

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 50-01 and SAB 50-02 to "05/09" 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 1859.41. High School Attendance Area Reporting.

Specific Purpose of the Regulation

To implement Senate Bill (SB) 1556, Chapter 723, Statutes of 2008 (Ducheny) by adding authority for elementary school districts meeting specified criteria to request eligibility determinations for new construction grants under the SFP based on a "high school attendance area" (HSAA) or Super HSAA basis.

Need for the Regulation

It was necessary to implement the SFP program changes required by SB 1556 by allowing elementary school districts to establish SFP eligibility on a HSAA or Super HSAA basis, pursuant to Education Code Section 17071.76(c).

Subsection (b): It was necessary to set forth the mandatory criteria that an elementary school district must meet in order to report enrollment on a HSAA or Super HSAA basis. To qualify, elementary school districts must meet the existing HSAA or Super HSAA criteria in this Section and all of the conditions in Education Code Section 17071.76(c). (Districts may file applications using one or several attendance areas rather than filing on a district wide basis thereby attaining greater new construction eligibility.)

Subsection (c): This subsection had to be re-lettered to "(c)" because of the new subsection (b) above it. It was also necessary to add clarifying language "or (b)" with subsection (a) in order to specify that the requirements apply to the new category of elementary school districts added by statute.

SCHOOL FACILITY PROGRAM FORMS

Enrollment Certification/Projection, Form SAB 50-01 (Revised 05/09).

Specific Purpose of the Form

To make clarifying language changes to conform to statute.

Need for the Form

Page 1, 1st column, under the sub-heading "Pupil Enrollment Projection Options", 2nd paragraph: It was necessary to add elementary school districts to the category of districts eligible to file on a HSAA or Super HSAA basis as provided by statute.

Existing School Building Capacity, Form SAB 50-02 (Revised 05/09).

Specific Purpose of the Form

To make clarifying language changes to conform to statute.

Need for the Form

Page 1, General Information, 3rd paragraph: It was necessary to add elementary school districts to the category of districts eligible to file on a HSAA or Super HSAA basis as provided by statute.

Page 3, Specific Instructions under Part III, #2, 1st bullet: It was necessary to add elementary school districts to the category of districts eligible to file on a HSAA or Super HSAA basis, as provided by statute.

Page 4, bottom of page: It was necessary to add three form fields for applicant school districts to print or type their name after signing, and provide an e-mail address and telephone number in order to facilitate communication between the Office of Public School Construction and the school districts.

The Form SAB 50-02 reflects intervening revisions approved by the Office of Administrative Law (OAL) in OAL File Number 2009-1014-05S, effective November 24, 2009:

1. Existing Regulation Section 1859.2, "Definitions," represents a set of defined words and terms used exclusively for these regulations. The OAL-approved revisions changed Form SAB 50-02 from "Rev 09/02" to "Rev 03/09." Therefore, this Form's latest revision date has been changed from "~~09/02~~" to "~~03/09~~" in Tab #10, the Final Regulation Text.
2. The recent OAL-approved revisions to the Form SAB 50-02 also required the following changes from the Form as initially noticed to the public:
 - Page 3, Part III, Paragraph 3: This paragraph deleted Operational Grants because SB 658 eliminated Operational Grants as a factor in determining school building capacity.
 - Page 3, Part III, Paragraph 4: This paragraph renumbered 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: This paragraph deleted 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: Two lines were deleted from this calculation, including their form fields, 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: Three form fields were added 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 communication if necessary.

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 May 27, 2009, entitled "Implementation of Senate Bill 1556."

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.