupancy of the approved project.~~
- ~~(2) Section 1859.93.2, the district must provide a preliminary report on any academic data requested by CDE two complete school years after the Occupancy of the approved project. The final report shall be due no later than two complete school years after the OPSC notifies the district of the Occupancy of the last approved project.~~

~~(f)~~ (e) If an Apportionment was made under the Overcrowding Relief Grant pursuant to Section 1859.180, the School District must provide a certification that the replaced portables were removed from the eligible site and from service pursuant to Education Code Section 17079.30.

~~(g)~~ (f) A School District receiving an Apportionment for high performance incentive grants pursuant to Section 1859.71.6 or 1859.77.4 shall submit a completed Project Information Worksheet to the OPSC for all expenditures related to the additional design and construction costs of the high performance building components. In addition, the School District shall provide information related to resulting energy savings and efficiency, as well as other resulting benefits. The Project Information Worksheet shall be submitted with the Form SAB 50-05 and the District's first and final Forms SAB 50-06 pursuant to (a)(1) and (2) above.

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

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

**GENERAL INFORMATION**

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

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

- California Department of Education's (CDE) Career Technical Education (CTE) score letter.
- A copy of the submitted CTEFP application that complies with the requirements of Education Code Section 17078.72.
- If applicable, Plan Approval letter from the CDE School Facilities Planning Division.
- If applicable, Plans and Specifications (P&S) for the project that were approved by the Division of the State Architect (DSA) and the DSA Approval letter. 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.
- Detailed cost estimate of proposed site development, if requesting site development funding.
- Detailed construction cost estimate, if requesting construction funding.
- Itemized list of equipment including cost, if requesting equipment funding.
- If requesting a loan, the applicant must attach the completed CTEFP Funding Availability Worksheet.

**SPECIFIC INSTRUCTIONS**

A Project Tracking Number must be assigned by the applicant for all applications submitted to the OPSC, the DSA, or the CDE. This number may be obtained from the OPSC Web site at [www.dgs.ca.gov/opsc](http://www.dgs.ca.gov/opsc) or the DSA or the CDE Web sites under "Project Tracking Number Generator." The locale must be entered for all CTE applications submitted to the OPSC. [If the district is amending its High Performance Incentive \(HPI\) grant request, complete sections 1 and 14 only.](#)

**1. Type of Application**

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

**2. CTE Industry Sector and Pathway(s)**

Enter the name of the Industry Sector and Pathway(s).

**3. Reservation of Funds**

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

**4. Loan Request**

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

**5. Number of CTE Classrooms**

Enter the number of CTE classrooms specified in the CDE CTE Application.

**6. Qualifying SFP Project Application Number**

If the request is for a CTEFP Project that is part of a qualifying SFP project, indicate the SFP application number or the project tracking number of the qualifying SFP project. Refer to Section 1859.193.1 for a definition of a qualifying SFP project.

**7. CDE Application Overall Score**

Enter the score from the CDE CTE score letter for this project. (The applicant must have received a score of at least 105 points, as determined by the CDE pursuant to Section 1859.192(c).)

**8. CTE Facility Square Footage**

Enter the total eligible square footage of the CTE Facility in the project.

**9. Eligible Costs**

- a. Enter 50 percent of the construction cost if constructing new building area, or modernizing or reconfiguring an existing building.
- b. Enter 50 percent of the equipment cost pursuant to Education Code Section 17078.72(a).
- c. If the request is for a CTEFP Project that is not a part of a qualifying SFP project, enter 50 percent of the site development costs that meet the requirements of Section 1859.193.
- d. If the CTEFP Project is part of a qualifying SFP Project, enter 50 percent of the total SFP allowance for New Construction Grants for CTE classrooms pursuant to Section 1859.193(a)(1)(C).
- e. Enter the total of a plus b plus c minus d.

**10. Cost Per Square Footage**

Enter the cost per square foot by dividing the total eligible costs in Item 9 at 100 percent by the CTE facility square footage noted in Item 8.

**11. Project Assistance**

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

**12. Project Progress Dates**

Complete this section for new construction/modernization projects:

- a. Enter the date(s) the construction contract(s) was awarded for this project(s).  
If a construction contract has not been executed, enter N/A. (If the space provided is not sufficient for all applicable contract dates, please list all dates on a separate attachment to this form.)
- b. Enter the issue date for the Notice to Proceed for the construction phase of the project, or enter N/A if a Notice to Proceed has not been issued.

**13. Prevailing Wage Monitoring and Enforcement Costs**

If the construction contract for this project was or will be awarded on or after January 1, 2012, check the appropriate box to indicate which of the following methods will be used to meet the requirement for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3:

- The Department of Industrial Relations (DIR) Compliance Monitoring Unit (CMU)
- A DIR-approved internal LCP
- A collective bargaining agreement that meets the criteria set forth in Labor Code Section 1771.3(b)(3).

**14. Additional Grant for High Performance Incentive**

Check the box if the district is requesting an Additional Grant for HPI pursuant to Subdivision (I) of Education Code Section 17078.72. If the district has received the necessary approvals of the plans and specifications from the DSA, enter the number of high performance points as prescribed in Section 1859.71.6 or Section 1859.77.4, as applicable.

**15. Certification**

The district representative must complete this section.

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

SCHOOL DISTRICT/JOINT POWERS AUTHORITY		APPLICATION NUMBER
SCHOOL NAME		PROJECT TRACKING NUMBER
COUNTY	LOCALE	HIGH SCHOOL ATTENDANCE AREA (HSAA) (IF APPLICABLE)

**1. Type of Application—Check Only One**

- New Construction Project—construct new school buildings and/or equipment
- Modernization Project—reconfigure existing school buildings and/or equipment  
[Separate HPI grant request \[Section 1859.107\]](#)
- [Add the HPI Grant](#)
- [Remove the HPI Grant](#)

**2. CTE Industry:**

Sector: \_\_\_\_\_

Pathway(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**3. Reservation of Funds:** Yes  No**4. Loan Request:** Yes  No**5. Number of CTE Classrooms in the CTEFP application** \_\_\_\_\_**6. Qualifying SFP Project Application Number**

Application Number: # \_\_\_\_\_

Project Tracking Number: # \_\_\_\_\_

**7. CDE Application Overall Score:**

Minimum Score: \_\_\_\_\_

**8. CTE Facility Square Footage:** \_\_\_\_\_**9. Eligible Costs**

a. 50 Percent Construction: \$ \_\_\_\_\_

b. 50 Percent Equipment: \$ \_\_\_\_\_

c. 50 Percent Site Development: \$ \_\_\_\_\_

d. 50 Percent SFP Allowance (New Construction Only) \$ \_\_\_\_\_

e. Total (a+b+c-d): \$ \_\_\_\_\_

**10. Cost Per Square Foot:** \$ \_\_\_\_\_**11. Project Assistance**

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

**12. Project Progress Dates**

a. Construction Contract signed on: \_\_\_\_\_

b. Notice to Proceed issued on: \_\_\_\_\_

(If the space provided is not sufficient for all applicable contract dates, please list all dates on a separate attachment to this form.)

**13. Prevailing Wage Monitoring and Enforcement Costs**

If the Construction Contract(s) was or will be awarded after January 1, 2012, please indicate which method will be used to meet the prevailing wage monitoring requirements, pursuant to Labor Code Section 1771.3:

 DIR CMU Administered DIR Approved Internal LCP Collective bargaining agreement, pursuant to Labor Code Section 1771.3(b)(3)**14. High Performance Incentive Additional Grant Request**

HPI - If the district has received the necessary approvals of the plans and specifications from the DSA, indicate HPI points: \_\_\_\_\_

**14.5. Certification**

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

- A resolution or other appropriate documentation supporting this application under Article 13, Chapter 12.5, Part 10, Division 1, commencing with Section 17078.70, et. seq., of the Education Code was adopted by the applicant's Governing board on \_\_\_\_\_; and,
- The district has established a "Restricted Maintenance Account" for the exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Sections 17070.75 and 17070.77 (refer to Sections 1859.100 through 1859.102); if the applicant is a joint powers authority that is not required to establish a "Restricted Maintenance Account" under the provisions of Education Code Section 17070.75, the applicant certifies that it can maintain its facilities with a lesser annual deposit (refer to Section 1859.101); and,
- The matching funds required pursuant to Section 1859.194 has either been received and expended by the district, deposited in the County School Facility Fund or will be received and expended by the district prior to the notice of completion for the project; and,
- The participant has or will receive the necessary approval of the plans and specifications from the Division of the State Architect; and,
- The participant has or will receive the necessary approval of the plans and specifications from the CDE; and,

# APPLICATION FOR CAREER TECHNICAL EDUCATION FACILITIES FUNDING SCHOOL FACILITY PROGRAM

SAB 50-10 (REV ~~12/11~~04/12)

- The participant has complied with the provisions of Section 1859.76 and that the portion of the project funded by the State does not contain work specifically prohibited in that section; and,
- If the SFP grants will be used for a CTEFP project on school facilities on leased land, the participant has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- The participant has complied with the CTEFP eligibility criteria as outlined in Section 1859.192; and,
- The participant will comply with all laws pertaining to the construction of its CTE school building; and,
- The participant understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Section 1859.197); and,
- The participant understands that by reserving funds, the applicant must submit the necessary approvals and/or Plans and Specifications within one year of apportionment; otherwise the funds will be rescinded without further Board action (refer to Section 1859.197); and,
- The participant understands that the lack of substantial progress within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.198); and,
- The participant understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Sections 1859.105 and 1859.106, and that the portion of the project funded by the State does not contain work specifically prohibited; and,
- All contracts for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
- The participant has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- If this request is for modernization of CTE facilities, contracts for construction were executed on or after May 20, 2006; and,
- All equipment was purchased on or after May 20, 2006, unless the project is combined with a qualifying SFP new construction project pursuant to Section 1859.193.1; and,
- If this request is for new construction projects, the CTE classrooms constructed were not occupied prior to May 20, 2006; and,
- If the applicant is requesting a loan for the matching share, a CTEFP Loan Agreement will be executed pursuant to the requirements in Section 1859.194; and,
- The district will contract with the DIR for Prevailing Wage Monitoring and Enforcement, pursuant to Labor Code Section 1771.3(a), if the construction contract is awarded on or after January 1, 2012 and the district has not obtained a waiver for the requirement, pursuant to Labor Code Section 1771.3(b). The district understands that if it fails to meet this requirement, it will be required to repay all state bond funds received including interest; and,
- The applicant has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- Funds reserved pursuant to Subdivision (l) of Education Code Section 17078.72 shall be rescinded if, when the necessary Plans and Specifications are submitted, the district has not attained the necessary points pursuant to Section 1859.71.6 or 1859.77.4, as applicable; and,
- The district has considered the feasibility of using designs and materials for the new construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and the other characteristics of high performance schools; and,
- If the district is requesting an additional grant for high performance incentive funding, the school district governing board must have a resolution on file that demonstrates support for the high performance incentive grant request and the intent to incorporate high performance features in future facilities projects; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief.

SIGNATURE OF DISTRICT OR JPA REPRESENTATIVE		DATE
NAME OF DISTRICT OR JPA REPRESENTATIVE (PRINT)	TITLE	TELEPHONE
E-MAIL ADDRESS		