

REPORT OF THE EXECUTIVE OFFICER  
State Allocation Board Meeting, September 27, 2006

ASSEMBLY BILL (AB) 127 AMENDMENTS TO  
PROGRAM REGULATIONS

PURPOSE OF REPORT

To request:

1. Adoption of the proposed emergency regulations to implement and administer statutory amendments as follows:
  - Small High School
  - High Performance Schools (Resource Conservation Measures)
  - Charter School
  - Grant Increases
2. Authorization to file the proposed emergency regulations with the Office of Administrative Law (OAL).

DESCRIPTION

Assembly Bill (AB) 127, Chapter 35, Statutes of 2006 (Perata/Nunez) was chaptered on May 20, 2006, establishing the Kindergarten-University Public Education Facilities Bond Act of 2006 (Act). The Act provides \$10.416 billion in bonds for educational facilities, of which \$7.329 billion is earmarked for kindergarten through twelfth grade projects, to be placed before the voters on the November 2006 ballot as Proposition 1D. The law, of which nearly all the provisions are effective only upon the passage of the Act, makes modifications to certain School Facility Program (SFP) features, adds several new grant programs, provides funding for existing and new grant programs, and requires that emergency regulations be adopted. Major changes and amendments to the SFP and Deferred Maintenance Program regulations (Attachment) as a result of Chapter 35 are summarized below.

Included in this package:

- *New Construction, Modernization, Small High School, and Joint Use Programs*  
Additional funding is provided to continue the programs.
- *High Performance Schools*  
Up to \$100 million is made available for districts with projects that meet high performance rating criteria for components such as energy, water, natural lighting, air quality, and the use of recycled materials for construction projects.
- *Charter School*  
The program, in addition to \$500 million made available, includes funding changes and alternatives to the impact on a district's new construction baseline eligibility when a charter school receives funding for the construction of a school.
- *Grant Increases*  
The new construction per-pupil grant is increased by seven percent for the elementary and middle school, and four percent for the high school, effective July 1, 2006. In addition, after January 1, 2008, the Board can increase (by no more than six percent) or decrease the per pupil grant to correspond to the actual costs to construct new schools.

(Continued on Page Two)

DESCRIPTION (cont.)

Anticipated for a future SAB meeting:

- *Seismic Mitigation*  
The facility hardship program has been expanded to include up to a total of \$199.5 million for the mitigation of the State's most vulnerable Category 2 school facilities.
- *Career Technical Education Facilities Program*  
This program is established for the purpose of constructing new facilities or reconfiguring existing ones to provide facilities for students to learn the skills and knowledge necessary for today's high-demand technical careers.
- *Overcrowding Relief Grants*  
A new grant is added to provide funding to relieve overcrowding for districts with sites that have a high pupil population density and a significant number of portable classrooms.

STAFF COMMENTS

By utilizing the SAB Implementation Committee meetings as a forum to gather input from interested parties, the Office of Public School Construction (OPSC) has developed proposed regulations contained in the Attachment to implement the changes detailed above. During the discussion on several items, issues were raised that Staff agreed to include in its report to the Board as follows:

*High Performance Schools Grant (HPSG)*

The HPSG is based on High Performance Rating Criteria (HPRC) mirroring the adopted guidelines of the Green Action Team. The HPRC will be used to determine if a project qualifies for the grant and the amount of the grant for the costs of design and materials that promote the efficient use of energy and water, the maximum use of natural lighting and indoor air quality, the use of recycle materials and materials that emit a minimum of toxic substances, other uses of acoustics conducive to teaching and learning, and other characteristics of high performance schools. Typically, energy/high performance incentive programs are designed on a shared cost basis, in consideration of recouped costs through operational savings. AB 127 does not specify a prescribed method of grant determination but does authorize the grants in order to promote high performance schools. As a result, the Board has flexibility in considering options in providing the HPSG. Staff, with input from technical experts, has developed two options as follows:

Option 1 - HPSG

While the HPSG is an incentive-based program, the Board may consider the State and district sharing 50 percent of the costs for designs and materials that include the attributes of high performance schools. The costs of the remaining 50 percent will be borne by the district upfront, but recouped through operational savings. For example, energy savings should be sufficient enough to pay for the related design and materials several times over during the lifetime of the school. Additionally, districts may be able to receive additional grants from their utility provider that will pay for the cost of the same design and materials already funded by the State.

Other performance improvements, while not quantifiable, can be reasonably assumed. High Performance Schools may experience improvements such as a reduction in potable water use, reduction in waste water production, and reduction in construction waste to the landfill. Additional improvements will be realized in student and staff productivity to include increased student performance, reduction of teacher turnover, and reduction in absenteeism.

(Continued on Page Three)

STAFF COMMENTS (cont.)

The advantage of this option is that the \$100 million will be available for a longer period of time to fund more projects. The disadvantage of this option is that upfront costs are expensive and must be borne by the district, thereby likely limiting the participation of districts that have limited financial resources. In addition, cost savings cannot be achieved in every category and operational savings realized by a district do not return to the capital facilities fund, but remain in a district's funds for operation.

Option 2 - HPSG

Since the HPSG is an incentive-based grant, the Board may consider covering the entire upfront costs of design and materials of a high performance school to be shared equally between the State and the district. The advantage of this option is that upfront costs would be fully covered and the district would not have to wait for the life cycle (savings resulting from the inclusion of these high performance attributes) to cover the additional expenses incurred. This option would also result in greater district participation in the use of designs and materials that include the attributes of high performance schools. The disadvantage of this option is that the \$100 million made available could be exhausted quickly and would leave many districts that had planned to include high performance projects unfunded.

The regulations for these two proposals are included in the Attachment for the Board's consideration. Regardless of the preferred option, Staff will monitor the adequacy of this grant and if necessary, bring forward a recommendation to adjust the grant if it is warranted at a future SAB meeting.

*Grant Increase*

EC Section 17072.11 requires the "*per-unhoused-pupil grant eligibility*" as determined under subdivision (a) of Section 17072.10 to be increased by seven percent for elementary and middle school pupils, and four percent for high school pupils, effective July 1, 2006. If the November election is successful, the new construction grant amounts will be:

NEW CONSTRUCTION GRANT				
Grade Level	1998 Per Pupil Base Grant in Law	Adjusted 1998 Per Pupil Base Grant w/ Percentage Increase	CURRENT 2006 Per Pupil Base Grant	NEW 2006 Per Pupil Base Grant
Elementary	\$5,200	\$5,564	\$7,082	\$7,579
Middle	\$5,500	\$5,885	\$7,490	\$8,015
High	\$7,200	\$7,488	\$9,805	\$10,198

Apportionments made by the Board beginning with the July 26, 2006 SAB meeting will be increased accordingly provided Proposition 1D is approved by California's voters in November.

Starting January 1, 2008, the Board has the authority to annually increase the per pupil base grant amount by up to six percent, or reduce the per pupil base grant, by an amount determined based on an analysis of the current costs to build a school. To capture the most current costs to construct schools, Staff is developing a worksheet to be submitted to the OPSC with the *Fund Release Authorization* (Form SAB 50-05) and the *Expenditure Report* (Form SAB 50-06). Staff anticipates presenting the worksheet at a future SAB meeting. The information

### STAFF COMMENTS (cont.)

requested on the worksheet will provide the data necessary for Staff to analyze current construction costs. Further, Staff will likely recommend that the Board take into account the current Construction Cost Index (CCI) adjustment when determining the percentage increase/decrease of the new construction base grant as the CCI measures the change in costs of labor and materials which will also be captured in Staff's independent analysis. The Implementation Committee expressed concerns with this approach, and therefore, the proposed regulation clarifies that the Board's authority is not limited to the Staff's recommendations and can adjust the new construction base grant independent from the yearly CCI adjustment.

In addition, Staff may consider conducting a random sampling of schools recently constructed that are considered complete and adequate to support the data captured on the Form SAB 50-05 and Form SAB 50-06.

Upon adoption by the Board, the OPSC will submit these regulations as emergency regulations to the OAL.

### RECOMMENDATIONS

1. Direct Staff to proceed with either option 1 or 2 for the high performance schools grant.
2. Adopt the proposed amendments to the regulations as shown on the Attachment and begin the regulatory process.
3. Authorize the OPSC to file these emergency regulations with the OAL.

### BOARD ACTION

In considering this Item, the State Allocation Board on September 27, 2006 approved Staff's recommendations. The Board approved Option 2 regarding the High Performance Schools Grant, and corrected "(a)" to "(a)(1)" in the final line of Regulation Section 1859.163.1.

In addition, the Board requested Staff to revisit the issues raised by Global Green in the working group and report back on the findings.

The Board also requested that CDE work with OPSC to collect project cost and construction information relative to future grant increases and to report on the findings.

## ATTACHMENT

### PROPOSED AMENDMENTS TO THE PROGRAM REGULATIONS

State Allocation Board Meeting, September 27, 2006

#### DEFERRED MAINTENANCE PROGRAM

Amend Regulation Section 1866.4.

Section 1866.4. Five Year Plan Requirements.

EC Section 17591 establishes the need of filing with the Board a five year plan for deferred maintenance needs of the district. The Form SAB 40-20 is a summary of proposed projects the district plans on completing annually over the next five fiscal years using the basic grant. The fiscal year the plan commences is determined by the fiscal year in which it was filed. New and revised plans are accepted on a continuous basis for the current fiscal year up to the last working day in June. Revisions are not accepted for prior fiscal years.

- (a) Under the following circumstances, a revised plan would need to be submitted to the OPSC:
- (1) The plan has expired.
  - (2) Work will be performed that is not listed on the plan or at a school not listed on the plan.
  - (3) If work listed on the plan was performed using an SFP modernization, CSFP Rehabilitation (as defined in SFP Regulation Section 1859.2) or Federal Renovation Program (FRP) grant, pursuant to Section 1866.13.
- (b) A district submitting a new plan or revising a plan under (a) above must be able to certify that the plans and proposals for expenditures of funds, listed on the Form SAB 40-20 submitted to the OPSC, were discussed at a public hearing at a regularly scheduled meeting with the district's governing board, pursuant to EC Section 17584.1(a).

Note: Authority cited: Section 15503, Government Code.

Reference: Sections 17582, 17584.1, 17591, Education Code.

Amend Regulation Section 1866.13.

Section 1866.13. Duplication of Applications.

If the district's application for an extreme hardship grant involves proposed work also included in a SFP modernization project currently included on the SFP Modernization Unfunded List or the OPSC Modernization Workload List, the district must certify that, after reducing the work to be funded with the extreme hardship grant from the SFP modernization project, the cost estimate for the remaining work in the modernization project is at least 60 percent of the total SFP grant amount provided by the state and the district's matching share. The cost estimate may not include planning, tests, inspection or furniture or equipment. If the district cannot make this certification, the SFP modernization project must be withdrawn prior to the release of any extreme hardship grants to the district.

If the district's application for FRP grants, ~~or SFP modernization grants,~~ or CSFP Rehabilitation grants involve work currently included on the district's Form SAB 40-20, pursuant to Education Code Section 17591, the district must eliminate the projects that will be funded with the FRP grant, ~~or SFP modernization grants,~~ or CSFP Rehabilitation grants from the Form prior to the release of any FRP grants, ~~or SFP modernization grants,~~ or CSFP Rehabilitation grants to the district.

Note: Authority cited: Section 15503, Government Code.

Reference: Sections 17582, 17587 and 17591, Education Code.

## SCHOOL FACILITY PROGRAM

Amend Regulation Section 1859.2.

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:

...

"Charter School Agreements" mean a memorandum of understanding, a funding agreement and a use agreement as established by the California School Finance Authority (CSFA).

"Charter School Facility Account" means the fund for new construction Charter School projects authorized by Sections 100620(a)(1)(A) ~~and~~ 100820(a)(1)(A) and 101012(a)(2).

"Charter School Facility Program Rehabilitation" shall mean work that includes, but will not be limited to, structural changes or other types of work on an existing district facility that extends the useful life of or enhances the physical environment of the school, and as provided in Education Code Section 17078.58(a).

"Charter School General Location" shall mean a minimum of a one mile radius to a maximum of a three mile radius from the present or proposed location of the Charter School project as identified in the chartering agreement.

...

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

"Form SAB 50-05" means the *Fund Release Authorization*, Form SAB 50-05 (Revised ~~02/05~~ 09/06), which is incorporated by reference.

"Form SAB 50-06" means the *Expenditure Report*, Form SAB 50-06 (Revised ~~09/02~~ 09/06), which is incorporated by reference.

"Form SAB 50-09" means the *Application for Charter School Preliminary Apportionment*, Form SAB 50-09 (Revised ~~06/06~~ 09/06), which is incorporated by reference.

...

"High Performance Rating Criteria" (HPRC) will be used to evaluate the costs of design and materials that promote high performance schools. The HPRC will be determined by using a point system adopted by the Green Building Initiative.

"High Performance School Account" means the funds set aside by the Board for purposes of Education Code Section 101012(a)8.

...

"Low-income" shall be the percentage of pupils deemed ~~to be~~ eligible for free/reduced lunch as identified in the most recent Free and Reduced Price Meals data on file at the CDE. The data on file with CDE shall be determined to be the information collected for the month of October, and any errors and omissions amendments to that information for that time period that have been received and approved by the CDE.

...

"Rural Area" shall be a school with a locale code of ~~six, seven or eight~~ 41, 42 or 43 as classified by the National Center for Education Statistics (NCES).

...

"Suburban Area" shall be a school with a locale code of either ~~two, three, four, or five~~ 21, 22, 23, 31, 32 or 33 as classified by the NCES.

...

"Unrestricted Charter School Fund" means the funds in the ~~2002 (or 2004, as appropriate)~~ Charter School Facility Account not approved for a Preliminary Charter School Apportionment(s).

...

"Urban Area" shall be as a school with a locale code of ~~one~~ 11, 12 or 13 as classified by the NCES.

...

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,

Amend Regulation Section 1859.51.

Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

The baseline eligibility for new construction determined on the Form SAB 50-03, will be adjusted as follows:

(a) Reduced by the number of pupils provided grants in a new construction SFP project and by the number of pupils that received a Preliminary Apportionment pursuant to Section 1859.140 or a Preliminary Charter School Apportionment pursuant to Section 1859.460162.2.

...

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17052, 17070.51, 17071.25, 17071.75, 17071.76, 17072.20 and 17077.40, Education Code.

Amend Regulation Section 1859.60.

Section 1859.60. Calculation to Determine Modernization Baseline Eligibility.

The district shall calculate its modernization eligibility for each school site with the completion of the Form SAB 50-03. The eligibility determination may be made by either identifying all classrooms on the site pursuant to (a) or by the identification of all square footage on the site pursuant to (b), as follows:

- (a) Identify all classrooms at the school site that would have been included in the Gross Classroom Inventory pursuant to Section 1859.31 that are:
  - (1) Permanent and at least 25 years old.
  - (2) Portable and at least 20 years old.
  - (3) The remaining classrooms not reported in (1) or (2) above.
- (b) Identify all square footage at the school site that is:
  - (1) Permanent area and at least 25 years old.
  - (2) Portable classroom area and at least 20 years old.
  - (3) The remaining square footage on the site not reported in (1) or (2) above.

The age of the classroom or square footage shall begin 12 months after the plans for the building were approved by the DSA; or in the case of permanent or portable classrooms that were previously modernized with State funds or rehabilitated pursuant to Article 14, the 25/20 year period shall begin on the date of its previous ~~modernization~~ apportionment. For purposes of identifying square footage at a school site, include the total enclosed exterior square footage of the school buildings. For multilevel buildings, include the square footage at each level.

Enrollment at the school shall be the latest CBEDS report for K-6, 7-8 and 9-12 pupils. If the school is closed at the time of application for eligibility determination for modernization, and the district intends to reopen it and use it as a school for at least the next five years, the enrollment may be estimated based on

district demographic data. The calculated eligibility determined on the Form SAB 50-03, shall be referred to as the modernization baseline eligibility for the specific school site.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17073.15, 17073.20 and 17074.10, Education Code.

Amend Regulation Section 1859.61.

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:

- (a) Reduced by the number of pupils provided grants in a modernization SFP project or a CSFP Rehabilitation project at the specific site.
- (b) Reduced by the number of pupils housed, based on the loading standards pursuant to Education Code Section 17071.25(a)(2), in a modernization LPP project funded under the LPP pursuant to Sections 1859.14 and 1859.15.
- (c) Increased by changes in projected enrollment in subsequent enrollment reporting years.
- (d) Increased for additional facilities not previously modernized with State funds, that become 25 years old, if permanent, or 20 years old, if portable or as a result of audit findings made pursuant to Sections 1859.90 and 1859.105.
- (e) Adjusted as a result of errors or omissions by the district or by the OPSC.
- (f) Adjusted as a result of amendments to these Subgroup 5.5 Regulations that affect the eligibility.
- (g) For classroom loading standards adopted by the Board for non-severely disabled individuals with exceptional needs and severely disabled individuals with exceptional needs.
- (h) As directed by the Board due to a finding of a Material Inaccuracy pursuant to Regulation Section 1859.104.1.
- (i) Increased for facilities previously modernized with State funds, which qualify for an additional modernization apportionment pursuant to Section 1859.78.8.
- (j) Adjusted as a result of the Reconfiguration of an existing high school under the provisions of the Small High School Program.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.51, 17071.25, 17072.15, 17072.20, 17073.15, 17074.10 and 17074.32, Education Code.

#### Amend Regulation Section 1859.70.3.

##### 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 Section 17072.10(c).

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17072.10 ~~and~~, 17074.32, and 101012(a)(5), Education Code.

(Rev. 1)

#### Adopt Regulation Section 1859.70.4.

##### Section 1859.70.4. Available Funding for High Performance.

The Board shall set aside \$100 million pursuant to Education Code Section 101012(a)(8) for the costs of designs and materials that promote in new construction and modernization projects, the efficient use of energy and water, the maximum use of natural lighting 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 other characteristics of high performance schools.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 101012(a)(8), Education Code.

#### Amend Regulation Section 1859.71.

Section 1859.71. Adjustment to the New Construction Grant.

The new construction per-unhoused-pupil grant amount, as provided by Education Code Section 17072.10(a), will be adjusted annually based on the change in the Class B Construction Cost Index as approved by the Board each January. The base Class B Construction Cost Index shall be 1.30 and the first adjustment shall be January, 1999.

The new construction per unhoused-pupil grant amount, as provided by Education Code Section 17072.10(a), may be increased by an additional amount not to exceed six percent in a fiscal year, or decreased, based on the analysis of the current cost to build schools as reported on the worksheet required to be submitted with the Forms SAB 50-05 and 50-06 and as approved by the Board.

For any changes or additions to the regulations adopted by the Board in 1999, those changes shall be adjusted in accordance with this Section at the time the regulations are adopted.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17072.10 and 17072.11, Education Code.

**Option 1**

Adopt Regulation Section 1859.71.6.

Section 1859.71.6. New Construction Additional Grant for High Performance

- (a) In addition to any other funding authorized by these Regulations, the Board shall provide the grant amounts identified in Subsection (b) if all the following are met:
- (1) The project includes the prerequisites in each of the six HPRC.
  - (2) If the project has been accepted by DSA prior to August 24, 2007, the points standard must be within the range from 28 to 81 points. If the project has been accepted by DSA on or after August 24, 2007, the points standard must be within the range from 32 to 85 points.
  - (3) The DSA has reviewed the proposed project and concurs with the points specified in the HPRC.
  - (4) The project will not receive funding from the Energy Efficiency Account.
- (b) A New Construction Grant will be multiplied by the percentage allowance as follows:
- (1) For those projects accepted by DSA prior to August 24, 2007 in which the level of high performance attained as concurred by the DSA is 28 points, the New Construction Grant multiplied by:
    - (A) One percent at 28 points plus 0.03 percent for each point attained from 29 through 33 points; or
    - (B) 1.18 percent at 34 plus 0.12 percent for each point attained from 35 through 40 points; or
    - (C) Two percent at 41 points plus 0.18 percent for each point attained from 42 through 54 points.
    - (D) 4.53 percent at 55 points plus 0.18 percent for each point attained from 56 to 81 points.
  - (2) For those projects accepted by DSA on or after August 24, 2007, in which the level of high performance attained as concurred by DSA is 32 points, the New Construction Grant multiplied by:
    - (A) One percent at 32 points plus 0.06 percent for the point attained at 33 points; or
    - (B) 1.18 percent at 34 points plus 0.12 percent for each point attained from 35 through 40 points; or
    - (C) Two percent at 41 points plus 0.18 percent for each point attained from 42 through 54 points.
    - (D) 4.53 percent at 55 points plus 0.18 percent for each point attained from 56 to 85 points.

If there are no funds remaining in the High Performance School Account or the funds remaining in the High Performance School Account are insufficient to fully fund the additional grant authorized in Subsection (b) the district may either withdraw its application and resubmit it should additional funds be made available in

the High Performance School Account or continue with the new construction project and accept a full and final apportionment without the additional grant authorized by Subsection (b).

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 101012(a)(8), Education Code.

Adopt Regulation Section 1859.77.4.

Section 1859.77.4. Addition to a Site and Modernization Additional Grant for High Performance.

- (a) In addition to any other funding authorized by these Regulations, the Board shall provide the grant amounts identified in Subsection (b) if all the following are met:
- (1) The project meets the prerequisites in each of the six HPRC that are in the scope of the project.
  - (2) If the project has been accepted by DSA, the points standard must be within the range from 25 to 81 points.
  - (3) The DSA has reviewed the proposed project and concurs with the points specified in the HPRC.
  - (4) The project will not receive any funding from the Energy Efficiency Account.
- (b) For an Addition to a Site or Modernization project in which the level of high performance attained as concurred by DSA is 25 points, the New Construction or Modernization Grant will be multiplied by:
- (1) One percent at 25 points plus 0.02 percent for each point attained from 26 through 33 points; or
  - (2) 1.18 percent at 34 plus 0.12 percent for each point attained from 35 through 40 points; or
  - (3) Two percent at 41 points plus 0.18 percent for each point attained from 42 through 54 points.
  - (4) 4.53 percent at 55 points plus 0.18 percent for each point attained from 56 to 81 points.

If there are no funds remaining in the High Performance School Account or the funds remaining in the High Performance School Account are insufficient to fully fund the additional grant authorized in Subsection (b), the district may either withdraw its application and resubmit it should additional funds be made available in the High Performance School Account or continue with the project and accept a full and final apportionment without the additional grant authorized by Subsection (b).

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 101012(a)(8), Education Code.

## Option 2

Adopt Regulation Section 1859.71.6.

Section 1859.71.6. New Construction Additional Grant for High Performance

- (a) In addition to any other funding authorized by these Regulations, the Board shall provide the grant amounts identified in Subsection (b) if all the following are met:
- (1) The project includes the prerequisites in each of the six HPRC.
  - (2) If the project has been accepted by DSA prior to August 24, 2007, the points standard must be within the range from 28 to 81 points. If the project has been accepted by DSA on or after August 24, 2007, the points standard must be within the range from 32 to 85 points.
  - (3) The DSA has reviewed the proposed project and concurs with the points specified in the HPRC.
  - (4) The project will not receive funding from the Energy Efficiency Account.
- (b) A New Construction Grant will be multiplied by the percentage allowance as follows:

- (1) For those projects accepted by DSA prior to August 24, 2007, in which the level of high performance attained as concurred by the DSA is 28 points, the New Construction Grant multiplied by:
  - (A) Two percent at 28 points plus 0.06 percent for each point attained from 29 through 33 points; or
  - (B) 2.35 percent at 34 points plus 0.24 percent for each point attained from 35 through 40 points; or
  - (C) Four percent at 41 points plus 0.36 percent for each point attained from 42 through 54 points; or
  - (D) 9.05 percent at 55 points plus 0.060 percent for each point attained from 56 through 81 points.
- (2) For those projects accepted by DSA on or after August 24, 2007, in which the level of high performance attained as concurred by DSA is 32 points, the New Construction Grant multiplied by:
  - (A) two percent at 32 points plus 0.17 percent for the point attained at 33 points; or
  - (B) 2.35 percent at 34 points plus 0.24 percent for each point attained from 35 through 40 points; or
  - (C) four percent at 41 points plus 0.36 percent for each point attained from 42 through 54 points; or
  - (D) 9.05 percent at 55 points plus 0.060 percent for each point attained from 56 through 85 points.

If there are no funds remaining in the High Performance School Account or the funds remaining in the High Performance School Account are insufficient to fully fund the additional grant authorized in Subsection (b), the district may either withdraw its application and resubmit it should additional funds be made available in the High Performance School Account or continue with the new construction project and accept a full and final apportionment without the additional grant authorized by Subsection (b).

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 101012(a)(8), Education Code.

Adopt Regulation Section 1859.77.4.

Section 1859.77.4. Addition to a Site and Modernization Additional Grant for High Performance.

- (a) In addition to any other funding authorized by these Regulations, the Board shall provide the grant amounts identified in Subsection (b), if all the following are met:
  - (1) The project meets the prerequisites in each of the six HPRC that are in the scope of the project.
  - (2) If the project has been accepted by DSA, the points standard must be within the range from 25 to 81 points.
  - (3) The DSA has reviewed the proposed project and concurs with the points specified in the HPRC.
  - (4) The project will not receive any funding from the Energy Efficiency Account.
- (b) For an Addition to a Site or Modernization project in which the level of high performance attained as concurred by DSA is 25 points, the New Construction or Modernization Grant will be multiplied by:
  - (1) Two percent at 25 points plus 0.035 percent for each point attained from 26 through 33 points; or
  - (2) 2.35 percent at 34 points plus 0.24 percent for each point attained from 35 through 40 points; or
  - (3) Four percent at 41 points plus 0.36 percent for each point attained from 42 through 54 points; or
  - (4) 9.05 percent at 55 points plus 0.060 percent for each point attained from 56 through 81 points.

If there are no funds remaining in the High Performance School Account or the funds remaining in the High Performance School Account are insufficient to fully fund the additional grant authorized in Subsection (b), the district may either withdraw its application and resubmit it should additional funds be made available in

the High Performance School Account or continue with the project and accept a full and final apportionment without the additional grant authorized by Subsection (b).

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 101012(a)(8), Education Code.

Amend Regulation Section 1859.78.9.

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 ~~an aggregate of~~ \$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.

Amend Regulation Section 1859.83.

1859.83. Excessive Cost Hardship Grant

...

- (3) If the project is for a Small High School on a site with no existing facilities, or for one Small High School 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 and 17077.45, Education Code.

Amend Regulation Section 1859.93.2.

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, 2006~~7~~, 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 ~~must~~ 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.

Amend Regulation Section 1859.160.

Section 1859.160. General.

A Charter School seeking a Preliminary Charter School Apportionment pursuant to the provisions of Education Code Sections 17078.50 through 17078.66 for new construction or rehabilitation shall complete and file a Form SAB 50-09. In addition the charter school must provide all required documents necessary for a financial soundness determination.

Once the Board has approved a Preliminary Charter School Apportionment for a Preliminary Charter School Application submitted pursuant to this Section after July 2, 2003, a Charter School seeking an advance release of funds for site acquisition pursuant to Section 1859.164.2(b), shall be required to submit an additional Form SAB 50-09, to the OPSC, to determine eligible site acquisition costs. A Charter School seeking an advance release of funds for design, engineering, and other pre-construction project costs pursuant to Section 1859.164.2(a), shall not be required to submit an additional Preliminary Charter School Application.

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

Reference: Sections 17078.52 and 17078.53, Education Code.

Amend Regulation Section 1859.161.

Section 1859.161. Preliminary Charter School Application Submittals.

A Charter School seeking a Preliminary Charter School Apportionment shall complete and submit Form SAB 50-09 between February 2003 and March 31, 2003, or during a period of 120 calendar days beginning ~~30~~ 90 calendar days after an election authorizing additional funding.

The Board may establish additional application filing periods as needed.

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

Reference: Section 17078.53, Education Code.

Amend Regulation Section 1859.162.

Section 1859.162. General Preliminary Charter School Apportionment Eligibility Criteria.

A Charter School may apply for a Preliminary Charter School Apportionment by submittal of Form SAB 50-09 if all of the following requirements are met:

- ~~(a) the district in which the Charter School is physically located has SFP new construction eligibility pursuant to Education Code Section 17071.75 and Section 1859.50 at the grade level(s) being proposed in the Preliminary Charter School Application; and,~~
- ~~(b)~~ (a) Prior to submission of the Preliminary Charter School Application the requirements of EC Sections 17078.53(d)(c) and (e) are met.
- ~~(c) the pupil grants requested on the Form SAB 50-09 do not exceed the lesser of the district's available new construction eligibility or the following:~~

Grade Level	Pupil Grant Request Description	Pupil Grant Limit
Elementary	K-6 or any combination thereof	350
Middle	7-8, K-8 inclusive, or any combination of 7-12 non-inclusive	450
High	9-12 or K-12, 7-12 inclusive	600

~~For purposes of this pupil grant limiter, Severely Disabled Individuals with Exceptional Needs and Non-Severely Disabled Individuals with Exceptional Needs pupils will be counted towards the pupil grant limit established for the project.~~

- (b) Prior to submission of the Preliminary Charter School Application, a Charter School applying on its own behalf must notify the school district where the project will be physically located of its intent to apply. This notification must occur at least 30 days prior to the application submittal. As part of the Preliminary Charter School Application, the Charter School must submit evidence of the date the notification was received by the school district.
- (c) The Preliminary Charter School Application shall include a description of the proposed project including, but not limited to, the identification of the number of classrooms, the grade level of the pupils to be served, the intended opening date of the project, the Charter School General Location, and whether the project will be permanent or portable construction.

If a charter school project has already received a Preliminary Charter School Apportionment under the CSFP but would like to re-apply under a future funding cycle, the original Preliminary Charter School Apportionment must be withdrawn by the charter school and rescinded by the Board prior to the submittal of a subsequent application.

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

Reference: Sections 17071.75, 17078.52 and 17078.53, Education Code.

Adopt Regulation Section 1859.162.1.

Section 1859.162.1. Preliminary Charter School New Construction Apportionment Eligibility Criteria.

For Charter Schools applying on their own behalf, the notification to the school district of the Charter School's intent to apply pursuant to Section 1859.162(b) must include the following:

- (a) A request for the school district to provide a certification to the number of the district's unhoused pupils, pursuant to Section 1859.50, that the project will serve. Prior to submitting the certification as part of the Preliminary Charter School Application, the school board must have discussed the issue as an action item at a regularly scheduled, publicly held board meeting. The certification, in the form of a board resolution, and supporting documentation must be submitted to the OPSC within 90 days from the date the Charter School notified the school district of its intent to apply to the CSFP.
- (b) A request that the school district update its current year enrollment on file with the OPSC pursuant to regulation section 1859.51(e).

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

Reference: Section 17078.53, Education Code.

### Adopt Regulation Section 162.2.

#### Section 1859.162.2. Preliminary Apportionment Eligibility Adjustments for New Construction Projects.

The baseline eligibility for new construction determined by the Form SAB 50-03 of the appropriate school district where the project will be physically located will be decreased based upon the number of unhoused pupils, pursuant to Section 1859.50, the CSFP project will serve as determined by either of the following:

- (a) For a Charter School applying on its own behalf, the number of unhoused pupils the project will serve will be determined and certified to by the school district in which the project will be physically located.
- (b) For school districts applying on behalf of a Charter School, the school district must indicate the number of unhoused pupils the project will serve. The supporting documentation for arriving at this number must be submitted to the OPSC as part of the Preliminary Charter School Application.

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

Reference: Section 17078.53, Education Code.

### Amend Regulation Section 1859.162.1.

#### Section 1859.162.43. Overlapping District Boundaries.

If the Charter School provides or will provide instruction for a combination of grade levels and therefore is or will be located in more than one school district's boundaries (e.g. elementary and high school district, not unified), a separate Form SAB 50-09 ~~requesting pupil grant eligibility~~ indicating the number of unhoused pupils served from each district, as appropriate will be required. Sections 1859.162.1 and 1859.162.2 shall apply to all districts involved in the Preliminary Charter School Apportionment. For the purposes of receiving a Preliminary Charter School Apportionment pursuant to Section 1859.163, the applications will be combined into one to be funded concurrently.

In addition, if the project will be located in an area of overlapping district boundaries but proposes to house only the grade levels served by just one of the districts, the district that serves the same grade levels will be subject to the district related requirements of this article (including, but not limited to holding title to the project, generating overcrowding percentages for preference points and signing the Charter School Agreements).

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

Reference: Sections 17078.53 and 17078.54, Education Code.

### Amend Regulation Section 1859.163.1.

#### Section 1859.163.1. Preliminary Charter School New Construction Apportionment Determination.

The Preliminary Charter School New Construction Apportionment shall be separated into two categories, items that may be identified as construction costs versus site acquisition costs.

- (a) The Preliminary Charter School New Construction Apportionment for construction costs shall be equal to the lesser of the sum of (1) through (8) ~~(9)~~ below or the amounts in the following chart:

Project Grade Level	Charter School Construction Cost Funding Cap	
	Non-Urban Ineligible for (a)(5) below	Urban Eligible for (a)(5) below
Elementary	\$5 million	\$6.6 million
Middle	\$7 million	\$9 million
High	\$10 million	\$12.9 million

The funding cap for a project containing a combination of grade levels shall be determined based on the pupil cap assigned pursuant to Section 1859.162.

- (1) The amounts shown below for each pupil, based on the project capacity, included in a Preliminary Charter School Application:
  - (A) ~~\$5,870~~ 5,227 for each elementary school pupil.
  - (B) ~~\$6,214~~ 5,534 for each middle school pupil.
  - (C) ~~\$8,116~~ 7,226 for each high school pupil.
  - (D) ~~\$18,703~~ 16,653 for each pupil that is a Severely Disabled Individual with Exceptional Needs.
  - (E) ~~\$12,509~~ 11,137 for each pupil that is a Non-Severely Disabled Individual with Exceptional Needs.
- (2) An amount equal to 12 percent of the amount determined in (1) for multilevel construction, if requested by the Charter School.
- (3) An amount for site development cost determined, at the option of the Charter School, by one of the following:
  - (A) One-half of the Site Development Cost for the specific site as authorized by Section 1859.76.
  - (B) One-half of the Site Development Cost as authorized by Section 1859.76 using historical information in the Charter School General Location. Historical information that may be considered to determine this estimated cost may include prior SFP projects of the district or other districts in the Charter School General Location.
  - (C) \$70,000 multiplied by the proposed acres requested on the Form SAB 50-09.
- (4) General Site Development costs within school property lines for an addition to an existing school site project wherein additional acreage is acquired or a new school project, determined as follows:
  - (A) ~~\$19,200~~ \$9,600 per proposed acre requested on the Form SAB 50-09. This sum may be increased pursuant to the provisions in Section 1859.83(b). The per acre amount shown above shall be adjusted annually in the manner prescribed in Section 1859.71.
  - (B) 6 percent for Elementary School Pupils and Middle School Pupils and 3.75 percent for High School Pupils of the funding provided by Sections 1859.163.1(a)(1) multiplied by two. For purposes of this calculation, the percentage amount for Severely Disabled Individuals with Exceptional Needs and Non-Severely Disabled Individuals with Exceptional Needs pupils shall be based on the type of project selected by the Charter School on the Form SAB 50-09.
  - (C) 6 percent for Elementary School Pupils and Middle School Pupils and 3.75 percent for High School Pupils of the funding provided by Sections 1859.163.1(a)(2) and (5) multiplied by two.
- (5) If the Preliminary Application request is for a small project that will house no more than 200 pupils, an amount pursuant to ~~1859.83(b)(1) or (b)(2), as appropriate~~ the following:
  - (A) If the project will house less than 101 pupils, the district is eligible for an amount equal to 12 percent of the funding provided by (a).
  - (B) If the project will house between 101 and 200 pupils, the district is eligible for an amount equal to four percent of the funding provided by (a).
- (6) An amount due to urban location, security requirements and impacted site equal to 15 percent of the amount determined in (1) and (4), plus 1.166 percent for each percentage decrease in the CDE recommended site size below 60 percent when the following criteria are met:
  - (A) The Charter School has requested an increase for multilevel construction pursuant to (2) above.
  - (B) The Useable Acres of the existing and/or proposed site are 60 percent or less of the CDE recommended site size ~~for a traditional school determined by multiplying the sum of the pupil grants requested on Form SAB 50-09, and the current CBEDS enrollment on the site (if applicable) by .01775 for elementary school pupils, .021 for middle school pupils and .02472 for high school pupils. For purposes of this calculation, assign Severely Disabled Individuals with Exceptional Needs and Non-Severely Disabled Individuals with Exceptional Needs pupil grants requested on Form~~

~~SAB 50-09, as either elementary, middle or high school pupils based on the type of project selected by the district on Form SAB 50-09.~~

- (C) The value of the property as determined in Section 1859.163.2(a) is at least \$750,000 per Useable Acre. This criterion does not apply to an application for an addition to an existing school site.
- (7) An amount for the geographic location of the proposed project equal to the sum of the amounts determined in (1), (2), (3)~~(C)~~, (4) and (5) multiplied by the indicated percentage factor in the Geographic Percentage Chart shown in Section 1859.83(a).
- (8) For all Preliminary Apportionments received after February 23, 2005, an amount equal to the sum of the amounts determined in (1) through (6) multiplied by a factor determined as follows:
- (A) Divide the January Class B Construction Cost Index in effect at the time of the Preliminary Apportionment by the January Class B Construction Cost Index in effect four years prior to the Preliminary Apportionment. Round to four decimal places.
- (B) Subtract 1 from the quotient in (A). Round to two decimal places.
- ~~(8)~~ (9) An amount to initiate and enforce a LCP as prescribed in Section 1859.71.4, if required by the Labor Code.
- (9) (10) If the Charter School is paying its matching share through the form of lease payments, pursuant to Section 1859.168, the value of the lease as determined by the Authority attributable to the items in (1) through ~~(6)~~ (8) above.
  - (b) The Preliminary Charter School Apportionment for site acquisition costs shall be:
    - (1) Equal to one-half of the site acquisition value determined in Section 1859.163.2(a) and (c).
    - (2) If the Charter School is paying its matching share through the form of lease payments, pursuant to Section 1859.168, the value of the lease as determined by the Authority attributable to (1) above.
    - (c) The total amount calculated in (a) above will be added to any amount calculated in (b) above, which will provide the Preliminary Charter School Apportionment amount.

The amounts shown in (a)(1) shall be adjusted annually in the manner prescribed in Section 1859.71.

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

Reference: Sections 17078.52 and ~~17078.56~~-17078.58, Education Code.

Amend Regulation Section 1859.163.2.

Section 1859.163.2. Preliminary Charter School Apportionment Site Acquisition Value.

If the Preliminary Charter School Application includes a request for site acquisition funding, the preliminary value of the proposed site shall be the sum of the following:

- (a) The value of the property determined by one of the following:
  - (1) By an appraisal or a preliminary appraisal of the property made no more than six months prior to the date the Preliminary Charter School Application was submitted to the OPSC, using the guidelines outlined in Section 1859.74.1. The preliminary appraisal may be made without access to the property.
  - (2) The Median Cost of an acre of land in the Charter School General Location using historical information in the Charter School General Location multiplied by the number of proposed Useable Acres requested on Form SAB 50-09. Historical information that may be considered to determine land cost shall include prior real-estate sales consummated and documented by the county recorder or pending real-estate sales documented by a title insurance company's escrow instructions. For purposes of historical information include all real-estate sales consummated and documented by the county recorder for a minimum of six months and a maximum of up to two years prior to the date the Preliminary Charter School Application was submitted to the OPSC.
- (b) An amount for the estimated relocation cost and the estimated DTSC costs for review, approval and oversight of the POESA and the PEA as determined by one of the following:
  - (1) 15 percent of the value determined in (a).
  - (2) The sum of the following:
    - (A) The approved relocation expenses for the specific site to be acquired that conform to Title 25, California Code of Regulations, Section 6000, et. seq.
    - (B) The DTSC cost for review, approval, and oversight of the POESA and the PEA for the specific site to be acquired.
    - (3) The estimated relocation cost and the estimated DTSC costs for review, approval and oversight of the POESA and the PEA using historical information in the Charter School General Location. Historical information that may be

considered to determine these estimated costs may include prior real-estate acquisitions of the district or other districts in the Charter School General Location.

- (c) Four percent of the amount determined in (a), but not less than \$50,000. This amount shall provide an allowance of any appraisal, escrow, survey, site testing, CDE review/approvals and preparation of the POESA and the PEA.
- (d) For allowable costs of hazardous material/waste removal and remediation costs, up to one-half times the value of the property determined in either (a)(1) or (a)(2) above.

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

Reference: Sections 17078.52 and 17078.56, Education Code.

Amend Regulation Section 1859.163.3.

Section 1859.163.3. Establishment of Funds for Relocation/DTSC Fee and Hazardous Material/Waste Removal.

For Preliminary Charter School Apportionments awarded on February 23, 2005, The Board shall establish two separate funds from the funding provided through the 2004 Bond for the site acquisition values calculated pursuant to costs provided in Section 1859.163.2(b) and (d) that will not be part of the Preliminary Charter School Apportionment determined in Section 1859.163.1. The amount to reserve for the funds will be determined as follows:

Relocation/DTSC Fee Fund

- (a) For all projects requesting an additional grant for relocation and DTSC costs on the Form SAB 50-09 pursuant to Section 1859.163.2(b), the value of each property as determined in Section 1859.163.2(a) will be added. The sum would then be multiplied by 15 percent. The product would provide the dollar value to be reserved, but shall not be less than \$2.75 million.

Hazardous Material/Waste Removal Fund

- (b) For all projects requesting an additional grant for hazardous material/waste removal and remediation costs provided pursuant to Section 1859.163.2(d), the value of each property as determined in Section 1859.163.2(a) will be added. The sum would then be multiplied by 10 percent. The product would provide the dollar value to be reserved, but shall not be less than \$2.5 million.

Any Charter School that received a Preliminary Charter School Apportionment on February 23, 2005 that is requesting a Final Charter School Apportionment may request the funding provided in (a) and/or (b) above when the Form SAB 50-04 is submitted. At the time of Final Charter School Apportionment, should insufficient funds remain in either the Relocation/DTSC Fee Fund or Hazardous Material/Waste Removal Fund to fully apportion those site acquisition costs, any amount not apportioned by the Board for relocation, DTSC fees, or hazardous material waste removal or remediation shall be placed on an Unfunded List in Board date approval order. Any funds returned to Unrestricted Charter School Fund in the appropriate Charter School Facility Account pursuant to Section 1859.167(b) shall be used by the Board to fund projects remaining on the Unfunded List.

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

Reference: Section 17078.56, Education Code.

Adopt Regulation Section 1859.163.4.

Section 1859.163.4 Preliminary Charter School Rehabilitation Apportionment Eligibility Criteria.

A Charter School or School District may apply for a Preliminary Charter School Rehabilitation Apportionment by submittal of Form SAB 50-09 if all of the following requirements are met:

- (a) The application includes existing school buildings made available by a school district; and,
- (b) The application includes classrooms that are at least 15 years of age at the time of submittal; and,
- (c) The facilities included in the application were not previously built or modernized with SFP funds; and,
- (d) For a Charter School applying on its own behalf, the application must include an agreement between the school district and the charter school for the use of the facilities to be rehabilitated. The agreement must have been

approved prior to submittal of application and must have been discussed and approved at the school district board meeting.

The age of the facilities shall begin 12 months after the plans for the building were approved by the DSA; or in the case of facilities that were previously modernized under the LPP, the 15 year old period shall begin on the date of its previous modernization apportionment.

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

Reference: Sections 17078.54, and 17078.58, Education Code.

Adopt Regulation Section 1859.163.5.

#### Section 1859.163.5 Preliminary Charter School Rehabilitation Apportionment Determination.

The Preliminary Charter School Rehabilitation Apportionment will be determined based on the eligible square footage included in the project. For purposes of the Preliminary Charter School Rehabilitation Apportionment, eligible square footage is defined as the total enclosed exterior square footage of the school buildings. For multilevel buildings, include the square footage at each level.

The amount of funding for each Preliminary Charter School Rehabilitation Apportionment will be equal to the sum of the amounts determined in (a) through (g) below:

- (a) The lesser of the amount determined in (1) or (2) below:
  - (1) The dollar value calculated using a per square foot amount and the total eligible square footage for the site as follows:
    - (A) Determine the total square footage for each classroom included in the project (limited by the Charter School's projected enrollment).
    - (B) Determine the total square footage for any multi-purpose room included in the project.
    - (C) Determine the total square footage for any gymnasium included in the project.
    - (D) Determine the total square footage for any library included in the project.
    - (E) Determine the total square footage for any administration building included in the project.
    - (F) Add the total square footage in (A) through (E) above to obtain the total square footage for the project.
    - (G) From the total determined in (F), determine the total square footage for toilet facilities and the total square footage for other facilities. Multiply the toilet facilities square footage by \$173.30 and the other facilities square footage by \$96.30. The sum of these figures is the square footage dollar value for the project.
  - (2) The dollar value calculated using the new construction grant amount and the project capacity based on the State loading standards as follows:
    - (A) Determine the proposed grade level usage of each classroom in the project (limited by the Charter School's projected enrollment).
    - (B) Multiply the number of classrooms at the K-6 grade level by 25, the number of classrooms at the 7-12 grade level by 27, the number of non-severe classrooms by 13, and the number of severe classrooms by 9.
    - (C) Multiply the number of pupils calculated pursuant to (B) by the appropriate dollar value determined in Section 1859.163.1(a)(1).
- (b) If the Preliminary Application request is for a small project that will house no more than 200 pupils, an amount pursuant to the following:
  - (1) If the project will house less than 101 pupils, the district is eligible for an amount equal to 12 percent of the funding provided by (a).
  - (2) If the project will house between 101 and 200 pupils, the district is eligible for an amount equal to four percent of the funding provided by (a).
- (c) An amount due to urban location, security requirements and impacted site equal to 15 percent of the amount determined in (a) and (b), plus for a project with a site that is 60 percent or less of the CDE recommended site size plus 0.333 percent for each percentage decrease in the CDE recommended site size below 60 percent.
- (d) An amount for the geographic location of the proposed project equal to the sum of the amounts determined in (a), (b), and (c) multiplied by the indicated percentage factor in the Geographic Percentage Chart shown in Section 1859.83(a).
- (e) \$60,000 for each new two-stop elevator required to be included in the project by the DSA, and \$10,800 for each additional stop.

- (f) For all Preliminary Apportionments received after February 23, 2005, an amount equal to the sum of the amounts determined in (a) through (d) multiplied by a factor determined as follows:
- (1) Divide the January Class B Construction Cost Index in effect at the time of the Preliminary Apportionment by the January Class B Construction Cost Index in effect four years prior to the Preliminary Apportionment. Round to four decimal places.
  - (2) Subtract 1 from the quotient in (1). Round to two decimal places.
  - (g) An amount to initiate and enforce a LCP as prescribed in Section 1859.71.4, if required by the Labor Code.
  - (h) If the Charter School is paying its matching share through the form of lease payments, pursuant to Section 1859.168, the value of the lease as determined by the Authority attributable to the items in (a) through (g) above.

The amounts determined in (a) and (e) shall be adjusted annually in the manner prescribed in Section 1859.71.

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

Reference: Sections 17078.52, 17078.54 and 17078.58, Education Code.

Adopt Regulation Section 1859.163.6.

Section 1859.163.6. Preliminary Charter School Rehabilitation Apportionment Eligibility for Sites Previously Funded Under the SFP Modernization Program.

For school sites that have established eligibility and received funding for all or some of the eligible buildings, but have not exhausted all of the eligibility, the site may be eligible for CSFP rehabilitation funds, subject to Board approval. However, the rehabilitation apportionment will be offset by the previous amount of modernization funding received for the building(s) to be rehabilitated at the time of the final apportionment.

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

Reference: Sections 17078.52, 17078.54 and 17078.58, Education Code.

Adopt Regulation Section 1859.163.7.

Section 1859.163.7. Eligible Use of Charter School Facilities Program Rehabilitation Funds.

Funds Apportioned under the Charter School Facilities Program for Rehabilitation projects are to be used for work consistent with the definition of Charter School Facility Program Rehabilitation. If the rehabilitation project includes reconfiguration of an existing building and the project decreases the district's capacity at the site or displaces a minimum essential facility, the original capacity and minimum essential facility will still be considered to be in existence. Furthermore, State funding may not be used to replace the capacity or the original minimum essential facility in the future.

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

Reference: Sections 17078.52, 17078.54 and 17078.58, Education Code.

Amend Regulation Section 1859.164.

Section 1859.164. Application Funding Criteria.

If the estimated total apportionments of all Financially Sound Preliminary Charter School Applications received in either filing period specified in Section 1859.161 exceed the funds available, the applications shall be identified in each of the following four categories:

- (a) Geographical Region One, Two, Three, or Four.
- (b) Urban, Rural, or Suburban areas.
- (c) Large, Medium, or Small Charter Schools.
- (d) K-6, 7-8, or 9-12 grade levels.

The Board shall first apportion one project of each possible type, a maximum of four in category (a) and a maximum of three in categories (b) through (d), starting with (a) and continuing through (d). If more than one application is received of the same type within a category, the Board will apportion based on which project has the highest preference points, calculated in Section 1859.164.1. If a project has the highest preference points but was previously apportioned, the project with the next highest preference points will be apportioned. The same process will continue for the remaining categories until the Board has apportioned a project within each type in categories (a) through (d), or until no funding remains. If after funding one project in each category (a) through (d), funding remains available, the process shall be repeated until no funding remains.

All funds approved as a Preliminary Charter School Apportionment shall be transferred to the Restricted Charter School Fund within the appropriate Charter School Facility Account. Any funds not approved as a Preliminary Charter School Apportionment shall be transferred to the Unrestricted Charter School Fund within the appropriate Charter School Facility Account.

All Preliminary Charter School Applications received from ~~an~~ a Charter School will be processed in the date order received by the OPSC. If more than one Preliminary Charter School Application is received on the same day from the same entity for a Charter School project located within the geographical jurisdiction of same district, those applications will be processed by the OPSC based on the priority order assigned to those applications by the ~~Charter School~~ applicant on Form SAB 50-09.

If two or more Preliminary Charter School Applications have the same preference points, the Board shall first apportion that Preliminary Charter School Application that was received first by the OPSC. In the event that the applications were received on the same day, applications will be funded in the following order:

- (a) Projects submitted by entities that have not previously received funding under the SFP, the CSFP or the State Charter School Facilities Grants Incentives Program will be funded before those that have received said funding;
- (b) Projects proposing to utilize existing facilities will be funded before projects that propose to build new facilities;
- (c) As applicable, projects that provide more seats to relieve overcrowding will be funded over those that provide fewer seats (as determined by dividing the number of unhoused pupils pursuant to Section 1859.50 that the project will house by the remaining new construction eligibility in the district);

In the event that a tie remains after the previous criteria have been applied, a lottery system will be used to select the project that is funded.

Any applications the SAB is unable to provide a Preliminary Charter School Apportionment to will be returned to the Charter School.

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

Reference: Section 17078.56, Education Code.

Amend Regulation Section 1859.164.1.

Section 1859.164.1. Calculation of Preference Points.

Preference points will be calculated for all Preliminary Charter School Applications. An application shall receive preference points based on the total of (a), (b), (c) and ~~(e)~~ (d), up to a maximum of ~~40~~ 160 points, as follows:

- (a) Low Income: Up to 40 points based on the percentage of pupils at either the Charter School or school district where the Charter School is or will be located, or any public school within the Charter School General Location meeting the definition of Low-income. The Charter School may report the highest percentage of the ~~two~~ three. Use the following sliding scale to determine the number of preference points:

Percentage Receiving Free/Reduced Lunch	Preference Points Assigned
5-15%	4
16-30%	8
31-39%	12
40-47%	16
48-55%	20

56-64%	24
65-73%	28
74-82%	32
83-92%	36
93%	36.5
94%	37
95%	37.5
96%	38
97%	38.5
98%	39
99%	39.5
100%	40

(b) Overcrowded School District: Up to 40 points if the school district where the Charter School is physically located is determined to be overcrowded by dividing the remaining New Construction Eligibility (prior to the reduction from this application) by the district's current enrollment (round up) and multiplying the product by 100. Use the following sliding scale to determine the maximum number of preference points available for the degree of overcrowding:

Percentage Overcrowded	Preference Points Assigned
2-9%	4
10-13%	8
14-16%	12
17-19%	16
20-22%	20
23-25%	24
26-33%	28
34-41%	32
42-49%	36
50% and above	40

The method of allocating preference points to applicants will utilize the percentage overcrowded chart for a maximum point distribution. Next, each application will be assigned an "effort" percentage which further allocates points within each overcrowding point category. The percentage generated by the number of unhoused pupils that the project will house, divided by the project capacity will represent the effort made to relieve overcrowding in the district. The "effort" percentage will be assigned the following point distribution:

<u>% Effort to Relieve Overcrowding</u>	<u>Ratio of Overcrowded Points Awarded</u>
<u>40% or more</u>	<u>100% of the points for the overcrowded category</u>
<u>30-39%</u>	<u>90% of the points for the overcrowded category</u>
<u>20-29%</u>	<u>80% of the points for the overcrowded category</u>
<u>10-19%</u>	<u>70% of the points for the overcrowded category</u>
<u>1-9%</u>	<u>60% of the points for the overcrowded category</u>
<u>0</u>	<u>No points for the overcrowded category</u>

The total points assigned for overcrowding will be calculated by applying the appropriate "effort" percentage and its corresponding ratio of points to the percentage overcrowded category for the district in which the project will be physically located.

- (c) Non-Profit Entity: If the entity operating the Charter School meets the definition of a Non-Profit Entity, the project will receive ~~20~~ 40 preference points.
- (d) Existing Facilities: If the project proposes to rehabilitate existing facilities, the project will receive 40 preference points.

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

Reference: Sections 17078.53 and 17078.56, Education Code.

Amend Regulation Section 1859.164.2.

Section 1859.164.2. Preliminary Charter School Apportionment Fund Release.

A Charter School receiving a Preliminary Charter School Apportionment from the Board after July 2, 2003 may request an advance release of funds for either of the following:

- (a) A separate advance release of funds for design equal to 20 percent of the amount determined in Section 1859.163.1(a)(1) through ~~(8)~~ (9) or Section 1859.163.5(a) through (g).
- (b) A separate advance release of funds for site acquisition once the requirements in Section 1859.81.1(a)(2) and (3) are met for an amount not to exceed the Preliminary Charter School Apportionment for site acquisition. The Board shall release to the Charter School an amount up to the Preliminary Charter School Apportionment determined in Section 1859.163.1(b).

Qualified Charter Schools may request a separate advance release of funds for the design and for the site acquisition for the same project. A Charter School seeking an advance release of funds pursuant to (a) and/or (b) must have been deemed and maintained financial soundness status from the Authority. The OPSC will release State funds included in a Preliminary Charter School Apportionment pursuant to (a) or (b) to the Charter School after submittal of the Form SAB 50-05. The OPSC shall not release funds in excess of the Preliminary Charter School Apportionment. State funds released from a Preliminary Charter School Apportionment pursuant to this Section shall be subject to the provisions in Section 1859.166. Once the Preliminary Charter School Apportionment is converted to a Final Charter School Apportionment pursuant to Section 1859.167, the Charter School may request a release of the remaining funds as prescribed in Section 1859.90. Prior to the release of any funds, the Charter School Agreements must be executed.

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

Reference: Sections 17078.53 and 17078.58, Education Code.

Amend Regulation Section 1859.165.

Section 1859.165. Conversion of Preliminary Charter School Apportionment.

When a Preliminary Charter School Apportionment is converted to a Final Charter School Apportionment, all the following criteria must be met:

- (a) The Final Charter School Apportionment request must meet all criteria on the Form SAB 50-04 ~~for a New Construction Adjusted Grant pursuant to Section 1859.21.~~
- (b) A Charter School seeking to convert a Preliminary Charter School Apportionment to a Final Charter School Apportionment shall complete and file Form SAB 50-04. The number of pupils being requested cannot exceed the amount the Charter School originally requested and received at the Preliminary Charter School Apportionment.

If the Charter School is unable to meet the criteria in this Section, the Preliminary Charter School Apportionment shall be rescinded pursuant to the provisions of Section 1859.166.

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

Reference: Section 17078.52, Education Code.

Amend Regulation Section 1859.166.

Section 1859.166. Time Limit on Preliminary Charter School Apportionment.

- (a) A complete request to convert a Preliminary Charter School Apportionment to a Final Charter School Apportionment pursuant to Section 1859.165 shall be made within four years of the date of the Preliminary Charter School Apportionment unless the Charter School received approval of an extension pursuant to Section 1859.166.1.
- (b) If (a) is not met, and the Charter School has not received an advance release of funds as provided in Section 1859.164.2, the following will occur:

- (1) the Preliminary Charter School Apportionment shall be rescinded and any remaining Preliminary Charter School Apportionment, not released to the Charter School, shall be transferred to the Unrestricted Charter School Fund within the appropriate Charter School Facility Account, and;
- (2) the SFP New Construction Eligibility will be increased for the pupils assigned to the Preliminary Charter School Application by the number of unhoused pupils pursuant to Section 1859.162.2 for the school district that physically contains the Charter School within its geographical boundaries.
- (c) If (a) is not met, and the Charter School has received an advance release of funds as provided in Section 1859.164.2, the following will occur:
  - (1) The Preliminary Charter School Apportionment shall be rescinded and any remaining Preliminary Charter School Apportionment, not released to the Charter School, shall be transferred to the Unrestricted Charter School Fund within the appropriate Charter School Facility Account, and;
  - (2) Funds released pursuant to Section 1859.164.2(a) shall be reduced to cost incurred and closed-out pursuant to Section 1859.106 with a corresponding SFP new construction baseline eligibility adjustment for the pupils assigned to the Preliminary Charter School Application. The adjustment to the baseline eligibility shall be based on the ratio of the number of unhoused pupils pursuant to Section 1859.162.2 and the project capacity which generated the project funding to the eligible expenditures. Any funds released are subject to the fifty percent local matching share requirement as required by EC 17078.54(d). Funds returned pursuant to Section 1859.106 shall be transferred to the Unrestricted Charter School Fund within the appropriate Charter School Facility Account, and;
  - (3) Funds released pursuant to Section 1859.164.2(b) shall be subject to the provisions of Section 1859.171.

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

Reference: Sections 17078.52 and 17078.53, Education Code.

Amend Regulation Section 1859.167.

Section 1859.167. Final Charter School Apportionment.

- (a) ~~For Charter School Preliminary Apportionments provided by the Board on July 2, 2003,~~ With the exception of Charter School Preliminary Apportionments provided by the Board on February 23, 2005, the amount of the Final Charter School Apportionment will be based on the provisions of any amended or new regulations that are effective at the time the Form SAB 50-04, for the Final Charter School Apportionment is submitted and accepted for processing by the OPSC. Prior to the Board providing a Final Charter School Apportionment, the Charter School will need to have a current Financial Soundness certification from the Authority. The Board shall convert the amounts determined below from the Preliminary Charter School Apportionment to the Final Charter School Apportionment:
  - (1) If the Final Charter School Apportionment request is equal to or less than the Preliminary Charter School Apportionment, the Final Charter School Apportionment shall be funded entirely. The difference in the Final Charter School Apportionment and the Preliminary Charter School Apportionment shall be transferred to the Unrestricted Charter School Fund in the ~~2002~~ appropriate Charter School Facility Account. The Final Charter School Apportionment shall become the full and final apportionment for the project.
  - (2) If the Final Charter School Apportionment request is greater than the Preliminary Charter School Apportionment, the Board shall convert the Preliminary Charter School Apportionment to a Final Charter School Apportionment by either of the following:
    - (A) If the balance in the Unrestricted Charter School Fund in the ~~2002~~ appropriate Charter School Facility Account is greater than the difference in the Final Charter School Apportionment and the Preliminary Charter School Apportionment, fund the Final Charter School Apportionment entirely. The Final Charter School Apportionment shall become the full and final apportionment for the project.
    - (B) If the balance in the Unrestricted Charter School Fund in the ~~2002~~ appropriate Charter School Facility Account is less than the difference in the Final Charter School Apportionment and the Preliminary Charter School Apportionment, fund the Final Charter School Apportionment using any remaining balance in the Unrestricted Charter School Fund in the ~~2002~~ appropriate Charter School Facility Account. The Final Charter School Apportionment shall become the full and final apportionment for the project.
- (b) For Preliminary Charter School Apportionments provided by the Board ~~after July 2, 2003~~ on February 23, 2005:
  - (1) the Final Charter School Apportionment will be subject to the provisions of any amended or new regulations that are effective at the time the Form SAB 50-04 is submitted and accepted for processing by the OPSC for the Final Charter School Apportionment; and,
  - (2) the per-pupil grant amounts shall not exceed the amount allotted in 1859.163.1(a)(1); and,

- (3) if the Preliminary Charter School Apportionment was based on the Charter School being eligible for the additional grant in Section 1859.163.1(a)(5) and at the time the Final Charter School Apportionment is provided the Charter School does not meet the requirements to receive that adjustment pursuant to Section 1859.83(d), the Charter School construction cost funding cap will be re-established based on the non-urban project amount, pursuant to Section 1859.163.1(a); and,
- (4) the Final Charter School Apportionment shall not contain additional grants beyond that which the Charter School may have requested at the time of the Preliminary Charter School Application; and,
- (5) prior to the Board providing a Final Charter School Apportionment the Charter School will need to have a current Financial Soundness certification from the Authority; and,
- (6) The amount of the Final Charter School Apportionment shall not exceed the Preliminary Charter School Apportionment determined in Section 1859.163.1, and the Board shall convert the amounts determined below from the Preliminary Charter School Apportionment to the Final Charter School Apportionment:
  - (A) If the portion of the Preliminary Charter School Apportionment calculated pursuant to Section 1859.163.1(a) is greater than the Final Charter School Apportionment request for the items identified as construction costs then the difference shall be transferred to the Unrestricted Charter School Fund in the appropriate Charter School Facility Account. The Final Charter School Apportionment shall become the full and final apportionment for the project.
  - (B) If the portion of the Preliminary Charter School Apportionment calculated pursuant to Section 1859.163.1(b) is greater than the Final Charter School Apportionment request for the site acquisition cost items then the difference shall be transferred to the Unrestricted Charter School Fund within the appropriate Charter School Facility Account. If the project is eligible for an additional grant for relocation expenses, DTSC fees, or hazardous waste removal pursuant to Sections 1859.74 or 1859.74.2, the Preliminary Charter School Apportionment may be increased accordingly using the funding set aside in Section 1859.163.3. The Final Charter School Apportionment shall become the full and final apportionment for the project.
  - (C) If the portion of the Preliminary Charter School Apportionment calculated pursuant to Section 1859.163.1(a) is less than the Final Charter School Apportionment request for the items identified as construction costs, the amount of funding provided at the Preliminary Charter School Apportionment shall become the full and final apportionment for the project.
  - (D) If the portion of the Preliminary Charter School Apportionment calculated pursuant to Section 1859.163.1(b) is less than the Final Charter School Apportionment request for the site acquisition cost items, the amount of funding provided at the Preliminary Charter School Apportionment shall become the full and final apportionment for the project. If the project is eligible for an additional grant for relocation expenses, DTSC fees, or hazardous waste removal pursuant to Sections 1859.74 or 1859.74.2, the Preliminary Charter School Apportionment may be increased accordingly using the funding set aside in Section 1859.163.3.
  - (E) The Board may approve any funds deposited into the Unrestricted Charter School Fund in the appropriate Charter School Facility Account pursuant to (b)(6)(A) or (B) shall be first used to fund remaining site acquisition costs on the Unfunded List pursuant to Section 1859.163.3. If no projects remain on the Unfunded List the Board shall use any funds for other Charter School facility projects.

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

Reference: Sections 17078.52 and 17078.56, Education Code.

Amend Regulation Section 1859.167.1.

Section 1859.167.1. Final Charter School Apportionment Conversion Site Acquisition Guidelines for Projects Apportioned on February 23, 2005.

When a Charter School submits the Form SAB 50-04 for a Final Charter School Apportionment pursuant to Section 1859.167, the Final Charter School Apportionment for site acquisition costs may not exceed the amount calculated pursuant to Section 1859.163.1(b). The Useable Acres for the project may not exceed the CDE recommended site size for the project established at the time the initial Preliminary Charter School Application was submitted to the OPSC.

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

Reference: Sections 17078.56 and 17078.58, Education Code.

Adopt Regulation Section 1859.169.1.

Section 1859.169.1. Charter School Project Savings.

Projects funded under the CSFP do not generate savings pursuant to Section 1859.103. In addition, State funds remaining at the completion of the project may not be used to satisfy the local matching share obligation. Remaining funds must be returned to the State.

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

Reference: Sections 17078.54, Education Code.

# APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 06/06/09/06)

## GENERAL INFORMATION

Once the Board has determined or adjusted the district's eligibility for either new construction or modernization funding, the district may file an application for funding by use of this form. The Board will only provide new construction funding if this form is submitted prior to the date of occupancy of any classrooms included in the construction contract. If the district has a pending reorganization election that will result in the loss of eligibility for the proposed project, the district may not file an application for funding until the Board has adjusted the district's new construction baseline eligibility as required in Section 1859.51. This may be accomplished by completion of Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03.

For purposes of Education Code Section 17073.25, the California Department of Education (CDE) is permitted to file modernization applications on behalf of the California Schools for the Deaf and Blind.

Requests for funding may be made as follows:

1. A separate apportionment for site acquisition for a new construction project for environmental hardship pursuant to Section 1859.75.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
  - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
  - Contingent site approval letter from the CDE.
  - Preliminary appraisal of property.
  - Approval letter from the Department of Toxic Substances Control.
2. A separate apportionment for site acquisition and/or design costs for a new construction project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. Districts may apply for a separate apportionment for the design and for site acquisition on the same project. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
  - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
  - Contingent site approval letter from the CDE (site apportionment only).
  - Preliminary appraisal of property (site apportionment only).
3. A separate apportionment for district-owned site acquisition cost pursuant to Section 1859.81.2. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
  - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
  - Site approval letter from the CDE.
  - Appraisal of district-owned site.
  - Cost benefit analysis as prescribed in Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
4. A separate apportionment for design cost for a modernization project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. For purposes of this apportionment, the Form SAB 50-03 must accompany this form (if not previously submitted).
5. A New Construction Adjusted Grant pursuant to Section 1859.70. If the funding request includes site acquisition, the proposed site must either be owned by the district, in escrow, or the district has filed condemnation proceedings and received an order of possession of the site. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
  - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).

- Site/plan approval letter from the CDE.
- Appraisal of property if requesting site acquisition funds.
- Plans and specifications (P&S) for the project that were approved by the DSA. 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.
- Cost estimate of proposed site development, if requesting site development funding.
- If this request is pursuant to Section 1859.77.2 and the district's housing plan is other than those listed in the certification section of this form, a copy of the school board resolution and the approved housing plan.
- If the site apportionment is requested pursuant to Regulation Section 1859.74.5, a cost benefit analysis as prescribed in Regulation Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
- If this is a request for funding under the Small High School Program, pursuant to Regulation Section 1859.93.2, the district must also provide a CDE Small High School academic reform strategy approval.
- If this request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, a justification of how the project relieves overcrowding, including but not limited to, the elimination of the use of Concept 6 calendars, four track year-round calendars, or bussing in excess of 40 minutes.

Modernization Adjusted Grant pursuant to Section 1859.70. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- Form SAB 50-03 (if not previously submitted).
- P&S for the project that were approved by the DSA.
- DSA approval letter for elevator to meet handicapped compliance, if funding is requested.
- Cost estimate of the proposed site development necessary for the Reconfiguration of an existing high school.
- Plan approval letter from the CDE.
- Districtwide enrollment data on Form SAB 50-01 when requesting project assistance (if not previously submitted).
- If the request includes funding for 50 year old permanent buildings pursuant to Section 1859.78.6, a site diagram identifying all buildings to be modernized in the project. The diagram must specify those buildings that are at least 50 years old.

Prior to acceptance of an application for funding that includes a financial hardship request, the district must have its financial hardship status "pre-approved" by the Office of Public School Construction (OPSC). To apply for a financial hardship "pre-approval", consult the OPSC Web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov).

If the district is requesting New Construction funding after the initial baseline eligibility was approved by the Board and the district's current CBEDS enrollment reporting year is later than the enrollment reporting year used to determine the district's baseline eligibility or adjusted eligibility, the district must complete a new Form SAB 50-01 based on the current year CBEDS enrollment data, and submit it to the OPSC with this form. In addition, if the district's request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, the district must update the Alternative Enrollment Projection to correspond with the CBEDS enrollment data for the current year. A small district with 2,500 or less enrollment as defined in Section 1859.2 will not have its eligibility reduced for a period of three years from the date the district's baseline eligibility was approved by the Board as a result of reduction in projected enrollment.

# APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 06/06/09/06)

For a list of the documents that must be submitted in order for the OPSC to deem a funding request for new construction or modernization complete and ready for OPSC processing, consult the SFP handbook and other information located on the OPSC Web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov).

For purposes of completing this form for a Final Charter School Apportionment, a charter school shall be treated as a school district.

## SPECIFIC INSTRUCTIONS

The district must assign a Project Tracking Number (PTN) to this project. The same PTN is used by the OPSC, the DSA and the CDE for all project applications submitted to those agencies to track a particular project through the entire state application review process. If the district has already assigned a PTN to this project by prior submittal of the P&S to either the DSA or the CDE for approval, use that PTN for this application submittal. If no PTN has been previously assigned for this project, a PTN may be obtained from the OPSC Web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov) "PT Number Generator."

### 1. Type of Application

Check the appropriate box that indicates the type of School Facility Program (SFP) grant the district is requesting for purposes of new construction, modernization, a separate design and/or site apportionment, site apportionment as an environmental hardship or New Construction (Final Apportionment). If the application is for the modernization of school facilities and includes facilities that are eligible for an additional apportionment pursuant to Section 1859.78.8, include a site diagram with this application that specifies the age of each facility eligible for modernization. The diagram should also indicate the date of its original DSA plan approval and the date the facility received its prior modernization apportionment. If known include the project modernization number on the diagram. If the application is for modernization of a California School for the Deaf or Blind, the CDE shall check the box identified as Modernization of California Schools for the Deaf/Blind. If the request is for a separate design apportionment, the CDE shall check the appropriate box. If the eligibility for this project was established as a result of the need for new or replacement facilities pursuant to Section 1859.82 (a) and (b), or rehabilitation pursuant to Section 1859.83 (e), check the appropriate box.

If this request is for an addition to an existing site and advance funding for the evaluation and RA costs, check the appropriate box and refer to Section 1859.74.4.

If this request is to convert a Preliminary Apportionment or a Preliminary Charter School Apportionment to a Final Apportionment, check the New Construction (Final Apportionment, [New Construction Final Charter School Apportionment](#) or [the Rehabilitation Final Charter School Apportionment](#)) box, as appropriate.

If the district is requesting a separate site and/or design apportionment, complete boxes 2a, 3, 4, the site acquisition data in box 5 (d and e), and boxes 12, 13, 14, 15 and 21 only.

### 2. Type of Project

- Select the type of project that best represents this application request and enter the total number of pupils assigned to the project for each grade group. Include pupils to be housed in a new or replacement school authorized by Section 1859.82 (a). The amount entered cannot exceed the district's baseline

eligibility determined on Form SAB 50-03 and will be the basis for the amount of the new construction or modernization grants provided for the project.

If this request is for a Final Apportionment, the pupils assigned to the project must be at least 75 percent, but not more than 100 percent, of the pupils that received the Preliminary Apportionment. Refer to Section 1859.147.

- Check the box if the project is eligible for funding for 50 year or older permanent buildings and report, at the option of the district:
  - The total number of eligible classrooms or the total eligible square footage building area at the site. Refer to Section 1859.78.6(b)(1)(A) or (b)(2)(A).
  - The total number of permanent classrooms or the total permanent square footage building area that is at least 50 years old and not been previously modernized with state funds. Refer to Section 1859.78.6(b)(1)(B) or (b)(2)(B).
  - Enter the greater percentage as calculated under Regulation Section 1859.78.6(b)(1)(C) or Regulation Section 1859.78.6(b)(2)(C).
  - If this project includes eligible 50 year or older pupil grants, enter the appropriate number assigned to the project for each grade group. The number of pupils entered cannot exceed the cumulative number of 50 year or older permanent buildings pupil grants requested for all modernization funding applications for the site as determined by using the percentage factor above.
- If this request includes pupil grants generated by an Alternative Enrollment Projection Method, enter the number of pupils by grade level.
- Indicate if this request is for funding of a 6–8 school and/or an Alternative Education School.
- Check the applicable box if the district is requesting additional pupil grants assigned to the project that exceed the capacity of the project or if the pupils assigned represent eligibility determined at another grade level and check the appropriate box to indicate under which regulation the district is applying. The pupil capacity of the project may be determined by multiplying the classrooms reported in box 3 by 25 for K–6; 27 for 7–8, 9–12 grades; 13 for non-severe and 9 for severe.
- If the request is for replacement facilities pursuant to Section 1859.82 (a) or (b) on the same site, check the facility hardship box.
- [Enter the square footage of the non-toilet area and toilet area contained in the rehabilitation project.](#)

### 3. Number of Classrooms

Enter the:

- Number of classrooms as shown on the plans and specifications (P&S). If there was demolition at the site, report the net increase in the number of classrooms showing in the P&S.
- Master plan site size, as recommended by the California Department of Education.
- Recommended site size, as determined by the California Department of Education.
- Existing Useable Acres already owned at that location (if any).
- Proposed Useable Acres that was/will be purchased as part of the application (if any).

### 4. Financial Hardship Request

Check the box if the district is requesting financial hardship assistance because it is unable to meet its matching share requirement. Refer to Section 1859.81 for eligibility criteria. Districts requesting financial assistance must have received a pre-approval for financial hardship status by the OPSC. Consult the OPSC Web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov) for details and necessary documentation needed in order to determine eligibility.

**5. New Construction Additional Grant Request**

Check the appropriate box(es) if the district requests an augmentation to the new construction grant for "additional" grants for the items listed or for replacement facilities pursuant to Section 1859.82(a) and (b). Refer to Sections 1859.72 through 1859.76 and 1859.82(a) and (b) for eligibility criteria. Enter the:

- Therapy area in square feet as provided in Section 1859.72.
- Multilevel classrooms in the P&S pursuant to Section 1859.73.
- Check the box if the district is requesting project assistance pursuant to Section 1859.73.1. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- Indicate the site scenario that best represents the project request. If no RA is required, refer to Section 1859.74. If a RA is required on a site that is not leased or an addition to an existing site, refer to Section 1859.74.2. If RAs are required on a leased site or an addition to an existing site, refer to Sections 1859.74.3 or 1859.74.4, respectively. The limitation of 50 percent may be exceeded when unforeseen circumstances exist, the CDE determines that the site is the best available site, and substantiation that the costs are the minimum required to complete the evaluation and RA.
  - Enter 50 percent of the actual cost.
  - Enter 50 percent of the appraised value of the site. If the request is made pursuant to Regulation Section 1859.74.5, enter 50 percent of the appraised value.
  - Enter 50 percent of the allowable relocation cost.
  - Enter two percent of the lesser of the actual cost or appraised value of the site (minimum \$25,000).
  - Enter 50 percent of the Department of Toxic Substances Control (DTSC) fee for review and approval of the phase one environmental site assessment and preliminary endangerment assessment reports. Refer to Sections 1859.74, 1859.74.1, 1859.74.5, 1859.75, 1859.75.1 and 1859.81.1. If the district is submitting a funding request for new construction under the Small High School Program, enter the 60 percent values.

A project that received site acquisition funds under the Lease-Purchase Program (LPP) as a priority two project is not eligible for site acquisition funds under the SFP. A district-owned site acquired with LPP, SFP or Proposition 1A funds is not eligible for funding under Regulation Section 1859.74.5.

- Enter 50 percent of the amount allowable for hazardous materials/waste removal and/or remediation for the site acquired pursuant to Sections 1859.74.2, 1859.74.3, 1859.74.4, 1859.75.1 or 1859.81.1. If an RA is required, check the box.
- Enter 50 percent of eligible service-site development, off-site development including pedestrian safety paths and utilities costs allowed pursuant to Section 1859.76. If the district is submitting a funding request for new construction under the Small High School Program, enter the 60 percent values. Attach cost estimates of the proposed site development work which shall be supported and justified in the P&S. All cost estimates shall reflect 100 percent of the proposed work.

Check the box if the district is requesting an Additional Grant for General Site Development pursuant to Section 1859.76

- If the district is requesting replacement facilities on the same site, enter the square footage requested as provided in Section 1859.82(a) or (b).

- Enter the square feet of eligible replacement area as provided by Section 1859.73.2.
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.71.3, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.71.3(a)(3).
- Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.71.2.
- [If the district is requesting an Additional Grant for High Performance pursuant to Section 1859.70.4, enter the number of High Performance Grant Rating Points as prescribed in Section 1859.71.6 or Section 1859.77.4.](#)

**6. Modernization Additional Grant Request**

- Check the box if the district is requesting project assistance allowance pursuant to Section 1859.78.2. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.78.5(a)(3).
- Check the box if the district requests an additional grant for site development utility cost necessary for the modernization of 50 years or older permanent building(s). Enter 60 percent of the eligible costs allowable pursuant to Section 1859.78.7(a).
- Check the box if the district is requesting a Separate Apportionment for Reconfiguration pursuant to Section 1859.78.9. Enter the full value of the Reconfiguration request, not to exceed an aggregate of \$500,000 for all high school entities created.
- Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.78.4.

**7. Excessive Cost Hardship Request**

Check the appropriate box to request an augmentation to the New Construction, [Modernization](#) or [Charter School Facility Program Rehabilitation](#) Grants for an excessive cost hardship for the items listed. Refer to Section 1859.83 for eligibility criteria. Requests for excessive cost grants for a new two-stop elevator(s) and for additional stops in a modernization project are allowed only if required by the Division of the State Architect (DSA). Attach copy of the DSA letter that requires that the elevator(s) be included in the project for handicapped access compliance.

If the request is for the excessive cost grant for a new Alternative Education school pursuant to Section 1859.83(c)(2) and the district wishes to request less than the maximum allowance, please submit a letter along with application indicating the desired amount.

If the request is for rehabilitation mitigation, report 80 percent or 60 percent (as appropriate) of health/safety rehabilitation mitigation cost for a modernization project as authorized by Section 1859.83(e).

**8. Project Priority Funding Order**

Enter the priority order of this project in relation to other new construction applications submitted by the district on the same date. If applications are not received on the same date, the OPSC will assign a higher district priority to the application received first. Check the box(es) if the project meets the criteria outlined in Section 1859.92(c)(3),(4) and (6), as appropriate. This information is needed for purposes of priority points.

# APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 06/0609/06)

## 9. Prior Approval Under the LPP

If the project the district is requesting SFP grants for received a Phase P, S, or C approval under the LPP, report the application number of that project, regardless if the project actually received funding or was included on an "unfunded" list. Failure to report this information may delay the processing of the application by the OPSC.

## 10. Prior Apportionment Under the SFP

If the project received a separate apportionment under the SFP for either site and/or design, or site environmental hardship, enter the application number of the project. Failure to report this information may delay the processing of the application by the OPSC.

## 11. Preliminary Apportionment to a Final Apportionment

If this request is to convert a Preliminary Apportionment to a Final Apportionment, enter the application number of the Preliminary Apportionment. Failure to report this information may delay the processing of the application by the OPSC.

## 12. Alternative Developer Fee

The district must report certain alternative fees collected pursuant to Government Code Section 65995.7, as of the date of application submittal to the OPSC. Refer to Section 1859.77 for details. Districts are advised that the OPSC may perform an audit of the developer fees collected prior to application approval by the Board.

## 13. Adjustment to New Construction Baseline Eligibility

Pursuant to Section 1859.51 certain adjustments to the district's new construction baseline eligibility must be made each time a district submits Form SAB 50-04, to the OPSC for SFP new construction or modernization grants. These adjustments are made by the OPSC based on information reported by the district on this form.

- Report all additional classroom(s) provided after the district submitted its request for determination of its new construction baseline eligibility for the grades shown, or indicate N/A if there are none. Refer to Section 1859.51(i).
- If the eligibility for this project was determined on a high school attendance area (HSAA) or Super HSAA pursuant to Section 1859.41, enter the number of pupils by grade level type that were included in the latest report by the CDE pursuant to Education Code Section 42268 that received operational grants in that HSAA or Super HSAA.

## 14. Pending Reorganization Election

Complete only for new construction projects. Indicate if there is a pending reorganization election that will result in a loss of eligibility for this project. If the answer is "yes", the district must complete Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03, to adjust the district's new construction baseline eligibility as a result of the reorganization and submit them with this form.

## 15. Joint-Use Facility/Leased Property

Check the box if:

- The facilities to be constructed/modernized as part of this project will be for joint use by other governmental agencies.
- The new construction or modernization grants will be used for facilities located or to be located on leased property.

## 16. Project Progress Dates

Complete this section for new construction/modernization projects:

- Enter the date the initial construction contract was signed for this project. If a construction contract has not been executed, enter N/A.
- 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.

## 17. Labor Compliance Program

Indicate whether the district is subject to a Labor Compliance Program that has been approved by the Department of Industrial Relations pursuant to Labor Code Section 1771.7 by checking the appropriate box.

## 18. Construction Delivery Method

Check the box that best represents the construction delivery method that the district has or will use for this project, if known.

## 19. Architect of Record or Licensed Architect Certification

The architect of record or the licensed architect must complete this section.

## 20. Architect of Record or Design Professional Certification

The architect of record or the appropriate design professional must complete this section.

## 21. Certification

The district representative must complete this section. For additional information regarding district certifications, refer to the SFP handbook located on the OPSC web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov).

APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM

The school district named below applies to the State Allocation Board via the Office of Public School Construction for a grant under the provisions of Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et seq., of the Education Code and the Regulations thereto.

Table with 3 columns: SCHOOL DISTRICT, COUNTY, SCHOOL NAME, DISTRICT REPRESENTATIVE'S E-MAIL ADDRESS, APPLICATION NUMBER, PROJECT TRACKING NUMBER, HIGH SCHOOL ATTENDANCE AREA (HSAA) OR SUPER HSAA (IF APPLICABLE)

1. Type of Application—Check Only One

- Checkboxes for New Construction, Modernization, Rehabilitation (Final Charter School Apportionment), etc.

Separate Apportionment

- Checkboxes for Site Only, Design Only, Facility Hardship, etc.

2. Type of Project

- Checkboxes for Elementary School, Middle School, High School

Total Pupils Assigned:

- Blank lines for K-6, 7-8, 9-12, Non-Severe, Severe

b. 50 Years or Older Building Funding (Modernization Only)

Total Eligible Classrooms/Square Footage:
Classroom/Square Footage at Least 50 Years Old:
Ratio of 50 Years Old Classrooms/Square Footage: %
From 2a above, how many are 50 Year or Older Pupil Grants?

- Blank lines for K-6, 7-8, 9-12, Non-Severe, Severe

c. Included in 2a above, how many pupils are generated by the Alternative Enrollment Projection? (New Construction Only)

- Blank lines for K-6, 7-8, 9-12, Non-Severe, Severe

d. Is this a 6-8 school? Yes No

If you answered yes, how many K-6 pupils reported above are sixth graders? \_\_\_\_\_

Is this an Alternative Education School? Yes No

e. Is this a use of grant request pursuant to Section 1859.77.2? Yes No

Is this request pursuant to Section 1859.77.2(c)? Yes No

If yes, enter date of successful bond election: \_\_\_\_\_

Is this a use of grant request pursuant to Section 1859.77.3? Yes No

Is this request pursuant to Section 1859.77.3(c)? Yes No

If yes, enter date of successful bond election: \_\_\_\_\_

f. Facility Hardship (no pupils assigned)

g. Charter School Facility Program Rehabilitation Request:

Toilets (sq. ft.) \_\_\_\_\_

Other (sq. ft.) \_\_\_\_\_

3. Number of Classrooms:

Master Plan Acreage Site Size (Useable):
Recommended Site Size (Useable):
Existing Acres (Useable):
Proposed Acres (Useable):

4. Financial Hardship Request—Must Have Pre-Approval by OPSC

5. New Construction Additional Grant Request—New Construction Only

a. Therapy: Toilets (sq. ft.)
Other (sq. ft.)

b. Multilevel Construction (CRS):

c. Project Assistance

d. Site Acquisition:

Leased Site

Additional Acreage to Existing Site

Addition to Existing Site

(1) 50 percent Actual Cost: \$

(2) 50 percent Appraised Value: \$

(3) 50 percent Relocation Cost: \$

(4) 2 percent (min. \$25,000): \$

(5) 50 percent DTSC Fee: \$

e. 50 percent hazardous waste removal: \$

Response Action (RA)

f. Site Development

50 percent Service-Site: \$

50 percent Off-Site: \$

50 percent Utilities: \$

General Site

**APPLICATION FOR FUNDING  
SCHOOL FACILITY PROGRAM**

- g. Facility Hardship Section 1859.82(a) or (b)
  - Toilet (sq. ft.): \_\_\_\_\_
  - Other (sq. ft.): \_\_\_\_\_
- h. Replacement area
  - Toilet (sq. ft.): \_\_\_\_\_
  - Other (sq. ft.): \_\_\_\_\_
- i.  Energy Efficiency: \_\_\_\_\_ %
- j.  Automatic Fire Detection/Alarm System
- Automatic Sprinkler System
- k.  High Performance Grant Rating Points: \_\_\_\_\_

**6. Modernization Additional Grant Request—Modernization Only**

- a.  Project Assistance
- b.  Energy Efficiency: \_\_\_\_\_ %
- c.  Site Development—60 percent utilities: \$ \_\_\_\_\_
- d.  Separate Apportionment for Reconfiguration (for Small High School Program only): \$ \_\_\_\_\_
- e.  Automatic Fire Detection/Alarm System
- Automatic Sprinkler System

**7. Excessive Cost Hardship Request**

**New Construction Only**

- Geographic Percent Factor: \_\_\_\_\_ %
- New School Project [Section 1859.83(c)(1)]
- New School Project [Section 1859.83(c)(2)]
- New School Project [Section 1859.83(c)(3)]
- Small Size Project
- Urban/Security/Impacted Site; If a new site, \$ \_\_\_\_\_ per Useable Acre [Section 1859.83(d)(2)(C)]

**Modernization or Charter School Facility Program Rehabilitation Only**

- Rehabilitation/Mitigation [Section 1859.83(e)]: \$ \_\_\_\_\_
- Geographic Percent Factor: \_\_\_\_\_ %
- Handicapped Access/Fire Code (3 percent)
- Number of 2-Stop Elevators: \_\_\_\_\_
- Number of Additional Stops: \_\_\_\_\_
- Small Size Project
- Urban/Security/Impacted site

**8. Project Priority Funding Order—New Construction Only**

Priority order of this application in relation to other new construction applications submitted by the district at the same time: # \_\_\_\_\_

Project meets:

- Density requirement pursuant to Section 1859.92(c)(3).
- Stock plans requirement pursuant to Section 1859.92(c)(4).
- Energy efficiency requirement pursuant to Section 1859.92(c)(6).

**9. Prior Approval Under the LPP**

New Construction: 22/ \_\_\_\_\_

Modernization: 77/ \_\_\_\_\_

**10. Prior Apportionment Under the SFP**

Site/Design—New Construction: 50/ \_\_\_\_\_

Design—Modernization: 57/ \_\_\_\_\_

**11. Preliminary Apportionment to Final Apportionment**

Preliminary Apportionment Application Number: # \_\_\_\_\_

**12. Alternative Developer Fee—New Construction Only**

Alternative developer fee collected and reportable pursuant to Regulation Section 1859.77: \$ \_\_\_\_\_

**13. Adjustment to New Construction Baseline Eligibility**

- a. Additional Classroom(s) provided:
  - K-6: \_\_\_\_\_
  - 7-8: \_\_\_\_\_
  - 9-12: \_\_\_\_\_
  - Non-Severe: \_\_\_\_\_
  - Severe: \_\_\_\_\_
- b. Operational Grant (HSAA) only:
  - K-6: \_\_\_\_\_
  - 7-8: \_\_\_\_\_
  - 9-12: \_\_\_\_\_
  - Non-Severe: \_\_\_\_\_
  - Severe: \_\_\_\_\_

**14. Pending Reorganization Election—New Construction Only**

Yes  No

**15. Joint-Use Facility/Leased Property**

- a.  Joint-Use Facility
- b.  Leased Property

**16. Project Progress Dates**

- a. Construction Contract signed on: \_\_\_\_\_
- b. Notice to Proceed issued on: \_\_\_\_\_

**17. Labor Compliance Program**

Will you be required to initiate and enforce a Labor Compliance Program pursuant to Labor Code Section 1771.7 for this project?  Yes  No

**18. Construction Delivery Method**

- Design-Bid-Build
- Design-Build
- Developer Built
- Lease Lease-Back
- Energy Performance Contract
- Other: \_\_\_\_\_

**APPLICATION FOR FUNDING  
SCHOOL FACILITY PROGRAM**

**19. Architect of Record or Licensed Architect Certification**

I certify as the architect of record for the project or as a licensed architect that:

- The P&S for this project were submitted to the OPSC by electronic medium (i.e., CD-ROM, zip disk or diskette) or as an alternative, if the request is for a modernization Grant, the P&S were submitted in hard copy to the OPSC.
- Any portion of the P&S requiring review and approval by the Division of the State Architect (DSA) were approved by the DSA on \_\_\_\_\_ (enter DSA approval date).
- Any portion of the P&S not requiring review and approval by the DSA meets the requirements of the California Code of Regulations, Title 24, including any handicapped access and fire code requirements.
- If the request is for a Modernization [or Charter School Facility Program Rehabilitation Grant](#), the P&S include the demolition of more classrooms than those to be constructed in the project, the difference is \_\_\_\_\_ classroom(s). (Indicate N/A if there are none.)
- If the request is for a Modernization [or Charter School Facility Program Rehabilitation Grant](#), the P&S include the construction of more classrooms than those to be demolished in the project, the difference is \_\_\_\_\_ classroom(s). (Indicate N/A if there are none.)

\_\_\_\_\_  
ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

**20. Architect of Record or Design Professional Certification**

I certify as the architect of record for the project or the appropriate design professional, that:

- If the request is for a New Construction Grant, I have developed a cost estimate of the proposed project which indicates that the estimated construction cost of the work in the P&S including deferred items (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share, less site acquisition costs. This cost estimate does not include site acquisition, planning, tests, inspection, or furniture and equipment and is available at the district for review by the OPSC.
- If the request is for a Modernization [or Charter School Facility Program Rehabilitation Grant](#), I have developed a cost estimate of the proposed project which indicates that the estimated construction cost of the work in the P&S, including deferred items and interim housing (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share. This cost estimate does not include planning, tests, inspection or furniture and equipment and is available at the district for review by the OPSC.

\_\_\_\_\_  
ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

**21. Certification**

I certify, as the District Representative, that the information reported on this form, with the exception of items 19 and 20, is true and correct and that:

- I am an authorized representative of the district as authorized by the governing board of the district; and,

- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et. seq., of the Education Code was adopted by the school district's governing board or the designee of the Superintendent of Public Instruction on, \_\_\_\_\_; and,
- The district has established a "Restricted Maintenance Account" for 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 Section 17070.75 and 17070.77 (refer to Sections 1859.100 through 1859.102); and,
- Pursuant to Education Code Section 17070.755, the district has made a priority of the funds in the restricted maintenance account, established pursuant to Education Code Section 17070.75, to ensure that facilities are functional and meet local hygiene standards; and,
- The district has considered the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
- If this funding request is for the modernization of portable classrooms eligible for an additional apportionment pursuant to Education Code Section 17073.15, the district certifies that (check the applicable box below):
  - 1. The state modernization funds will be used to replace the portable classrooms and permanently remove the displaced portables from the classroom use within six months of the filing of the Notice of Completion for the project; or,
  - 2. It has provided documentation to the Office of Public School Construction which indicates that modernizing the portable classrooms eligible for an additional apportionment is better use of public resources than the replacement of these facilities.
- Facilities to be modernized have not been previously modernized with Lease-Purchase Program, Proposition 1A Funds or School Facility Program state funds; and,
- [Facilities to be rehabilitated under the Charter School Facility Program previously funded with School Facility Program State funds meet the requirements of Section 1859.163.6; and,](#)
- All contracts entered on or after November 4, 1998 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,
- If this request is for new construction funding, the district has received approval of the site and the plans from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- If this request is for modernization [or Charter School Facility Program Rehabilitation funding](#), the district has received approval of the plans for the project from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This district has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- The district matching funds required pursuant to Sections 1859.77.1 or 1859.79 has either been expended by the district, deposited in the County School Facility Fund or will be expended by the district prior to the notice of completion for the project; and,
- The district has received the necessary approval of the plans and specifications from the Division of the State Architect unless the request is for a separate site and/or design apportionment; and,

# APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 06/06/09/06)

- If the district is requesting site acquisition funds as part of this application, the district has complied with Sections 1859.74 through 1859.75.1 as appropriate; and,
- With the exception of an apportionment made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105); and,
- If the apportionment for this project was made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 12 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105.1); and,
- The district understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Section 1859.90); and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; 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 district 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, 1859.105.1, 1859.106; and,
- The district has complied with the provisions of Sections 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,
- If the SFP grants will be used for the construction or modernization of school facilities on leased land, the district has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- If the application contains a "Use of New Construction Grant" request, the district has adopted a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board on \_\_\_\_\_ as specified in Sections 1859.77.2, or 1859.77.3, as appropriate. The district's approved housing plan is as indicated (check all that apply):
  - 1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB and the district must identify the source of the funds. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
  - 2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
  - 3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project. [Applicable for Sections 1859.77.2(b) and 1859.77.3(b)]
- If the district requested additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4, the district will include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project; and
- If this request is for a Large New Construction Project or a Large Modernization Project, the district has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and it has considered the need for vocational and career technical facilities to adequately meet its program needs in accordance with Education Code Sections 51224, 51225.3(b) and 52336.1; and
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the increased costs for the energy efficiency components in the project exceeds the amount of funding otherwise available to the district; and
- If this application is submitted after January 1, 2004 for modernization funding, the district has considered the potential for the presence of lead-containing materials in the modernization project and will follow all relevant federal, state, and local standards for the management of any identified lead; and
- The district has or will initiate and enforce a Labor Compliance Program that has been approved by the Department of Industrial Relations, pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003; and,
- Beginning with the 2005/2006 fiscal year, the district has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and
- If this application is submitted pursuant to Section 1859.93.2, the district certifies that it has an academic reform strategy scored by the CDE, and is available at the district office for OPSC verification; and
- If this application is submitted pursuant to Section 1859.93.2, the district certifies the enrollment at the Small High School will not exceed 500 pupils for a minimum of two complete school years after the Occupancy of the last Small High School funded, as outlined in Section 1859.104(e)(2); and
- If this application is submitted pursuant to Section 1859.78.9, the district certifies the enrollment at the resulting Small High Schools will not exceed 500 pupils for a minimum of two complete school years after the Occupancy of the Small High Schools; and
- If this application is submitted pursuant to Section 1859.78.9 or Section 1859.93.2, the district certifies that it will meet all reporting requirements as specified in Section 1859.104(e)(1) and/or (2); and,
- The district has considered the feasibility of using designs and materials for the 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.

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE

# FUND RELEASE AUTHORIZATION

## SCHOOL FACILITY PROGRAM

SAB 50-05 (REV 02/05/09/06)

### GENERAL INSTRUCTIONS INFORMATION

(Refer to Title 2, California Code of Regulations, Sections 1859.90 and 1859.91)

After a School Facility Program (SFP) grant has been funded by the Board, the Office of Public School Construction (OPSC) will release the apportioned funds with the exception of design funds, to the appropriate county treasury once the district has completed and submitted this form to the OPSC. Design funds will automatically be released to the district within 30 days of the apportionment, with the exception of Preliminary Apportionments.

- Check the boxes in Part I if the district has current financial hardship status pursuant to Section 1859.81 and is requesting release of Preliminary Apportionment funds for design, engineering, and other preconstruction project costs. Attach to this form the CDE Letter pursuant to Section 1859.149(a)(2).
- Check the boxes in Part II if the Charter School is requesting a release of a Preliminary Charter School Apportionment for design and/or separate site apportionment pursuant to Section 1859.164.2.
- Check the box in Part III, for release of a separate site apportionment provided pursuant to Sections 1859.74.4, 1859.75.1 or 1859.81.1 or for release of Preliminary Apportionment site only acquisition pursuant to 1859.153(b) or (c).
- Check the box(es) in Part IV for release of new construction or modernization funds and enter the appropriate dates:
  - a. Issue date of the Notice to Proceed for the construction phase of the project; and
  - b. Signature date of the initial construction contract entered into by the district for this project.
- Check the boxes in Part V if the district is requesting a separate release of site acquisition funds as part of a new construction project.
- Check the boxes in Part VI if the district is requesting release of joint-use project funds.
- Check the appropriate box(es) in Part VII that identify the district funding sources that have or will be used for the district's share of the project.
- Check the appropriate box in Part VIII that identifies the construction delivery method that the district utilized for this project.

The following documents must be submitted with this form (as appropriate):

1. Signature page of the contract(s) that meets the requirement for a fund release (Part IV and/or VI).
2. Notice to Proceed(s).
3. For projects that require a Labor Compliance Program:
  - All school district and/or third party provider Department of Industrial Relations approval letters (initial, extension(s) and/or final).
  - Third party contract(s).
4. For new construction projects that complete Part IV attach:
  - The completed Project Information Worksheet. This worksheet may be found on the OPSC Web site at [www.opsc.dga.ca.gov](http://www.opsc.dga.ca.gov).
  - Accepted bid documents including additive/deductive alternates.

For the purposes of completing this form to obtain a fund release for a Final Charter School Apportionment, a charter school shall be treated as a school district.

### SPECIFIC INSTRUCTIONS

#### Part I. Preliminary Apportionment—Design Only

Check the boxes if the district has current financial hardship status pursuant to Section 1859.81 and is requesting release of Preliminary Apportionment funds for design, engineering, and other preconstruction project costs. Attach to this form the California Department of Education (CDE) Letter pursuant to Section 859.149(a)(2).

#### Part II. Preliminary Charter School Apportionment

Check the boxes if the charter school is requesting a release of a Preliminary Charter School Apportionment for design and/or separate site apportionment pursuant to Section 1859.164.2. Attach to this form the Charter School Agreements.

#### Part III. Separate Site Apportionment

Check the box, for release of a separate site apportionment provided pursuant to Sections 1859.75.1 or 1859.81.1 or for release of Preliminary Apportionment site only acquisition pursuant to 1859.153(b) or (c).

#### Part IV. New Construction/Modernization/Charter School Rehabilitation

Check the box(es) for release of new construction, modernization or rehabilitation funds and enter the following:

- a. Enter the percent of the construction the district has under binding contract(s).
- b. Issue date of the Notice to Proceed for the construction phase of the project; and
- c. Signature date of the initial construction contract entered into by the district for this project.

For Final Charter School Apportionment attach to this form the Charter School Agreements if not previously submitted or if since revised.

#### Part V. New Construction—Site Acquisition Only

Check the boxes if the district is requesting a separate release of site acquisition funds as part of a new construction project.

#### Part VI. Joint-Use Projects

Check the boxes if the district is requesting release of joint-use project funds.

#### Part VII. Identify District and Joint-Use Partners' Funding Sources

Check the appropriate box(es) that identify the district funding sources that have or will be used for the district's share of the project.

#### Part VIII. Identify District's Construction Delivery Method

Check the appropriate box that identifies the construction delivery method that the district utilized for this project.

# FUND RELEASE AUTHORIZATION

## SCHOOL FACILITY PROGRAM

SAB 50-05 (REV 02/05/09/06)

SCHOOL DISTRICT	APPLICATION NUMBER
SCHOOL NAME	FIVE-DIGIT DISTRICT CODE NUMBER (SEE CALIFORNIA PUBLIC SCHOOL DIRECTORY)
COUNTY	HIGH SCHOOL ATTENDANCE AREA (HSAA) (IF APPLICABLE)

### Part I. Preliminary Apportionment—Design Only

- The district certifies it has complied with Section 1859.149(a).
- The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
  - has already been expended by the district for the project
  - will be expended by the district prior to the Notice of Completion for the project
- The district certifies that it currently has Financial Hardship status under the provisions of Section 1859.81.

### Part II. Preliminary Charter School Apportionment

#### A. Design Only

Pursuant to Section 1859.164.2(a), must be able to check all boxes:

- The Charter School certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
  - has already been expended by the Charter School for the project
  - will be expended by the Charter School prior to the Notice of Completion for the project
- The Charter School certifies it has current financial soundness status from the California School Finance Authority.
- The Charter School certifies it has entered into the Charter School Agreements pursuant to Section 1859.164.2.

#### B. Separate Site Apportionment

Pursuant to Section 1859.164.2(b), must be able to check all boxes:

- Release site acquisition funds. The Charter School certifies the funds are needed to place on deposit in order to secure the site acquisition.
- The Charter School certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
  - has already been expended by the Charter School for the project
  - will be expended by the Charter School prior to the Notice of Completion for the project
- The Charter School certifies it has current financial soundness status from the California School Finance Authority.
- The Charter School certifies it has entered into the Charter School Agreements pursuant to Section 1859.164.2.

### Part III. Separate Site Apportionment

- RA on additions to existing school sites pursuant to Section 1859.74.4.

Pursuant to Sections 1859.75.1 or 1859.81.1, district must be able to check both boxes:

- Release site acquisition funds. The district certifies the funds are needed to place on deposit in order to secure the site acquisition.
- The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
  - has already been expended by the district for the project
  - will be expended by the district prior to the Notice of Completion for the project

### Part IV. New Construction/Modernization/Charter School Rehabilitation

District/Charter School must be able to check both boxes:

- The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
  - has already been expended by the district for the project
  - will be expended by the district prior to the Notice of Completion for the project
- The district certifies it has entered into a binding contract(s) for at least 50 percent of the construction (must be as least 50 percent of the construction included in the plans and specifications applicable to the state funded project), and has issued the Notice to Proceed on \_\_\_\_\_ for that contract signed on \_\_\_\_\_.

The Charter School must also be able to check the following box:

- The Charter School certifies it has entered into the Charter School Agreements pursuant to Section 1859.164.2.

The amount of State funds released for new construction shall be 100 percent of the total SFP New Construction Adjusted Grant, less any site acquisition funds previously released in Part III.

The amount of State funds released for modernization shall be 100 percent of the SFP Modernization Adjusted Grant.

**FUND RELEASE AUTHORIZATION  
SCHOOL FACILITY PROGRAM**

**Part V. New Construction—Site Acquisition Only**

District must be able to check both boxes:

- The district certifies it has entered escrow for the site (attach copy of escrow instructions).
- The district certifies that its applicable matching share has either:
  - been deposited in the County School Facility Fund
  - has already been expended by the district for the project
  - will be expended by the district prior to the Notice of Completion for the project

The amount of State funds released shall be equal to the additional grant provided for site acquisition.

**Part VI. Joint-Use Projects**

- The district certifies that the Joint-Use Partners' financial contribution has either:
  - been received and deposited in the County School Facility Fund
  - has been received and expended by the district
  - will be received and expended by the district prior to the Notice of Completion for the project
- The district certifies it has entered into a binding contract(s) for at least 50 percent of the construction (must be at least 50 percent of the construction included in the plans and specifications applicable to the state funded project), and has issued the Notice to Proceed on for that contract signed on.

The amount of State funds released for new construction shall be 100 percent of the Joint-Use Grant.

**Part VII. Identify District and Joint-Use Partners' Funding Sources**

- Available bond funds such as general obligation, or Mello-Roos.
- Available developer fees, proceeds from the sale of surplus property, or federal grants.
- Other funds available (identify)
- Funds already expended by the district for the project.
- Funds already expended by the Joint-Use Partners for the project.
- Future revenue sources to be used for the project (identify)

**Part VIII. Identify District's Construction Delivery Method**

- Design-Bid-Build
- Design-Build
- Developer Built
- Lease Lease-Back
- Energy Performance Contract
- Other: \_\_\_\_\_

I certify, as the District Representative, that the information reported on this form is true and correct and that:

- I am an authorized representative of the district as authorized by the governing board of the district; and
- The site where buildings will be modernized or rehabilitated must comply with Education Code Sections 17212, 17212.5, and 17213; and,
- The grant amount provided by the State, combined with local matching funds or the Joint-Use Partner's financial contribution, are sufficient to complete the school construction project, unless the request is for a separate site and/or design apportionment; and,
- The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This project for which the grant amount is provided complies with Education Code Sections 17070.50 and 17072.30; and,
- The district shall certify at the time of a fund release for the project that it complies with Section 1859.90.1.
- This form is an exact duplicate (verbatim) of the form provided by the Office of Public School Construction (OPSC). In the event a conflict should exist, then the language in the OPSC form will prevail; and,
- If required by Labor Code Section 1771.7, if the district has or will initiated and will enforce a Labor Compliance Program that has been approved by the Department of Industrial Relations; pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47, or 55 or 10 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003.

If a Project Information Worksheet is required, I certify, as the District Representative, that the information reported on the worksheet is:

- True and correct for the contract amount(s) reported; and
- To the best of my knowledge, all estimates include the most recent and updated information available.

SIGNATURE OF DISTRICT REPRESENTATIVE	DATE
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STATE OF CALIFORNIA  
**EXPENDITURE REPORT**  
 SCHOOL FACILITY PROGRAM  
 SAB 50-06 (REV 09/02)

STATE ALLOCATION BOARD  
 OFFICE OF PUBLIC SCHOOL CONSTRUCTION

SCHOOL DISTRICT		APPLICATION NUMBER
BUSINESS ADDRESS		REPORT NUMBER
COUNTY		PERIOD ENDING
PREPARER'S NAME (TYPED)	PREPARER'S TITLE (TYPED)	TELEPHONE/E-MAIL ADDRESS
DISTRICT REPRESENTATIVE NAME (TYPED)	DISTRICT REPRESENTATIVE TITLE (TYPED)	TELEPHONE/E-MAIL ADDRESS

**INSTRUCTIONS – (refer to Title 2, California Code of Regulations Sections 1859.104 through 1859.106)**

1. Enter the estimated percentage of the project completed at the time of this report.
2. Enter the date construction actually began as stated in the architect's notice to proceed to the contractor.
3. Enter the date construction was completed as stated in the notice of completion on the last working contract.
4. If this is the first report submitted, enter "\$0" in this column. If there are prior reports, the amount reported in this column is the amount reported in column 6 of the preceding report.
5. Enter the transaction amounts during the current period.
6. Enter the sum of the corresponding line items in columns 4 and 5.
7. Enter the amount of district funds or Joint-use Partner(s) funds contributed towards the project.
8. Enter the amount of State warrants received towards the project.
9. Enter the amount of interest earned on State and district funds.

10. Enter the total amount spent from State and district funds. Provide a detailed listing of each expenditure by warrant, the date of the warrant, payee, warrant number, and description/purpose of the expenditure. Identify any savings and the purposes for which it will be used. Identify expenditures made with district force account labor separately. The use of a transaction record, in lieu of warrant numbers, is acceptable for force account expenditures. Identify amounts applied to the project for incentive grants or rebates received by the district pursuant to Public Utilities Code Section 381. Refer to Sections 1859.77.1 and 1859.79. Contact the Office of Public School Construction for an EXCEL worksheet which may be used to assist the district in reporting these expenditures at the OPSC Web site at [www.opsc.dgs.ca.gov/](http://www.opsc.dgs.ca.gov/).
11. Enter the State funds remaining after all project costs are paid. (sum of lines 7, 8, and 9 and subtract line 10).
12. If applicable, enter the district's SFP financial hardship project(s) that savings from this project will be used.

1. PERCENT OF PROJECT COMPLETED	2. NOTICE TO PROCEED DATE	3. NOTICE OF COMPLETION DATE	4. PREVIOUS REPORT	5. REPORT PERIOD	6. TOTAL TO DATE
7. DISTRICT FUNDS OR JOINT-USE PARTNER(S) CONTRIBUTION					
8. STATE FUNDS					
9. INTEREST EARNED					
10. PROJECT EXPENDITURES					
11. TOTAL PROJECT SAVINGS					

**Submit to:**  
 Department of General Service  
 Office of Public School Construction  
 Attn: SFP Audit  
 1130 K Street, Suite 300  
 Sacramento, CA 95814

12. If applicable, list the School Facility Program hardship projects and the amount of the savings that will be used:

PROJECT NUMBER _____	PROJECT NUMBER _____
_____	_____

I certify, as the District Representative, that the information reported on this form is true and correct and that:

- I am designated as an authorized district representative by the governing board of the district; and,
- Under penalty of perjury, under the laws of the State of California, the foregoing statements are true and correct, and that the Public Contract Code was adhered to in the construction of this project; and,
- This form is an exact duplicate (verbatim) of the form provided by Office of Public School Construction. In the event a conflict should exist, then the language in the OPSC form will prevail.

SIGNATURE OF DISTRICT REPRESENTATIVE	DATE
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**INSTRUCTIONS** (Refer to Title 2, California Code of Regulations Sections 1859.104 and 1859.106)

For purposes of completing this form enter the total amount spent for the project, including expenditures that may exceed the State and district shares authorized by the State Allocation Board.

1. Enter the estimated percentage of the project completed at the time of this report.
2. Enter the earliest issue date of the notice to proceed to the construction contractor.
3. Enter the date construction was completed as stated in the notice of completion on the last working contract.
4. If this is the first report submitted, enter "so" in this column. If there are prior reports, the amount reported in this column is the amount reported in column 6 of the preceding report.
5. Enter the transaction amounts during the current report period.
6. Enter the sum of the corresponding line items in columns 4 and 5.
7. If applicable, enter the district's future SFP financial hardship project(s) that savings from this project will be applied.

For new construction projects that have received an adjusted grant fund release attach:

- Completed Project Information Worksheet. If project information was previously provided, please update to include the most current information.
- Accepted bid documents including additive/deductive alternates.

Provide a detailed listing of each expenditure listing items by:

- Warrant, date of warrant, payee, warrant number, and description/purpose of the expenditure.
- Identify any savings and the purposes for which it will be used. Identify expenditures made with district force account labor separately.
- The use of a transaction record, in lieu of warrant number, is acceptable for force account expenditures.
- Identify amounts applied to the project for incentive grants or rebates received by the district pursuant to Public Utilities Code Section 381. Refer to Sections 1859.77.1 and 1859.79.

Go to the OPSC Web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov) for the Project Information and Expenditure Worksheets (an Excel worksheet) which may be used to assist in reporting these expenditures.

Submit completed forms to:

**Department of General Services**  
**Office of Public School Construction**  
**Attn: SFP Audit**  
**1130 K Street, Suite 400**  
**Sacramento, CA 95814**

DRAFT

STATE OF CALIFORNIA  
**EXPENDITURE REPORT**  
**SCHOOL FACILITY PROGRAM**

SAB 50-06 (REV 09/02/09/06)

SCHOOL DISTRICT		COUNTY	APPLICATION NUMBER
BUSINESS ADDRESS/CITY			REPORT NUMBER
SCHOOL NAME	DSA NUMBER	COS NUMBER	PERIOD ENDING
PREPARER'S NAME (TYPED)	PREPARER'S TITLE (TYPED)	TELEPHONE NUMBER/E-MAIL ADDRESS	
DISTRICT REPRESENTATIVE NAME (TYPED)	DISTRICT REPRESENTATIVE TITLE (TYPED)	TELEPHONE NUMBER/E-MAIL ADDRESS	

1. **Percent of Project Complete:** \_\_\_\_\_
2. **Notice to Proceed Issue Date:** \_\_\_\_\_
3. **Notice of Completion Date:** \_\_\_\_\_

	4. Previous Report	5. Report Period	6. Total to Date
District Funds or Joint-Use Partner(s) Contribution			
State Funds			
Interest Earned			
Project Expenditures			

**7. If applicable, list the amount of savings from this financial hardship project that will be used to reduce the grant of a future School Facility Program financial hardship project which has not yet been apportioned. Attach written declaration of savings pursuant to Section 1859.103.**

Project Number \_\_\_\_\_ Amount of Savings \$ \_\_\_\_\_  
 Project Number \_\_\_\_\_ Amount of Savings \$ \_\_\_\_\_

I certify, as the District Representative, that the information reported on this form is true and correct and that:

- I am designated as an authorized district representative by the governing board of the district; and,
- under penalty of perjury, under the laws of the State of California, the foregoing statements are true and correct, and that the Public Contract Code was adhered to in the construction of this project; and,
- this form is an exact duplicate (verbatim) of the form provided by Office of Public School Construction. In the event a conflict should exist, then the language in the OPSC form will prevail.

If a Project Information Worksheet is required, I certify, as the District Representative, that the information reported on the worksheet is:

- True and correct for the contract amount(s) reported; and
- To the best of my knowledge, all estimates include the most recent and updated information available.

SIGNATURE OF DISTRICT REPRESENTATIVE	DATE
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# APPLICATION FOR CHARTER SCHOOL PRELIMINARY APPORTIONMENT

## SCHOOL FACILITY PROGRAM

SAB 50-09 (REV 06/06/09/06)

### GENERAL INSTRUCTIONS

This form is used to request a preliminary apportionment for the new construction or [rehabilitation](#) of charter school facilities. This form may be submitted by either a charter school directly or by a school district on behalf of a charter school, provided the school is within the geographical boundaries of the district. The apportionment will be a reservation of funds for the project to allow time to receive the necessary approvals from other State entities and shall be converted to a Final Charter School Apportionment based on Sections 1859.165 through 1859.166.1.

The charter school must assign a Project Tracking Number (PTN) to this project. The same PTN is used by the OPSC, the Division of the State Architect (DSA) and the California Department of Education (CDE) for all project applications submitted to those agencies, which assist those agencies to track a particular project through out the entire state application review process. If a PTN has already been assigned to this project by prior submittal of the plans and specifications to either the DSA or the CDE for approval, use that PTN for this application submittal. If no PTN has been previously assigned for this project, a PTN may be obtained from the Office of Public School Construction (OPSC) Web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov) "P.T. Number Generator." (Obtain from school district.)

Prior to submitting this form, the Board must determine or adjust the appropriate district's eligibility for new construction funding on the Form SAB 50-03. If the district **that is providing eligibility to the charter school** has a pending reorganization election that will result in the loss of eligibility for the proposed project, the district may not file this application until the Board has adjusted the district's new construction baseline eligibility as required in Section 1859.51. This may be accomplished by completion of Form SAB 50-01, Form SAB 50-02, and Form SAB 50-03. The following documents must be submitted with this form (as appropriate):

#### [For new construction and rehabilitation projects.](#)

- Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted by the school district).
- [Verification of the charter school's notification to the school district of its intent to apply for State funding pursuant to Education Code Section 17878.53\(b\) for a charter applying on its own behalf.](#)
- [A narrative describing the proposed project. Include the estimated general scope of the project intended, estimated opening date of the school, the Charter School General Location, if the project will include new construction or rehabilitation of existing facilities, and if the facilities are of permanent or portable construction.](#)

#### [For new construction projects.](#)

- [If the charter school is applying for a Preliminary Apportionment on its own behalf, a school board resolution certifying to the number of the district's unhouseed pupils, pursuant to Section 1859.162.1\(a\) that the project will house, the supporting documentation used to generate this number and the school board meeting minutes that recorded the approval of the certification.](#)
- [For school districts applying on behalf of a charter school, certification, signed by the district representative, and supporting documentation that states the number of the district's unhouseed pupils that will be housed in the charter school project.](#)
- [An estimated recommended site size letter from the CDE.](#)

- An Appraisal or Preliminary Appraisal of the property, or documentation supporting the Median Cost of the property, if requesting site acquisition funds. See Section 1859.163.2(a).
- Supporting documentation for relocation expenses and Department of Toxic Substance Control (DTSC) costs, if requesting amounts other than the 215 percent standard allowance. See Section 1859.163.2(b).
- A cost estimate for site development using the historical data of School Facility Program projects within the district or adjacent school districts within the General Location, if requesting amounts other than the standard allowance of \$70,000 per acre. See Section 1859.163.1(a)(3).

For purposes of determining an amount for site acquisition pursuant to Section 1859.164.2(b), the following documents must be submitted with this form (as appropriate):

- Contingent site approval letter from the CDE.
- Preliminary appraisal of property.

#### [For rehabilitation projects.](#)

- [For a charter school submitting a Preliminary Apportionment for rehabilitation on its own behalf, an agreement between the school district and the charter school for use of the facilities to be rehabilitated. The agreement must have been discussed and approved at a school district board meeting.](#)
- [A drawing of the school site that identifies all classrooms and subsidiary facilities and specifies the square footage and age of each building that will be included in the project.](#)

**This request is** [Requests for new construction or rehabilitation funding are](#) available only to charter schools that have current financial soundness status from the California School Finance Authority. Charter schools may apply for a separate amount for the design and for the [new construction](#) site acquisition on the same project. Charter schools may apply for a separate amount for the design of the project by submittal of Form SAB 50-05.

For a complete list of the application submittal guidelines, consult the OPSC Web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov).

If the charter school or district is requesting a Preliminary Apportionment after the initial baseline eligibility was approved by the Board and the district's current California Basic Education Data System (CBEDS) enrollment reporting year is later than the enrollment reporting year used to determine the district's baseline eligibility or adjusted eligibility, the district must complete a new Form SAB 50-01, based on the current year CBEDS enrollment data, and submit it to the OPSC with this form. The district must also update its eligibility by separation of Special Day Class from regular K-12 grade level pupils by submitting a revised Form SAB 50-02 and Form SAB 50-03, if it has not already done so. A Small School District with 2,500 or less enrollment as defined in Section 1859.2 will have its eligibility adjusted as provided in Section 1859.51(j).

### SPECIFIC INSTRUCTIONS

A preliminary application may be submitted by either a school district on behalf of a charter school or a charter school on its own behalf if the charter school has notified both the superintendent and the governing board of its intent to do sodo in writing at least 30 days prior to submission of the preliminary application. See Education Code Section 17078.53 (b)(c)(1) and (2). The notice shall be sent by certified mail through the U.S. Postal Service and submitted to the school district in writing in such a way that allows for verification of the received date. The notice shall also include a request for a school district certification pursuant to Section 1859.162.1(a), a request for an update in the district's enrollment pursuant to Section 1859.162.1(b) and must indicate to the school district the number of pupils the charter school intends to apply for. Please indicate method of filing by checking appropriate box. If the eligibility being requested from the school district's eligibility is filed on a HSAA basis, the proposed project shall be constructed within the boundaries of that attendance area for which the eligibility is adjusted pursuant to Section 1859.162.2.

Prior to submitting a request for a preliminary apportionment the appropriate chartering entity must have either approved a charter petition or a material revision to a charter for the school in which the application references.

#### 1. Type of Application

Check the appropriate box that indicates the type of request the Charter School is applying for with this form. If the Charter School is requesting a determination of eligible site acquisition costs from a Preliminary Charter School Apportionment previously approved by the Board, complete boxes 2, 3, 4 and the site acquisition data in 4**b**.

#### 2. Type of Project

- Select the type of project that best represents this application request and enter the number of pupils assigned to the project for each grade group. Include pupils to be housed in an addition to an existing school or a new school project. The amount entered cannot exceed the lesser of district's available new construction baseline eligibility determined on Form SAB 50-03, as adjusted by Section 1859.51 or the limits established in Section 1859.162(c). The amount entered will be the basis for the amount of the Preliminary Charter School Apportionment provided for the project.
- Enter the name of the school district where the charter school is physically located.
- Is this request an addition to an existing site? Yes or No. If yes, enter school name.

#### 3. Number of Classrooms/Useable Acres

Enter the:

- Estimated number of classrooms in the proposed project.
- Existing Useable Acres (if addition to existing site).
- Estimated Proposed Useable Acres to be acquired for the project.

The estimated Proposed Useable Acres shall be obtained from CDE prior to application submittal.

The proposed Useable Acres requested shall not exceed the net useable acres included in an appraisal; preliminary appraisal or multiplying the pupils assigned by 0.00888 for elementary school pupils; 0.0105 for middle school pupils and 0.01236 for high school pupils. Assign Severely Disabled and Non-severely Disabled Individuals with Exceptional Needs as either elementary, middle or high school pupils based upon the type of project selected in item 1. See Section 1859.74.1.

#### 4. Additional Project Information—New Construction Only

- Enter the estimated number of pupils, by grade level, that will attend the charter school.
- Enter the number of the school district's unhoused pupils to be housed in the charter school pursuant to Section 1859.162.1(a) or 1859.162.2(b).
- Is this request an addition to an existing site? Yes or No. If yes, enter school name.

#### 5. Increase in Preliminary Apportionment—New Construction Only

Complete the appropriate Sections if the district is requesting an increase in the Preliminary Apportionment for the items listed. Refer to Sections 1859.163.1 and 1859.163.2.

- Check the box if the district request additional funding due to multilevel construction. See Section 1859.163.1(a)(2).
- Site Acquisition:
  - Enter 50 percent of the appraised value or the preliminary appraised value or the Median Cost of the property. See Section 1859.163.2(a). If the purchase price of the site is being determined using the median cost of the Charter School General Location enter the nearest street intersection to the charter school site.
  - To determine an allowance for relocation cost and DTSC cost, the charter school may request 15 percent of the property value determined above or specific or historic values of these costs. See Section 1859.163.2(b). If specific or historic values are reported, the charter school must submit appropriate documentation to support the amount reported.
  - Enter 50 percent of the amount allowable for hazardous material/waste removal and/or remediation for the site acquired. This amount may not exceed the limit set in Section 1859.163.2(d).
- To determine an allowance for site development, the charter school may request \$70,000 per proposed Usable Acres or a specific or historic value of the estimated costs. See Section 1859.163.1(a)(3). If specific or historic estimated costs are used, the district must submit appropriate cost estimate of the proposed work conforming to Section 1859.76.
 

In addition, check the box if the district is requesting General Site Development pursuant to Section 1859.163.1.
- Check the box if the proposed project is eligible for an increase due to geographic location. See Section 1859.163.1(a)(7).
- Check the box if this request is for a small size project. See Section 1859.163.1(a)(5)(4).
- Check the box if the proposed project qualifies for an urban location allowance. See Section 1859.163.1(a)(6)(5).
- Check the box if the proposed project is eligible for an increase due to geographic location. See Section 1859.163.1(a)(6).

#### 6. Additional Project Information—Rehabilitation Only

Enter the square footage of the non-toilet area and toilet area contained in the rehabilitation project.

#### 7. Increase in Preliminary Apportionment—Rehabilitation Only

- Check the box if the proposed project is eligible for an increase due to geographic location. See Section 1859.163.1(a)(7).
- Check the box if this request is for a small size project. See Section 1859.163.1(a)(5).

- c. Check the box if the proposed project qualifies for an urban location allowance. See Section 1859.163.1(a)(6).
- d. Check the box if the rehabilitation project includes new two-stop elevator(s). Elevator(s) are allowed only if required by the DSA. Attach copy of the DSA letter that requires that the elevator(s) be included in the project for access compliance.
- e. Enter the number of additional stops on new DSA required elevator(s) beyond two.

**8. Labor Compliance Program**

Indicate whether the district is subject to a Labor Compliance Program that has been approved by the Department of Industrial Relations pursuant to Labor Code Section 1771.7 by checking the appropriate box.

**95. Priority Order**

Enter the priority order of this application in relation to other applications for Preliminary Charter School Apportionment submitted on the same date by the same applicant within the same school district.

**106. Charter School Information**

The information requested in (d) and (e) below can be obtained from the Charter School Information Listing posted on the OPSC's Web site.

- a. Enter the charter school enrollment currently being served by the applicant for the purpose of calculating if the Charter School is Small, Medium, or Large. See Section 1859.2.

- b. Indicate if the charter school operates as not for profit. If yes, must comply with the definition of Non-Profit Entity in Section 1859.2.
- c. Enter the locale code of the charter school as identified in the definitions for "Rural," "Suburban," or "Urban." See Section 1859.2.
- d. To determine if the charter school is low income, enter the percentage of pupils at the charter school identified as being eligible for participating in the Free/Reduced Lunch Program. See Section 1859.2 and 1859.164.1(a).
- e. If the charter school has submitted an additional application for this project under the requirements of Section 1859.162.1, enter the application number for that project.

**117. Certification**

The authorized representative for the charter school, or the school district representative on behalf of the charter school must complete this certification section.

- Part A – The authorized representative for the charter school, must complete this section if filing on its own behalf; or,
- Part B – The authorized school district representative must sign and date if filing on behalf of the charter school.

DRAFT

APPLICATION FOR CHARTER SCHOOL PRELIMINARY APPORTIONMENT
SCHOOL FACILITY PROGRAM

The school district or charter school named below applies to the State Allocation Board via the Office of Public School Construction for a Preliminary Charter School Apportionment under the provisions of Chapter 12.5, Part 10, Division 1, Article 12, commencing with Section 17078.50, et seq, of the Education Code and the Regulations thereto.

Form with fields for: SCHOOL DISTRICT APPLYING ON BEHALF OF CHARTER SCHOOL, CHARTER SCHOOL APPLYING ON ITS BEHALF, PRELIMINARY APPLICATION NUMBER, PROPOSED PROJECT NAME, PROJECT TRACKING NUMBER, COUNTY, HIGH SCHOOL ATTENDANCE AREA (IF APPLICABLE), SCHOOL BOARD APPROVAL DATE OF CHARTER PETITION OR MATERIAL REVISION

1. Type of Application—Check Only One

- 1. Type of Application—Check Only One
[ ] New Construction Preliminary Charter School Apportionment
[ ] Site Acquisition Costs [Section 1859.164.2(b)]
[ ] Rehabilitation Preliminary Charter School Apportionment

2. Type of Project

- 2. Type of Project
a. [ ] Elementary School
[ ] Middle School
[ ] High School

Pupils Assigned:
K-6
7-8
9-12
Non-Severe
Severe

- b. Name of school district where the charter school project will be physically located that pupils are coming from:
c. Addition to existing site? [ ] Yes [ ] No
If yes, enter school name:

3. Number of Classrooms/Useable Acres

Number of Classrooms:
Existing Acres (Useable):
Proposed Acres (Useable):

4. Additional Project Information—New Construction Only

- 4. Additional Project Information—New Construction Only
a. Project Capacity
K-6
7-8
9-12
Non-Severe
Severe
b. School District's Unhoused Pupils to be housed in the Charter School
K-6
7-8
9-12
Non-Severe
Severe
c. Addition to existing site? [ ] Yes [ ] No
If yes, enter school name:

5. Increase in Preliminary Apportionment—New Construction Only

- 5. Increase in Preliminary Apportionment—New Construction Only
a. [ ] Multilevel Construction
b. Site Acquisition:
(1) 50 percent appraised value or median cost: \$

Enter the nearest street intersection to the Charter School General Location if determined by median cost:

- (2) Relocation/DTSC Cost:
[ ] 15 percent
[ ] 50 percent of specific or historical cost: \$
(3) Hazardous material clean-up: \$
c. Site Development
[ ] \$70,000 per proposed useable acre
[ ] 50 percent of specific or historical cost: \$
[ ] General Site
d. [ ] Geographic Percent Factor: %
e. [ ] Small Size Project
f. [ ] Urban Allowance
f. [ ] Geographical Percentage Factor: %

6. Additional Project Information—Rehabilitation Only

Square Footage of Project:
Non-Toilets Facilities (sq. ft.):
Toilet Facilities (sq. ft.):

7. Increase in Preliminary Apportionment—Rehabilitation Only

- 7. Increase in Preliminary Apportionment—Rehabilitation Only
a. [ ] Geographic Percent Factor: %
b. [ ] Small Size Project
c. [ ] Urban/Security/Impacted Site
d. [ ] Number of 2-Stop Elevators:
e. [ ] Number of Additional Stops:

8. Labor Compliance Program

Will you be required to initiate and enforce a Labor Compliance Program pursuant to Labor Code Section 1771.7 for this project? [ ] Yes [ ] No

9. Priority Order

#

10. Charter School Information

- 10. Charter School Information
a. Current charter school enrollment:
b. Is charter school not for profit? [ ] Yes [ ] No
c. Enter locale code of charter school:
d. Free/Reduced Lunch: %
e. Additional Application Number: #

**APPLICATION FOR CHARTER SCHOOL PRELIMINARY APPORTIONMENT**  
**SCHOOL FACILITY PROGRAM**

**117. Certification**

I certify that the information reported on this form is true and correct and that:

- I am an authorized representative of the charter school designated by the governing board or equivalent authority of the charter school and have notified both the Superintendent and the governing board of the school district in writing, at least 30 days prior to the date of this application, of our intent to submit a preliminary application (complete Part A below); or,
- I am an authorized school district representative submitting this application on behalf of a charter school pursuant to Education Code Section 17078.53 (c)(1) (complete Part B below). If this box is checked the following certifications shall apply to the school district.

- A resolution or other appropriate documentation supporting this application under Article 12, Chapter 12.5, Part 10, Division 1, Title 2, commencing with Section 17078.50, et. seq., of the Education Code was adopted by the School District's Governing Board or the governing board or other equivalent authority of the charter school on, \_\_\_\_\_; and,
- Prior to submitting this application the charter school and school district have considered existing facilities in accordance with Education Code Section 17078.53(e); and,
- For a charter school applying for a rehabilitation Preliminary Apportionment on its own behalf, the charter school and school district have entered into an agreement to rehabilitate school district existing facilities and the agreement has been discussed and approved at a regularly scheduled school board meeting; and,
- For a charter school applying for a new construction Preliminary Apportionment on its own behalf, the charter school and school district have complied with Section 1859.162.1 pertaining to the certification of the number of unhoused students the project will house; and,
- The charter school has or will establish a "Restricted Maintenance Account" for 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 Section 17070.75 and 17070.77 (Refer to Sections 1859.100 through 1859.102); and,
- The charter school has or will consider the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
- The charter school will comply with all laws pertaining to the construction of its school building; and,
- All contracts entered 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 charter school has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This charter school has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- The charter school understands that the lack of substantial progress toward increasing the pupil capacity of its facilities within the timelines prescribed for a Preliminary Charter School Apportionment shall be cause for rescission of the Preliminary Charter School Apportionment; and,
- The charter school acknowledges this request may be subject to the material inaccuracy penalty provisions in Section 1859.104.1; and
- All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximum interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
- If the Preliminary Charter School Apportionment is requested for the construction of school facilities on leased land, the charter school has or will execute a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- The charter school understands that when the Preliminary Charter School Apportionment is converted to a Final Charter School Apportionment, the funding available for the Final Charter School Apportionment is subject to the provisions of Section 1859.167; and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, then the language in the OPSC form will prevail; and,
- The charter school has or will initiate and enforce a Labor Compliance Program that has been approved by the Department of Industrial Relations, pursuant to Labor Code Section 1771.7, **if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003;** and,
- Beginning with the 2005/2006 fiscal year, the district has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair.

**Part A. Charter School Filing on its Own Behalf**

NAME OF REPRESENTATIVE		TITLE
ADDRESS		
TELEPHONE	FAX NUMBER	E-MAIL
SIGNATURE OF AUTHORIZED CHARTER SCHOOL REPRESENTATIVE		DATE

**Part B. School District Filing on Behalf of Charter School**

SIGNATURE OF AUTHORIZED DISTRICT REPRESENTATIVE	DATE
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