

## FINAL STATEMENT OF REASONS

Title 2. Administration  
Division 2. Financial Operations  
Chapter 3. Department of General Services  
Subchapter 4. Office of Public School Construction  
Group 1. State Allocation Board  
Subgroup 5.5. Regulations relating to the Leroy F. Greene School Facilities Act of 1998

### 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 dates for the Forms SAB 50-02, 50-03, and 50-04 to "03/09" because changes were made to the Forms. 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 1859.35. Calculation of Existing School Building Capacity.

#### **Specific Purpose of the Regulation**

To implement Senate Bill (SB) 658, Chapter 271, Statutes of 2008 (Romero), which eliminates Multi-Track Year-Round Education (MTYRE) Operational Grants as a factor in determining school building capacity and new construction eligibility. This required deleting these operational grants from the calculations for school building capacity.

#### **Need for the Regulation**

It was necessary to delete subsection (c) because SB 658 eliminates MTYRE Operational Grants as a factor in determining school building capacity. Education Code Section 42270 was added as a reference section because it is the authoritative code section enacted by SB 658.

### Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

#### **Specific Purpose of the Regulation**

To implement SB 658, which eliminates MTYRE Operational Grants as a factor in determining school building capacity and new construction eligibility. This required deleting these operational grants from the calculations for new construction eligibility.

#### **Need for the Regulation**

It was necessary to delete subsection (j)(2) because SB 658 eliminates MTYRE Operational Grants as a factor in determining new construction eligibility. Education Code Section 42270 was added as a reference section because it is the authoritative code section enacted by SB 658.

## SCHOOL FACILITY PROGRAM FORMS

### Existing School Building Capacity, Form SAB 50-02 (Revised 03/09)

#### **Specific Purpose of the Form**

This Form is submitted by applicant school districts to determine the total number of pupils that may be housed in the district's gross classroom inventory. The proposed amendments delete the references to the number of pupils provided MTYRE Operational Grants. In addition, the district representative will be asked to print or type their name after signing, and provide an e-mail address and telephone number so that if the OPSC has questions regarding the submittal, the staff knows who to ask for and the questions can be answered.

#### **Need for the Form**

Page 3, Part III, Paragraph 3: It was necessary to delete this paragraph concerning Operational Grants because SB 658 eliminated Operational Grants as a factor in determining school building capacity.

Page 3, Part III, Paragraph 4: It was necessary to renumber this paragraph as "3" for the purpose of sequential numbering because of deleting the previous paragraph 3. It was necessary through additions and deletions to make this paragraph the total of Line 1 and Line 2, representing the "existing school building capacity" of the district, the HSAA or Super HSAA.

Page 3, Part III, Paragraph 5: It was necessary to delete this paragraph concerning the total "existing school building capacity" because that purpose is now served in the renumbered paragraph 3 as described in the preceding paragraph.

Page 4, Part III: It was necessary to delete two lines, including their form fields, from this calculation because SB 658 eliminated Operational Grants as a factor in determining school building capacity. This leaves renumbered Line 3 to serve as the total of Lines 1 and 2 for the purpose of sequential numbering.

Page 4, last line: It was necessary to add three form fields entitled "Name of District Representative (Print or Type)," "E-Mail Address," and "Telephone" for the purpose of clarifying the identity of persons signing the form, and to facilitate contacting them if needed.

### Eligibility Determination, Form SAB 50-03 (Revised 03/09)

#### **Specific Purpose of the Form**

This Form is used by school districts to calculate their eligibility for new construction and modernization funding under the SFP. The proposed amendment corrects the reference to a line on Form SAB 50-02, which has been renumbered by these regulatory amendments.

#### **Need for the Form**

Page 2, first line: It was necessary to amend Line "5" to Line "3" to correctly refer to a line on Form SAB 50-02 that has been renumbered by these regulatory amendments. That line states the total "existing school building capacity."

Page 4, Part II, line 2: It was necessary to amend Line "5" to Line "3" to correctly refer to a line on Form SAB 50-02 that has been renumbered by these regulatory amendments. That line states the total "existing school building capacity."

**Application for Funding, Form SAB 50-04 (Revised 03/09).**

**Specific Purpose of the Form**

This Form is submitted by school districts to apply for State funding for new construction or modernization projects under the SFP. The proposed amendments delete references to the number of pupils provided MTYRE Operational Grants.

**Need for the Form**

Page 4, paragraph 13.b.: It was necessary to delete subparagraph b. concerning Operational Grants because SB 658 eliminated Operational Grants as a factor in determining adjustments to new construction baseline eligibility.

Page 7, paragraph 13.b.: It was necessary to delete subparagraph b. and its form fields concerning Operational Grants because SB 658 eliminated Operational Grants as a factor in determining adjustments to new construction baseline eligibility.

**Office of Administrative Law Regulations, Title 1, Section 20(c)(1)**

The State Allocation Board's School Facility Program Forms are maintained and readily accessible through our Web site. Therefore, it is not necessary to publish the Forms in the California Code of Regulations.

**Office of Administrative Law Regulations, Title 1, Section 20(c)(2)**

The State Allocation Board's School Facility Program Forms are made available upon request and through our Web site, and continue to be made available upon request and through our Web site.

**DOCUMENTS RELIED UPON AND STATEMENTS REGARDING THE RULEMAKING**

**Technical Documents Relied Upon:**

The State Allocation Board's Action Item, dated March 25, 2009, entitled "Implementation of Senate Bill 658."

**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 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.