

Section 1859.2. Definitions.

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"Applications Received Beyond Bond Authority List" means an informational list of applications submitted to the Office of Public School Construction (OPSC) and presented to the Board. Funding applications placed on this list contain the preliminary grant amounts requested by a district. The OPSC has not determined that the Approved Application(s) are Ready for Apportionment.

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"Approved Application(s)" means a district has submitted the application and all documents to the Office of Public School Construction that are required to be submitted with the application as identified in the General Information Section of Forms SAB 50-01, ~~Enrollment Certification/Projection~~, SAB 50-02, ~~Existing School Building Capacity~~, SAB 50-03, ~~Eligibility Determination, (Revised 03/09)~~; and SAB 50-04, ~~Application for Funding~~, as specified in Section 1859.2. ~~"Form SAB 50-04", and the Office of Public School Construction has completed and accepted a preliminary approval review pursuant to Education Code Section 17072.25(a).~~

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"Bond Authority" means the authority of the Board to Apportion bond funds pursuant to Education Code Section 17070.40.

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"Form SAB 50-04" means the *Application For Funding*, Form SAB 50-04 (Revised ~~06/12~~09/12), which is incorporated by reference.

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"Insufficient Bond Authority" means the total funding requested on the Approved Application received by the OPSC exceeds the Bond Authority.

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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 1859.95. Acceptance of Applications When Funding Is Unavailable.

This Section shall not apply to Approved Applications submitted to the OPSC on or after the effective date of Section 1859.95.1.

When the Board has no funds to apportion or the application does not qualify for funding because of the Board's priority point mechanism pursuant to Sections 1859.91 and 1859.92, the Board will continue to accept and process applications for eligibility determination, with the exception of applications that include a request for review of an Alternative Enrollment Projection method. The Board will also accept and process applications for apportionment for purposes of developing an Unfunded List based on the date the application is Ready for Apportionment, with the exception of New Construction funding applications that utilize eligibility generated by the Alternative Enrollment Projection.

The Board will return any applications for the review of the Alternative Enrollment Projection method and New Construction applications that utilize eligibility generated by the Alternative Enrollment Projection once the funding

apportioned for these projects reaches \$500 million or the Board has no funds to apportion from the Kindergarten-University Public Education Facilities Bond Act of 2004.

If either the Executive Officer of the Board, the State Architect, the Director of School Facilities Planning Division within the CDE or the Chief of the School Property Evaluation and Cleanup Division within the Department of Toxic Substances Control certify to the OPSC that the district's application was delayed for a specified number of calendar days in relation to other similar applications submitted to that agency at the same time, the application may, at the discretion of the Board, receive a date on the Unfunded List or receive funding pursuant to Section 1859.91 based on the date the application is Ready for Apportionment, adjusted back in time for the number of calendar days the application was delayed.

Applications for New Construction Adjusted Grants for a project where the site was apportioned pursuant to Section 1859.75.1 shall receive a date on the Unfunded List based on the date the environmental hardship site apportionment was made for the project.

With the exception of financial hardship eligibility, a district with an application included on an Unfunded List shall not be required to re-establish eligibility for that application prior to apportionment.

An application for funding included on an Unfunded List is eligible for reimbursement subject to adjustments in the New Construction Grants amount pursuant to Section 1859.77.

Note: Authority cited: Sections 17070.35 and 17072.25, Education Code.

Reference: Sections 17070.35 and 17071.75, Education Code.

#### Section 1859.95.1. Applications Received When Bond Authority Is Unavailable.

This Section shall not apply to Approved Application for Joint-Use Funding, Approved Application for Career Technical Education Facilities Project Funding, a Form SAB 50-04 submitted for Critically Overcrowded Schools Facilities funding, (commencing with Section 1859.140), Charter School Facilities Program funding (commencing with Section 1859.160), or for Overcrowding Relief Grants.

- (a) When the Board has Insufficient Bond Authority to apportion the School District's funding request on the Form SAB 50-04, the following will apply:
- (1) The Office of Public School Construction (OPSC) will receive and determine if the Form SAB 50-04 is an Approved Application. To be placed on the Applications Received Beyond Bond Authority List, the Approved Application for funding shall be accompanied by a school board resolution, as specified in paragraph (b) of this Section. The OPSC will not determine if the Approved Application is Ready for Apportionment.
  - (2) A School District seeking financial hardship funding will not be required to submit a financial hardship status preapproval request pursuant to Section 1859.81. The OPSC will not process requests for financial hardship status. The School District may continue to submit the Form SAB 50-04 pursuant to (a)(1).
  - (b) A resolution from the governing board of the school district shall be submitted with the Form SAB 50-04 prior to the Approved Application being placed on the Applications Received Beyond Bond Authority List, pursuant to paragraph (a) of this Regulation. A School District's governing board resolution shall include paragraphs (b)(1) through (b)(5) or, if applying for financial hardship funding, paragraphs (b)(1) through (b)(6).
- (1) The school board acknowledges that the remaining School Facility Program bond authority is currently exhausted for the funds being requested on this application.
  - (2) The school board acknowledges that the State of California is not expected nor obligated to provide funding for the project and the acceptance of the application does not provide a guarantee of future State funding.
  - (3) The school board acknowledges that any potential future State bond measures for the School Facility Program may not provide funds for the application being submitted.

- (4) The school board acknowledges that criteria (including, but not limited to, funding, qualifications, and eligibility) under a future State school facilities program may be substantially different than the current School Facility Program. The district's Approved Application may be returned.
- (5) The school board acknowledges that they are electing to commence any pre-construction or construction activities at the district's discretion and that the State is not responsible for any pre-construction or construction activities.
- (6) The school board acknowledges that, if bond authority becomes available for the Board to provide funding for the submitted application, the School District must apply for financial hardship status.
- (c) The OPSC will continue to receive and determine if the Forms SAB 50-01, 50-02, and 50-03 are Approved Applications. The OPSC will not determine if the Approved Application is Ready for Apportionment. This Regulation Section does not constitute notification from the Board pursuant to Government Code Section 65995.5(b)(1).

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.35, 17070.40, 17072.20 and 17073.10, Education Code.