

Section 1859.2. Definitions.

For the purpose of these regulations, the terms set forth below shall have the following meanings, subject to the provisions of the Act:

....

"Form SAB 50-05" means the *Fund Release Authorization*, Form SAB 50-05 (Revised ~~12/11~~ 06/12), which is incorporated by reference.

....

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 1859.90.2. Priority Funding Process.

The priority funding process allows the Board to distribute available funds to districts or charter schools ~~who that~~ request, pursuant to (a) or (b) below, as applicable, an Apportionment or an advance release of funds from a Preliminary Apportionment or Preliminary Charter School Apportionment, during specific 30-calendar day filing periods beginning with July 27, 2011 and continuing with the 2nd Wednesday of January and the 2nd Wednesday of July ~~each calendar year of 2012~~. Certifications Requests submitted during the filing periods described above are valid until the next filing period begins. The specific 30-calendar day filing periods subsequent to 2012 begin with January 9, 2013 and continue with the 2nd Wednesday of May and the 2nd Wednesday of November, each calendar year. Requests submitted during the filing period beginning with January 9, 2013 are valid until June 30, 2013. Requests submitted during a filing period beginning with the 2nd Wednesday of May are valid from July 1 until December 31 of that year. Requests submitted during a filing period beginning with the 2nd Wednesday in November are valid from January 1 until June 30 of the following year. Requests must be physically received by the OPSC by the 30th calendar day of each filing period to be considered valid.

During ~~the any~~ priority funding process a district or charter school must submit a valid, original signature copy of the Form SAB 50-05 within a specified time period of the Apportionment or approved advance release of funds request, pursuant to (a)(2) or (b)(2) of this section, as applicable.

Projects receiving an apportionment as part of the priority funding process for which the OPSC does not physically receive ~~an a valid~~, original signature copy of the Form SAB 50-05 within the ~~appropriate~~ time limit pursuant to (a)(2) or (b)(2) of this section, as applicable, shall be rescinded without further Board action.

(a) In order to be considered for an Apportionment, approved advance release of design funds from a Preliminary Charter School Apportionment, or approved advance release of environmental hardship site acquisition funds from a Preliminary Apportionment, the district or charter school must provide a priority funding request in the form of a written statement signed by an authorized representative that includes each of the project application numbers, and the type of apportionment request (e.g., Apportionment, separate apportionment for design or site acquisition), within the 30-calendar day filing period, and shall contain ~~that contains~~ all of the following:

- (1) Statement that the request is Request to convert the unfunded approval to an Apportionment or to receive an approved advance release of funds; and
- (2) Concurrence with a 90-calendar day time limit on fund release; and

- (3)-(2) Acknowledgement that a valid, original signature Form SAB 50-05 must be submitted and physically received by the OPSC within ~~the 90 calendar day days time limit of~~ Apportionment or approved advance release of funds request and that failure to do so will result in the rescission of the Apportionment or approved advance release of funds request without further Board action; and
- (4)-(3) For those receiving an Apportionment, acknowledgement that by participating in the priority funding process, the district or charter school is waiving its right to ~~a standard~~ the 18 month timeline for fund release submittal described in Section 1859.90.
- (b) In order to be considered for an approved advance release of site acquisition funds from a Preliminary Charter School Apportionment, the district or charter school must provide a priority funding request in the form of a written statement signed by an authorized representative within the 30-calendar day filing period, and shall contain that contains all of the following:
- (1) Statement that the request is Request to convert the advance release of funds to an approved advance release of funds request; and,
- (2) Concurrence with a 180 calendar day time limit on fund release; and
- (3)-(2) Acknowledgement that a valid, original signature Form SAB 50-05 must be submitted and physically received by the OPSC within ~~the 180 calendar day days time limit of the~~ approved advance release of funds request and that failure to do so will result in the rescission of the approved advance release of funds request without further Board action; and
- (4)-(3) Acknowledgement that it must provide evidence that it has entered into the Charter School Agreements within 90 calendar days of approval of the advance release of funds request and that failure to do so will result in the rescission of the approval without further Board action.

In the event that the amount of requests received during a specific 30-calendar day filing period exceeds the funds available, the Board shall apportion based on the unfunded approval date and the application received date up to the available cash from each bond source. Projects that have requested to participate in the priority funding process for which an Apportionment cannot be provided shall retain their date order position on the Unfunded List. ~~Request Requests letters of projects~~ not converted to apportionments will not be returned to the district or kept by the Office of Public School Construction OPSC.

For purposes of this section "rescinded" or "rescission" shall mean that the apportionment or approved advance release of funds request returns to unfunded approval status with a new unfunded approval date. The new unfunded approval date will be 90 calendar days after the apportionment date. The district or charter school will not be required to re-submit the application and no further application review will be required.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17072.12, 17072.30, 17074.16, 17076.10, 17077.40, 17077.42 and 17077.45, Education Code.