REPORT OF THE EXECUTIVE OFFICER
State Allocation Board Meeting, May 28, 2014

CHARTER SCHOOL FACILITIES PROGRAM REHABILITATION SUPPLEMENTAL GRANTS

PURPOSE OF REPORT

To request State Allocation Board (Board) approval of School Facility Program (SFP) regulatory amendments to align Charter School Facilities Program (CSFP) Rehabilitation supplemental grants with Education Code (EC) requirements.

DESCRIPTION

At the March 26, 2014 meeting, the Board discussed an inconsistency between the EC requirements and several supplemental grant calculations for CSFP Rehabilitation. The Board directed Staff to draft regulatory amendments to the CSFP Rehabilitation grants to ensure consistency with statute. EC Section 17078.54(d) requires CSFP grants to be provided on a 50 percent State and 50 percent local basis. However, the calculations in the SFP regulations for four supplemental grants that are available for CSFP Rehabilitation projects were established based on a 60 percent State and 40 percent local sharing basis:

- Excessive Cost Hardship Grant for accessibility and fire code requirements (actual cost option)
- Excessive Cost Hardship Grant for two-stop elevator
- Excessive Cost Hardship Grant for additional stop
- Prevailing wage monitoring (PWM) grant

Providing CSFP Rehabilitation projects with these grants using the calculations outlined in the SFP regulations would be not be consistent with the EC. This item seeks Board approval of conforming regulatory changes to each of these grants, and various technical changes.

AUTHORITY

EC Section 17070.35 states:

(a) In addition to all other powers and duties as are granted to the board by this chapter, other statutes, or the California Constitution, the board shall do all of the following:

(1) Adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter....

(2) Establish and publish any procedures and policies in connection with the administration of this chapter as it deems necessary.

EC Section 17078.54(d) states:

Facilities funded pursuant to this article shall have a 50 percent local share matching obligation that may be paid by the applicant through lease payments in lieu of the matching share, or as otherwise set forth in this article, including, but not limited to, Section 17078.58

(Continued on Page Two)

BACKGROUND

SFP modernization projects and CSFP Rehabilitation projects are eligible to receive many of the same grants, as both types of projects provide funding to extend the useful life or enhance the physical environment of existing facilities. These grants include the two-stop elevator and additional stop grants for projects that are required by the Division of the State Architect to install multiple stop elevators, as well as the grant to provide additional funding for the costs associated with accessibility and fire code requirements. These projects are also eligible for the PWM grant to help cover the costs associated with prevailing wage monitoring by the Department of Industrial Relations. While these grants are available for CSFP Rehabilitation projects, they were developed within the framework of the SFP modernization program and assume a 60 percent State share and 40 percent local share.

EC Section 17078.54(d) requires CSFP grants to be provided on a 50 percent State and 50 percent local basis. Providing CSFP Rehabilitation projects with the supplemental grants listed above in the amounts outlined in the SFP regulations is not consistent with the EC.

STAFF ANALYSIS/STATEMENTS

Staff is presenting the regulatory amendments included in the Attachment to make the supplemental grant calculations for CSFP Rehabilitation projects consistent with the CSFP's 50/50 requirement in the EC. The attachment includes proposed new regulation sections specifically related to CSFP Rehabilitation grants. The amendments also include minor changes to references to statute and regulations, clarifications to existing CSFP regulations, and corresponding changes to the *Application for Funding* (Form SAB 50-04), and *Application for Charter School Preliminary Apportionment* (Form SAB 50-09). The proposed changes are described in detail below:

Final Charter School Apportionment Determination for CSFP Rehabilitation

In order to clarify the process of calculating the Final Charter School Apportionment for CSFP Rehabilitation projects, Staff proposes a new regulation, Section 1859.167.1 to describe the grants that comprise a Final Charter School Apportionment request. Staff also proposes a new defined term, "Charter School Facilities Rehabilitation Grant" for the square footage grant that CSFP Rehabilitation projects receive in lieu of a per-pupil grant. The new SFP Regulation Section 1859.167.1(a) outlines the grant calculation. The new defined term and regulation section allow simpler regulatory language for CSFP Rehabilitation supplemental grants, such as geographic location, small size project, High Performance Incentive (HPI) and Urban/Security/Impacted site.

Staff proposes new regulation Sections 1859.167.2 and 1859.167.3 specifically for additional and Excessive Cost Hardship grants for CSFP Rehabilitation, instead of adding complex modifications to the existing supplemental grant regulations.

Prevailing Wage Monitoring Grant

SFP Regulation Section 1859.78.1(b) states, "The Board shall increase the grant by 60 percent of one-fourth of one percent of the Total Projected Bond Apportionment for any project for which the construction contract is awarded on or after January 1, 2012." Staff proposes a new regulation, Section 1859.167.2, for the PWM and

(Continued on Page Three)

STAFF ANALYSIS/STATEMENTS (cont.)

Labor Compliance Program (LCP) grants for CSFP Rehabilitation projects, which will allow for a 50 percent PWM grant calculation that conforms to the EC. Staff also proposes amendments to clarify existing LCP and PWM grant regulations for Preliminary Charter School Apportionments for CSFP Rehabilitation.

Excessive Cost Hardship Grant for Accessibility and Fire Code Requirements

Currently, applicants may choose one of two options for the Excessive Cost Hardship Grant for accessibility and fire code requirements. The applicant may elect to take three percent of the base grant. The other option is a grant based on 60 percent of the actual cost of the accessibility and fire code upgrades, as stated in SFP Regulation Section 1859.83(f)(2). Since the EC restricts funding for CSFP rehabilitation funding to 50 percent of the total project costs, the grant calculation must be reduced from 60 percent to 50 percent. This is reflected in the proposed new SFP Regulation Section 1859.167.3(d), which is specifically for CSFP Rehabilitation.

Additionally, the calculation for the grant was designed with the modernization base grant in mind and not the CSFP Rehabilitation base grant. Currently, the seven percent deduction in SFP Regulation Section 1859.83(f)(2)(A) and calculation of the grant cap in SFP Regulation Section 1859.83(f)(2)(B) were developed around the modernization per-pupil grant. Since the CSFP Rehabilitation base grant is calculated on a per-square foot basis rather than a pupil grant basis, the proposed regulations in the new SFP Regulation Section 1859.167.3(d)(2)(C) explain how to determine the modernization base grant for the purposes of this calculation.

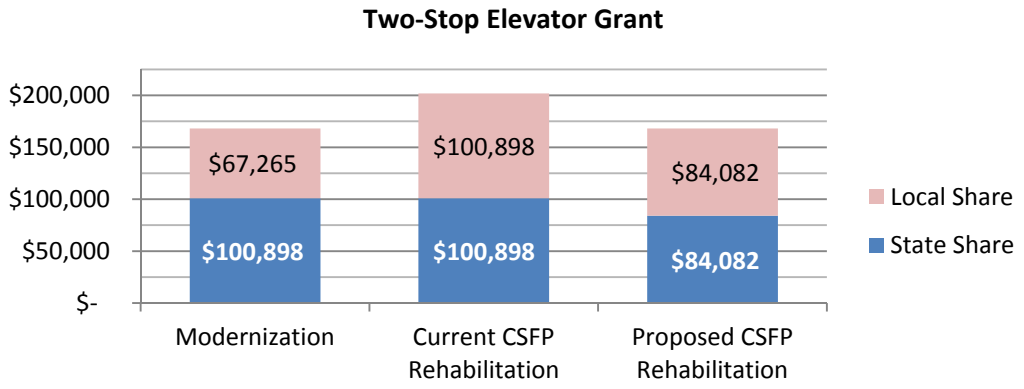
Excessive Cost Hardship Grants for Two-Stop Elevator and Additional Stop

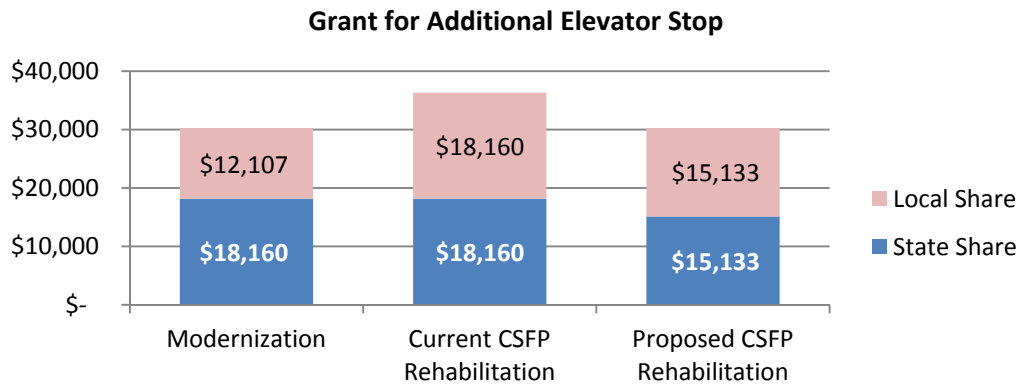
Currently, the two-stop elevator grant is $100,898, which represents the 60 percent State share. The 40 percent local share would be $67,265, resulting in a 100 percent amount of $168,163. The regulations also provide the same $100,898 State share amount to CSFP Rehabilitation projects, which are funded on a 50/50 basis. For a CSFP Rehabilitation project, $100,898 represents the 50 percent State share. The resulting 100 percent amount for a CSFP Rehabilitation project is $201,796, which is $33,633 more than the 100 percent amount provided for modernization projects.

To ensure that each program provides the grant amounts appropriate to that program and funding model, the proposed regulations in SFP Regulation Sections 1859.163.5(a)(5), 1859.167.3(d)(3) and 1859.167.3(d)(4) modify the State share of the two-stop elevator and additional stop grants for CSFP Rehabilitation, as shown in the charts below:

(Continued on Page Four)

STAFF ANALYSIS/STATEMENTS (cont.)





Other Regulatory Changes

Defined Terms

Staff is proposing technical changes in SFP Regulation Section 1859.2 to definitions for "Financially Sound" and "Preliminary Charter School Apportionment." The amendments correct references to the EC and the name of the California Code of Regulations. Staff is also proposing an amendment to the defined term, "Total Projected Bond Apportionment" to add a reference to the new SFP Regulation Section 1859.167.2.

High Performance Incentive Grant

Staff is proposing an amendment to SFP Regulation Section 1859.77.4 to add the new defined term, "Charter School Facilities Program Rehabilitation Grant" to the list of grants that can receive a percentage increase for HPI. The HPI grant calculation is unchanged.

Replacement of "Charter School" and "District" with "Applicant"; Capitalization of "Charter School"

Staff is proposing technical changes throughout the SFP Regulations to replace certain instances of the words "Charter School" and "district" with "applicant" to include all types of CSFP applicants allowed by law.

(Continued on Page Five)

STAFF ANALYSIS/STATEMENTS (cont.)

EC Section 17078.53(b) allows applicants for CSFP funding to include a school district applying on behalf of a charter school located in the district, as well as a charter school applying its own behalf. Staff is also proposing technical changes to capitalize instances of "charter school" that are in lower case, for consistent use of the capitalized defined term, "Charter School."

Excessive Cost Hardship Grants: Geographic Location, Small Size Project, Urban/Security/Impacted Site

Staff is proposing a new regulation, Section 1859.167.3, for excessive cost hardship grants for CSFP Rehabilitation projects, which include geographic location, small size project, Urban/Security/Impacted site, and accessibility/fire code. The new regulation clarifies that the grants for geographic location, small size project, Urban/Security/Impacted site are calculated by applying the appropriate percentage to the Charter School Facilities Program Rehabilitation Grant. These grant calculations are otherwise unchanged. The existing Sections 1859.167.2 and 1859.167.3 have been renumbered to Sections 1859.167.4 and 1859.167.5 to accommodate the new regulation sections. Staff also proposes a change in Section 163.5(a)(2)(A) and (B) to clarify the pupil capacity calculation used for the small size project grant for Preliminary Charter School Apportionments.

Application for Funding (Form SAB 50-04)

Staff is proposing to add a new section and corresponding instructions to the *Application for Funding* (Form SAB 50-04) specifically for supplemental grants for CSFP Rehabilitation, instead of continuing to use the modernization sections of the form. The changes are intended to correspond with the new CSFP Rehabilitation-specific regulation sections and to make it easier for CSFP Rehabilitation applicants to complete the form. Staff also proposes various technical changes to the Form SAB 50-04 to clarify which sections apply to CSFP Rehabilitation, amend the section numbering, delete an outdated instruction regarding Section 17, and correct the spelling of the defined term, "Charter School Facilities Program Rehabilitation."

Application for Charter School Preliminary Apportionment (Form SAB 50-09)

Staff proposes amendments to the Form SAB 50-09 to correct the name of the program and references to the SFP regulations. Staff also proposes technical changes to replace certain instances of the words "Charter School" and "district" with "applicant" and to capitalize instances of "charter school" that are in lower case. These are consistent with proposed technical changes in the regulations.

RECOMMENDATIONS

1. Adopt the proposed regulations as shown in the Attachment.

2. Authorize the Executive Officer to file the proposed regulations with the Office of Administrative Law.

This Item was approved by the State Allocation Board on May 28, 2014.

ATTACHMENT

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 Facilities Program Rehabilitation Grant" means the amount provided pursuant to Section 1859.167.1(a).

….

"Financially Sound" shall have the meaning set forth in Education Code Section 17078.52(~~d~~c)(4) and California Code of Regulations, Title 4, ~~California Business Regulations~~ commencing with Section 10151, et seq.

….

"Preliminary Charter School Application" means a district filing on behalf of a ~~c~~Charter ~~s~~School or the ~~c~~Charter ~~s~~School submitting directly on Form SAB 50-09, including all supporting documents as identified in the General Instructions Section of that Form submitted to the OPSC and the OPSC has accepted the application for processing.

"Preliminary Charter School Apportionment" means an apportionment made pursuant to Education Code Section 17078.52(~~d~~c)(3).

….

"Total Projected Bond Apportionment" means the total State bond funds to be apportioned for the project, including any Financial Hardship apportionment pursuant to Section 1859.81, any funds authorized by the Authority pursuant to Section 1859.168, and any funds provided pursuant to Section 1859.194, but excluding the prevailing wage monitoring and enforcement costs grant amount provided pursuant to Section 1859.71.4(c) or 1859.78.1(b) or 1859.167.2(b).

….

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

(a) In addition to any other funding authorized by these Regulations, the Board shall provide the grant amounts identified in Subsections (b) or (c), as applicable, if all the following are met:

(1) The project meets the mandatory measures of the California Green Building Standards, California Code of Regulations Title 24, Part 11, as applicable.

(2) The project includes all the prerequisites in each of the five HPRC to include Sustainable Sites, Water, Energy, Materials and Indoor Environmental Quality that are within the scope of the project, and related subcategory credits.

(3) Once the prerequisites in (a)(1) and (a)(2) have been met, the district may select the criteria and credits it wishes to pursue to determine point award. The category, criteria and associated points are as indicated in Section 1859.71.6(a), with the exception of (a)(3)(C) 2., Alternate Energy Sources, that has an amended point allowance that equals three to nine points; three points for the first five percent plus one point for each additional five percent thereafter of the site's annual power consumption that is produced on site not to exceed 35 percent; and the exception of (a)(3)(E)(2)f., Low emitting materials, that has an amended point allowance equal to one to four points.

(4) A minimum of four points must come from either Section 1859.71.6(a)(3)(C)1.b. and/or 2.

(5) The project, which includes a complete set of plans, must be submitted to and accepted by the DSA on or after May 20, 2006.

(6) The DSA has reviewed the proposed project and concurs with the points specified in the HPRC.

(7) The project will not receive funding from the Energy Efficiency Account.

(8) For those projects accepted by the DSA prior to October 1, 2007, districts may utilize the *2002 CA-CHPS Criteria*, and the point standard will be in the range of 23 to 72 points. All prerequisites, credits and points obtained must be based on the *2002 Edition* requirements. Criteria and associated prerequisite or points as indicated in Section 1859.71.6 (a)(3)(D)2.a. and 4.c. and f. and (E)1.c. and 2.b. and district resolutions are ineligible, and (a)(4) is optional.

(b) Excluding Career Technical Education Facilities Projects, to determine the High Performance Incentive grant, multiply the appropriate grant listed in (1), (2), (3), (4), ~~or~~ (5), or (6) below by the percentage allowance in accordance with the eligible high performance points in ~~(6),~~ (7), ~~or~~ (8), or (9):

(1) New Construction Grant

(2) Modernization Grant

(3) Facility Hardship Square Footage Grant
(4) Seismic Rehabilitation Grant
(5) Modernization Excessive Cost Hardship Grant pursuant to Section 1859.83(e), excluding additional grants.
(6) Charter School Facilities Program Rehabilitation Grant
(~~6~~7) For those projects accepted by the DSA prior to October 1, 2007, pursuant to (a)(8), in which the level of high performance attained, as concurred by the DSA, is a minimum of 23 points, the New Construction or Modernization Grant, as appropriate, will be multiplied by:
(A) Two percent at 23 points plus 0.03 percent for each point attained from 24 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 72 points.
(~~7~~8) For those projects accepted by the DSA utilizing the *2006 CA-CHPS Criteria*, in which the level of high performance attained as concurred by the DSA is a minimum of 20 points, the New Construction or Modernization Grant, as appropriate, will be multiplied by:
(A) Two percent at 20 points plus 0.025 percent for each point attained from 21 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 77 points.
(~~8~~9) For those projects accepted by the DSA utilizing the *2009 CA-CHPS Criteria*, in which the level of high performance attained as concurred by the DSA is a minimum of 20 points, the Board shall provide $250,000 one time per school site as a High Performance Base Incentive Grant. In addition, the New Construction or Modernization Grant, as appropriate will be multiplied by:
(A) 2.18 percent at 20 points plus 0.025 percent for each point attained from 21 through 26 points; or
(B) 2.35 percent at 27 points plus 0.24 percent for each point attained from 28 through 33 points; or
(C) Four percent at 34 points plus 0.36 percent for each point attained from 35 through 47 points; or
(D) 9.05 percent at 48 points plus 0.060 percent for each point attained from 49 through 84.
(c) For Career Technical Education Facilities Projects accepted by the DSA utilizing the 2009 CA-CHPS Criteria, in which the level of high performance attained as concurred by the DSA is a minimum of 20 points, the Board shall provide $250,000 one time per school site as a High Performance Base Incentive Grant.

If there are no funds remaining in the High Performance School Account or the funds remaining are insufficient to fully fund the additional grant authorized in Subsections (b) or (c), 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 addition to an existing site/ modernization project and accept a full and final apportionment without the additional grant authorized by Subsections (b) or (c).

Any funds apportioned pursuant to this Section shall be expended only on high performance related costs (and components as approved by the OPSC).

Note: Authority cited: Section 17070.35 and 17078.72(l), Education Code.

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

….

Section 1859.106.1. Repayment of State Funds.

Upon adoption of the audit findings by the Board and in lieu of the collection procedures outlined in Education Code Section 17076.10(c)(1), a school district, county office of education, or ~~c~~Charter ~~s~~School may request a repayment schedule of up to five years, in equal annual installments, if the total repayment of State funds within 60 days of the Board action would cause the school district, county office of education, or ~~c~~Charter ~~s~~School to fall into fiscal distress. School districts, county offices of education, or ~~c~~Charter ~~s~~Schools requesting a repayment schedule must be in a severe hardship condition as evidenced by at least one of the following criteria:
(a) For a school district or county office of education, the district or county office of education is listed on the current CDE List of Negative and Qualified Certifications of School Districts and County Offices of Education.

(b) For a school district or county office of education, the amount due to the State for one or more projects would cause the district or county office of education to be listed on the CDE List of Negative and Qualified Certifications of School Districts and County Offices of Education report. Where the financial condition of a school district is involved, the county office of education must submit a letter to the OPSC on behalf of its representative school districts for consideration substantiating that the repayment will place the district on the CDE List of Negative and Qualified Certifications of School Districts and County Offices of Education. Where the financial condition of a county office of education is involved, the CDE must submit a letter to the OPSC on behalf of the county office of education for consideration substantiating that the repayment will place the county office of education on the CDE List of Negative and Qualified Certifications of School Districts and County Offices of Education.

(c) For a ~~c~~Charter ~~s~~School, the amount due to the State for one or more projects would cause the ~~c~~Charter ~~s~~School severe financial hardship. The ~~c~~Charter ~~s~~School's authorizing agency must submit a letter to the OPSC on behalf of the ~~c~~Charter ~~s~~School for consideration substantiating that the repayment may result in the ~~c~~Charter ~~s~~School being unable to meet its financial obligations for the current or subsequent two fiscal years.

The repayment schedule shall include interest at the same rate as that earned on the State's Pooled Money Investment Account on the date a repayment schedule is approved by the Board.

The repayment schedule will commence on July 1 of the fiscal year following the repayment schedule approval date.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.35, 17076.10(c), and 17078.52, Education Code.

….

Section 1859.160. General.

An ~~Charter School~~applicant seeking a Preliminary Charter School Apportionment pursuant to the provisions of Education Code Sections 17078.52 through 17078.66 for new construction or rehabilitation shall complete and file a Form SAB 50-09. In addition the ~~charter school~~applicant 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, an ~~Charter School~~applicant 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. An ~~Charter School~~applicant 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.

Section 1859.161. Preliminary Charter School Application Submittals.

An ~~Charter School~~applicant 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 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.

ATTACHMENT

Section 1859.162. General Preliminary Charter School Apportionment Eligibility Criteria.

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

(a) Prior to submission of the Preliminary Charter School Application the requirements of EC Sections 17078.53(c) and (e) are met.

(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 ~~c~~Charter ~~s~~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~~applicant 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.

….

Section 1859.163. Approval of Applications for Preliminary Charter School Apportionments.

Prior to approving a Preliminary Charter School Apportionment, the Board will require a certification from the Authority that the ~~Charter School~~applicant is Financially Sound. In providing a Preliminary Charter School Apportionment, the Board shall use the funding criteria established in Section 1859.164. The apportionment provided by the Board may be 100 percent of the total project cost dependent upon the method of ~~Charter School~~the applicant's contribution as determined by the Authority.

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

Reference: Sections 17078.52 and 17078.53, Education Code.

Section 1859.163.1. Preliminary Charter School New Construction Apportionment Determination.

The Preliminary Charter School New Construction Apportionment shall be determined as follows:

(a) The Preliminary Charter School Apportionment for construction costs shall be equal to the sum of (1) through (8) below:

(1) The amounts shown below for each pupil, based on the project capacity, included in a Preliminary Charter School Application:

(A) $5,227 for each elementary school pupil.

(B) $5,534 for each middle school pupil.

(C) $7,226 for each high school pupil.

(D) $16,653 for each pupil that is a Severely Disabled Individual with Exceptional Needs.

(E) $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~~applicant.

(3) An amount for site development cost determined, at the option of the ~~Charter School~~applicant, 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) $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~~applicant on the Form SAB 50-09.

(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)(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 the following:

(A) If the project will house less than 101 pupils, the ~~district~~applicant is eligible for an amount equal to 12 percent of the funding provided by (a)(1).

(B) If the project will house between 101 and 200 pupils, the ~~district~~applicant is eligible for an amount equal to four percent of the funding provided by (a)(1).

(6) An amount due to urban location, security requirements and impacted site equal to 15 percent of the amount determined in (1) and (5), 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~~applicant 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.

(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)(A) and (B), (5) and (6) 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.

(9) If the ~~Charter School~~applicant 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 (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~~applicant 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 Preliminary Charter School Apportionment to initiate and enforce a LCP or to provide for the prevailing wage monitoring and enforcement costs shall be:

(1) 50 percent of the amount to initiate and enforce a LCP as prescribed in Section 1859.71.4(a), if required by the Labor Code, or

(2) 50 percent of the amount of the prevailing wage monitoring and enforcement costs as prescribed in Section 1859.71.4(c), if required by the Labor Code, and

(3) If the ~~Charter School~~applicant 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 either (1) or (2) above, as applicable.
(d) The total amount calculated in (a) above will be added to any amount calculated in (b) and (c) 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.

Subsection (a)(4) of this section shall be suspended no later than January 1, 2008, unless otherwise extended by amendments as adopted by the Board.

(e) Pursuant to Labor Code Section 1771.3, any public works project paid in whole or in part from public funds that are derived from bonds issued by the State and for which the construction contract is awarded after January 1, 2012, is subject to DIR monitoring and enforcement of compliance with applicable prevailing wage requirements, unless the project is exempt from this requirement pursuant to Labor Code Section 1771.3(b).
(f) Any ~~school district~~applicant failing to meet these requirements shall return to the State any State funding for the project, including interest, at the rate paid on moneys in the Pooled Money Investment Account or at the highest rate of interest for the most recent issue of State general obligation bonds as established pursuant to the Chapter 4 (commencing with Section 16720), of Part 3 of Division 4 of Title 2 of the Government Code, whichever is greater. Interest to be returned shall be calculated from the date at which funds were received by the ~~school district~~applicant until the date of the Board's finding.
(g) If the DIR revokes the ~~district~~applicant's internal LCP's approval and the ~~district~~applicant fails to provide appropriate prevailing wage monitoring through the DIR or other exemptions as specified in Labor Code Section 1771.3, the ~~school district~~applicant shall return to the State any State funding received for the project, including interest, as calculated in subsection (f) above for any construction projects for which the violations occurred.

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

Reference: Sections 17078.52, 17078.58, and 17250.30, Education Code, and Section 1771.3, Labor Code.

….

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 ~~c~~Charter ~~s~~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.

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)(1) through (a)(6) and (b) below:

(a)(1) The lesser of the amount determined in (A) or (B) below:

(A) The dollar value calculated using a per square foot amount and the total eligible square footage for the site as follows:

1. Determine the total square footage for each classroom included in the project (limited by the Charter School's projected enrollment).
2. Determine the total square footage for any multi-purpose room included in the project.
3. Determine the total square footage for any gymnasium included in the project.
4. Determine the total square footage for any library included in the project.
5. Determine the total square footage for any administration building included in the project.
6. Add the total square footage in 1. through 5. above to obtain the total square footage for the project.
7. From the total determined in 6., 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.

(B) The dollar value calculated using the new construction grant amount and the project capacity based on the State loading standards as follows:

1. Determine the proposed grade level usage of each classroom in the project (limited by the Charter School's projected enrollment).
2. 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.
3. Multiply the number of pupils calculated pursuant to 2. by the appropriate dollar value determined in Section 1859.163.1(a)(1).

(2) If the Preliminary Application request is for a small project that will house no more than 200 pupils, an amount pursuant to the following:

(A) If the project will house less than 101 pupils, as determined by the project's classroom capacity, calculated pursuant to Education Code Section 17071.25(a)(2)(A), the ~~district~~applicant is eligible for an amount equal to 12 percent of the funding provided by (a)(1).

(B) If the project will house between 101 and 200 pupils, as determined by the project's classroom capacity, calculated pursuant to Education Code Section 17071.25(a)(2)(A), the ~~district~~applicant is eligible for an amount equal to four percent of the funding provided by (a)(1).

(3) An amount due to urban location, security requirements and impacted site equal to 15 percent of the amount determined in (a)(1) and (a)(2), 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.

(4) An amount for the geographic location of the proposed project equal to the sum of the amounts determined in (a)(1), (a)(2), (a)(3), and (a)(5) multiplied by the indicated percentage factor in the Geographic Percentage Chart shown in Section 1859.83(a).

(5) ~~$60,000~~$84,082 for each new two-stop elevator required to be included in the project by the DSA, and ~~$10,800~~$15,133 for each additional stop.

(6) For all Preliminary Apportionments received after February 23, 2005, an amount equal to the sum of the amounts determined in (a)(1) through (a)(5) 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.

(7) If the ~~Charter School~~applicant 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)(1) through (a)(6) above.

(b) The Preliminary Charter School Rehabilitation Apportionment to initiate and enforce a LCP or to provide for the prevailing wage enforcement costs shall be determined according to (1) or (2) below, as applicable:

(1) ~~50 percent of the amount to initiate and enforce a LCP as prescribed in Section 1859.71.4(a), if required by the Labor Code, or~~After determining all other funding authorized by these Regulations, for any project funded in whole or in part from Proposition 47 or Proposition 55 for which the construction contract is awarded prior to January 1, 2012, and for which the applicant is required under Labor Code Section 1771.7(a) and (b) to initiate and enforce a LCP, the Board shall increase the Preliminary Charter School Rehabilitation Apportionment by 50 percent of the following calculation:

(A) Using the chart in Section 1859.71.4(b), determine the total amount of funding to be provided for the increased costs of a Charter School Facilities Program Rehabilitation project due to the initiation and enforcement of a LCP.

(B) If the applicant 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 shall be included in the calculation of (A) above.

(2) ~~50 percent of the amount of the prevailing wage monitoring and enforcement costs as prescribed in Section 1859.71.4(c), if required by the Labor Code, and~~After determining all other funding authorized by these Regulations, the Board shall increase the grant by 50 percent of one-fourth of one percent of the Total Projected Bond Apportionment for any project for which the construction contract is awarded on or after January 1, 2012.

(A) If the applicant 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 shall be included in the calculation of (2) above.

~~(3) 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 either (1) or (2) above, as applicable.~~

The amounts determined in (a)(1) and (a)(5) shall be adjusted annually in the manner prescribed in Section 1859.71.

(c) Pursuant to Labor Code Section 1771.3, any public works project paid in whole or in part from public funds that are derived from bonds issued by the state and for which the construction contract is awarded on or after January 1, 2012, is subject to DIR monitoring and enforcement of compliance with applicable prevailing wage requirements, unless the project is exempt from this requirement pursuant to Labor Code Section 1771.3(b).

(d) Any ~~school district~~applicant failing to meet these requirements shall return to the State any State funding for the project, including interest, at the rate paid on moneys in the Pooled Money Investment Account or at the highest rate of interest for the most recent issue of State general obligation bonds as established pursuant to the Chapter 4 (commencing with Section 16720), of Part 3 of Division 4 of Title 2 of the Government Code, whichever is greater. Interest to be returned shall be calculated from the date at which funds were received by the ~~school district~~applicant until the date of the Board's finding.

(e) If the DIR revokes the ~~district~~applicant's internal LCP's approval and the ~~district~~applicant fails to provide appropriate prevailing wage monitoring through the DIR or other exemptions as specified in Labor Code Section 1771.3, the ~~school district~~applicant shall return to the State any State funding received for the project, including interest, as calculated in subsection (d) above for any construction projects for which the violations occurred.

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

Reference: Sections 17071.25, 17078.52, 17078.54, 17078.56, 17078.58 and 17250.30, Education Code, and Section 1771.3, Labor Code.

….

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.

….

All Preliminary Charter School Applications received from an ~~Charter School~~applicant 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 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~~applicant.

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

Reference: Section 17078.56, Education Code.

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 (d), up to a maximum of 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~~applicant may report the highest percentage of the three. Use the following sliding scale to determine the number of preference points:

….

Section 1859.164.2. Preliminary Charter School Apportionment Fund Release.

An ~~Charter School~~applicant 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 (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~~applicant an amount up to the Preliminary Charter School Apportionment determined in Section 1859.163.1(b).

Qualified ~~Charter Schools~~applicants may request a separate advance release of funds for the design and for the site acquisition for the same project. A ~~Charter School~~applicant seeking an advance release of funds pursuant to (a) and/or (b) must have been deemed and maintained financial soundness status from the Authority. Subject to the availability of financing provided by the Pooled Money Investment Board for bond-funded projects, the OPSC will release State funds included in a Preliminary Charter School Apportionment pursuant to (a) or (b) to the ~~Charter~~

~~School~~applicant 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~~applicant may request a release of the remaining funds as prescribed in Section 1859.90 or 1859.90.2. 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.

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.

(b) An ~~Charter School~~applicant 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~~applicant originally requested and received at the Preliminary Charter School Apportionment.

If the ~~Charter School~~applicant 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.

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~~applicant received approval of an extension pursuant to Section 1859.166.1.

(b) If (a) is not met, and the ~~Charter School~~applicant 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~~applicant, 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 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~~applicant 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~~applicant, 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.

ATTACHMENT

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

Reference: Sections 17078.52 and 17078.53, Education Code.

Section 1859.166.1. Preliminary Charter School Apportionment Time Limit Extension.

An ~~Charter School~~applicant that has received a Preliminary Charter School Apportionment may request a single one-year extension of the time limit prescribed in Section 1859.166(a). The Board shall approve the request provided the criteria in (a) or (b) are met:

(a) The ~~Charter School~~applicant has provided evidence of both of the following:

(1) The CDE has made a contingent or final approval of the proposed site; and,

(2) The DSA has confirmed that the final plans for the project have been submitted to the DSA for review and approval.

(b) Other evidence satisfactory to the Board justifying the extension.

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

Reference: Section 17078.52, Education Code.

….

Section 1859.167. Final Charter School Apportionment.

(a) 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~~applicant 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:

….

(b) For Preliminary Charter School Apportionments provided by the Board 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 Final Charter School Apportionment shall not contain additional pupil grants beyond that which the ~~Charter School~~applicant may have requested at the time of the Preliminary Charter School Application; and,

(3) Prior to the Board providing a Final Charter School Apportionment the ~~Charter School~~applicant will need to have a current Financial Soundness certification from the Authority; and,

(4) The amount of the Final Charter School Apportionment shall not exceed the Preliminary Charter School Apportionment with the exception of amounts available pursuant to Section 1859.167.~~2~~4 and 1859.167.~~3~~5. The additional amount of funds available to an individual project may include amounts from both the Conversion Increase Fund and Unrestricted Charter School Fund. The sum of the Preliminary Apportionment, the additional funds from the Conversion Increase Fund, and the additional amounts from the Unrestricted Charter School Fund shall not exceed the amount necessary to bring the total eligible project costs current to the grant amounts in place at the time of conversion. The Board shall convert the Preliminary Charter School Apportionment to the Final Charter School Apportionment as outlined below:

….

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

Reference: Sections 17078.52 and 17078.56, Education Code.

Section 1859.167.1 Final Charter School Apportionment Determination for Charter School Facilities Program Rehabilitation

The Final Charter School Apportionment for Charter School Facilities Program Rehabilitation is the sum of the Charter School Facilities Program Rehabilitation Grant and the applicable grants provided in Sections 1859.77.4,

1859.167.2, and 1859.167.3, and is subject to the adjustments pursuant to Section 1859.163.6 and Section 1859.167.

(a) The Charter School Facilities Program Rehabilitation Grant will be determined based on the square footage included in the project. The Charter School Facilities Program Rehabilitation Grant will be 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.

(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, not to exceed the square footage determined pursuant Section 1859.163.5(a)(1)(A)6.. 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. The per-square foot amounts for toilet and other facilities shall be adjusted annually in the manner prescribed in Section 1859.71.

(2) The dollar value calculated using the New Construction Grant amount and the project capacity based on the State loading standards as follows in (A) through (C).:

(A) Determine the proposed grade level usage of each classroom in the project.

(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 New Construction Grant per-pupil amounts corresponding to the appropriate grade levels. The per-pupil new construction grant amounts 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 17071.25, 17078.52, 17078.54, and 17078.58, Education Code.

Section 1859.167.2 Charter School Facilities Program Rehabilitation Additional Grant for Labor Compliance Program or Prevailing Wage Monitoring and Enforcement Costs

The additional grant to initiate and enforce a LCP or to provide for the prevailing wage enforcement costs shall be determined according to (a) or (b) below, as applicable:

(a) After determining all other funding authorized by these Regulations, for any project funded in whole or in part from Proposition 47 or Proposition 55 for which the construction contract is awarded prior to January 1, 2012, and for which the applicant is required under Labor Code Section 1771.7(a) and (b) to initiate and enforce a LCP, the Board shall increase the Charter School Facilities Program Rehabilitation Grant by 50 percent of the following calculation:

(1) Using the chart in Section 1859.71.4(b), determine the total amount of funding to be provided for the increased costs of a Charter School Facilities Program Rehabilitation project due to the initiation and enforcement of a LCP.

(2) If the applicant 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 shall be included in the calculation of (1) above.

(b) After determining all other funding authorized by these Regulations, the Board shall increase the grant by 50 percent of one-fourth of one percent of the Total Projected Bond Apportionment for any project for which the construction contract is awarded on or after January 1, 2012.

(1) If the applicant 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 shall be included in the calculation of (b) above.

(2) Pursuant to Labor Code Section 1771.3, any public works project paid in whole or in part from public funds that are derived from bonds issued by the state and for which the construction contract is awarded on or after

January 1, 2012, is subject to DIR monitoring and enforcement of compliance with applicable prevailing wage requirements, unless the project is exempt from this requirement pursuant to Labor Code Section 1771.3(b).

(3) Any applicant failing to meet these requirements shall return to the State any State funding for the project, including interest, at the rate paid on moneys in the Pooled Money Investment Account or at the highest rate of interest for the most recent issue of State general obligation bonds as established pursuant to the Chapter 4 (commencing with Section 16720), of Part 3 of Division 4 of Title 2 of the Government Code, whichever is greater. Interest to be returned shall be calculated from the date at which funds were received by the applicant until the date of the Board's finding.

(4) If the DIR revokes the applicant's internal LCP's approval and the applicant fails to provide appropriate prevailing wage monitoring through the DIR or other exemptions as specified in Labor Code Section 1771.3, the applicant shall return to the State any State funding received for the project, including interest, as calculated in subsection (e) above for any construction projects for which the violations occurred.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code and Section 1771.3, Labor Code.

Reference: Sections 17078.58 and 17250.30, Education Code and Section 1771.3, Labor Code.

Section 1859.167.3. Excessive Cost Hardship Grant for Charter School Facilities Rehabilitation

In addition to any other funding authorized by these Regulations, the applicant is eligible for funding as a result of unusual circumstances that created excessive project costs beyond the control of the applicant. The Excessive Cost Hardship Grant shall be based on any of the following:

(a) Excessive Cost due to Geographic Location.

An applicant with a project that is located in a geographic area designated in the Geographic Percentage Chart in Section 1859.83(a) is eligible for an Excessive Cost Hardship Grant determined by multiplying the indicated percentage factor shown in the Geographic Percentage Chart by each of the following amounts:

(1) The Charter School Facilities Program Rehabilitation Grant.

(2) The funding provided by Sections 1859.167.3(b), (c), and (d).

(b) Excessive Cost for Projects that House No More than 200 Pupils (Small Size Projects).

(1) If the project will house less than 101 pupils as determined by the project's classroom capacity calculated pursuant to Education Code Section 17071.25(a)(2)(A), the applicant is eligible for an Excessive Cost Hardship Grant equal to 12 percent of the funding provided by the Charter School Facilities Program Rehabilitation Grant.

(2) If the project will house between 101 and 200 pupils as determined by the project's classroom capacity calculated pursuant to Education Code Section 17071.25(a)(2)(A), the applicant is eligible for an Excessive Cost Hardship Grant equal to four percent of the funding provided by the Charter School Facilities Program Rehabilitation Grant.

(c) Excessive Cost Due to Urban Location, Security Requirements and Impacted Site.

(1) The applicant is eligible for an Excessive Cost Hardship Grant if the Useable Acres of the site for the project are 60 percent or less of the CDE recommended site size based on the current CBEDS Report at the site at the time of the CDE final plan approval for the Charter School Facilities Program Rehabilitation project.

(2) The Excessive Cost Hardship Grant is equal to 15 percent of the Charter School Facilities Program Rehabilitation Grant and 15 percent of the funding authorized by Section 1859.167.3(b) for a project with a site that is 60 percent of the CDE recommended site size plus 0.333 percent for each percentage decrease of the CDE recommended site size below 60 percent.

(d) Excessive cost due to accessibility and fire code requirements:

(1) The applicant is eligible for an Excessive Cost Hardship Grant equal to three percent of the Charter School Facilities Program Rehabilitation for accessibility and fire code requirements.

(2) In lieu of the three percent funding provided in (1), the applicant has the option of requesting 50 percent of the amount determined in (2)(B), not to exceed 50 percent of the amount determined in (2)(C):

(A) Multiply the project's classroom capacity, calculated pursuant to Education Code Section 17071.25(a)(2)(A), by the Modernization Grant.

(B) Determine the difference of the verified hard construction costs of the minimum accessibility and fire code work necessary to receive approval from the DSA minus seven percent of the amount in (2)(A) and the district

matching share of the Modernization Grant, pursuant to Section 1859.79.

(C) Determine the difference of 1. minus 2.:

1. Multiply the project's classroom capacity, as determined in (2)(A), by the New Construction Grant.
2. The sum of the State and district share of the Modernization Grant multiplied by the project's classroom capacity, as determined in (2)(A).

(3) The applicant is eligible for an Excessive Cost Hardship Grant of $84,082 for each new two-stop elevator required to be included in a Charter School Facilities Program Rehabilitation project by the DSA. This amount shall be adjusted annually in the manner prescribed in Section 1859.78.

(4) The applicant is eligible for an Excessive Cost Hardship Grant of $15,133 for each additional stop of the new elevator required in (3) above for a Charter School Facilities Program Rehabilitation project. This amount shall be adjusted annually in the manner prescribed in Section 1859.78.

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

Reference: Sections 17075.10, 17075.15, 17078.54, and 17078.58, Education Code

Section 1859.167.~~2~~4. Preliminary Apportionment Rescissions.

….

(d) The maximum amount available for each individual Final Charter School Apportionment from the 2002 and/or 2004 Conversion Increase Fund shall be equal to the ratio of the project's Preliminary Charter School Apportionment to the total value of ~~p~~Preliminary ~~c~~Charter ~~s~~School ~~a~~Apportionments awarded on February 23, 2005, for those recipients eligible for these Conversion Increase Fund funds, multiplied by the sum of the amount of funds available for the Conversion Increase Fund in both the 2002 and 2004 Charter School Facilities Accounts.

….

Section 1859.167.~~3~~5. Use of the Unrestricted Charter School Funds.

….

Section 1859.168. Preliminary Charter School Apportionment Matching Share Requirement.

The ~~Charter School~~applicant will be subject to the matching share requirements in Section 1859.77.1 and Education Code Section 17078.54(d) that may be paid through lease payments authorized by the Authority in lieu of the matching share. All lease payments shall be paid to the Board to be redeposited to the Unrestricted Charter School Fund in the appropriate Charter School Facility Account. Any funds deposited in either Account shall be first used to fund remaining site acquisition costs off the Unfunded List pursuant to Section 1859.163.3. Should no projects remain on the Unfunded List the Board may use the funds for purposes of this Article.

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

Reference: Sections 17078.54 and 17078.58, Education Code.

….

Section 1859.171. Use of Facility.

If an ~~Charter School~~applicant that has received funding pursuant to Section 1859.164.2(b) and has not met the timelines established in Section 1859.166 on a Preliminary Charter School Apportionment, or is no longer occupying the facility constructed with funds derived through a Final Charter School Apportionment, and the review process outlined in Education Code Section 17078.62(b)(1) has been completed (if applicable), then the following events shall occur:

(a) Any qualifying successor ~~c~~Charter ~~s~~School shall be permitted to occupy the facility pursuant to Education Code Section 17078.62(b)(2).

ATTACHMENT

(b) If no qualifying successor ~~c~~Charter ~~s~~School chooses to occupy the facility, the school district in which the project is physically located may elect to take possession of the facility and pay the balance of the local matching share. The District may qualify for a waiver of repayment if it can meet all the following:

….

Section 1859.172. Title to Project Facilities.

(a) Prior to the release of funds for site acquisition or new construction Final Charter School Apportionments, an ~~charter school~~applicant that has received a Preliminary Charter School Apportionment must provide one of the following:

(1) Documentary evidence that the school district in which the project is physically located holds title to the project facilities,

(2) Documentary evidence that a local governmental entity holds title pursuant to all of the requirements set forth in Education Code Section 17078.63(a)(2), or

(3) A written request that the ~~c~~Charter ~~s~~School be authorized to hold fee simple title to the subject property signed by an authorized ~~c~~Charter ~~s~~School representative pursuant to all of requirements set forth in Education Code Section 17078.63(a)(3). The written request must include a statement justifying the reasons why ownership will not be vested with an entity described in (a)(1) and why ownership will not be vested with an entity described in (a)(2). The written request must also include the statement:
I certify, as the ~~c~~Charter ~~s~~School representative, that the information reported in this document is true and correct.

(b) A ~~c~~Charter ~~s~~School may request that a school district transfer title to project facilities to a local governmental entity or the ~~c~~Charter ~~s~~School itself if prior to January 1, 2010 the school district entered into an agreement to hold title to the project facilities. The transfer of title shall only take place if the school district and ~~c~~Charter ~~s~~School mutually agree to a title transfer. Prior to the transfer of title, the ~~c~~Charter ~~s~~School must notify the OPSC in writing that a title transfer request is being made, enter into new Charter School Agreements with the State and a local governmental entity if applicable, and demonstrate that all of the necessary conditions for holding title pursuant to Education Code Section 17078.63 will be complied with. For purposes of title transfer pursuant to Education Code Section 17078.63(b)(1) the ~~c~~Charter ~~s~~School shall not be required to provide the written request outlined in section (a)(3) above.

Note: Authority cited: Sections 17070.35 and 17078.63, Education Code.

Reference: Sections 17078.62 and 17078.63, Education Code.

GENERAL INFORMATION

If this application is submitted when there is Insufficient Bond Authority, as defined in Regulation Section 1859.2, the School District must adopt and submit a school board resolution, pursuant to Regulation Section 1859.95.1. For information regarding remaining bond authority, contact the Office of Public School Construction (OPSC) prior to submittal of this application.

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 or 1859.180. 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 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.
   - Written confirmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.
6. For purposes of the Overcrowding Relief Grant (ORG), districts must submit the Overcrowding Relief Grant District-Wide Eligibility Determination (Form SAB 50-11) prior to the submittal of this funding application. In addition, districts must have had the CDE deem the site eligible for the ORG (pursuant to Section 1859.181) prior to the submittal of this application. For purposes of this apportionment, the following documents must be submitted with this form as well as the documents listed in section 5 above:
   - Overcrowding Relief Grant Eligibility Determination Form approved by the CDE.
   - Copies of the supporting documentation provided to the CDE when determining the density of the site, including the site diagram.

   The district is not required to submit its current CBEDS enrollment data.
7. 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.
   - If the request includes funding for accessibility and fire code requirement pursuant to Section 1859.83(f), the DSA approved list of the minimum accessibility work required and a detailed cost estimate for the work in the plans.
   - 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.

DRAFT

- 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.
- Written confirmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.

8. Final Charter School Apportionment for Charter School Facilities Rehabilitation pursuant to Section 1859.167.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- P&S for the project that were approved by DSA.
- If the request includes funding for accessibility and fire code requirement pursuant to Section 1859.167.3(d), the DSA approved list of the minimum accessibility work required and a detailed cost estimate for the work in the plans.
- DSA approval letter for elevator to meet handicapped compliance, if funding is requested.
- High performance incentive (HPI) scorecard from DSA.
- Plan approval letter from the CDE.
- Construction cost estimate signed by the architect of record or design professional.
- Determination of financial soundness from the California School Finance Authority (CSFA).
- Written confirmation from the applicant's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.

Prior to acceptance of an application for funding that includes a financial hardship request:

- If the application is submitted pursuant to Section 1859.81, the district must have its financial hardship status "pre-approved" by the OPSC. To apply for a financial hardship "pre-approval", consult the OPSC Web site at www.dgs.ca.gov/opsc.
- If the application is submitted when there is Insufficient Bond Authority, as defined in Section 1859.2, the district must adopt a school board resolution pursuant to Section 1859.95.1(b).

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.

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.dgs.ca.gov/opsc.

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.dgs.ca.gov/opsc "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), seismic replacement or seismic rehabilitation for the Most Vulnerable Category 2 Buildings, or rehabilitation pursuant to Section 1859.83 (e), check the appropriate box(es).

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 for an Overcrowding Relief Grant, check the New Construction (Overcrowding Relief Grant) box.

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, 16, and 234 only.

2. Type of Project

a. 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.

DRAFT

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.

For ORG projects, the amount entered cannot exceed the Overcrowding Relief Pupil Eligibility (pursuant to Section 1859.182 and 1859.183) as reflected in the total number of eligible pupils determined by the Form SAB 50-11 or the CDE Overcrowding Relief Grant Eligibility Determination form.

For Charter School Facilities Program Rehabilitation, leave the number of pupils blank.

b. 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.

c. If this request includes pupil grants generated by an Alternative Enrollment Projection Method, enter the number of pupils by grade level.

d. Indicate if this request is for funding of a 6–8 school and/or an Alternative Education School.

e. 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.

f. If the request is for replacement facilities pursuant to Section 1859.82 (a) or (b) on the same site, check the facility hardship box.

g. Enter the square footage of the non-toilet area and toilet area contained in the Charter School Facilities Program rRehabilitation project.

h. Indicate the site scenario that best represents the project request.

i. For ORG projects, the district must provide the following information in the space provided:

- Name of the eligible school site(s) where portables will be replaced in this project
- Number of portables being replaced at each school site
- Number of site specific eligible pupils being requested for this project for each school site. The total number of site specific eligible pupils assigned to this project must equal the total number of pupils in Section 2a.

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 appropriate box(es) if the district is requesting financial hardship assistance because it is unable to meet its matching share requirement.

- If the district is submitting this form pursuant to Section 1859.81, the district must have received a pre-approval for financial hardship status by the OPSC. Consult the OPSC Web site at www.dgs.ca.gov/opsc for details and necessary documentation needed in order to determine eligibility.
- If there is Insufficient Bond Authority for the type of application, check the second box and attach a school board resolution pursuant to Section 1859.95.1(b).

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:

a. Therapy area in square feet as provided in Section 1859.72.

b. Multilevel classrooms in the P&S pursuant to Section 1859.73.

c. 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.

d. If the project the district is requesting SFP funding for does not require an RA, 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.

1) Enter 50 percent of the actual cost.
2) 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.
3) Enter 50 percent of the allowable relocation cost.
4) Enter two percent of the lesser of the actual cost or appraised value of the site (minimum $25,000).
5) 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.

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.

e. 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.

DRAFT

f. Enter 50 percent of eligible service-site development, off-site development including pedestrian safety paths and utilities costs allowed pursuant to Section 1859.76. 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

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

h. If the request for seismic rehabilitation does not exceed 50 percent of the current replacement cost of the classroom or related facility, report 50 percent of the health/safety seismic mitigation cost and the ancillary costs as authorized by Section 1859.82(a).

i. Enter the square feet of eligible replacement area as provided by Section 1859.73.2.

j. 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).

k. 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.

l. If the district is requesting an Additional Grant for High Performance Incentive pursuant to Section 1859.70.4, enter the number of high performance points as prescribed in Section 1859.71.6 or 1859.77.4, as appropriate.

6. Modernization ~~or Charter School Facilities Program Rehabilitation~~ Additional Grant Request

a. 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. ~~(Not available for Charter School Facilities Program Rehabilitation).~~

b. If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5, enter the percentage of energy efficient~~t~~cy that exceeds Title 24 requirements as prescribed in Section 1859.78.5(a)(3).

c. 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). ~~(Not available for Charter School Facilities Program Rehabilitation).~~

d. 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. ~~(Not available for Charter School Facilities Program Rehabilitation).~~

e. If the district is requesting an Additional Grant for High Performance Incentive pursuant to Section 1859.70.4, enter the number of high performance points as prescribed in Section 1859.77.4.

7. Excessive Cost Hardship Request

Check the appropriate box to request an augmentation to the New Construction~~,~~ or 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 accessibility requirements are allowed only if required by the Division of the State Architect (DSA). At the district's option, the district may request three percent of the modernization base grant or enter 60 percent of the amount calculated pursuant to Regulation Section 1859.83(f). Attach a copy of the DSA approved list that shows the minimum work necessary for accessibility requirements.

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. Charter School Facilities Program Rehabilitation – Additional Grant and Excessive Cost Hardship Request

Additional Grant Request

a. If the applicant is requesting an Additional Grant for High Performance Incentive pursuant to Section 1859.77.4, enter the number of high performance points as prescribed in Section 1859.77.4.

Excessive Cost Hardship Request

Check the appropriate box to request an augmentation to the Charter School Facilities Program Rehabilitation grants for an excessive cost hardship for the items listed. Refer to Section 1859.167.4 for eligibility criteria.

b. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant due to Geographic Location pursuant to Section 1859.167.3(a).

c. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant for a small size project pursuant to Section 1859.167.3(b).

d. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant due to Urban Location, Security Requirements, and Impacted Site pursuant to Section 1859.167.3(c).

e. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant due to accessibility and fire code requirements pursuant to Section 1859.167.3(d). Requests for excessive cost grants for accessibility requirements are allowed only if required by the Division of the State Architect (DSA). At the applicant's option, the applicant may request three percent of the Charter School Facilities Program Rehabilitation Grant or enter 50 percent of the amount calculated pursuant to Regulation Section 1859.167.3(d)(2). Attach a copy of the DSA approved list that shows the minimum work necessary for accessibility requirements.

~~8~~9. 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.

~~9~~10.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.

DRAFT

101.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.

112.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.

123.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.

134.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.

a. Report all 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).

   In the additional classroom column, indicate the number of additional net classrooms provided if not previously reported.

   In the replacement classroom column, indicate the number of classrooms that were included in the determination of the district's new construction eligibility pursuant to Education Code Section 17071.75 but replaced in a locally funded project.

   Enter the date the initial construction contract was signed for additional or replacement classrooms.

145.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.

156.Joint-Use Facility/Leased Property

Check the box if:

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

167.Project Progress Dates

~~Complete this section for new construction/modernization projects:~~

a. Enter the date(s) the construction contract(s) was awarded for this project(s). If a construction contract has not been executed, enter N/A. (If the space provided is not sufficient for all applicable contract dates, please list all dates on a separate attachment to this form.)
b. Enter the issue date(s) 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.
c. If a construction contract was awarded prior to January 1, 2012, check the appropriate box to indicate whether or not the district has initiated and enforced a Labor Compliance Program (LCP) approved by the Department of Industrial Relations (DIR) pursuant to Labor Code Section 1771.7 for this project.

178.Prevailing Wage Monitoring and Enforcement Costs

If the construction contract for this project was or will be awarded on or after January 1, 2012, check the appropriate box to indicate which of the following methods will be used to meet the requirement for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3:

- The DIR Compliance Monitoring Unit (CMU)
- A DIR-approved internal LCP
- A collective bargaining agreement that meets the criteria set forth in Labor Code Section 1771.3(b)(3).

189.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.

1920.Career Technical Education Funds Request

Indicate if Career Technical Education (CTE) funds will be requested for classroom(s) included in the plans and specifications for this project pursuant to Section 1859.193. If "Yes", enter the number of CTE classroom(s) shown on the P&S.

2021.Overcrowding Relief Grant Narrative

The district must either provide an explanation in the space provided or attach a letter signed by the district representative detailing how this project will relieve overcrowding.

2122. Architect of Record or Licensed Architect Certification

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

2223. Architect of Record or Design Professional Certification

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

2324. 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.dgs.ca.gov/opsc.

DRAFT

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.

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

1. Type of Application—Check Only One

☐ New Construction
☐ New Construction (Final Apportionment)
☐ New Construction (Final Charter School Apportionment)
☐ New Construction (Overcrowding Relief Grant)
☐ Rehabilitation (Final Charter School Apportionment)
☐ Modernization
☐ Modernization of California Schools for Deaf/Blind

Separate Apportionment

☐ Site Only—New Construction [Section 1859.81.1]
☐ Site Only (District owned)—New Construction [Section 1859.81.2]
☐ Site Only—Environmental Hardship [Section 1859.75.1]
☐ Design Only—New Construction [Section 1859.81.1]
☐ Design Only—New Construction with High Performance
☐ Design Only—Modernization
☐ Design Only—Modernization with High Performance
☐ Design Only—Modernization of California Schools for Deaf/Blind
☐ Facility Hardship [Section 1859.82(a)]
  ☐ Seismic Replacement
  ☐ Seismic Rehabilitation
☐ Facility Hardship [Section 1859.82(b)]
☐ Rehabilitation [Section 1859.83(e)]
☐ Advance Funding for Evaluation and RA

2. Type of Project

a. ☐ Elementary School
☐ Middle School
☐ High School

Total Pupils Assigned:
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?
K–6: _____
7–8: _____ Non-Severe: _____
9–12: _____ Severe: _____

c. Included in 2a above, how many pupils are generated by the Alternative Enrollment Projection? (New Construction Only)
K–6: _____
7–8: _____ Non-Severe: _____
9–12: _____ 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 Facilityies Program Rehabilitation Request:
Toilets (sq. ft.) _____
Other (sq. ft.) _____

h. Project to be located on:
☐ Leased Site
☐ New Site
☐ Existing Site with Additional Acreage Acquired
☐ Existing Site with No Additional Acreage Acquired

i. ORG Projects Only

NAME OF ELIGIBLE SCHOOL SITE(S)	NUMBER OF PORTABLES BEING REPLACED	NUMBER OF SITE SPECIFIC ELIGIBLE PUPILS BEING REQUESTED
	Total	

3. Number of Classrooms: _____
Master Plan Acreage Site Size (Useable): _____
Recommended Site Size (Useable): _____
Existing Acres (Useable): _____
Proposed Acres (Useable): _____

4. Type of Financial Hardship Request

☐ Submittal with OPSC "pre-approval" letter
☐ Submittal with school board resolution, pursuant to Section 1859.95.1 (Insufficient Bond Authority)

DRAFT

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:

(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

g. Facility Hardship Section 1859.82(a) or (b)

☐ Toilet (sq. ft.): _____

☐ Other (sq. ft.): _____

h. ☐ Seismic Rehabilitation [Section 1859.82(a)] $ _____

i. Replacement area

☐ Toilet (sq. ft.): _____

☐ Other (sq. ft.): _____

j. ☐ Energy Efficiency: _____ %

k. ☐ Automatic Fire Detection/Alarm System

☐ Automatic Sprinkler System

l. ☐ High Performance Incentive (Indicate Points): _____

6. Modernization ~~or Charter School Facilities Program Rehabilitation~~
Additional Grant Request

a. ☐ Project Assistance

b. ☐ Energy Efficiency: _____ %

c. ☐ Site Development—60 percent utilities: $ _____

d. ☐ Automatic Fire Detection/Alarm System

e. ☐ High Performance Incentive (Indicate Points): _____

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)]

☐ 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: _____ %

☐ Small Size Project

☐ Urban/Security/Impacted site

☐ Accessibility/Fire Code

☐ 3 percent of base grant; or,

☐ 60 percent of minimum work $ _____

☐ Number of 2-Stop Elevators: _____

☐ Number of Additional Stops: _____

☐ ~~Small Size Project~~

☐ ~~Urban/Security/Impacted site~~

8. Charter School Facilities Program Rehabilitation Additional Grant and Excessive Cost Hardship Request

Additional Grant Request

a. ☐ High Performance Incentive (Indicate Points): _____

Excessive Cost Hardship Request

b. ☐ Geographic Percent Factor: _____ %

c. ☐ Small Size Project

d. ☐ Urban/Security/Impacted site

e. ☐ Accessibility/Fire Code

☐ 3 percent of base grant; or,

☐ 50 percent of minimum work $ _____

☐ Number of 2-Stop Elevators: _____

☐ Number of Additional Stops: _____

~~8~~9. 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~~10.Prior Approval Under the LPP

New Construction: 22/ _____

Modernization: 77/ _____

1~~0~~1.Prior Apportionment Under the SFP

Site/Design—New Construction: 50/ _____

Design—Modernization: 57/ _____

1~~1~~2.Preliminary Apportionment to Final Apportionment

Preliminary Apportionment Application Number: # _____

1~~2~~3.Alternative Developer Fee—New Construction Only

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

DRAFT

134.Adjustment to New Construction Baseline Eligibility

a. Classroom(s) provided:

Additional		Replacement	
K–6:	_____	K–6	_____
7–8:	_____	7–8	_____
9–12:	_____	9–12	_____
Non-Severe:	_____	Non-Severe	_____
Severe:	_____	Severe	_____

Construction Contract(s) for the project signed on:

_____ _____

145.Pending Reorganization Election—New Construction Only ☐ Yes ☐ No

156.Joint-Use Facility/Leased Property

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

167.Project Progress Dates

a. Construction Contract(s) awarded on: _____
(If the space provided is not sufficient for all applicable contract dates, please list all dates on a separate attachment to this form.)
b. Notice(s) to Proceed issued on: _____
c. If the Construction Contract(s) was awarded prior to January 1, 2012, have you initiated and enforced an LCP approved by the DIR pursuant to Labor Code Section 1771.7 for this project? ☐ Yes ☐ No

178.Prevailing Wage Monitoring and Enforcement Costs

If the Construction Contract(s) was or will be awarded on or after January 1, 2012, please indicate which monitoring requirements was or will be used, pursuant to Labor Code Section 1771.3:

☐ DIR CMU Administered
☐ DIR approved District LCP
☐ Collective bargaining agreement, pursuant to Labor Code Section 1771.3(b)(3)

189.Construction Delivery Method

☐ Design-Bid-Build
☐ Design-Build
☐ Developer Built
☐ Lease Lease-Back
☐ Energy Performance Contract
☐ This project includes or will include piggyback contract(s) as defined in Section 1859.2
☐ Other: _____

1920.Career Technical Education Funds Request

Will CTE Funds be requested for classroom(s) included in the plans and specifications for this project? ☐ Yes ☐ No
Number of CTE classroom(s): _____

201.Overcrowding Relief Grant Narrative

_____
_____
_____
_____

212. 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 Facilityies 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 Facilityies 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

223. 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, not including the ORG, 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 and the High Performance Base Incentive Grant. 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 Facilityies 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 , less the High Performance Base Incentive Grant. 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

DRAFT

234. Certification

I certify, as the District Representative, that the information reported on this form, with the exception of items 212 and 223, 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~~y~~ies 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~~y~~ies 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,
- 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,

DRAFT

- 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,
- The district has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and the need for vocational and career technical facilities is being adequately met in accordance with Education Code Sections 51224, 51225.3(b), and 51228(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 initiated and enforced an LCP that has been approved by the DIR, 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 before January 1, 2012; and,
- The district will contract or has contracted with the DIR for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3(a), if the construction contract is awarded on or after January 1, 2012 and the district has not obtained a waiver for the requirement, pursuant to Labor Code Section 1771.3(b). The district understands that if it fails to meet this requirement, it will be required to repay all state bond funds received including interest; 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 1859.180, the district certifies that within six months of occupancy of the permanent classrooms, it will remove the replaced portables from the eligible school site and K–12 grade classroom use with the exception of schools described in Education Code Section 17079.30(c); and,
- The district has considered the feasibility of using designs and materials for the new 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; and,
- If the district is requesting an additional grant for high performance incentive funding, the school district governing board must have a resolution on file that demonstrates support for the high performance incentive grant request and the intent to incorporate high performance features in future facilities projects; and,
- If this application is submitted when there is Insufficient Bond Authority, the district has adopted a school board resolution pursuant to Section 1859.95.1; and,
- The district will comply with all laws pertaining to the construction or modernization of its school building.

DRAFT

NAME OF DISTRICT REPRESENTATIVE (PRINT)	PHONE NUMBER
SIGNATURE OF DISTRICT REPRESENTATIVE	DATE

APPLICATION FOR CHARTER SCHOOL PRELIMINARY APPORTIONMENT

SCHOOL FACILITY PROGRAM

SAB 50-09 (REV ~~12/11~~05/14)

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 ~~c~~Charter ~~s~~School directly or by a school district on behalf of a ~~c~~Charter ~~s~~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~~applicant 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.dgs.ca.gov/opsc "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 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 ~~c~~Charter ~~s~~School's notification to the school district of its intent to apply for State funding pursuant to Education Code Section 17078.53(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 ~~c~~Charter ~~s~~School is applying for a Preliminary Apportionment on its own behalf, a school board resolution certifying to the number of the district's unhoused 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 ~~c~~Charter ~~s~~School, certification, signed by the district representative, and supporting documentation that states the number of the district's unhoused 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 Substances Control (DTSC) costs, if requesting amounts other than the 15 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 aquisition 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 ~~c~~Charter ~~s~~School submitting a Preliminary Apportionment for rehabilitation on its own behalf, an agreement between the school district and the ~~c~~Charter ~~s~~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.

Requests for new construction or rehabilitation funding are available only to ~~charter schools~~applicants that have current financial soundness status from the California School Fianance Authority. ~~Charter schools~~Applicants may apply for a separate amount for the design and for the new construction site acquisition on the same project. ~~Charter schools~~Applicants 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.dgs.ca.goc/opsc.

If the ~~c~~Charter ~~s~~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).

DRAFT

SPECIFIC INSTRUCTIONS

A preliminary application may be submitted by either a school district on behalf of a ~~c~~Charter ~~s~~School or a ~~c~~Charter ~~s~~School on its own behalf if the ~~c~~Charter ~~s~~School has notified both the superintendent and the governing board of its intent to do so in writing at least 30 days prior to submission of the preliminary application. See Education Code Section 17078.53 (b)(1) and (2). The notice shall be 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 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~~applicant is applying for with this form. If the ~~Charter School~~applicant 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 5b.

2. **Type of Project**
   a. Select the type of project that best represents this application request.
   b. Enter the name of the school district where the ~~c~~Charter ~~s~~School is physically located.

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.

4. **Additional Project Information—New Construction Only**
   a. Enter the estimated number of pupils, by grade level, that will attend the ~~c~~Charter ~~s~~School.
   b. Enter the number of the school district's unhoused pupils to be housed in the ~~c~~Charter ~~s~~School pursuant to Section 1859.162.1(a) or 1859.162.2(b).
   c. 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~~applicant is requesting an increase in the Preliminary Apportionment for the items listed. Refer to Sections 1859.163.1 and 1859.163.2.

   a. Check the box if the ~~district~~applicant request additional funding due to multi-level construction. See Section 1859.163.1(a)(2).
   b. Site Acquisition:
      1) 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.
      2) To determine an allowance for relocation cost and DTSC cost, the ~~charter school~~applicant 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~~applicant must submit appropriate documentation to support the amount reported.
      3) 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).
   c. To determine an allowance for site development, the ~~charter school~~applicant 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~~applicant must submit appropriate cost estimate of the proposed work conforming to Section 1859.76.

      In addition, check the box if the ~~district~~applicant is requesting General Site Development pursuant to Section 1859.163.1.
   d. Check the box if the proposed project is eligible for an increase due to geographic location. See Section 1859.163.1(a)(7).
   e. Check the box if this request is for a small size project. See Section 1859.163.1(a)(5).
   f. Check the box if the proposed project qualifies for an urban location allowance. 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**
   a. Check the box if the proposed project is eligible for an increase due to geographic location. See Section 1859.163.~~1(a)(7)~~5(a)(4).
   b. Check the box if this request is for a small size project. See Section 1859.163.~~1(a)(5)~~5(a)(2).
   c. Check the box if the proposed project qualifies for an urban location allowance. See Section 1859.163.~~1(a)(6)~~5(a)(3).
   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.

DRAFT

8. Project Progress Dates

Complete this section:

a. Enter the date(s) the construction contract(s) was awarded for this project(s). If a construction contract has not been executed, enter N/A. (If the space provided is not sufficient for all applicable contract dates, please list all dates on a separate attachment to this form.)

b. 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.

c. If a construction contract was awarded prior to January 1, 2012, check the appropriate box to indicate if you have initiated and enforced a Labor Compliance Program (LCP) approved by the Department of Industrial Relations (DIR) pursuant to Labor Code Section 1771.7 for this project.

9. Prevailing Wage Monitoring and Enforcement Costs

If the construction contract(s) for this project was or will be awarded on or after January 1, 2012, check the appropriate box to indicate which of the following methods will be used to meet the requirement for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3:

- The DIR Compliance Monitoring Unit (CMU)
- A DIR-approved internal LCP
- A collective bargaining agreement that meets the criteria set forth in Labor Code Section 1771.3(b)(3).

10. 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.

11. Charter School Information

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

a. Enter the ~~c~~Charter ~~s~~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 ~~c~~Charter ~~s~~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 ~~c~~Charter ~~s~~School is low income, enter the percentage of pupils at the ~~c~~Charter ~~s~~School identified as being eligible for the Free/Reduced Lunch Program. See Section 1859.2 and 1859.164.1(a).

e. If the ~~c~~Charter ~~s~~School has submitted an additional application for this project under the requirements of Section 1859.162.1, enter the application number for that project.

12. Certification

The authorized representative for the ~~c~~Charter ~~s~~School, or the school district representative on behalf of the ~~c~~Charter ~~s~~School must complete this certification section.

- Part A – The authorized representative for the ~~c~~Charter ~~s~~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 ~~c~~Charter ~~s~~School.

DRAFT

APPLICATION FOR CHARTER SCHOOL PRELIMINARY APPORTIONMENT

SCHOOL FACILITY PROGRAM

SAB 50-09 (REV ~~12/11~~05/14)

The school district or ~~c~~Charter ~~s~~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.

☐ 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

☐ New Construction Preliminary Charter School Apportionment
☐ Site Acquisition Costs [Section 1859.164.2(b)]
☐ Rehabilitation Preliminary Charter School Apportionment

2. Type of Project

a. ☐ Elementary School
☐ Middle School
☐ High School

b. Name of school district where the ~~c~~Charter ~~s~~School project will be physically located: _____

3. Number of Classrooms/Useable Acres

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

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

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

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

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. Project Progress Dates

a. Construction Contract(s) awarded on: _____
(If the space provided is not sufficient for all applicable contract dates, please list all dates on a separate attachment to this form.)

b. Notice to Proceed issued on: _____

c. If the Construction Contract was awarded prior to January 1, 2012, have you initiated and enforced an LCP approved by the DIR pursuant to Labor Code Section 1771.7 for this project? ☐ Yes ☐ No

DRAFT

APPLICATION FOR CHARTER SCHOOL PRELIMINARY APPORTIONMENT

SCHOOL FACILITY PROGRAM

SAB 50-09 (REV ~~12/11~~05/14)

9. Prevailing Wage Monitoring and Enforcement Costs:

If the Construction Contract(s) was or will be awarded on or after January 1, 2012, please indicate which method will be used to meet the prevailing wage monitoring requirements, pursuant to LC Section 1771.3:

☐ DIR CMU Administered

☐ DIR Approved District LCP

☐ Collective bargaining agreement, pursuant to Labor Code Section 1771.3(b)(3)

10. Priority Order # _____

11. Charter School Information

a. Current ~~c~~Charter ~~s~~School enrollment: _____

b. Is ~~c~~Charter ~~s~~School not for profit? ☐ Yes ☐ No

c. Enter locale code of charter school: _____

d. Free/Reduced Lunch: _____ %

e. Additional Application Number: # _____

12. Certification

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

☐ I am an authorized representative of the ~~c~~Charter ~~s~~School designated by the governing board or equivalent authority of the ~~c~~Charter ~~s~~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 ~~c~~Charter ~~s~~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 ~~c~~Charter ~~s~~School on, _____, and,
- Prior to submitting this application the ~~c~~Charter ~~s~~School and school district have considered existing facilities in accordance with Education Code Section 17078.53(e); and,
- For a ~~c~~Charter ~~s~~School applying for a rehabilitation Preliminary Apportionment on its own behalf, the ~~c~~Charter ~~s~~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 ~~c~~Charter ~~s~~School applying for a new construction Preliminary Apportionment on its own behalf, the ~~c~~Charter ~~s~~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~~applicant 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~~applicant 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~~applicant 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~~applicant has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This ~~charter school~~applicant 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~~applicant 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,

DRAFT

- The ~~charter school~~applicant 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~~applicant has or will execute a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- The ~~charter school~~applicant 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~~applicant has initiated and enforced an LCP that has been approved by the DIR, 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 before January 1, 2012; and,
- The ~~district~~applicant will contract with the DIR for prevailing wage monitoring and enforcement, pursuant to Labor Code section 1771.3(a), if the construction contract is awarded on or after January 1, 2012 and the ~~district~~applicant has not obtained a waiver for the requirement, pursuant to Labor Code Section 1771.3(b). The ~~district~~applicant understands that if it fails to meet this requirement, it will be required to repay all state bond funds received including interest; and,
- Beginning with the 2005/2006 fiscal year, the ~~district~~applicant 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.

DRAFT

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

THIS PAGE INTENTIONALLY LEFT BLANK

REPORT OF THE EXECUTIVE OFFICER
State Allocation Board Meeting, May 28, 2014

SCHOOL FACILITY PROGRAM REGULATORY AMENDMENTS: CONSTRUCTION COST PUBLICATION

PURPOSE OF REPORT

To request State Allocation Board (Board) approval of regulatory amendments to continue the use of specific construction cost publications currently used for calculating certain grants in the School Facility Program (SFP).

DESCRIPTION

Staff is presenting technical amendments to the SFP regulations due to the change in titles of the construction cost publications *Saylor Current Construction Costs* and *Saylor Current Construction Costs Remodeling/Repair* currently used for calculating certain grants. Effective January 1, 2015, the titles will be *Current Construction Costs and Repair Remodeling Construction Costs* and will continue to be published by Sierra West Group, without reference to the "Saylor" trademark.

AUTHORITY

Education Code Section 17070.35 states in part:

(a) In addition to all other powers and duties as are granted to the board by this chapter, other statutes, or the California Constitution, the board shall do all of the following:

(1) Adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter....

(2) Establish and publish any procedures and policies in connection with the administration of this chapter as it deems necessary.

BACKGROUND

The SFP regulations state that the construction cost publications *Saylor Current Construction Costs* and *Saylor Current Construction Costs Remodeling/Repair* are to be used to calculate certain SFP grants based on cost estimates, including site development (off-site, service-site and utility work) for new construction, demolition costs for replaced facilities, utility costs for permanent buildings 50 years or older in a modernization project, and Facility Hardship.

The *Saylor Current Construction Costs* and *Saylor Current Construction Costs Remodeling/Repair* manuals are published by Saylor Publications, Inc., which was purchased in 2011 by Sierra West Group. As a result of the ownership change, the titles of these publications will change to *Current Construction Costs* and *Repair Remodeling Construction Costs* and will continue to be published by the Sierra West Group, without reference to the "Saylor" trademark, as of January 1, 2015.

STAFF ANALYSIS/STATEMENTS

It is necessary to update the SFP regulations to reflect the changes to the titles of these publications in order to maintain consistency in the publications used in the SFP.

Continued on Page Two

STAFF ANALYSIS/STATEMENTS (cont.)

Staff has used these construction cost manuals since the inception of the SFP to calculate the specific grants named in the background section above, which are not related to the annual adjustment to the SFP grants for changes in the Class B construction cost index (CCI) that the Board typically adopts at its January meeting.

The proposed regulatory amendments in the Attachment do not affect the per-pupil grants for new construction and modernization and other grants that are adjusted annually for CCI changes.

RECOMMENDATIONS

1. Adopt the proposed regulations as shown in the Attachment.

2. Authorize the Executive Officer to file the proposed regulations with the Office of Administrative Law.

This Item was approved by the State Allocation Board on May 28, 2014.

ATTACHMENT

Section 1859.73.2. New Construction Additional Grant for Replaced Facilities.

(a) In addition to any other funding authorized by these Regulations, the Board shall provide funding for the amount(s) in (b) below for the replacement cost of single-story building(s) that are demolished at a school and replaced with multistory building(s) in order to increase pupil capacity of that school if all the following conditions are met:
(1) The site size as determined by the CDE for the existing capacity of the school is less than 75 percent of the recommended CDE site size.
(2) The pupil capacity of the school must be increased by at least the greater of (A) or (B) below:
(A) Twenty percent of the existing permanent single-story pupil capacity (before replacement) of the school. Existing permanent single-story pupil capacity shall be determined by multiplying classrooms contained within single-story permanent buildings intended for grades kindergarten through six by 25, classrooms intended for grades seven through 12 by 27, classrooms intended for Non-Severely Disabled Individuals with Exceptional Needs by 13 and classrooms intended for Severely Disabled Individuals with Exceptional Needs by nine. Classrooms shall not include any classrooms reduced from the Gross Classroom Inventory pursuant to Section 1859.32.
(B) 200 pupils.
(3) The sum of (A) and (B) below is less than the sum of (E) and (F) below:
(A) Determine the estimated cost of demolition of the single-story building(s) to be replaced. The cost estimate shall be subject to review by the OPSC for conformance with the ~~Saylor~~ Current Construction Costs ~~P~~publication by the Sierra West Group.
….

Section 1859.76. New Construction Additional Grant for Site Development Costs.

In addition to any other funding authorized by these Regulations, the Board shall provide funding equal to 50 percent of the following approved site development and applicable design costs:
….

Subsection (d) of this section shall be suspended no later than January 1, 2015, unless otherwise extended by amendments as adopted by the Board.

The district must submit a detailed cost estimate for all requests for site development work, with the exception of General Site Development, and any justification documents that will support the work with the Form SAB 50-04.

The Board will approve reasonable and appropriate site development work which meets common engineering practices and industry standards that are consistent with the specific site conditions if the site development costs are consistent with the most current edition of the ~~Saylor~~ Current Construction Costs publication by the Sierra West Group. The design professional must certify to the district that the site development work does not exceed the minimum requirements to develop the site to meet educational needs and/or standards.
….

ATTACHMENT

Section 1859.78.7. Modernization Additional Grant for Site Development Necessary for 50 Years or Older Permanent Buildings.

In addition to any other funding authorized by these Regulations, the Board shall provide funding for upgrading existing site development (utilities) work as necessary for the modernization of 50 years or older permanent buildings equal to the lesser of (a) or (b):

….

The Board will approve reasonable and appropriate site development (utilities) work that meets common engineering practices and industry standards and are consistent with the specific site conditions, if the site development costs are consistent with the most current edition of the ~~Saylor~~ Remodeling ~~/~~Repair Construction Costs publication by the Sierra West Group. The design professional must certify that the site development (utilities) work does not exceed the minimum requirements to develop the site to meet educational needs and/or standards.

….

Section 1859.82. Facility Hardship.

A district is eligible for facility hardship funding to replace or construct new classrooms and related facilities if the district demonstrates there is an unmet need for pupil housing or the condition of the facilities, or the lack of facilities, is a threat to the health and safety of the pupils. A facility hardship is available for:

(a) New classrooms and/or subsidiary facilities (corridors, toilets, kitchens and other non-classroom space) or replacement facilities if either (1) or (2) are met:

(1) The facilities are needed to ensure the health and safety of the pupils if the district can demonstrate to the satisfaction of the Board that the health and safety of the pupils is at risk. Factors to be considered by the Board shall include the close proximity to a major freeway, airport, electrical facility, high power transmission lines, dam, pipeline, industrial facility, adverse air quality emission or other health and safety risks, including structural deficiencies required by the DSA to be repaired, seismic mitigation of the Most Vulnerable Category 2 Buildings as verified by the DSA, traffic safety or because the pupils reside in remote areas of the district and transportation to existing facilities is not possible or poses a health and safety risk. The total available funding for seismic mitigation related and ancillary costs for the Most Vulnerable Category 2 Buildings is $199.5 million.

(A) If the request is for replacement facilities, a cost/benefit analysis must be prepared by the district and submitted to the OPSC that indicates the total costs to remain in the classroom or related facility and mitigate the problem is at least 50 percent of the Current Replacement Cost of the classroom or related facility. The cost/benefit analysis may include applicable site development costs as outlined in Section 1859.76. The cost/benefit analysis shall not include increased costs associated with high performance related costs or components, with the exception of those high performance components that were pre-existing in the classroom or related facility. If the cost to remain in the classroom or related facility is less than 50 percent of the Current Replacement Cost, the district may qualify for either grant below, as applicable:

1. Modernization Excessive Cost Hardship Grant for Rehabilitation Costs pursuant to Section 1859.83(e), or
2. A grant not to exceed 50 percent of the cost estimate that has been reviewed and approved by the OPSC and approved by the board for seismic rehabilitation.

(B) If the request is for replacement facilities that included structural and/or seismic deficiencies, the cost/benefit analysis must also include a report from a licensed design professional identifying the minimum work necessary to obtain DSA approval. The report must contain a detailed cost estimate of the repairs. The cost/benefit analysis shall not include increased costs associated with high performance related costs or components, with the exception of those high performance components that were pre-existing in the classroom or related facility. The report and cost estimate shall be subject to review by the OPSC for conformance with the ~~Saylor~~ Current Construction Cost Publication by the Sierra West Group and, at the OPSC's discretion, the DSA. For seismic deficiencies of the Most Vulnerable Category 2 Buildings, the report and the cost estimate for the minimum work necessary must be reviewed by the DSA.

….

THIS PAGE INTENTIONALLY LEFT BLANK