

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

ASSEMBLY BILL (AB) 127 AMENDMENTS TO
PROGRAM REGULATIONS

PURPOSE OF REPORT

To request:

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

DESCRIPTION

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

Included in this package:

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

(Continued on Page Two)

DESCRIPTION (cont.)

Anticipated for a future SAB meeting:

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

STAFF COMMENTS

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

High Performance Schools Grant (HPSG)

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

Option 1 - HPSG

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

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

(Continued on Page Three)

STAFF COMMENTS (cont.)

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

Option 2 - HPSG

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

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

Grant Increase

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

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

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

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

STAFF COMMENTS (cont.)

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

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

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

RECOMMENDATIONS

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

BOARD ACTION

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

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

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

ATTACHMENT

PROPOSED AMENDMENTS TO THE PROGRAM REGULATIONS

State Allocation Board Meeting, September 27, 2006

DEFERRED MAINTENANCE PROGRAM

Amend Regulation Section 1866.4.

Section 1866.4. Five Year Plan Requirements.

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

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

Note: Authority cited: Section 15503, Government Code.

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

Amend Regulation Section 1866.13.

Section 1866.13. Duplication of Applications.

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

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

Note: Authority cited: Section 15503, Government Code.

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

SCHOOL FACILITY PROGRAM

Amend Regulation Section 1859.2.

Section 1859.2. Definitions.

For the purpose of these regulations, the terms set forth below shall have the following meanings, subject to the provisions of the Act:

...

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

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

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

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

...

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

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

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

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

...

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

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

...

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

...

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

...

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

...

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

...

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

...

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

Reference: Sections 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.18, 17072.33, 17073.25, 17074.10, 17074.30,

Amend Regulation Section 1859.51.

Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

The baseline eligibility for new construction determined on the Form SAB 50-03, will be adjusted as follows:
(a) Reduced by the number of pupils provided grants in a new construction SFP project and by the number of pupils that received a Preliminary Apportionment pursuant to Section 1859.140 or a Preliminary Charter School Apportionment pursuant to Section 1859.460162.2.

...

Note: Authority cited: Section 17070.35, Education Code.

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

Amend Regulation Section 1859.60.

Section 1859.60. Calculation to Determine Modernization Baseline Eligibility.

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

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

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

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

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

Note: Authority cited: Section 17070.35, Education Code.

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

Amend Regulation Section 1859.61.

Section 1859.61. Adjustments to the Modernization Baseline Eligibility.

The baseline eligibility for modernization as provided in Section 1859.60 for a specific site will be adjusted as follows:

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

Note: Authority cited: Section 17070.35, Education Code.

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

Amend Regulation Section 1859.70.3.

Section 1859.70.3. Available Funding for the Small High School Program.

For purposes of the Small High School Program, the Board shall set aside the funding as follows:

- (a) \$20 million for the new construction of Small High Schools pursuant to Education Code Section 17072.10(c).
- (b) \$5 million in modernization funding to assist with the Reconfiguration of large high schools pursuant to Education Code Section 17074.32.

Pursuant to Education Code Section 101012(a)(5), the Board may provide up to \$200 million for the purposes set forth in Education Code Section 17072.10(c).

Note: Authority cited: Section 17070.35, Education Code.

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

(Rev. 1)

Adopt Regulation Section 1859.70.4.

Section 1859.70.4. Available Funding for High Performance.

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

and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning and other characteristics of high performance schools.

Note: Authority cited: Section 17070.35, Education Code.

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

Amend Regulation Section 1859.71.

Section 1859.71. Adjustment to the New Construction Grant.

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

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

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

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17072.10 and 17072.11, Education Code.

Option 1

Adopt Regulation Section 1859.71.6.

Section 1859.71.6. New Construction Additional Grant for High Performance

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

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

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

Note: Authority cited: Section 17070.35, Education Code.

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

Adopt Regulation Section 1859.77.4.

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

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

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

Note: Authority cited: Section 17070.35, Education Code.

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

Option 2

Adopt Regulation Section 1859.71.6.

Section 1859.71.6. New Construction Additional Grant for High Performance

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

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

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

Note: Authority cited: Section 17070.35, Education Code.

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

Adopt Regulation Section 1859.77.4.

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

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

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

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

Note: Authority cited: Section 17070.35, Education Code.

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

Amend Regulation Section 1859.78.9.

Section 1859.78.9. Separate Apportionment for Modernization Reconfiguration under the Small High School Program.

- (a) The Board shall provide an additional apportionment pursuant to Education Code Section 17074.32 for Modernization Reconfiguration work on an existing high school site, not to exceed ~~an aggregate of~~ \$500,000 for each new Small High School created from the reconfiguration, subject to OPSC verification, if all of the following criteria are met:
- (1) A district shall submit an Approved Application by September 30, 2007.
 - (2) The current enrollment at the existing high school must be at least 1,000 pupils.
 - (3) At least two new Small High Schools must be created as a result of Reconfiguration.
 - (4) The district must obtain a county-district-school code from the Department of Education for the resulting new school sites.
 - (5) Funds provided under this Section shall be used only for work included in the Reconfiguration.
- (b) The State funding pursuant to this Section shall continue for projects that meet subsection (a) until all available funds are exhausted. In the event that remaining funds are insufficient to fund a Reconfiguration project in its entirety, the district will have the following options:
- (1) Accept the remaining funds as a full and final apportionment; or,
 - (2) Refuse the funding in its entirety. If the district wishes to proceed with the Modernization portion of the application, the application will retain its received date and proceed without the Modernization Grant Separate Apportionment for Reconfiguration.

The district must maintain an enrollment, not to exceed 500 pupils, for a minimum of two complete school years after the Occupancy of the new Small High Schools.

Any additional Classrooms provided to the campus, beyond the existing number of classrooms prior to the Reconfiguration work shall be reduced from the district's New Construction Eligibility pursuant to Section 1859.51.

At the conclusion of the Reconfiguration project, a new Modernization Eligibility will be established at any resulting new Small High Schools.

After all qualifying projects pursuant to this Section have been apportioned, any remaining funds pursuant to Education Code Section 17074.32 shall be made available for eligible modernization projects pursuant to this Act.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17074.32, Education Code.

Amend Regulation Section 1859.83.

1859.83. Excessive Cost Hardship Grant

...

- (3) If the project is for a Small High School on a site with no existing facilities, or for one Small High School created pursuant to Section 1859.93.2(c)(4), the district is eligible for a New Construction Excessive Cost Hardship Grant equal to the difference in the amount provided in the New Construction Grant and the amount shown below, based on the number of classrooms in the project:

Classrooms	Small High School
1	\$1,759,200
2	\$1,830,000
3	\$2,262,000
4	\$2,646,000
5	\$2,913,600
6	\$3,181,200
7	\$3,448,800
8	\$3,655,200
9	\$3,820,800
10	\$3,985,200
11	\$4,150,800
12	\$4,302,000
13	\$4,450,800
14	\$4,599,600
15	\$4,749,600
16	\$4,898,400
17	\$5,048,400
18	\$5,197,200
19	\$5,346,000
20	\$5,496,000
21	\$5,644,800
22	\$5,793,600

The amounts shown will be adjusted annually in the manner prescribed in Section 1859.71.

The grant shall not exceed the number of classrooms necessary to house 500 pupils.

After the expiration of the time frame specified in Section 1859.93.2(e), any Excessive Cost Hardship Grant shall be offset against future New Construction Grant funds as provided in (c)(1) above.

...

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code.

Reference: Sections 17072.32, 17074.15, 17074.16, 17075.10, 17075.15, 17077.40, 17077.42 and 17077.45, Education Code.

Amend Regulation Section 1859.93.2.

Section 1859.93.2. New Construction Adjusted Grant for the Small High School Program.

A district may submit an Approved Application for a Small High School project from January 1, 2006 through September 30, 2006~~7~~, if all of the following are met:

- (a) The Application meets all the criteria on the Form SAB 50-04 for a New Construction Adjusted Grant, pursuant to Section 1859.21.
- (b) The district has at least 500 high school pupil grants of new construction eligibility available pursuant to Regulation Section 1859.50 and 1859.51.
- (c) The Small High School ~~must~~ may be constructed on one of the following:
 - (1) A stand alone school site with no existing facilities;
 - (2) An adjacent site to an existing high school and share core facilities including, but not limited to library, multi-purpose room and gymnasium. The existing high school and new small high school may not share administration and toilet facilities.
 - (3) A site of a large high school if the CDE deems that the site will not create a school that is overcrowded or educationally inadequate; or
 - (4) Two or more small high schools may be constructed on separate but adjacent sites and may share one or all of the core facilities in(c)(2).
- (d) The Small High School may not be constructed where it would otherwise have been built due to sparse population.
- (e) The district shall only provide the number of classrooms at the new school site necessary to house the capacity of the Small High School, not to exceed 500 pupils, until two complete school years after the Occupancy of the last Small High School funded pursuant to Education Code Section 17072.10(c)(1), which would correspond with timing of the data submitted by the district pursuant to Section 1859.104(e)(2).

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17072.10, Education Code.

Amend Regulation Section 1859.160.

Section 1859.160. General.

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

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

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

Reference: Sections 17078.52 and 17078.53, Education Code.

Amend Regulation Section 1859.161.

Section 1859.161. Preliminary Charter School Application Submittals.

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

The Board may establish additional application filing periods as needed.

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

Reference: Section 17078.53, Education Code.

Amend Regulation Section 1859.162.

Section 1859.162. General Preliminary Charter School Apportionment Eligibility Criteria.

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

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

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

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

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

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

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

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

Adopt Regulation Section 1859.162.1.

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

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

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

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

Reference: Section 17078.53, Education Code.

Adopt Regulation Section 162.2.

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

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

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

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

Reference: Section 17078.53, Education Code.

Amend Regulation Section 1859.162.1.

Section 1859.162.43. Overlapping District Boundaries.

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

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

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

Reference: Sections 17078.53 and 17078.54, Education Code.

Amend Regulation Section 1859.163.1.

Section 1859.163.1. Preliminary Charter School New Construction Apportionment Determination.

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

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

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

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

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

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

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

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

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

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

Amend Regulation Section 1859.163.2.

Section 1859.163.2. Preliminary Charter School Apportionment Site Acquisition Value.

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

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

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

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

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

Reference: Sections 17078.52 and 17078.56, Education Code.

Amend Regulation Section 1859.163.3.

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

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

Relocation/DTSC Fee Fund

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

Hazardous Material/Waste Removal Fund

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

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

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

Reference: Section 17078.56, Education Code.

Adopt Regulation Section 1859.163.4.

Section 1859.163.4 Preliminary Charter School Rehabilitation Apportionment Eligibility Criteria.

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

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

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

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

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

Reference: Sections 17078.54, and 17078.58, Education Code.

Adopt Regulation Section 1859.163.5.

Section 1859.163.5 Preliminary Charter School Rehabilitation Apportionment Determination.

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

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

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

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

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

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

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

Adopt Regulation Section 1859.163.6.

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

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

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

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

Adopt Regulation Section 1859.163.7.

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

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

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

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

Amend Regulation Section 1859.164.

Section 1859.164. Application Funding Criteria.

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

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

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

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

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

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

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

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

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

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

Reference: Section 17078.56, Education Code.

Amend Regulation Section 1859.164.1.

Section 1859.164.1. Calculation of Preference Points.

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

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

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

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

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

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

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

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

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

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

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

Reference: Sections 17078.53 and 17078.56, Education Code.

Amend Regulation Section 1859.164.2.

Section 1859.164.2. Preliminary Charter School Apportionment Fund Release.

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

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

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

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

Reference: Sections 17078.53 and 17078.58, Education Code.

Amend Regulation Section 1859.165.

Section 1859.165. Conversion of Preliminary Charter School Apportionment.

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

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

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

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

Reference: Section 17078.52, Education Code.

Amend Regulation Section 1859.166.

Section 1859.166. Time Limit on Preliminary Charter School Apportionment.

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

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

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

Reference: Sections 17078.52 and 17078.53, Education Code.

Amend Regulation Section 1859.167.

Section 1859.167. Final Charter School Apportionment.

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

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

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

Reference: Sections 17078.52 and 17078.56, Education Code.

Amend Regulation Section 1859.167.1.

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

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

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

Reference: Sections 17078.56 and 17078.58, Education Code.

Adopt Regulation Section 1859.169.1.

Section 1859.169.1. Charter School Project Savings.

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

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

Reference: Sections 17078.54, Education Code.

APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

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

GENERAL INFORMATION

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

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

Requests for funding may be made as follows:

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

- Site/plan approval letter from the CDE.
- Appraisal of property if requesting site acquisition funds.
- Plans and specifications (P&S) for the project that were approved by the DSA. Submittal of plans may be on CD-ROM or "Zip Drive" readable in AutoCAD 14. The specifications may be provided on a diskette that is IBM compatible.
- Cost estimate of proposed site development, if requesting site development funding.
- If this request is pursuant to Section 1859.77.2 and the district's housing plan is other than those listed in the certification section of this form, a copy of the school board resolution and the approved housing plan.
- If the site apportionment is requested pursuant to Regulation Section 1859.74.5, a cost benefit analysis as prescribed in Regulation Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
- If this is a request for funding under the Small High School Program, pursuant to Regulation Section 1859.93.2, the district must also provide a CDE Small High School academic reform strategy approval.
- If this request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, a justification of how the project relieves overcrowding, including but not limited to, the elimination of the use of Concept 6 calendars, four track year-round calendars, or bussing in excess of 40 minutes.

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

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

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

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

APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

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

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

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

SPECIFIC INSTRUCTIONS

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

1. Type of Application

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

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

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

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

2. Type of Project

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

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

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

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

3. Number of Classrooms

Enter the:

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

4. Financial Hardship Request

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

5. New Construction Additional Grant Request

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

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

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

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

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

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

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

6. Modernization Additional Grant Request

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

7. Excessive Cost Hardship Request

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

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

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

8. Project Priority Funding Order

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

APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

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9. Prior Approval Under the LPP

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

10. Prior Apportionment Under the SFP

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

11. Preliminary Apportionment to a Final Apportionment

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

12. Alternative Developer Fee

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

13. Adjustment to New Construction Baseline Eligibility

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

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

14. Pending Reorganization Election

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

15. Joint-Use Facility/Leased Property

Check the box if:

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

16. Project Progress Dates

Complete this section for new construction/modernization projects:

- Enter the date the initial construction contract was signed for this project. If a construction contract has not been executed, enter N/A.
- Enter the issue date for the Notice to Proceed for the construction phase of the project, or enter N/A if a Notice to Proceed has not been issued.

17. Labor Compliance Program

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

18. Construction Delivery Method

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

19. Architect of Record or Licensed Architect Certification

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

20. Architect of Record or Design Professional Certification

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

21. Certification

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

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 (Small High School Program)
- 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—Modernization
- Design Only—Modernization of California Schools for Deaf/Blind
- Facility Hardship [Section 1859.82(a)]
- 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: _____
 9-12: _____
 Non-Severe: _____
 Severe: _____

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

K-6: _____
 7-8: _____
 9-12: _____
 Non-Severe: _____
 Severe: _____

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

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

- Is this an Alternative Education School? Yes No

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

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

If yes, enter date of successful bond election: _____

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

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

If yes, enter date of successful bond election: _____

- f. Facility Hardship (no pupils assigned)

g. Charter School Facility Program Rehabilitation Request:

Toilets (sq. ft.) _____

Other (sq. ft.) _____

3. Number of Classrooms:

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

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

5. New Construction Additional Grant Request—New Construction Only

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

- b. Multilevel Construction (CRS): _____

- c. Project Assistance

- d. Site Acquisition:
 - Leased Site
 - Additional Acreage to Existing Site
 - Addition to Existing Site
 - (1) 50 percent Actual Cost: \$ _____
 - (2) 50 percent Appraised Value: \$ _____
 - (3) 50 percent Relocation Cost: \$ _____
 - (4) 2 percent (min. \$25,000): \$ _____
 - (5) 50 percent DTSC Fee: \$ _____

- e. 50 percent hazardous waste removal: \$ _____

- Response Action (RA)
- f. Site Development
 - 50 percent Service-Site: \$ _____
 - 50 percent Off-Site: \$ _____
 - 50 percent Utilities: \$ _____
 - General Site

**APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM**

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

6. Modernization Additional Grant Request—Modernization Only

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

7. Excessive Cost Hardship Request

New Construction Only

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

Modernization or Charter School Facility Program Rehabilitation Only

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

8. Project Priority Funding Order—New Construction Only

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

Project meets:

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

9. Prior Approval Under the LPP

New Construction: 22/ _____

Modernization: 77/ _____

10. Prior Apportionment Under the SFP

Site/Design—New Construction: 50/ _____

Design—Modernization: 57/ _____

11. Preliminary Apportionment to Final Apportionment

Preliminary Apportionment Application Number: # _____

12. Alternative Developer Fee—New Construction Only

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

13. Adjustment to New Construction Baseline Eligibility

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

14. Pending Reorganization Election—New Construction Only

Yes No

15. Joint-Use Facility/Leased Property

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

16. Project Progress Dates

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

17. Labor Compliance Program

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

18. Construction Delivery Method

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

19. Architect of Record or Licensed Architect Certification

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

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

ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

SIGNATURE

DATE

20. Architect of Record or Design Professional Certification

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

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

ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

SIGNATURE

DATE

21. Certification

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

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

- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et. seq., of the Education Code was adopted by the school district's governing board or the designee of the Superintendent of Public Instruction on, _____; and,
- The district has established a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (refer to Sections 1859.100 through 1859.102); and,
- Pursuant to Education Code Section 17070.755, the district has made a priority of the funds in the restricted maintenance account, established pursuant to Education Code Section 17070.75, to ensure that facilities are functional and meet local hygiene standards; and,
- The district has considered the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
- If this funding request is for the modernization of portable classrooms eligible for an additional apportionment pursuant to Education Code Section 17073.15, the district certifies that (check the applicable box below):
 - 1. The state modernization funds will be used to replace the portable classrooms and permanently remove the displaced portables from the classroom use within six months of the filing of the Notice of Completion for the project; or,
 - 2. It has provided documentation to the Office of Public School Construction which indicates that modernizing the portable classrooms eligible for an additional apportionment is better use of public resources than the replacement of these facilities.
- Facilities to be modernized have not been previously modernized with Lease-Purchase Program, Proposition 1A Funds or School Facility Program state funds; and,
- [Facilities to be rehabilitated under the Charter School Facility Program previously funded with School Facility Program State funds meet the requirements of Section 1859.163.6; and,](#)
- All contracts entered on or after November 4, 1998 for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
- If this request is for new construction funding, the district has received approval of the site and the plans from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- If this request is for modernization [or Charter School Facility Program Rehabilitation funding](#), the district has received approval of the plans for the project from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This district has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- The district matching funds required pursuant to Sections 1859.77.1 or 1859.79 has either been expended by the district, deposited in the County School Facility Fund or will be expended by the district prior to the notice of completion for the project; and,
- The district has received the necessary approval of the plans and specifications from the Division of the State Architect unless the request is for a separate site and/or design apportionment; and,

APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

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

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

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE

FUND RELEASE AUTHORIZATION

SCHOOL FACILITY PROGRAM

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

GENERAL INSTRUCTIONS INFORMATION

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

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

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

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

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

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

SPECIFIC INSTRUCTIONS

Part I. Preliminary Apportionment—Design Only

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

Part II. Preliminary Charter School Apportionment

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

Part III. Separate Site Apportionment

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

Part IV. New Construction/Modernization/Charter School Rehabilitation

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

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

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

Part V. New Construction—Site Acquisition Only

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

Part VI. Joint-Use Projects

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

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

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

Part VIII. Identify District's Construction Delivery Method

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

FUND RELEASE AUTHORIZATION

SCHOOL FACILITY PROGRAM

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

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

Part I. Preliminary Apportionment—Design Only

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

Part II. Preliminary Charter School Apportionment

A. Design Only

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

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

B. Separate Site Apportionment

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

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

Part III. Separate Site Apportionment

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

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

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

Part IV. New Construction/Modernization/Charter School Rehabilitation

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

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

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

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

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

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

**FUND RELEASE AUTHORIZATION
SCHOOL FACILITY PROGRAM**

Part V. New Construction—Site Acquisition Only

District must be able to check both boxes:

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

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

Part VI. Joint-Use Projects

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

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

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

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

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

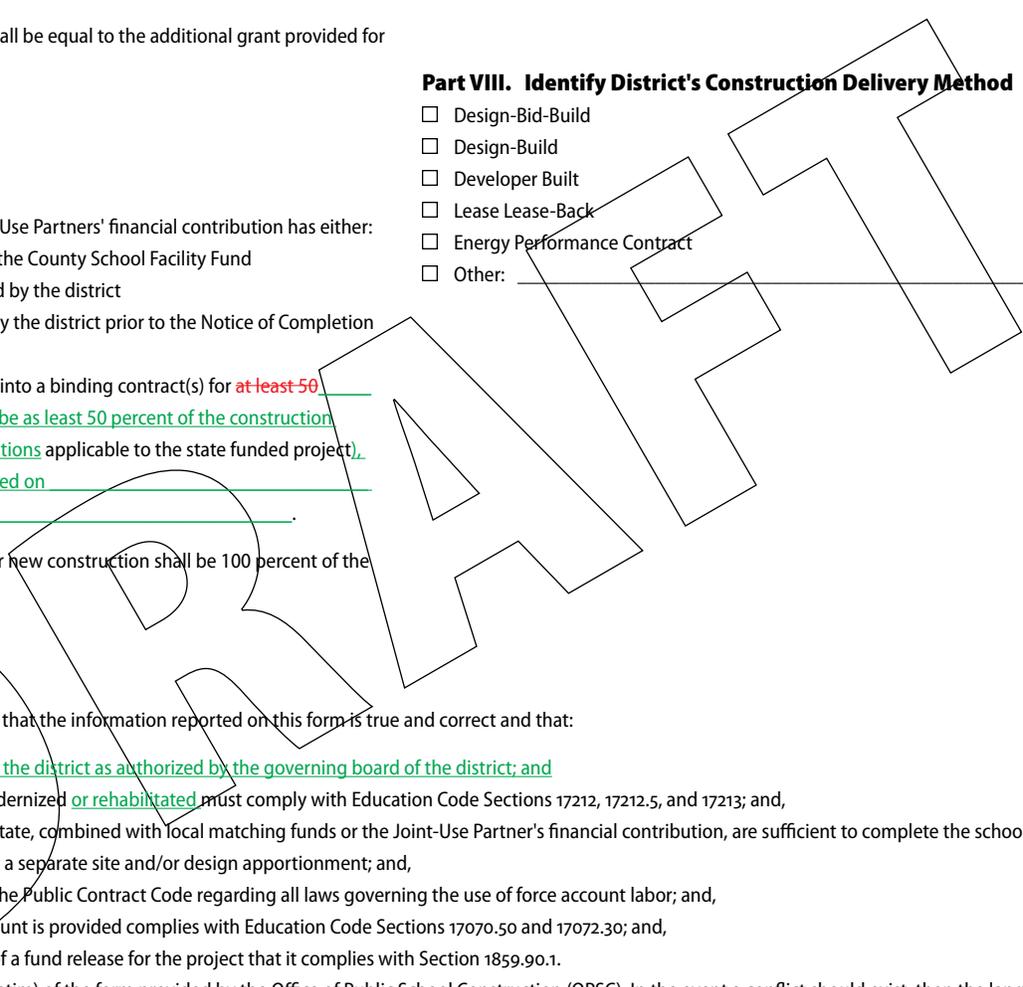
- True and correct for the contract amount(s) reported; and
- To the best of my knowledge, all estimates include the most recent and updated information available.

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

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

Part VIII. Identify District's Construction Delivery Method

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



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

STATE ALLOCATION BOARD
 OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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

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

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

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

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

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

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

PROJECT NUMBER _____	PROJECT NUMBER _____
_____	_____

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

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

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

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

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

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

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

Provide a detailed listing of each expenditure listing items by:

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

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

Submit completed forms to:

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

DRAFT

STATE OF CALIFORNIA
EXPENDITURE REPORT
SCHOOL FACILITY PROGRAM

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

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

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

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

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

Project Number _____ Amount of Savings \$ _____
 Project Number _____ Amount of Savings \$ _____

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

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

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

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

SIGNATURE OF DISTRICT REPRESENTATIVE	DATE
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GENERAL INSTRUCTIONS

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

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

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

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

- Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted by the school district).
- [Verification of the charter school's notification to the school district of its intent to apply for State funding pursuant to Education Code Section 17978.53\(b\) for a charter applying on its own behalf.](#)
- [A narrative describing the proposed project. Include the estimated general scope of the project intended, estimated opening date of the school, the Charter School General Location, if the project will include new construction or rehabilitation of existing facilities, and if the facilities are of permanent or portable construction.](#)

[For new construction projects.](#)

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

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

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

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

[For rehabilitation projects.](#)

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

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

For a complete list of the application submittal guidelines, consult the OPSC Web site at www.opsc.dgs.ca.gov.

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

SPECIFIC INSTRUCTIONS

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

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

1. Type of Application

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

2. Type of Project

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

3. Number of Classrooms/Useable Acres

Enter the:

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

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

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

4. Additional Project Information—New Construction Only

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

5. Increase in Preliminary Apportionment—New Construction Only

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

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

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

6. Additional Project Information—Rehabilitation Only

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

7. Increase in Preliminary Apportionment—Rehabilitation Only

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

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

8. Labor Compliance Program

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

95. Priority Order

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

106. Charter School Information

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

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

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

117. Certification

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

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

DRAFT

APPLICATION FOR CHARTER SCHOOL PRELIMINARY APPORTIONMENT
SCHOOL FACILITY PROGRAM

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

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

1. Type of Application—Check Only One

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

2. Type of Project

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

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

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

3. Number of Classrooms/Useable Acres

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

4. Additional Project Information—New Construction Only

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

5. Increase in Preliminary Apportionment—New Construction Only

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

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

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

6. Additional Project Information—Rehabilitation Only

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

7. Increase in Preliminary Apportionment—Rehabilitation Only

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

8. Labor Compliance Program

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

9. Priority Order

#

10. Charter School Information

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

APPLICATION FOR CHARTER SCHOOL PRELIMINARY APPORTIONMENT
SCHOOL FACILITY PROGRAM

117. Certification

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

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

- A resolution or other appropriate documentation supporting this application under Article 12, Chapter 12.5, Part 10, Division 1, Title 2, commencing with Section 17078.50, et. seq., of the Education Code was adopted by the School District's Governing Board or the governing board or other equivalent authority of the charter school on, _____; and,
- Prior to submitting this application the charter school and school district have considered existing facilities in accordance with Education Code Section 17078.53(e); and,
- For a charter school applying for a rehabilitation Preliminary Apportionment on its own behalf, the charter school and school district have entered into an agreement to rehabilitate school district existing facilities and the agreement has been discussed and approved at a regularly scheduled school board meeting; and,
- For a charter school applying for a new construction Preliminary Apportionment on its own behalf, the charter school and school district have complied with Section 1859.162.1 pertaining to the certification of the number of unhoused students the project will house; and,
- The charter school has or will establish a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (Refer to Sections 1859.100 through 1859.102); and,
- The charter school has or will consider the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
- The charter school will comply with all laws pertaining to the construction of its school building; and,
- All contracts entered for the service of any architect, structural engineer or other design professional for any work under the project have been obtained pursuant to

- a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
- The charter school has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This charter school has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- The charter school understands that the lack of substantial progress toward increasing the pupil capacity of its facilities within the timelines prescribed for a Preliminary Charter School Apportionment shall be cause for rescission of the Preliminary Charter School Apportionment; and,
- The charter school acknowledges this request may be subject to the material inaccuracy penalty provisions in Section 1859.104.1; and
- All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximum interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
- If the Preliminary Charter School Apportionment is requested for the construction of school facilities on leased land, the charter school has or will execute a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- The charter school understands that when the Preliminary Charter School Apportionment is converted to a Final Charter School Apportionment, the funding available for the Final Charter School Apportionment is subject to the provisions of Section 1859.167; and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, then the language in the OPSC form will prevail; and,
- The charter school has or will initiate and enforce a Labor Compliance Program that has been approved by the Department of Industrial Relations, pursuant to Labor Code Section 1771.7, **if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003;** and,
- Beginning with the 2005/2006 fiscal year, the district has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair.

Part A. Charter School Filing on its Own Behalf

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

Part B. School District Filing on Behalf of Charter School

SIGNATURE OF AUTHORIZED DISTRICT REPRESENTATIVE	DATE
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FINAL STATEMENT OF REASONS

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

SCHOOL FACILITY PROGRAM REGULATIONS

Section 1859.2. Definitions.

Specific Purpose of the Regulation

To provide the meaning of additional specific words and terms that are essential to these regulations.

Need for the Regulation

It was necessary to provide definitions for specific words and terms that are used extensively in these regulations as it eliminates the need for restating definitions at every instance of use and to make a clarifying non-substantive change.

Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

Specific Purpose of the Regulation

To make a minor non-substantive change.

Need for the Regulation

It was necessary to change the reference from Section 1859.160, which describes the former method of adjusting the school district's new construction eligibility, to Section 1859.162.2, the new method of adjustment provided in Assembly Bill (AB) 127, Chapter 35, Statutes of 2006.

Section 1859.60. Calculation to Determine Modernization Baseline Eligibility.

Specific Purpose of the Regulation

To add reference to a new category of projects eligible for SFP funding, as created by AB 127, in a context which is essential to carrying out the purpose of this regulation section.

Need for the Regulation

It was necessary to add the new rehabilitation component of the Charter School Facilities Program (CSFP) from AB 127, in the calculation of the age of a building for the purposes of timing future apportionments. It was also necessary to clarify under which specific program the age calculation should be made. The specific reference to modernization was removed to reflect the addition of a rehabilitation apportionment allowing for a broader term that encompasses both.

Section 1859.61. Adjustments to the Modernization Baseline Eligibility.

Specific Purpose of the Regulation

To add reference to a new category of projects eligible for SFP funding, as created by AB 127, in a context which is essential to carrying out the purpose of this regulation section.

Need for the Regulation

It was necessary to add the new CSFP rehabilitation component, from AB 127, in order to avoid duplicate funding under both the CSFP and the modernization program.

Section 1859.70.3. Available Funding for the Small High School Program.

Specific Purpose of the Regulation

To provide the appropriation for the Small High School Program authorized by AB 127.

Need for the Regulation

It was necessary to set forth the appropriation for funding apportionments, and the supporting Education Code sections, for funding applications under the Small High School Program.

Section 1859.70.4. Available Funding for High Performance.

Specific Purpose of the Regulation

To provide the appropriation for costs for designs and materials that promote energy and resource efficiency, use of recycled and low-toxin materials, and other facility components known as "high performance."

Need for the Regulation

It was necessary to set forth the appropriation for funding apportionments for high performance requests in conformance with AB 127.

Section 1859.71.6. New Construction Additional Grant for High Performance.

Specific Purpose of the Regulation

To set forth the parameters and funding conditions for school districts to receive an additional grant for high performance for new construction projects.

Need for the Regulation

It was necessary to provide school districts with the funding conditions by which an additional grant for high performance will be calculated for new construction projects. It was also necessary to set forth the High Performance Rating Criteria (HPRC) for new construction as this will be used to evaluate the costs of design and materials that promote high performance schools. The HPRC will be determined by a point system adopted by the Green Building Initiative. The six categories used for the HPRC are as follows:

- Site
- Water
- Energy
- Materials
- Indoor Environmental Quality
- District Resolutions

New Construction projects on new sites must meet all requirements (prerequisites) in all HPRC categories; then, the school district may pick the credits they wish to pursue. To qualify for the High Performance Grant, school districts must achieve the minimum threshold of 32 points and could reach a maximum of 85. For those new construction projects that have a Division of the State Architect (DSA) received date prior to August 24, 2007, the minimum point threshold will be 28 points.

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

Specific Purpose of the Regulation

To set forth the parameters and funding conditions in order to receive an additional grant for high performance for modernization projects.

Need for the Regulation

It was necessary to provide school districts with the funding conditions by which an additional grant for high performance will be calculated for modernization projects. It was also necessary to set forth the High Performance Rating Criteria (HPRC) for modernization as this will be used to evaluate the costs of design and materials that promote high performance schools. The HPRC will be determined by a point system adopted by the Green Building Initiative. The six categories used for the HPRC are as follows:

- Site
- Water
- Energy
- Materials
- Indoor Environmental Quality
- District Resolutions

Additions to an existing site and modernization projects will be required to meet those requirements (prerequisites) that are within the scope of the project; then, school districts may pick the credits they wish to pursue. To qualify for the High Performance Grant, school districts must achieve the minimum threshold of 25 points and could reach a maximum of 81.

The High Performance Grant will be an incentive based grant that will provide from two to nine percent applied to the base grant to cover the entire costs of design and materials of a High Performance School. This incentive grant includes upfront costs for the High Performance School to be shared equally between the State and the school district.

Section 1859.78.9. Separate Apportionment for Modernization Reconfiguration under the Small High School Program.

Specific Purpose of the Regulation

To provide clarifying language that limits the amount of funding for each small high school created from reconfiguration.

Need for the Regulation

It was necessary to conform to AB 127, which provides \$200 million for the construction of new small high schools and the reconfiguration of existing high schools, which have a minimum of 1000 high school pupils, into two or more smaller high schools for the purpose of academic achievement and success in a small learning environment. The amendment will encourage greater district participation in the Small High School Program because each new small high school created may be eligible to receive up to \$500,000 for the purpose of reconfiguration.

An additional funding cycle will be set up under the same guidelines as the current Small High School Program:

- Districts must submit their academic reform strategy (ARS) to the California Department of Education (CDE) no later than February 1, 2007.
- CDE shall provide the OPSC applicant scores by April 1, 2007.
- Districts will be required to submit their new construction applications for the small high school no later than September 30, 2007, to ensure funding at the December 2007 SAB.
- Modernization Reconfiguration applications will continue to be accepted on a continuous basis until September 30, 2007.

Section 1859.83. Excessive Cost Hardship Grant.

Specific Purpose of the Regulation

To expand and clarify the regulation.

Need for the Regulation

Regarding excessive cost hardship grants for the Small High School Program, it was necessary to include reference to a new qualification criteria enacted by AB 127.

Section 1859.93.2. New Construction Adjusted Grant for the Small High School Program.

Specific Purpose of the Regulation

To expand and clarify the regulation.

Need for the Regulation

Regarding the Small High School Program, it was necessary to extend the application period and add other qualifying criteria for the program in conformance with AB 127.

Section 1859.160. General.

Specific Purpose of the Regulation

To expand and clarify the regulation pertaining to charter schools, and to make a non-substantive numerical correction.

Need for the Regulation

It was necessary to delete reference to Education Code Section "17078.50," which no longer exists, and replace it with "17078.52," which is the initial section pertaining to charter schools. It was also necessary to add language for the new CSFP rehabilitation component, from AB 127, when referring to the filing of the Form SAB 50-09. In addition, it was necessary to clarify that documents must be provided when filing a Form SAB 50-09 to determine a charter school's financial soundness as required in Education Code Section 17078.53(e).

Section 1859.161. Preliminary Charter School Application Submittals.

Specific Purpose of the Regulation

To correct application submittal timelines relative to the Charter School Facilities Program (CSFP) bond funding as provided in AB 127.

Need for the Regulation

It was necessary to lengthen the duration of time between the passing of the bond and the beginning of the filing period due to new requirements that charter schools obtain additional documentation prior to submitting their CSFP applications for funding.

Section 1859.162. General Preliminary Charter School Apportionment Eligibility Criteria.

Specific Purpose of the Regulation

To change the preliminary apportionment eligibility criteria for those charter schools seeking CSFP funding pursuant to statute.

Need for the Regulation

Title: It was necessary to add clarifying language to the title to set this section apart from the following new criteria, provided by AB 127, that is specific either to new construction or rehabilitation.

Subsection (a): It was necessary to strike the language as it was struck in the new law from Education Code Section 17078.54(c)(3).

Subsection (b): The subsection was renumbered as a result of the elimination of Subsection (a), and the reference to Education Code Section 17078.53(c) and (e) was added as a result of the renumbering in the Education Code.

Subsection (c): It was necessary to strike the language as it was struck a result of the new law from Education Code Section 17078.56(c).

New Subsection (b): It was necessary to clarify the notification process as stated in law and to provide an evidence of notification requirement due to confusion over the certainty of notification delivery in past school facility bonds.

New Subsection (c): It was necessary to require a description of the intended project in order to guide applicants through the application procedures toward the intended school facilities.

Last Paragraph: It was necessary to require applicants that have already received preliminary apportionments to rescind their prior applications before applying for new funding under AB 127, to prevent the same project from tying up funds under two bond rounds and subsequent exclusion of other applicants.

Section 1859.162.1. Overlapping District Boundaries. (Repealed.) This section was renumbered as Regulation Section "1859.162.3" with language additions and deletions. The amended section is addressed on the next page in numerical order. Section 1859.162.1 was effectively repealed because it was re-numbered, re-worded, and a new Section 1859.162.1 adopted in its place. The Initial Statement of Reasons described this Section as "amended" rather than "repealed," but this is considered to be a non-substantive change.

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

Specific Purpose of the Regulation

To describe the certification process that is necessary for a complete application when applying for funding for a charter school new construction project.

Need for the Regulation

It was necessary to add this section of regulation to reflect the new language provided in AB 127 that amends Education Code Section 17078.53(d)(2).

Subsection (a): It was necessary to clarify the method and documentation that will be required to satisfy the requirement in the above referenced law.

Subsection (b): It was necessary to state the requirement to update the school district's enrollment in order for the Office of Public School Construction (OPSC) to calculate the overcrowding preference points for that specific application should the program become oversubscribed.

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

Specific Purpose of the Regulation

To describe each way a district's new construction eligibility will be adjusted for funding a new construction project.

Need for the Regulation

It was necessary to add this section of regulation to reflect the new language provided in AB 127 that amends Education Code Section 17078.53.(g)(2).

Subsection (a): It was necessary to specify the eligibility adjustment to a school district's new construction baseline when a charter school applies for school facilities funding on its own behalf.

Subsection (b): It was necessary to specify the eligibility adjustment to a school district's new construction baseline when a school district applies for funding on behalf of a charter school. It was also necessary to provide reporting requirements.

Section 1859.162.43. Overlapping District Boundaries.

Specific Purpose of the Regulation

To make changes that reflect the new law and to clarify applicant responsibilities.

Need for the Regulation

Title: It was necessary to renumber this existing section due to the previous two sections being added.

1st Paragraph: It was necessary to remove language referring to the request of use of school district eligibility, to instruct the applicant that it is required to indicate the number of the district's unhoused pupils that will be served and to direct the applicant to sections of regulations that instruct them on application and eligibility criteria.

2nd Paragraph: When there are overlapping boundaries, it is necessary to inform the applicant which district would assume the responsibilities associated with a charter school project.

Section 1859.163.1. Preliminary Charter School New Construction Apportionment Determination.

Specific Purpose of the Regulation

To make changes in conformance with AB 127.

Need for the Regulation

Title: It was necessary to add to the title to set the new construction part of the CSFP apart from the new CSFP Rehabilitation component of AB 127.

Subsection (a): It was necessary to strike the language in regard to funding caps to correspond with the same language that was struck in AB 127.

Subsection (a)(1)(A-E): It was necessary to explain that the base grant is determined by the number of students to be housed in the project and not the number of unhoused students that will be reduced from the district's eligibility. It was also necessary to adjust the pupil grants in (A) through (E) back to the 1998 dollar amounts that are adjusted annually pursuant to Regulation Section 1859.71 since the Proposition 55 regulations freezing the dollar amounts were struck from the Education Code, as a result of the elimination of project caps.

Subsection (a)(4)(A): It was necessary to correct the calculation for the General Site Grant.

Subsection (a)(4)(B): It was necessary to correct the calculation for the General Site Grant.

Subsection (a)(4)(C): It was necessary to correct the calculation for the General Site Grant.

Subsection (a)(5): It was necessary to strike the references to Regulation Section 1859.83(b)(1) and (b)(2) because those references refer to SFP apportionments, whereas the calculation must be based on the preliminary charter school apportionment.

Subsection (a)(5)(A): It was necessary to provide the detail related to the requirements for a 12 percent additional grant and to correct the reference to (a)(1) above.

Subsection (a)(5)(B): It was necessary to provide the detail related to the requirements for a four percent additional grant and to correct the reference to (a)(1) above.

Subsection (a)(6): It was necessary to correct the numbering so that the regulation refers to the correct regulation section listed above.

Subsection (a)(6)(B): It was necessary to strike the language that corresponds with the stricken language in AB 127 that amends Education Code Section 17078.56(c) regarding site acreage caps.

Subsection (a)(7): It was necessary to add and strike references to prior additional grant sections so that the calculation for the geographic location grant was corrected.

Subsection (a)(8): It was necessary to add language to allow new charter school apportionments to include an additional funding reservation (inflation factor) so that the final apportionment incorporates annual changes to the construction cost index.

Subsection (a)(8)(A): It was necessary to describe the inflator factor calculation's first step.

Subsection (a)(8)(B): It was necessary to describe the inflator factor calculation's second step.

Subsection (a)(9): It was necessary to add language to instruct the applicant to inquire as to whether their application, depending on which school facilities bond reserved the project's funding in a preliminary apportionment, is required to initiate and enforce a Labor Compliance Program. Also, it was necessary to renumber the subsection due to the new section added above and to clarify that the grant is fifty percent of the amount to initiate and enforce a Labor Compliance Program.

Subsection (a)(10): It was necessary to renumber the subsection due to the new section added above and to change the numbering to include the added section when considering the types of grants that would be considered repayable in a lease.

Last Sentence: It was necessary to add language referring to annually adjusted grants to eliminate the need to restate the adjustment at every instance of applicability.

Section 1859.163.2. Preliminary Charter School Apportionment Site Acquisition Value.

Specific Purpose of the Regulation

To make changes in conformance with AB 127.

Need for the Regulation

It was necessary to delete the concluding reference to Education Code Section 17078.56 because AB 127 repealed the former subsection (c) of that section which pertained to this regulation section.

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

Specific Purpose of the Regulation

To add language that specifies the regulation is intended for applicants who applied for charter school funding under Proposition 55.

Need for the Regulation

It was necessary to name the date of the last CSFP funding contained in Senate Bill 15 (Proposition 55), in order to separate this regulation from the new AB 127, as the use of separate funds for relocation,

Department of Toxic Substances Control and hazardous material/waste removal are not necessary now that the funding caps have been eliminated.

Section 1859.163.4. Preliminary Charter School Rehabilitation Apportionment Eligibility Criteria.

Specific Purpose of the Regulation

To add apportionment eligibility criteria for the new CSFP rehabilitation component as provided in AB 127.

Need for the Regulation

It was necessary to state that an apportionment for CSFP rehabilitation will require the submission of an application.

Subsection (a): It was necessary to add language in regard to the rehabilitation of existing buildings as allowed in the amended version of Education Code Section 17078.54(a) under AB 127.

Subsection (b): It was necessary to add language in regard to the age limit of eligible existing buildings corresponding to the amended version of Education Code Section 17078.54(a) under AB 127.

Subsection (c): It was necessary to specify that rehabilitation projects would not be approved for existing buildings that had previously been funded under the School Facilities Program as stated in the amended version of Education Code Section 17078.54(a) under AB 127.

Subsection (d): It was necessary to specify that the school district must agree to allow the charter school to rehabilitate the school district owned existing facilities.

Last Paragraph: It was necessary to provide the applicant with instructions on calculating the age of existing school district buildings.

Section 1859.163.5. Preliminary Charter School Rehabilitation Apportionment Determination.

Specific Purpose of the Regulation

To provide the applicant with the calculation used to determine the amount of a CSFP rehabilitation project apportionment and to specify eligible square footage.

Need for the Regulation

1st Paragraph: It was necessary to explain the basis of the rehabilitation apportionment and to define the eligible square footage.

2nd Paragraph: It was necessary to specify how a rehabilitation apportionment would be calculated.

Subsection (a): It was necessary to refer to two possible calculations for the rehabilitation apportionment.

Subsection (a)(1): It was necessary to refer to the grant amount calculation that is determined below as being specifically applicable to rehabilitation square footage.

Subsection (a)(1)(A): It was necessary to describe the first step of the rehabilitation grant calculation, based on the square footage of classrooms in the project.

Subsection (a)(1)(B): It was necessary to describe the second step of the rehabilitation grant calculation, based on the additional square footage of any multi-purpose room in the project.

Subsection (a)(1)(C): It was necessary to describe the third step of the rehabilitation grant calculation, based on the additional square footage of any gymnasium in the project.

Subsection (a)(1)(D): It was necessary to describe the fourth step of the rehabilitation grant calculation, based on the additional square footage of any library in the project.

Subsection (a)(1)(E): It was necessary to describe the fifth step of the rehabilitation grant calculation, based on the additional square footage of any administration building in the project.

Subsection (a)(1)(F): It was necessary to instruct the applicant in the calculation of the total square footage in the project.

Subsection (a)(1)(G): It was necessary to instruct the applicant in the calculation of the rehabilitation grant amount based on square footage.

Subsection (a)(2): It was necessary to refer to the calculation that is determined below as being specifically applicable to the new construction grant amount based on State loading standards.

Subsection (a)(2)(A): It was necessary to describe the first step of the new construction grant amount calculation by determining the grade level of the students who will occupy each classroom.

Subsection (a)(2)(B): It was necessary to describe the second step of the new construction grant amount calculation by determining the number of students per classroom based on State loading standards.

Subsection (a)(2)(C): It was necessary to describe the last step of the new construction grant amount calculation by instructing the applicant to multiply the numbers determined in (B) above by the corresponding current pupil grants.

Subsection (b): It was necessary to inform the applicant of a grant available for small size projects that house 200 or fewer pupils.

Subsection (b)(1): It was necessary to inform the applicant of the small project size grant calculation for projects that house fewer than 101 pupils.

Subsection (b)(2): It was necessary to inform the applicant of the small project size grant calculation for projects that house between 101 and 200 pupils.

Subsection (c): It was necessary to inform the applicant of the availability and calculation of a grant for urban location, security requirements and impacted site and under which conditions the grant would be available.

Subsection (d): It was necessary to inform the applicant of the geographic location grant calculation available for projects that are considered remote according to Section 1859.83(a) and to correct the lettering to include all the grants on which the geographic location grant calculation is based.

Subsection (e): It was necessary to inform the applicant of the grant available for projects that are required to install elevators.

Subsection (f): It was necessary to add language to allow new charter school apportionments, to include an additional funding reservation (inflation factor) so that the final apportionment incorporates annual changes to the construction cost index.

Subsection (f)(1): It was necessary to describe the inflator factor calculation's first step.

Subsection (f)(2): It was necessary to describe the inflator factor calculation's second step.

Subsection (g): It was necessary to inform the applicant of the grant available for a Labor Compliance Program, if required.

Subsection (h): It is necessary to inform the applicant that repayment of a lease for the matching share owed to the State will be based on the applicable grants listed above.

Last Sentence: To inform the applicant that the calculations in (a) through (e) are adjusted annually and do not necessarily represent the current dollar amount of the grants.

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

Specific Purpose of the Regulation

To provide clarifying language stating under what circumstances rehabilitation funding will be provided if a building was previously *partially* modernized with State funding.

Need for the Regulation

It was necessary to state that an applicant will not receive all of the rehabilitation grant calculated in Regulation Section 1859.163.5 if any part of the buildings being rehabilitated had been previously modernized under the SFP Modernization program.

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

Specific Purpose of the Regulation

To provide clarifying language that states the scope of a project allowed under the CSFP rehabilitation program and to state the consequences of reconfiguring existing spaces originally dedicated for one purpose into another purpose.

Need for the Regulation

It was necessary to state that State funding may not be used to replace a classroom or Minimum Essential Facilities that were eliminated as a result of a CSFP rehabilitation project.

Section 1859.164. Application Funding Criteria.

Specific Purpose of the Regulation

To add language that specifies the procedure used when determining which application will be funded when two or more applications have the same merit, and to make a minor non-substantive grammatical change.

Need for the Regulation

4th Paragraph, 1st Sentence: It was necessary to strike and add language to correct a grammatical error.

4th Paragraph, 2nd Sentence: It was necessary to strike and add language to provide a broader term for the entity applying for CSFP funding since the existing term implies the exclusion of school districts when school districts can actually apply.

5th Paragraph: It was necessary to add language to inform the applicant of criteria that will be used to determine the funding priority of applications of equal merit that have the same received date.

Subsection (a): It was necessary to add language to inform the applicant that an application from an entity that has not already received funding from specified public sources will have a higher priority than an application that has received funding in the event the criteria above results in a tie.

Subsection (b): It was necessary to add language to inform the applicant that an application that uses an existing facility will have a higher priority over an application that builds a new facility in the event the criteria above results in a tie.

Subsection (c): It was necessary to add language to inform the applicant that an application that relieves overcrowding to the highest degree will receive priority for funding in the event the criteria above results in a tie and to provide the calculation used to determine the percentage used to compare applications.

Last Paragraph: It was necessary to add language to inform the applicant that a lottery system would be used in the event the criteria above should result in a tie.

Section 1859.164.1. Calculation of Preference Points.

Specific Purpose of the Regulation

To make minor non-substantive changes, to add language that reflects the new law and to revise the calculation of preference points.

Need for the Regulation

1st Paragraph: It was necessary to re-letter the subsections that relate to the preference point categories in order to add a fourth category in regard to preference given to existing facilities as stated in the new legislation in Education Code Section 17078.56(b) and to adjust the total number of preference points available.

Subsection (a), 1st Sentence: It was necessary to add a third option from which to draw low-income data so that applicants could more accurately report the low-income date for their proposed project.

Subsection (a), 2nd Sentence: It was necessary to add and strike language to acknowledge that a third choice was added to the first sentence.

Subsection (b), 1st Paragraph: It was necessary to strike and add language to clarify and to distinguish the first paragraph and chart as the first step in calculating the degree of which the project will relieve overcrowding. See examples of calculation following subsection (b), 3rd paragraph.

Subsection (b), 2nd Paragraph: It was necessary to add language to explain that the first chart is the maximum number of points an application would be able to receive and to instruct the applicant in the calculation of the second component of the preference point category, the "effort" percentage, and to refer the applicant to the chart that follows the second paragraph. See examples of calculation following subsection (b), 3rd paragraph.

Subsection (b), 2nd Chart: It was necessary to add language to provide the applicant with the percentage of overcrowded category points the application will receive corresponding to the “effort” percentage calculated in the second paragraph. See examples of calculation following subsection (b), 3rd paragraph.

Subsection (b), 3rd Paragraph: It was necessary to add language to instruct the applicant in the third step of the overcrowded preference point category which requires the final number of preference points to be determined by applying the percentage in the “Ratio of Overcrowded Points Awarded” column of the second chart to the “Preference Points Assigned” column of the first chart.

EXAMPLES:

Project Capacity	# housed (determined by certification)	effort to relieve overcrowding (#housed/project capacity)	Resulting ratio of points
100	42	42/100 or 42%	100%
500	100	100/500 or 20%	60%
350	15	15/350 or 4.3%	20%
200	60	60/200 or 30%	80%

Subsection (c): It was necessary to strike and add language to change the number of preference points for non-profit entities to more equitably distribute the total possible number of preference points in each of the four categories specified in the Education Code including the new category added in Subsection (d).

Subsection (d): It was necessary to add language that requires preference be given to existing facilities in addition to the original three categories corresponding to the requirement in Education Code Section 17078.56(b).

Section 1859.164.2. Preliminary Charter School Apportionment Fund Release.

Specific Purpose of the Regulation

To make minor non-substantive changes and to add conditional language for fund releases.

Need for the Regulation

Subsection (a): It was necessary to add references to sections to allow rehabilitation projects to be eligible for the early release of design funds.

2nd Paragraph: It was necessary to add language that requires all fund releases, regardless of which legislation or bond that it originated from, to have the Charter School Agreements executed first as required by legal counsel opinion.

Section 1859.165. Conversion of Preliminary Charter School Apportionment.

Specific Purpose of the Regulation

To strike language that is no longer accurate under AB 127.

Need for the Regulation

It is necessary to strike language that refers only to the receipt of a new construction adjusted grant, considering that projects receiving a preliminary apportionment with the addition of the rehabilitation component of AB 127 will also be eligible to receive an adjusted grant.

Section 1859.166. Time Limit on Preliminary Charter School Apportionment.

Specific Purpose of the Regulation

To make changes to reflect the new law and to provide eligibility adjustment directives for rescinded applications.

Need for the Regulation

Subsection (b)(2): Due to the changes in eligibility requirements provided in AB 127, specifically in Education Code Section 17078.54(c)(3), it was necessary to strike and add language in regard to the adjustment to a school district's new construction eligibility should a CSFP preliminary apportionment be rescinded.

Subsection (c)(2): Should a CSFP new construction preliminary apportionment that received early fund releases be rescinded, it was necessary to add language to specify that a school district's new construction eligibility will be adjusted according to the number of unhoused students the school district certified would be housed in the charter school project. The adjustment would be based on a ratio of the number of certified unhoused students compared to the number of students in the charter school application and then applied to the eligible expenditures. In addition, it was necessary to add language to state that any funds released would still be subject to a fifty percent local matching share requirement.

Section 1859.167. Final Charter School Apportionment.

Specific Purpose of the Regulation

To add language to specify that the regulation is intended for applicants that received apportionments under Proposition 55.

Need for the Regulation

Subsection (a): It was necessary to strike and add language to differentiate final charter school apportionments from the Proposition 55 school facilities bond which has different criteria.

Subsection (a)(1): It was necessary to strike language in regard to the particular year a charter school facility account was provided by a school facilities bond and to replace it with a broader term to incorporate references to the charter school facility account provided for in AB 127 and any future school facilities bonds.

Subsection (a)(2)(A): It was necessary to strike language in regard to the particular year an unrestricted charter school fund was provided by a school facilities bond and to replace it with a broader term to incorporate references to the unrestricted charter school fund provided for in AB 127 and any future school facilities bonds.

Subsection (a)(2)(B): It was necessary to strike language in regard to the particular year an unrestricted charter school fund was provided by a school facilities bond and to replace it with a broader term to incorporate references to the unrestricted charter school fund provided for in AB 127 and any future school facilities bonds.

Subsection (b): It was necessary to strike and add language to differentiate final charter school apportionments from the Proposition 55 school facilities bond which has different criteria.

Subsection (b)(2): It was necessary to strike the reference to Regulation Section 1859.163.1(a)(1) to allow for a final apportionment commensurate with the construction cost index in place at the time of conversion.

Subsection (b)(3): It was necessary to renumber the reference to the additional grant due to the renumbering of the subsections in Regulation Section 1859.163.1(a), and to strike the reference to Regulation Section 1859.163.1(a) and the end of the sentence because it no longer reflects the correct calculation.

Subsection (b)(6): It was necessary to strike the reference to Regulation Section 1859.163.1 because the calculation in that section no longer applies to the projects funded under Proposition 55.

Subsection (b)(6)(A): It was necessary to strike the reference to Regulation Section 1859.163.1 because the calculation in that section no longer applies to the projects funded under Proposition 55.

Subsection (b)(6)(C): It was necessary to strike the reference to Regulation Section 1859.163.1 because the calculation in that section no longer applies to the projects funded under Proposition 55. The words "for construction costs" were added to clarify the subject of this preliminary apportionment calculation.

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

Specific Purpose of the Regulation

To add language to specify that the regulation is intended for applicants that received apportionments under Proposition 55.

Need for the Regulation

It was necessary to add language in the title to differentiate final charter school apportionment conversion site acquisition guidelines for the Proposition 55 school facilities bond apportionment recipients which have different criteria.

Section 1859.169.1. Charter School Project Savings.

Specific Purpose of the Regulation

To specify that any savings from a CSFP apportionment will be returned to the State.

Need for the Regulation

It was necessary to add language to reflect the requirement specified by Education Code Section 17078.58(d).

SCHOOL FACILITY PROGRAM FORMS

Application for Funding, Form SAB 50-04 (Revised 09/06).

Specific Purpose of the Form Amendments

For school districts and charter schools to apply for a final and full apportionment for their new construction, modernization or rehabilitation projects, to request separate site or design apportionments if eligible or to apply for facility hardship or advance funding for evaluation and response action.

Need for the Form Amendments

Page 2, 1st column under "Type of Application": It was necessary to add language to allow the applicant to apply for a rehabilitation as well as new construction final charter school apportionment to reflect the new addition of the rehabilitation component in AB 127.

Page 2, 2nd column under "Type of Project": It was necessary to instruct the applicant to supply the square footage of a rehabilitation project.

Page 3, 2nd column under "Excessive Cost Hardship Request": In order for a rehabilitation applicant to request excessive cost hardship grants, it was necessary to add the new rehabilitation component of the CSFP to the list of eligible application types.

Page 5, 1st column under "Type of Application – Check Only One": It was necessary to add a check box to allow the applicant to apply for a rehabilitation as well as new construction final charter school apportionment to reflect the new addition of the rehabilitation component in AB 127.

Page 5, 2nd column under "Type of Project": It was necessary to add blank lines so that the applicant can supply the amounts of toilet and non-toilet square footage in a rehabilitation project.

Page 6, 1st column under "Excessive Hardship Request": In order for a rehabilitation applicant to request excessive cost hardship grants, it was necessary to add the new rehabilitation component to the second title.

Page 7, 1st column under "Architect of Record or Licensed Architect Certification": It was necessary to add rehabilitation in addition to modernization in the certifications having to do with the project producing more or less classrooms than was originally in the school facilities.

Page 7, 1st column under "Architect of Record or Design Professional Certification": It was necessary to add the rehabilitation component of the CSFP to the certification that the project is 60% commensurate just like all other SFP projects.

Page 7, 2nd column under "Certification": It was necessary to add the certification referring to Regulation Section 1859.163.6 to make sure that the applicant knows that an apportionment for funding may be off set by previous modernization funding the project may have been granted. In addition, it was necessary to add the rehabilitation component of the CSFP to the certification that the project received California State Department of Education plan approval.

Fund Release Authorization, Form SAB 50-05 (Revised 09/06)

Specific Purpose of the Form Amendments

An applicant uses this form to get previously apportioned funds released to the county treasury for the school district's project with the exception of design funds which do not require the filling out of a form.

Need for the Form Amendments

Page 1, 2nd column under "Part II. Preliminary Charter School Apportionment": It was necessary to reorganize the form into specific instructions for the different types of fund releases due to the increased complication of requirements for each and, subsequently, to instruct the applicant on how to get separate design and/or site apportionment funds released.

Page 1, 2nd column under "Part IV. New Construction/Modernization/Charter School Rehabilitation": It was necessary to reorganize the form into specific instructions for the different types of fund releases due to the

increased complication of requirements for each and, subsequently, to give the applicant a detailed description of the information to place on the form for a fund release.

Page 2, 1st column under "Part II. Preliminary Charter School Apportionment": It was necessary to have the applicant certify that the charter school, school district and the State have signed the Charter School Agreements for design only apportionments and for separate site apportionments.

Page 2, 2nd column under "Part IV. New Construction/Modernization/Charter School Rehabilitation": It was necessary to add the rehabilitation component of the program to the title and to have the applicant certify that the charter school, school district and the State have signed the Charter School Agreements.

Page 3, Certification at bottom of page, 3rd line (second bullet): It was necessary to add the rehabilitation component of the program to the certification.

Expenditure Report, Form SAB 50-06 (Revised 09/06)

Note: The proposed revisions to Form SAB 50-06 were inadvertently omitted from the Initial Statement of Reasons and are set forth below. However, the revisions to this form were referenced in the mailing of the notice to the public (including all California school districts), the California Regulatory Notice Register 2007, Volume Number 4-Z, and have been maintained and readily accessible through the OPSC Web site, and continue to be made available upon request and through our Web site. No public comments were submitted regarding this regulatory action.

Specific Purpose of the Form Amendments

This form has been reformatted from one to two pages, with instructions on page one and data fields on page two, in order to maintain consistency, to improve readability and ease of completing the form. Some instructions have been "bulleted" for emphasis, three data fields have been added to improve project identification, and data fields have been better arranged to facilitate completion of the form. Minor non-substantive clarifications have been made to the instructions, and to correct the address for submittal of the form.

Need for the Form Amendments

Page 1, Instructions Heading: A non-substantive clarification has been made by changing "Regulation Sections 1859.104 through 1859.106" to "Regulation Sections 1859.104 and 1859.106." The clarification was necessary because it was not intended to refer to the sections between Regulation Section 1859.104 and 1859.106.

Page 1, Instruction 2: The modification was necessary because applicants cannot readily determine their time limits for required actions under the SFP Regulations from "the date construction actually began." This phrase is therefore deleted from the instruction and replaced by the verifiable "earliest issue date of the notice to proceed to the construction contractor."

Page 1, Instructions 7 through 12: These instructions have been renumbered as 7 followed by bulleted instructions, which was necessary to improve clarity and to correspond to the re-arranged data fields on page 2 of the form.

Page 1, Address for submittal of form: It was necessary to make a non-substantive correction to the address for the Office of Public School Construction from "Suite 300" to "Suite 400."

Page 2, Project Identification Data Fields: Three new data fields have been added to better identify the project(s) being reported. The new fields are "School Name," "Division of the State Architect (DSA)

Number,” and “Critically Overcrowded School Facilities Program (COS) Number.” The new data fields were necessary because more precise identification of projects will help prevent inadvertent processing errors, assure compliance with the SFP Regulations, and proper expenditure of State bond funds.

Page 2, Project Reporting Data Fields: The data fields have been re-arranged, and the sequential numbering deleted from some data fields, which was a non-substantive change necessary to improve understanding and facilitate users completing the form. (No change is made to the data and information reported.)

Page 2, District Representative Certifications: The proposed amendments add a district certification that if a Project Information Worksheet is submitted, it is true, correct, and current. This was necessary because previously, the certification referred only to the Form SAB 50-06 itself as being true and correct.

Application for Charter School Preliminary Apportionment, Form SAB 50-09 (Revised 09/06)

Specific Purpose of the Form Amendments

This form is used to request a preliminary apportionment for the new construction or rehabilitation of charter school facilities.

Need for the Form Amendments

Page 1, 1st column under “General Instructions”, 1st paragraph: It was necessary to add the rehabilitation component of the program in conformance with AB 127.

Page 1, 1st column under “General Instructions”, 3rd paragraph: It was necessary to strike the reference to the district providing eligibility because the district no longer necessarily has to have eligibility under AB 127.

Page 1, 1st column under “General Instructions”, 4th paragraph: It was necessary to provide language to instruct the applicant of the information and documentation required for any charter school preliminary apportionment whether it be for new construction or rehabilitation.

Page 1, 1st column under “General Instructions”, 5th paragraph: For new construction applicants, it was necessary to instruct the applicant of the documentation required in addition to the application.

Page 1, center of 2nd column under “General Instructions”: For rehabilitation applicants, it was necessary to instruct the applicant of the documentation required in addition to the application.

Note: Some word fragments occurred in the following comment in the Initial Statement of Reasons, but the intended, corrected wording is stated below, and considered to be a minor, non-substantive change:

Page 1, 2nd column under “General Instructions”, 4th paragraph: It was necessary to strike and add language to add the rehabilitation component of the program and to specify that site acquisition ~~for~~ is associated ~~is~~ with new construction projects only.

Page 2, 1st column under “Specific Instructions”: It was necessary to strike specific notification delivery requirement language and replace it with a broader policy to allow for more options to deliver notification as long as it is verifiable. In addition, it was necessary to specify that a school district certification and enrollment update are required, to remove language that refers to the use of a school district’s eligibility and to add new language that refers to the new method for adjusting a school district’s eligibility.

Page 2, 1st column under “Type of Application”: It was necessary to renumber the references to the form boxes because an extra box was added for additional information needed on new construction projects due to the new school district certification required in AB 127.

Page 2, 1st column under "Type of Project": It was necessary to strike the language that refers to grade levels and types of pupils assigned to the project because it was expanded and moved lower on the form under "Additional Information-New Construction Only" in order to capture the school district certified pupils assigned in addition to the pupils assigned by the applicant.

Page 2, 1st column under "Number of Classrooms/Useable Acres": It was necessary to instruct the applicant to obtain the estimated Proposed Useable Acres from the California Department of Education and to strike the language that corresponded with the language that was stricken from the Education Code by AB 127 that referred to acreage caps.

Page 2, 2nd column under "Additional Project Information – New Construction Only": It was necessary to instruct the applicant to provide the number and grade level of the school district's unhoused students that will be attending the charter school according to the school district's certification and the number and grade level of pupil grants for which the charter school is applying.

Page 2, 2nd column under "Increase in Preliminary Apportionment – New Construction Only": It was necessary to renumber this section due to the new section added above it. It was also necessary to add to the title to distinguish it from the new rehabilitation component of the program. For consistency, the order of "d.", "e." and "f." were changed to correspond with the same order of these additional grants under the School Facility Program regulations. Last, it was necessary to renumber the regulation sections in "e." and "f." to correspond with the new renumbered sections in the regulations explained above.

Page 2, 2nd column under "Additional Project Information - Rehabilitation": It was necessary to request that the applicant supply the number of square feet contained in the proposed project because the funding is based on the square footage.

Page 2, 2nd column into Page 3, 1st column under "Increase in Preliminary Apportionment-Rehabilitation Only": It was necessary to provide references to the CSFP regulations for information on whether the applicant's project would be eligible for increases to a rehabilitation grant and to instruct the applicant to check the applicable boxes.

Page 3, 1st column under "Labor Compliance Program": It was necessary to instruct the applicant to indicate whether or not the project would have to have a Labor Compliance Program pursuant to Labor Code Section 1771.7.

Page 3, 1st column under "Priority Order": It was necessary to renumber this section due to four new sections that were added to the form before it which include parts "4.", "6.", "7." and "8."

Page 3, 1st column under "Charter School Information": It was necessary to renumber this section due to four new sections that were added to the form before it which include parts "4.", "6.", "7." and "8." In addition, it was necessary to strike language referring to information contained in "e." because the low-income calculation is determined by the number of students eligible for the free/reduced lunch program and not the number actually participating.

Page 3, 2nd column. It was necessary to renumber the "Certification" section due to the sections added before it.

Page 4, 1st column under "Type of Application-Check Only One": It was necessary to add the rehabilitation component of the program as a choice of application type and to specify that the other type of preliminary apportionment is for new construction.

Page 4, 1st column under "Type of Project": It was necessary to strike the language that refers to grade levels and types of pupils assigned to the project because it was expanded and moved lower on the form

under "Additional Information-New Construction Only" in order to capture the school district certified pupils assigned in addition to the pupils assigned by the applicant. It was also necessary to add language that asks for the name of the district in which the charter school is physically located so that OPSC can monitor school district related requirements.

Page 4, 1st column under "Additional Project Information-New Construction Only": It was necessary to provide space for the applicant to report the number and grade level of pupil grants for which the charter school is applying and, in addition, the number and grade level of the school district's unhoused students that will be attending the charter school according to the school district's certification. It was also necessary to request whether the new construction project is an addition to an existing site and for the name of the school site due to the need to consider the whole site, including the new addition, when processing the application.

Page 4, 1st column into the 2nd column under "Increase in Preliminary Apportionment – New Construction Only": It was necessary to renumber this section due to the new section that was added just above it. It was also necessary to add to the title to distinguish it from the new rehabilitation component of the program. For consistency, the order of "d.", "e." and "f." were changed to correspond with the same order of these additional grants under the School Facility Program regulations.

Page 4, 2nd column under "Additional Project Information – Rehabilitation Only": It was necessary to request that the applicant supply the number of both non-toilet and toilet square footage contained in the proposed project because the funding is based on those square footage amounts.

Page 4, 2nd column under "Increase in Preliminary Apportionment – Rehabilitation Only": It was necessary to list all of the possible increases to the rehabilitation preliminary apportionment so that the applicant can check the boxes that apply.

Page 4, 2nd column under "Labor Compliance Program": It was necessary to have the applicant indicate whether or not the project would have to have a Labor Compliance Program pursuant to Labor Code Section 1771.7.

Page 4, 2nd column. It was necessary to renumber "Priority Order" due to the sections added before it.

Page 4, 2nd column. It was necessary to renumber "Charter School Information" due to the sections added before it.

Page 5, 1st column under "Certification": It was necessary to renumber due to the prior sections that were added to the form. It was also necessary to add certifications that the applicant and the school district have considered existing facilities according to Education Code Section 17078.53(e). In addition, for charter schools applying on their own behalf, it was necessary to add a certification that the charter school has an agreement with the school district to rehabilitate the district's facilities or that the charter school and school district have complied with the unhoused pupil certification requirements in Regulation Section 1859.162.1.

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

The State Allocation Board's School Facility Program Forms are maintained and readily accessible through our Web site. Publishing the many pages of forms would be cumbersome and impractical because the forms are frequently revised. Therefore, it is not necessary to publish the forms in the California Code of Regulations.

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

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

STATE SCHOOL DEFERRED MAINTENANCE PROGRAM

- Title 2. Administration**
- Division 2. Financial Operations**
- Chapter 3. Department of General Services**
- Subchapter 4. Office of Public School Construction**
- Group 1. State Allocation Board**
- Subgroup 12. Regulations relating to State School Deferred Maintenance**

Section 1866. Definitions.

Specific Purpose of the Regulation

To provide the meaning of additional specific words and terms that are essential to these regulations.

Need for the Regulation

A complete set of defined words and terms, for use in these regulations, is necessary to provide a clear explanation of all aspects of the programs mandated by the Act, and enacted through these regulations.

Regulation Section 1866 makes reference to Form SAB 50-04 and its revision date. Because Form SAB 50-04 was amended by this regulatory action with the corresponding change of its revision date to "09/06," it is necessary to change the revision date to "09/06" following the mention of the Form in this Section. This is a non-substantive change for purposes of ensuring consistency throughout the State Allocation Board's regulations.

Section 1866.4. Five Year Plan Requirements.

Specific Purpose of the Regulation

To add reference to a new category of projects eligible for SFP funding, as created by AB 127, in a context which is essential to carrying out the purpose of this regulation section.

Need for the Regulation

This section sets forth guidelines for school districts to file with the Board a five year plan for deferred maintenance needs of the district, and to revise the five year plan after work listed thereon has been performed using certain State funding programs. It was necessary to add the new category of charter school rehabilitation projects as one of the referenced State funding programs, because this type of project was created by AB 127 (codified at Education Code Section 17078.54).

Section 1866.13. Duplication of Applications.

Specific Purpose of the Regulation

To add reference to a new category of projects eligible for SFP funding, as created by AB 127, in a context which is essential to carrying out the purpose of this regulation section.

Need for the Regulation

This section protects against duplicate apportionments of State funds by requiring school districts to exclude work in deferred maintenance extreme hardship projects from being funded in SFP modernization projects, and to eliminate from five year plans any projects that will be funded as SFP modernization projects or Federal Renovation Program projects. It was necessary to add the new category of funding for charter school rehabilitation projects as requiring elimination of such projects from five year plans, because this type of project was created by AB 127 (codified at Education Code Section 17078.54).

FEDERAL RENOVATION PROGRAM

Section 1859.202. Definitions.

Specific Purpose of the Regulation

To provide the meaning of additional specific words and terms that are essential to these regulations.

Need for the Regulation

A complete set of defined words and terms, for use in these regulations, is necessary to provide a clear explanation of all aspects of the programs mandated by the Act, and enacted through these regulations.

Regulation Section 1859.202 makes reference to Form SAB 50-04 and its revision date. Because Form SAB 50-04 was amended by this regulatory action with the corresponding change of its revision date to "09/06," it is necessary to change the revision date to "09/06" following the mention of the Form in this Section. This is a non-substantive change for purposes of ensuring consistency throughout the State Allocation Board's regulations.

DOCUMENTS RELIED UPON AND STATEMENTS REGARDING THE RULEMAKING

Technical Documents Relied Upon

The State Allocation Board's action item dated September 27, 2006, entitled "Assembly Bill 127 Amendments to Program Regulations."

The State Allocation Board's action item dated October 25, 2006, entitled "Amendments to the School Facility Program Regulations for the General Site Development Grant, Small High School Program, and Charter School Facilities Program" (Attachment B of the item pertains to this regulatory action).

Alternatives to the Proposed Regulatory Actions that would be as Effective and Less Burdensome to Private Persons

The SAB finds that no alternatives it has considered would be more effective in carrying out the purpose of the proposed regulations or would be as effective and less burdensome to affected private persons than the proposed regulations.

Alternatives to the Proposed Regulatory Actions that would Lessen any Adverse Economic Impact on Small Business

The SAB has determined that the proposed regulations do not affect small businesses.

Finding of Significant Adverse Economic Impact on Businesses

The SAB has determined that the adoption of the regulations will not affect small businesses because they are not required to comply with or enforce the regulations, nor will they benefit from or be disadvantaged by the regulations.

Impact on Local Agencies or School Districts

The SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

INITIAL STATEMENT OF REASONS

SCHOOL FACILITY PROGRAM REGULATIONS

Section 1859.2. Definitions.

Specific Purpose of the Regulation

To provide the meaning of additional specific words and terms that are essential to these regulations.

Need for the Regulation

It was necessary to provide definitions for specific words and terms that are used extensively in these regulations as it eliminates the need for restating definitions at every instance of use and to make a clarifying non-substantive change.

Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

Specific Purpose of the Regulation

To make a minor non-substantive change.

Need for the Regulation

It was necessary to change the reference from Section 1859.160, which describes the former method of adjusting the school district's new construction eligibility, to Section 1859.162.2, the new method of adjustment provided in Assembly Bill (AB) 127, Chapter 35, Statutes of 2006.

Section 1859.60. Calculation to Determine Modernization Baseline Eligibility.

Specific Purpose of the Regulation

To add reference to a new category of projects eligible for SFP funding, as created by AB 127, in a context which is essential to carrying out the purpose of this regulation section.

Need for the Regulation

It was necessary to add the new rehabilitation component of the Charter School Facilities Program (CSFP) from AB 127, in the calculation of the age of a building for the purposes of timing future apportionments. It was also necessary to clarify under which specific program the age calculation should be made. The specific reference to modernization was removed to reflect the addition of a rehabilitation apportionment allowing for a broader term that encompasses both.

Section 1859.61. Adjustments to the Modernization Baseline Eligibility.

Specific Purpose of the Regulation

To add reference to a new category of projects eligible for SFP funding, as created by AB 127, in a context which is essential to carrying out the purpose of this regulation section.

Need for the Regulation

It was necessary to add the new CSFP rehabilitation component, from AB 127, in order to avoid duplicate funding under both the CSFP and the modernization program.

Section 1859.70.3. Available Funding for the Small High School Program.

Specific Purpose of the Regulation

To provide the appropriation for the Small High School Program authorized by AB 127.

Need for the Regulation

It was necessary to set forth the appropriation for funding apportionments, and the supporting Education Code sections, for funding applications under the Small High School Program.

Section 1859.70.4. Available Funding for High Performance.

Specific Purpose of the Regulation

To provide the appropriation for costs for designs and materials that promote energy and resource efficiency, use of recycled and low-toxin materials, and other facility components known as “high performance.”

Need for the Regulation

It was necessary to set forth the appropriation for funding apportionments for high performance requests in conformance with AB 127.

Section 1859.71.6. New Construction Additional Grant for High Performance.

Specific Purpose of the Regulation

To set forth the parameters and funding conditions for school districts to receive an additional grant for high performance for new construction projects.

Need for the Regulation

It was necessary to provide school districts with the funding conditions by which an additional grant for high performance will be calculated for new construction projects. It was also necessary to set forth the High Performance Rating Criteria (HPRC) for new construction as this will be used to evaluate the costs of design and materials that promote high performance schools. The HPRC will be determined by a point system adopted by the Green Building Initiative. The six categories used for the HPRC are as follows:

- Site
- Water
- Energy
- Materials
- Indoor Environmental Quality
- District Resolutions

New Construction projects on new sites must meet all requirements (prerequisites) in all HPRC categories; then, the school district may pick the credits they wish to pursue. To qualify for the High Performance Grant, school districts must achieve the minimum threshold of 32 points and could reach a maximum of 85. For those new construction projects that have a Division of the State Architect (DSA) received date prior to August 24, 2007, the minimum point threshold will be 28 points.

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

Specific Purpose of the Regulation

To set forth the parameters and funding conditions in order to receive an additional grant for high performance for modernization projects.

Need for the Regulation

It was necessary to provide school districts with the funding conditions by which an additional grant for high performance will be calculated for modernization projects. It was also necessary to set forth the High Performance Rating Criteria (HPRC) for modernization as this will be used to evaluate the costs of design and materials that promote high performance schools. The HPRC will be determined by a point system adopted by the Green Building Initiative. The six categories used for the HPRC are as follows:

- Site
- Water
- Energy
- Materials
- Indoor Environmental Quality
- District Resolutions

Additions to an existing site and modernization projects will be required to meet those requirements (prerequisites) that are within the scope of the project; then, school districts may pick the credits they wish to pursue. To qualify for the High Performance Grant, school districts must achieve the minimum threshold of 25 points and could reach a maximum of 81.

The High Performance Grant will be an incentive based grant that will provide from two to nine percent applied to the base grant to cover the entire costs of design and materials of a High Performance School. This incentive grant includes upfront costs for the High Performance School to be shared equally between the State and the school district.

Section 1859.78.9. Separate Apportionment for Modernization Reconfiguration under the Small High School Program.

Specific Purpose of the Regulation

To provide clarifying language that limits the amount of funding for each small high school created from reconfiguration.

Need for the Regulation

It was necessary to conform to AB 127, which provides \$200 million for the construction of new small high schools and the reconfiguration of existing high schools, which have a minimum of 1000 high school pupils, into two or more smaller high schools for the purpose of academic achievement and success in a small learning environment. The amendment will encourage greater district participation in the Small High School Program because each new small high school created may be eligible to receive up to \$500,000 for the purpose of reconfiguration.

An additional funding cycle will be set up under the same guidelines as the current Small High School Program:

- Districts must submit their academic reform strategy (ARS) to the California Department of Education (CDE) no later than February 1, 2007.
- CDE shall provide the OPSC applicant scores by April 1, 2007.
- Districts will be required to submit their new construction applications for the small high school no later than September 30, 2007, to ensure funding at the December 2007 SAB.
- Modernization Reconfiguration applications will continue to be accepted on a continuous basis until September 30, 2007.

Section 1859.83. Excessive Cost Hardship Grant.

Specific Purpose of the Regulation

To expand and clarify the regulation.

Need for the Regulation

Regarding excessive cost hardship grants for the Small High School Program, it was necessary to include reference to a new qualification criteria enacted by AB 127.

Section 1859.93.2. New Construction Adjusted Grant for the Small High School Program.

Specific Purpose of the Regulation

To expand and clarify the regulation.

Need for the Regulation

Regarding the Small High School Program, it was necessary to extend the application period and add other qualifying criteria for the program in conformance with AB 127.

Section 1859.160. General.

Specific Purpose of the Regulation

To expand and clarify the regulation pertaining to charter schools, and to make a non-substantive numerical correction.

Need for the Regulation

It was necessary to delete reference to Education Code Section "17078.50," which no longer exists, and replace it with "17078.52," which is the initial section pertaining to charter schools.

It was also necessary to add language for the new CSFP rehabilitation component, from AB 127, when referring to the filing of the Form SAB 50-09. In addition, it was necessary to clarify that documents must be provided when filing a Form SAB 50-09 to determine a charter school's financial soundness as required in Education Code Section 17078.53(e).

Section 1859.161. Preliminary Charter School Application Submittals.

Specific Purpose of the Regulation

To correct application submittal timelines relative to the Charter School Facilities Program (CSFP) bond funding as provided in AB 127.

Need for the Regulation

It was necessary to lengthen the duration of time between the passing of the bond and the beginning of the filing period due to new requirements that charter schools obtain additional documentation prior to submitting their CSFP applications for funding.

Section 1859.162. General Preliminary Charter School Apportionment Eligibility Criteria.

Specific Purpose of the Regulation

To change the preliminary apportionment eligibility criteria for those charter schools seeking CSFP funding pursuant to statute.

Need for the Regulation

Title: It was necessary to add clarifying language to the title to set this section apart from the following new criteria, provided by AB 127, that is specific either to new construction or rehabilitation.

Subsection (a): It was necessary to strike the language as it was struck in the new law from Education Code Section 17078.54(c)(3).

Subsection (b): The subsection was renumbered as a result of the elimination of Subsection (a), and the reference to Education Code Section 17078.53(c) and (e) was added as a result of the renumbering in the Education Code.

Subsection (c): It was necessary to strike the language as it was struck a result of the new law from Education Code Section 17078.56(c).

New Subsection (b): It was necessary to clarify the notification process as stated in law and to provide an evidence of notification requirement due to confusion over the certainty of notification delivery in past school facility bonds.

New Subsection (c): It was necessary to require a description of the intended project in order to guide applicants through the application procedures toward the intended school facilities.

Last Paragraph: It was necessary to require applicants that have already received preliminary apportionments to rescind their prior applications before applying for new funding under AB 127, to prevent the same project from tying up funds under two bond rounds and subsequent exclusion of other applicants.

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

Specific Purpose of the Regulation

To describe the certification process that is necessary for a complete application when applying for funding for a charter school new construction project.

Need for the Regulation

It was necessary to add this section of regulation to reflect the new language provided in AB 127 that amends Education Code Section 17078.53(d)(2).

Subsection (a): It was necessary to clarify the method and documentation that will be required to satisfy the requirement in the above referenced law.

Subsection (b): It was necessary to state the requirement to update the school district's enrollment in order for the Office of Public School Construction (OPSC) to calculate the overcrowding preference points for that specific application should the program become oversubscribed.

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

Specific Purpose of the Regulation

To describe each way a district's new construction eligibility will be adjusted for funding a new construction project.

Need for the Regulation

It was necessary to add this section of regulation to reflect the new language provided in AB 127 that amends Education Code Section 17078.53.(g)(2).

Subsection (a): It was necessary to specify the eligibility adjustment to a school district's new construction baseline when a charter school applies for school facilities funding on its own behalf.

Subsection (b): It was necessary to specify the eligibility adjustment to a school district's new construction baseline when a school district applies for funding on behalf of a charter school. It was also necessary to provide reporting requirements.

Section 1859.162.13. Overlapping District Boundaries.

Specific Purpose of the Regulation

To make changes that reflect the new law and to clarify applicant responsibilities.

Need for the Regulation

Title: It was necessary to renumber this existing section due to the previous two sections being added.

1st Paragraph: It was necessary to remove language referring to the request of use of school district eligibility, to instruct the applicant that it is required to indicate the number of the district's unhoused pupils that will be served and to direct the applicant to sections of regulations that instruct them on application and eligibility criteria.

2nd Paragraph: When there are overlapping boundaries, it is necessary to inform the applicant which district would assume the responsibilities associated with a charter school project.

Section 1859.163.1. Preliminary Charter School New Construction Apportionment Determination.

Specific Purpose of the Regulation

To make changes in conformance with AB 127.

Need for the Regulation

Title: It was necessary to add to the title to set the new construction part of the CSFP apart from the new CSFP Rehabilitation component of AB 127.

Subsection (a): It was necessary to strike the language in regard to funding caps to correspond with the same language that was struck in AB 127.

Subsection (a)(1)(A-E): It was necessary to explain that the base grant is determined by the number of students to be housed in the project and not the number of unhoused students that will be reduced from the district's eligibility. It was also necessary to adjust the pupil grants in (A) through (E) back to the 1998 dollar amounts that are adjusted annually pursuant to Regulation Section 1859.71 since the Proposition 55 regulations freezing the dollar amounts were struck from the Education Code, as a result of the elimination of project caps.

Subsection (a)(4)(A): It was necessary to correct the calculation for the General Site Grant.

Subsection (a)(4)(B): It was necessary to correct the calculation for the General Site Grant.

Subsection (a)(4)(C): It was necessary to correct the calculation for the General Site Grant.

Subsection (a)(5): It was necessary to strike the references to Regulation Section 1859.83(b)(1) and (b)(2) because those references refer to SFP apportionments, whereas the calculation must be based on the preliminary charter school apportionment.

Subsection (a)(5)(A): It was necessary to provide the detail related to the requirements for a 12 percent additional grant and to correct the reference to (a)(1) above.

Subsection (a)(5)(B): It was necessary to provide the detail related to the requirements for a four percent additional grant and to correct the reference to (a)(1) above.

Subsection (a)(6): It was necessary to correct the numbering so that the regulation refers to the correct regulation section listed above.

Subsection (a)(6)(B): It was necessary to strike the language that corresponds with the stricken language in AB 127 that amends Education Code Section 17078.56 (c) regarding site acreage caps.

Subsection (a)(7): It was necessary to add and strike references to prior additional grant sections so that the calculation for the geographic location grant was corrected.

Subsection (a)(8): It was necessary to add language to allow new charter school apportionments to include an additional funding reservation (inflation factor) so that the final apportionment incorporates annual changes to the construction cost index.

Subsection (a)(8)(A): It was necessary to describe the inflator factor calculation's first step.

Subsection (a)(8)(B): It was necessary to describe the inflator factor calculation's second step.

Subsection (a)(9): It was necessary to add language to instruct the applicant to inquire as to whether their application, depending on which school facilities bond reserved the project's funding in a preliminary apportionment, is required to initiate and enforce a Labor Compliance Program. Also, it was necessary to renumber the subsection due to the new section added above and to clarify that the grant is fifty percent of the amount to initiate and enforce a Labor Compliance Program.

Subsection (a)(10): It was necessary to renumber the subsection due to the new section added above and to change the numbering to include the added section when considering the types of grants that would be considered repayable in a lease.

Last Sentence: It was necessary to add language referring to annually adjusted grants to eliminate the need to restate the adjustment at every instance of applicability.

Section 1859.163.2. Preliminary Charter School Apportionment Site Acquisition Value.

Specific Purpose of the Regulation

To make changes in conformance with AB 127.

Need for the Regulation

It was necessary to delete the concluding reference to Education Code Section 17078.56 because AB 127 repealed the former subsection (c) of that section which pertained to this regulation section.

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

Specific Purpose of the Regulation

To add language that specifies the regulation is intended for applicants who applied for charter school funding under Proposition 55.

Need for the Regulation

It was necessary to name the date of the last CSFP funding contained in Senate Bill 15 (Proposition 55), in order to separate this regulation from the new AB 127, as the use of separate funds for relocation, Department of Toxic Substances Control and hazardous material/waste removal are not necessary now that the funding caps have been eliminated.

Section 1859.163.4. Preliminary Charter School Rehabilitation Apportionment Eligibility Criteria.

Specific Purpose of the Regulation

To add apportionment eligibility criteria for the new CSFP rehabilitation component as provided in AB 127.

Need for the Regulation

It was necessary to state that an apportionment for CSFP rehabilitation will require the submission of an application.

Subsection (a): It was necessary to add language in regard to the rehabilitation of existing buildings as allowed in the amended version of Education Code Section 17078.54(a) under AB 127.

Subsection (b): It was necessary to add language in regard to the age limit of eligible existing buildings corresponding to the amended version of Education Code Section 17078.54(a) under AB 127.

Subsection (c): It was necessary to specify that rehabilitation projects would not be approved for existing buildings that had previously been funded under the School Facilities Program as stated in the amended version of Education Code Section 17078.54(a) under AB 127.

Subsection (d): It was necessary to specify that the school district must agree to allow the charter school to rehabilitate the school district owned existing facilities.

Last Paragraph: It was necessary to provide the applicant with instructions on calculating the age of existing school district buildings.

Section 1859.163.5. Preliminary Charter School Rehabilitation Apportionment Determination.

Specific Purpose of the Regulation

To provide the applicant with the calculation used to determine the amount of a CSFP rehabilitation project apportionment and to specify eligible square footage.

Need for the Regulation

1st Paragraph: It was necessary to explain the basis of the rehabilitation apportionment and to define the eligible square footage.

2nd Paragraph: It was necessary to specify how a rehabilitation apportionment would be calculated.

Subsection (a): It was necessary to refer to two possible calculations for the rehabilitation apportionment.

Subsection (a)(1): It was necessary to refer to the grant amount calculation that is determined below as being specifically applicable to rehabilitation square footage.

Subsection (a)(1)(A): It was necessary to describe the first step of the rehabilitation grant calculation, based on the square footage of classrooms in the project.

Subsection (a)(1)(B): It was necessary to describe the second step of the rehabilitation grant calculation, based on the additional square footage of any multi-purpose room in the project.

Subsection (a)(1)(C): It was necessary to describe the third step of the rehabilitation grant calculation, based on the additional square footage of any gymnasium in the project.

Subsection (a)(1)(D): It was necessary to describe the fourth step of the rehabilitation grant calculation, based on the additional square footage of any library in the project.

Subsection (a)(1)(E): It was necessary to describe the fifth step of the rehabilitation grant calculation, based on the additional square footage of any administration building in the project.

Subsection (a)(1)(F): It was necessary to instruct the applicant in the calculation of the total square footage in the project.

Subsection (a)(1)(G): It was necessary to instruct the applicant in the calculation of the rehabilitation grant amount based on square footage.

Subsection (a)(2): It was necessary to refer to the calculation that is determined below as being specifically applicable to the new construction grant amount based on State loading standards.

Subsection (a)(2)(A): It was necessary to describe the first step of the new construction grant amount calculation by determining the grade level of the students who will occupy each classroom.

Subsection (a)(2)(B): It was necessary to describe the second step of the new construction grant amount calculation by determining the number of students per classroom based on State loading standards.

Subsection (a)(2)(C): It was necessary to describe the last step of the new construction grant amount calculation by instructing the applicant to multiply the numbers determined in (B) above by the corresponding current pupil grants.

Subsection (b): It was necessary to inform the applicant of a grant available for small size projects that house 200 or fewer pupils.

Subsection (b)(1): It was necessary to inform the applicant of the small project size grant calculation for projects that house fewer than 101 pupils.

Subsection (b)(2): It was necessary to inform the applicant of the small project size grant calculation for projects that house between 101 and 200 pupils.

Subsection (c): It was necessary to inform the applicant of the availability and calculation of a grant for urban location, security requirements and impacted site and under which conditions the grant would be available.

Subsection (d): It was necessary to inform the applicant of the geographic location grant calculation available for projects that are considered remote according to Section 1859.83(a)

and to correct the lettering to include all the grants on which the geographic location grant calculation is based.

Subsection (e): It was necessary to inform the applicant of the grant available for projects that are required to install elevators.

Subsection (f): It was necessary to add language to allow new charter school apportionments, to include an additional funding reservation (inflation factor) so that the final apportionment incorporates annual changes to the construction cost index.

Subsection (f)(1): It was necessary to describe the inflation factor calculation's first step.

Subsection (f)(2): It was necessary to describe the inflation factor calculation's second step.

Subsection (g): It was necessary to inform the applicant of the grant available for a Labor Compliance Program, if required.

Subsection (h): It is necessary to inform the applicant that repayment of a lease for the matching share owed to the State will be based on the applicable grants listed above.

Last Sentence: To inform the applicant that the calculations in (a) through (e) are adjusted annually and do not necessarily represent the current dollar amount of the grants.

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

Specific Purpose of the Regulation

To provide clarifying language stating under what circumstances rehabilitation funding will be provided if a building was previously *partially* modernized with State funding.

Need for the Regulation

It was necessary to state that an applicant will not receive all of the rehabilitation grant calculated in Regulation Section 1859.163.5 if any part of the buildings being rehabilitated had been previously modernized under the SFP Modernization program.

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

Specific Purpose of the Regulation

To provide clarifying language that states the scope of a project allowed under the CSFP rehabilitation program and to state the consequences of reconfiguring existing spaces originally dedicated for one purpose into another purpose.

Need for the Regulation

It was necessary to state that State funding may not be used to replace a classroom or Minimum Essential Facilities that were eliminated as a result of a CSFP rehabilitation project.

Section 1859.164. Application Funding Criteria.

Specific Purpose of the Regulation

To add language that specifies the procedure used when determining which application will be funded when two or more applications have the same merit, and to make a minor non-substantive grammatical change.

Need for the Regulation

4th Paragraph, 1st Sentence: It was necessary to strike and add language to correct a grammatical error.

4th Paragraph, 2nd Sentence: It was necessary to strike and add language to provide a broader term for the entity applying for CSFP funding since the existing term implies the exclusion of school districts when school districts can actually apply.

5th Paragraph: It was necessary to add language to inform the applicant of criteria that will be used to determine the funding priority of applications of equal merit that have the same received date.

Subsection (a): It was necessary to add language to inform the applicant that an application from an entity that has not already received funding from specified public sources will have a higher priority than an application that has received funding in the event the criteria above results in a tie.

Subsection (b): It was necessary to add language to inform the applicant that an application that uses an existing facility will have a higher priority over an application that builds a new facility in the event the criteria above results in a tie.

Subsection (c): It was necessary to add language to inform the applicant that an application that relieves overcrowding to the highest degree will receive priority for funding in the event the criteria above results in a tie and to provide the calculation used to determine the percentage used to compare applications.

Last Paragraph: It was necessary to add language to inform the applicant that a lottery system would be used in the event the criteria above should result in a tie.

Section 1859.164.1. Calculation of Preference Points.

Specific Purpose of the Regulation

To make minor non-substantive changes, to add language that reflects the new law and to revise the calculation of preference points.

Need for the Regulation

1st Paragraph: It was necessary to re-letter the subsections that relate to the preference point categories in order to add a fourth category in regard to preference given to existing facilities as stated in the new legislation in Education Code Section 17078.56(b) and to adjust the total number of preference points available.

Subsection (a), 1st Sentence: It was necessary to add a third option from which to draw low-income data so that applicants could more accurately report the low-income date for their proposed project.

Subsection (a), 2nd Sentence: It was necessary to add and strike language to acknowledge that a third choice was added to the first sentence.

Subsection (b), 1st Paragraph: It was necessary to strike and add language to clarify and to distinguish the first paragraph and chart as the first step in calculating the degree of which the project will relieve overcrowding. See examples of calculation following subsection (b), 3rd paragraph.

Subsection (b), 2nd Paragraph: It was necessary to add language to explain that the first chart is the maximum number of points an application would be able to receive and to instruct the applicant in the calculation of the second component of the preference point category, the “effort” percentage, and to refer the applicant to the chart that follows the second paragraph. See examples of calculation following subsection (b), 3rd paragraph.

Subsection (b), 2nd Chart: It was necessary to add language to provide the applicant with the percentage of overcrowded category points the application will receive corresponding to the “effort” percentage calculated in the second paragraph. See examples of calculation following subsection (b), 3rd paragraph.

Subsection (b), 3rd Paragraph: It was necessary to add language to instruct the applicant in the third step of the overcrowded preference point category which requires the final number of preference points to be determined by applying the percentage in the “Ratio of Overcrowded Points Awarded” column of the second chart to the “Preference Points Assigned” column of the first chart.

EXAMPLES:

Project Capacity	# housed (determined by certification)	effort to relieve overcrowding (#housed/project capacity)	Resulting ratio of points
100	42	42/100 or 42%	100%
500	100	100/500 or 20%	60%
350	15	15/350 or 4.3%	20%
200	60	60/200 or 30%	80%

Subsection (c): It was necessary to strike and add language to change the number of preference points for non-profit entities to more equitably distribute the total possible number of preference points in each of the four categories specified in the Education Code including the new category added in Subsection (d).

Subsection (d): It was necessary to add language that requires preference be given to existing facilities in addition to the original three categories corresponding to the requirement in Education Code Section 17078.56(b).

Section 1859.164.2. Preliminary Charter School Apportionment Fund Release.

Specific Purpose of the Regulation

To make minor non-substantive changes and to add conditional language for fund releases.

Need for the Regulation

Subsection (a): It was necessary to add references to sections to allow rehabilitation projects to be eligible for the early release of design funds.

2nd Paragraph: It was necessary to add language that requires all fund releases, regardless of which legislation or bond that it originated from, to have the Charter School Agreements executed first as required by legal counsel opinion.

Section 1859.165. Conversion of Preliminary Charter School Apportionment.

Specific Purpose of the Regulation

To strike language that is no longer accurate under AB 127.

Need for the Regulation

It is necessary to strike language that refers only to the receipt of a new construction adjusted grant, considering that projects receiving a preliminary apportionment with the addition of the rehabilitation component of AB 127 will also be eligible to receive an adjusted grant.

Section 1859.166. Time Limit on Preliminary Charter School Apportionment.

Specific Purpose of the Regulation

To make changes to reflect the new law and to provide eligibility adjustment directives for rescinded applications.

Need for the Regulation

Subsection (b)(2): Due to the changes in eligibility requirements provided in AB 127, specifically in Education Code Section 17078.54(c)(3), it was necessary to strike and add language in regard to the adjustment to a school district's new construction eligibility should a CSFP preliminary apportionment be rescinded.

Subsection (c)(2): Should a CSFP new construction preliminary apportionment that received early fund releases be rescinded, it was necessary to add language to specify that a school district's new construction eligibility will be adjusted according to the number of unhoused students the school district certified would be housed in the charter school project. The adjustment would be based on a ratio of the number of certified unhoused students compared to the number of students in the charter school application and then applied to the eligible expenditures. In addition, it was necessary to add language to state that any funds released would still be subject to a fifty percent local matching share requirement.

Section 1859.167. Final Charter School Apportionment.

Specific Purpose of the Regulation

To add language to specify that the regulation is intended for applicants that received apportionments under Proposition 55.

Need for the Regulation

Subsection (a): It was necessary to strike and add language to differentiate final charter school apportionments from the Proposition 55 school facilities bond which has different criteria.

Subsection (a)(1): It was necessary to strike language in regard to the particular year a charter school facility account was provided by a school facilities bond and to replace it with a broader term to incorporate references to the charter school facility account provided for in AB 127 and any future school facilities bonds.

Subsection (a)(2)(A): It was necessary to strike language in regard to the particular year an unrestricted charter school fund was provided by a school facilities bond and to replace it with a broader term to incorporate references to the unrestricted charter school fund provided for in AB 127 and any future school facilities bonds.

Subsection (a)(2)(B): It was necessary to strike language in regard to the particular year an unrestricted charter school fund was provided by a school facilities bond and to replace it with a broader term to incorporate references to the unrestricted charter school fund provided for in AB 127 and any future school facilities bonds.

Subsection (b): It was necessary to strike and add language to differentiate final charter school apportionments from the Proposition 55 school facilities bond which has different criteria.

Subsection (b)(2): It was necessary to strike the reference to Regulation Section 1859.163.1(a)(1) to allow for a final apportionment commensurate with the construction cost index in place at the time of conversion.

Subsection (b)(3): It was necessary to renumber the reference to the additional grant due to the renumbering of the subsections in Regulation Section 1859.163.1(a), and to strike the reference to Regulation Section 1859.163.1(a) and the end of the sentence because it no longer reflects the correct calculation.

Subsection (b)(6): It was necessary to strike the reference to Regulation Section 1859.163.1 because the calculation in that section no longer applies to the projects funded under Proposition 55.

Subsection (b)(6)(A): It was necessary to strike the reference to Regulation Section 1859.163.1 because the calculation in that section no longer applies to the projects funded under Proposition 55.

Subsection (b)(6)(C): It was necessary to strike the reference to Regulation Section 1859.163.1 because the calculation in that section no longer applies to the projects funded under Proposition 55. The words "for construction costs" were added to clarify the subject of this preliminary apportionment calculation.

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

Specific Purpose of the Regulation

To add language to specify that the regulation is intended for applicants that received apportionments under Proposition 55.

Need for the Regulation

It was necessary to add language in the title to differentiate final charter school apportionment conversion site acquisition guidelines for the Proposition 55 school facilities bond apportionment recipients which have different criteria.

Section 1859.169.1. Charter School Project Savings.

Specific Purpose of the Regulation

To specify that any savings from a CSFP apportionment will be returned to the State.

Need for the Regulation

It was necessary to add language to reflect the requirement specified by Education Code Section 17078.58(d).

Technical Documents Relied Upon

The State Allocation Board's Action item, dated September 27, 2006, entitled "Assembly Bill (AB) 127 Amendments to Program Regulations."

The State Allocation Board's Action item, dated October 25, 2006, entitled "Amendments to the School Facility Program Regulations for the General Site Development Grant, Small High School Program, and Charter School Facilities Program."

Alternative to the Proposed Regulatory Action that would be as Effective and Less Burdensome to Private Persons

The SAB finds that no alternatives it has considered would be more effective in carrying out the purpose of the proposed regulations or would be as effective and less burdensome to affected private persons than the proposed regulations.

Alternatives to the Proposed Regulatory Action that would Lessen any Adverse Economic Impact on Small Business

The SAB has determined that the proposed regulations do not affect small businesses.

Finding of Significant Adverse Economic Impact on Businesses

The SAB has determined that the adoption of the regulations will not affect small businesses because they are not required to comply with or enforce the regulations, nor will they benefit from or be disadvantaged by the regulations.

Impact on Local Agencies or School Districts

The SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

SCHOOL FACILITY PROGRAM FORMS

Application for Funding, Form SAB 50-04 (Revised 09/06)

Specific Purpose of Form

For school districts and charter schools to apply for a final and full apportionment for their new construction, modernization or rehabilitation projects, to request separate site or design apportionments if eligible or to apply for facility hardship or advance funding for evaluation and response action.

Need for the Form

Page 2, 1st column under “Type of Application”: It was necessary to add language to allow the applicant to apply for a rehabilitation as well as new construction final charter school apportionment to reflect the new addition of the rehabilitation component in AB 127.

Page 2, 2nd column under “Type of Project”: It was necessary to instruct the applicant to supply the square footage of a rehabilitation project.

Page 3, 2nd column under “Excessive Cost Hardship Request”: In order for a rehabilitation applicant to request excessive cost hardship grants, it was necessary to add the new rehabilitation component of the CSFP to the list of eligible application types.

Page 5, 1st column under “Type of Application – Check Only One”: It was necessary to add a check box to allow the applicant to apply for a rehabilitation as well as new construction final charter school apportionment to reflect the new addition of the rehabilitation component in AB 127.

Page 5, 2nd column under “Type of Project”: It was necessary to add blank lines so that the applicant can supply the amounts of toilet and non-toilet square footage in a rehabilitation project.

Page 6, 1st column under “Excessive Hardship Request”: In order for a rehabilitation applicant to request excessive cost hardship grants, it was necessary to add the new rehabilitation component to the second title.

Page 7, 1st column under “Architect of Record or Licensed Architect Certification”: It was necessary to add rehabilitation in addition to modernization in the certifications having to do with the project producing more or less classrooms than was originally in the school facilities.

Page 7, 1st column under “Architect of Record or Design Professional Certification”: It was necessary to add the rehabilitation component of the CSFP to the certification that the project is 60% commensurate just like all other SFP projects.

Page 7, 2nd column under “Certification”: It was necessary to add the certification referring to Regulation Section 1859.163.6 to make sure that the applicant knows that an apportionment for funding may be off set by previous modernization funding the project may have been granted. In addition, it was necessary to add the rehabilitation component of the CSFP to the certification that the project received California State Department of Education plan approval.

Fund Release Authorization, Form SAB 50-05 (Revised 09/06)

Purpose of Form

An applicant uses this form to get previously apportioned funds released to the county treasury for the school district's project with the exception of design funds which do not require the filling out of a form.

Need for the Form

Page 1, 2nd column under "Part II. Preliminary Charter School Apportionment": It was necessary to reorganize the form into specific instructions for the different types of fund releases due to the increased complication of requirements for each and, subsequently, to instruct the applicant on how to get separate design and/or site apportionment funds released.

Page 1, 2nd column under "Part IV. New Construction/Modernization/Charter School Rehabilitation": It was necessary to reorganize the form into specific instructions for the different types of fund releases due to the increased complication of requirements for each and, subsequently, to give the applicant a detailed description of the information to place on the form for a fund release.

Page 2, 1st column under "Part II. Preliminary Charter School Apportionment": It was necessary to have the applicant certify that the charter school, school district and the State have signed the Charter School Agreements for design only apportionments and for separate site apportionments.

Page 2, 2nd column under "Part IV. New Construction/Modernization/Charter School Rehabilitation": It was necessary to add the rehabilitation component of the program to the title and to have the applicant certify that the charter school, school district and the State have signed the Charter School Agreements.

Page 3, Certification at bottom of page, 3rd line (second bullet): It was necessary to add the rehabilitation component of the program to the certification.

Application for Charter School Preliminary Apportionment, Form SAB 50-09 (Revised 09/06)

Purpose of Form

This form is used to request a preliminary apportionment for the new construction or rehabilitation of charter school facilities.

Need for Form

Page 1, 1st column under "General Instructions", 1st paragraph: It was necessary to add the rehabilitation component of the program in conformance with AB 127.

Page 1, 1st column under "General Instructions", 3rd paragraph: It was necessary to strike the reference to the district providing eligibility because the district no longer necessarily has to have eligibility under AB 127.

Page 1, 1st column under “General Instructions”, 4th paragraph: It was necessary to provide language to instruct the applicant of the information and documentation required for any charter school preliminary apportionment whether it be for new construction or rehabilitation.

Page 1, 1st column under “General Instructions”, 5th paragraph: For new construction applicants, it was necessary to instruct the applicant of the documentation required in addition to the application.

Page 1, center of 2nd column under “General Instructions”: For rehabilitation applicants, it was necessary to instruct the applicant of the documentation required in addition to the application.

Page 1, 2nd column under “General Instructions”, 4th paragraph: It was necessary to strike and add language to add the rehabilitation component of the program and to specify that site acquisition for associated is new construction projects.

Page 2, 1st column under “Specific Instructions”: It was necessary to strike specific notification delivery requirement language and replace it with a broader policy to allow for more options to deliver notification as long as it is verifiable. In addition, it was necessary to specify that a school district certification and enrollment update are required, to remove language that refers to the use of a school district’s eligibility and to add new language that refers to the new method for adjusting a school district’s eligibility.

Page 2, 1st column under “Type of Application”: It was necessary to renumber the references to the form boxes because an extra box was added for additional information needed on new construction projects due to the new school district certification required in AB 127.

Page 2, 1st column under “Type of Project”: It was necessary to strike the language that refers to grade levels and types of pupils assigned to the project because it was expanded and moved lower on the form under “Additional Information-New Construction Only” in order to capture the school district certified pupils assigned in addition to the pupils assigned by the applicant.

Page 2, 1st column under “Number of Classrooms/Useable Acres”: It was necessary to instruct the applicant to obtain the estimated Proposed Useable Acres from the California Department of Education and to strike the language that corresponded with the language that was stricken from the Education Code by AB 127 that referred to acreage caps.

Page 2, 2nd column under “Additional Project Information – New Construction Only”: It was necessary to instruct the applicant to provide the number and grade level of the school district’s unhoused students that will be attending the charter school according to the school district’s certification and the number and grade level of pupil grants for which the charter school is applying.

Page 2, 2nd column under “Increase in Preliminary Apportionment – New Construction Only”: It was necessary to renumber this section due to the new section added above it. It was also necessary to add to the title to distinguish it from the new rehabilitation component of the program. For consistency, the order of “d.”, “e.” and “f.” were changed to correspond with the same order of these additional grants under the School Facility Program regulations. Last, it was necessary to renumber the regulation sections in “e.” and “f.” to correspond with the new renumbered sections in the regulations explained earlier in this Initial Statement of Reasons.

Page 2, 2nd column under “Additional Project Information - Rehabilitation”: It was necessary to request that the applicant supply the number of square feet contained in the proposed project because the funding is based on the square footage.

Page 2, 2nd column into Page 3, 1st column under “Increase in Preliminary Apportionment-Rehabilitation Only”: It was necessary to provide references to the CSFP regulations for information on whether the applicant’s project would be eligible for increases to a rehabilitation grant and to instruct the applicant to check the applicable boxes.

Page 3, 1st column under “Labor Compliance Program”: It was necessary to instruct the applicant to indicate whether or not the project would have to have a Labor Compliance Program pursuant to Labor Code Section 1771.7.

Page 3, 1st column under “Priority Order”: It was necessary to renumber this section due to four new sections that were added to the form before it which include parts “4.”, “6.”, “7.” and “8.”

Page 3, 1st column under “Charter School Information”: It was necessary to renumber this section due to four new sections that were added to the form before it which include parts “4.”, “6.”, “7.” and “8.” In addition, it was necessary to strike language referring to information contained in “e.” because the low-income calculation is determined by the number of students eligible for the free/reduced lunch program and not the number actually participating.

Page 3, 2nd column. It was necessary to renumber the “Certification” section due to the sections added before it.

Page 4, 1st column under “Type of Application-Check Only One”: It was necessary to add the rehabilitation component of the program as a choice of application type and to specify that the other type of preliminary apportionment is for new construction.

Page 4, 1st column under “Type of Project”: It was necessary to strike the language that refers to grade levels and types of pupils assigned to the project because it was expanded and moved lower on the form under “Additional Information-New Construction Only” in order to capture the school district certified pupils assigned in addition to the pupils assigned by the applicant. It was also necessary to add language that asks for the name of the district in which the charter school is physically located so that OPSC can monitor school district related requirements.

Page 4, 1st column under “Additional Project Information-New Construction Only”: It was necessary to provide space for the applicant to report the number and grade level of pupil grants for which the charter school is applying and, in addition, the number and grade level of the school district’s unhoused students that will be attending the charter school according to the school district’s certification. It was also necessary to request whether the new construction project is an addition to an existing site and for the name of the school site due to the need to consider the whole site, including the new addition, when processing the application.

Page 4, 1st column into the 2nd column under “Increase in Preliminary Apportionment – New Construction Only”: It was necessary to renumber this section due to the new section that was added just above it. It was also necessary to add to the title to distinguish it from the new rehabilitation component of the program. For consistency, the order of “d.”, “e.” and “f.” were changed to correspond with the same order of these additional grants under the School Facility Program regulations.

Page 4, 2nd column under “Additional Project Information – Rehabilitation Only”: It was necessary to request that the applicant supply the number of both non-toilet and toilet square footage contained in the proposed project because the funding is based on those square footage amounts.

Page 4, 2nd column under “Increase in Preliminary Apportionment – Rehabilitation Only”: It was necessary to list all of the possible increases to the rehabilitation preliminary apportionment so that the applicant can check the boxes that apply.

Page 4, 2nd column under “Labor Compliance Program”: It was necessary to have the applicant indicate whether or not the project would have to have a Labor Compliance Program pursuant to Labor Code Section 1771.7.

Page 4, 2nd column. It was necessary to renumber “Priority Order” due to the sections added before it.

Page 4, 2nd column. It was necessary to renumber “Charter School Information” due to the sections added before it.

Page 5, 1st column under “Certification”: It was necessary to renumber due to the prior sections that were added to the form. It was also necessary to add certifications that the applicant and the school district have considered existing facilities according to Education Code Section 17078.53(e). In addition, for charters schools applying on their own behalf, it was necessary to add a certification that the charter school has an agreement with the school district to rehabilitate the district’s facilities or that the charter school and school district have complied with the unhoused pupil certification requirements in Regulation Section 1859.162.1.

Technical Documents Relied Upon

The State Allocation Board’s Action item, dated September 27, 2006, entitled “Assembly Bill (AB) 127 Amendments to Program Regulations.”

Alternatives to the Proposed Regulatory Actions that would be as Effective and Less Burdensome to Private Persons

The SAB finds that no alternatives it has considered would be more effective in carrying out the purpose of the proposed regulations or would be as effective and less burdensome to affected private persons than the proposed regulations.

Alternatives to the Proposed Regulatory Actions that would Lessen any Adverse Economic Impact on Small Business

The SAB has determined that the proposed regulations do not affect small businesses.

STATE SCHOOL DEFERRED MAINTENANCE PROGRAM REGULATIONS

Section 1866.4. Five Year Plan Requirements.

Specific Purpose of the Regulation

To add reference to a new category of projects eligible for SFP funding, as created by AB 127, in a context which is essential to carrying out the purpose of this regulation section.

Need for the Regulation

This section sets forth guidelines for school districts to file with the Board a five year plan for deferred maintenance needs of the district, and to revise the five year plan after work listed thereon has been performed using certain State funding programs. It was necessary to add the new category of charter school rehabilitation projects as one of the referenced State funding programs, because this type of project was created by AB 127 (codified at Education Code Section 17078.54).

Section 1866.13. Duplication of Applications.

Specific Purpose of the Regulation

To add reference to a new category of projects eligible for SFP funding, as created by AB 127, in a context which is essential to carrying out the purpose of this regulation section.

Need for the Regulation

This section protects against duplicate apportionments of State funds by requiring school districts to exclude work in deferred maintenance extreme hardship projects from being funded in SFP modernization projects, and to eliminate from five year plans any projects that will be funded as SFP modernization projects or Federal Renovation Program projects. It was necessary to add the new category of funding for charter school rehabilitation projects as requiring elimination of such projects from five year plans, because this type of project was created by AB 127 (codified at Education Code Section 17078.54).

Technical Documents Relied Upon

The State Allocation Board's Action item, dated September 27, 2006, entitled "Assembly Bill (AB) 127 Amendments to Program Regulations."

Alternative to the Proposed Regulatory Action that would be as Effective and Less Burdensome to Private Persons

The SAB finds that no alternatives it has considered would be more effective in carrying out the purpose of the proposed regulations or would be as effective and less burdensome to affected private persons than the proposed regulations.

Alternatives to the Proposed Regulatory Action that would Lessen any Adverse Economic Impact on Small Business

The SAB has determined that the proposed regulations do not affect small businesses.

Finding of Significant Adverse Economic Impact on Businesses

The SAB has determined that the adoption of the regulations will not affect small businesses because they are not required to comply with or enforce the regulations, nor will they benefit from or be disadvantaged by the regulations.

Impact on Local Agencies or School Districts

The SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.



January 26, 2007

TO: ALL SCHOOL DISTRICTS, COUNTY SUPERINTENDENTS OF SCHOOLS, AND OTHER INTERESTED PARTIES

TITLE 2. STATE ALLOCATION BOARD

NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD PROPOSES TO REPEAL, ADOPT, AND AMEND THE FOLLOWING REGULATION SECTIONS, ALONG WITH ASSOCIATED FORMS, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998 AND THE STATE SCHOOL DEFERRED MAINTENANCE ACT

SCHOOL FACILITY PROGRAM REGULATIONS

THE FOLLOWING REGULATION SECTION IS REPEALED: 1859.162.1.

THE FOLLOWING REGULATION SECTIONS ARE ADOPTED: 1859.70.4, 1859.71.6, 1859.77.4, 1859.162.1, 1859.162.2, 1859.162.3, 1859.163.4, 1859.163.5, 1859.163.6, 1859.163.7 AND 1859.169.1.

THE FOLLOWING REGULATION SECTIONS ARE AMENDED: 1859.2, 1859.51, 1859.60, 1859.61, 1859.70.3, 1859.71, 1859.78.9, 1859.83, 1859.93.2, 1859.160, 1859.161, 1859.162, 1859.163.1, 1859.163.2, 1859.163.3, 1859.164, 1859.164.1, 1859.164.2, 1859.165, 1859.166, 1859.167 AND 1859.167.1.

THE FOLLOWING FORMS ARE AMENDED:

Application for Funding, Form SAB 50-04, (Revised 09/06), referenced in Regulation Section 1859.2

Fund Release Authorization, Form SAB 50-05, (Revised 09/06), referenced in Regulation Section 1859.2

Expenditure Report, Form SAB 50-06, (Revised 09/06), referenced in Regulation Section 1859.2

Application for Charter School Preliminary Apportionment, Form SAB 50-09, (Revised 09/06), referenced in Regulation Section 1859.2

STATE SCHOOL DEFERRED MAINTENANCE PROGRAM

THE FOLLOWING REGULATION SECTIONS ARE AMENDED: 1866.4 AND 1866.13.

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced regulation sections and associated forms, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a

public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to repeal, adopt, and amend the above regulation sections under the authority provided by Sections 17070.35, 17075.15 and 17078.64 of the Education Code, and Section 15503 of the Government Code. The proposals interpret and make specific reference to Sections 17052, 17070.51, 17071.25, 17071.75, 17071.76, 17072.10, 17072.11, 17072.15, 17072.20, 17073.15, 17073.20, 17074.10, 17074.15, 17074.16, 17074.32, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45, 17078.52, 17078.53, 17078.54, 17078.56, 17078.58, 17582, 17584.1, 17587, 17591, 101012(a)(5) and 101012(a)(8) of the Education Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999.

The SAB at its September 27, 2006 meeting adopted proposed emergency regulations for the purpose of implementing provisions contained in Assembly Bill (AB) 127, Chapter 35, Statutes of 2006. AB 127 established the Kindergarten-University Public Education Facilities Bond Act of 2006, providing \$10.416 billion in bonds for educational facilities, of which \$7.329 billion is earmarked for K-12 projects. This is the Proposition 1D school bond measure which was approved by voters at the November 7, 2006 general election. Additionally, the SAB at its October 25, 2006 meeting adopted proposed emergency regulatory amendments to clarify its September 27, 2006 regulatory action.

AB 127 modifies and adds several new SFP components, and provides funding for new and existing components of the SFP, including:

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

The proposed regulatory amendments are summarized as follows:

Existing Regulation Section 1859.2 defines words and terms used exclusively for these regulations. The proposed amendments add definitions regarding the Charter School Facilities Program, High Performance Schools, and make other changes to conform to AB 127.

Existing Regulation Section 1859.51 provides adjustment factors that increase or decrease a school district's baseline eligibility for new construction. The proposed amendment changes a Regulation Section number in the narrative text in order to refer to an applicable new section being proposed for adoption.

Existing Regulation Section 1859.60 sets forth the criteria for a school district to calculate its modernization baseline eligibility for each school site. The proposed amendment clarifies that for purposes of determining the age of a classroom and period of years to earn baseline eligibility, charter school classrooms previously rehabilitated with State funds are treated the same as other school classrooms previously modernized with State funds.

Existing Regulation Section 1859.61 sets forth specific factors which impact a district's capacity to house pupils and therefore require adjustments to the modernization baseline eligibility. The proposed amendment clarifies that for purposes of reducing eligibility by the number of pupils provided grants in approved projects, Charter School Facilities Program projects are treated the same as SFP modernization projects.

Existing Regulation Section 1859.70.3 sets forth that \$25 million was set aside for grants to school districts to construct small high schools or reconfigure a large high school into small high schools. The proposed amendment authorizes the Board to provide up to \$200 million for the Small High School Program in accordance with AB 127 and the Proposition 1D school bond.

Proposed adoption of Regulation Section 1859.70.4 sets aside \$100 million and sets forth criteria for grants to school districts for the costs of designs and materials in new construction and modernization projects that save energy and water, maximize natural lighting and indoor air quality, use recycled and low-toxin materials, use better acoustics to promote learning, and apply other high performance improvements.

Existing Regulation Section 1859.71 authorizes the Board to adjust the SFP new construction per-unhoused-pupil grant amounts annually each January based on the change in the Class B Construction Cost Index. The proposed amendment authorizes the Board to increase the per-pupil base grant amount by up to an additional six percent (or reduce the per-pupil base grant amount if school building costs are declining), in conformance with AB 127 (Education Code Section 17072.11).

Proposed adoption of Regulation Section 1859.71.6 sets forth a point system based upon construction industry-recognized High Performance Rating Criteria, for school districts to qualify for a SFP additional grant for including "high performance" designs and materials in their new construction projects.

Proposed adoption of Regulation Section 1859.77.4 sets forth criteria based upon the High Performance Rating Criteria point system with review/approval by the Division of the State Architect (DSA), to provide qualifying school districts a percentage increase in their new construction or modernization grants for an addition to a school site or modernization project meeting the point value threshold.

Existing Regulation Section 1859.78.9 sets forth the criteria for school districts to qualify for an additional SFP apportionment for Modernization Reconfiguration under the Small High School Program by reconfiguring a large high school into small high schools (500 pupils or less). The proposed amendment clarifies the determination of this apportionment.

Existing Regulation Section 1859.83 sets forth school district eligibility criteria for excessive cost hardship grant funding as a result of specified unusual circumstances. The proposed amendment clarifies the grant entitlement for small high schools created in different configurations.

Existing Regulation Section 1859.93.2 specifies the qualifying criteria and time period to submit applications for a new construction adjusted grant under the Small High School Program. The proposed amendments extend the application period to September 30, 2007, and specify different configurations for which small high school projects may qualify.

Existing Regulation Section 1859.160 provides guidelines to charter schools seeking to apply for a preliminary apportionment for new school facilities construction. The proposed amendment adds charter school rehabilitation projects as subject to the guidelines of this section and also requires charter schools to submit documents necessary for a financial soundness determination.

Existing Regulation Section 1859.161 specifies the time period for submitting applications for charter school funding, including a prescribed period following an election authorizing additional funding. The proposed amendment changes the post-election filing period starting date from "30" to "90" calendar days following such election.

Existing Regulation Section 1859.162 sets forth the eligibility criteria for a preliminary apportionment for charter schools. The proposed amendments:

- a. strike criteria which limit charter school eligibility to the new construction eligibility of the school district in which it is located, and strike certain maximums for pupil-grants based upon grade level;
- b. add a criterion requiring at least 30 days advance written notice by a charter school to a school district in which it is located, of its intent to submit a preliminary charter school application;
- c. requires the withdrawal of a preliminary charter school apportionment and rescission by the Board before a charter school project application can be resubmitted under a future funding cycle.

Existing Regulation Section 1859.162.1 sets forth the determination of pupil grant eligibility for charter schools which provide instruction for a combination of grade levels serving pupils from more than one school district's boundaries. This Section is proposed to be repealed and its subject matter adopted within new Section 1859.162.3.

Proposed adoption of Regulation Section 1859.162.1 sets forth preliminary charter school new construction apportionment eligibility criteria, pertaining to the required advance notification by a charter school entity to the school district in which it is located of the charter school's intent to submit a Preliminary Charter School Application.

Proposed adoption of Regulation Section 1859.162.2 sets forth criteria for preliminary apportionment eligibility adjustments for charter school new construction projects, as determined by either a charter school applying on its own behalf, or school districts applying on behalf of a charter school.

Proposed adoption of Regulation Section 1859.162.3 sets forth the determination of pupil grant eligibility for charter schools which provide instruction for a combination of grade levels serving pupils from more than one school district's boundaries, and clarify that district responsibilities toward a charter school located in overlapping district boundaries are dependant upon the charter school serving the grade levels served by that school district.

Existing Regulation Section 1859.163.1 prescribes charter school construction cost apportionments based upon specific cost components related to the size, scope, grade levels and location of the project, but subject to a funding cap based upon grade level(s) of the project and urban or non-urban location. The proposed amendments strike this funding cap, reduce per-pupil grant amounts by 11 percent, modify other cost components included in the apportionment, set forth percentage increases in the charter school new construction apportionment for projects housing up to 200 pupils, add a cost adjustment

based on the change in the Class B Construction Cost Index, and make the pupil-grants subject to annual adjustment by the Board as prescribed in Section 1859.71.

Existing Regulation Section 1859.163.2 sets forth criteria for determining the preliminary charter school apportionment site acquisition value. The proposed amendment strikes Education Code Section "17078.56" from the list of reference sections because the revision of this Education Code Section by AB 127 deleted the paragraph pertinent to Regulation Section 1859.163.2.

Existing Regulation Section 1859.163.3 establishes two fund accounts in which to reserve funding from the 2004 school bond (Proposition 55) for site acquisition values that will not be part of the preliminary charter school apportionments, but which may be apportioned in final charter school apportionments. The proposed amendments clarify that this section applies only to the apportionments awarded by the Board on February 23, 2005.

Proposed adoption of Regulation Section 1859.163.4 sets forth preliminary charter school rehabilitation apportionment eligibility criteria, including certain required agreements between a charter school applying on its own and the school district where it is located.

Proposed adoption of Regulation Section 1859.163.5 sets forth criteria for the preliminary charter school rehabilitation apportionment, which will be determined based on the eligible square footage included in the project.

Proposed adoption of Regulation Section 1859.163.6 sets forth preliminary charter school rehabilitation apportionment eligibility criteria for sites previously funded under the SFP modernization program.

Proposed adoption of Regulation Section 1859.163.7 sets forth the permissible uses of Charter School Facilities Program rehabilitation funds.

Existing Regulation Section 1859.164 sets forth criteria for the sequential ordering of charter school applications for apportionment by the Board if the estimated total cost of all preliminary charter school applications exceeds available funds. The proposed amendment provides criteria for sequential ordering for apportionment of applications received on the same day.

Existing Regulation Section 1859.164.1 sets forth the required calculation of "preference points" for all Preliminary Charter School Applications based upon the percentage of low-income pupils, the degree of overcrowding in the school district, and whether the entity operating the charter school is a non-profit entity. The proposed amendments modify the calculation methods for these three factors and add a fourth factor granting preference points for all projects that rehabilitate existing facilities.

Existing Regulation Section 1859.164.2 sets forth criteria for the release of funds to charter school entities from preliminary charter school apportionments. Qualified charter schools must maintain financial soundness. The proposed amendments add preliminary charter school rehabilitation apportionments as subject to the provisions of this section, and add the requirement that Charter School Agreements must be executed prior to the release of any funds.

Existing Regulation Section 1859.165 sets forth the requirements for the preliminary charter school apportionment to be converted to the final charter school apportionment. The proposed amendment modifies the section to apply to both charter school new construction and rehabilitation apportionments.

Existing Regulation Section 1859.166 provides specific time limits to convert preliminary charter school apportionments to final charter school apportionments, and the required actions if the time limits are not met. The proposed amendments clarify the required eligibility adjustments if the time limits are not met.

Existing Regulation Section 1859.167 sets forth the charter school final apportionment funding process. The proposed amendments distinguish those provisions applicable to the preliminary charter school apportionments approved by the Board on February 23, 2005, and those provisions applicable to all subsequent preliminary charter school apportionments.

Existing Regulation Section 1859.167.1 specifies that the amount of the final charter school apportionment may not be increased for site acquisition costs exceeding those calculated under Section 1859.163.1(b), nor increased for useable acres for the project in excess of the previously approved recommended site size by the California Department of Education. The proposed amendment limits the application of this section only to charter school apportionments approved by the Board on February 23, 2005.

Proposed adoption of Regulation Section 1859.169.1 requires that State funds remaining at the completion of charter school projects must be returned to the State.

Existing Form SAB 50-04, *Application for Funding*, is submitted to apply for State funding for new construction or modernization projects. The proposed amendments add instructions, data fields, and district certifications to accommodate the new categories of charter school rehabilitation projects and high performance school grants.

Existing Form SAB 50-05, *Fund Release Authorization*, is used by school districts to request the release of State funds that have been apportioned by the SAB, upon the district's certification of compliance with specific legal and SFP requirements. The proposed amendments re-format the form, add instructions, data fields, and district certifications to accommodate the new category of charter school rehabilitation projects, and require submittal of charter school agreements.

Existing Form SAB 50-06, *Expenditure Report*, is submitted to report expenditures of State funding for new construction or modernization projects. The proposed amendments re-format this form and add a district certification that a new Project Information Worksheet is true, correct, and current.

Form SAB 50-09, *Application for Charter School Preliminary Apportionment*, is used by school districts/charter schools to request a preliminary apportionment for the new construction of charter school facilities. The proposed amendments add instructions, data fields, supporting document requirements, and district certifications to accommodate the new category of charter school rehabilitation projects.

DEFERRED MAINTENANCE PROGRAM

Existing Regulation Section 1866.4 sets forth guidelines for school districts to file with the Board a five year plan for deferred maintenance needs of the district. The proposed amendment adds reference to the new category of charter school rehabilitation grant funds.

Existing Regulation Section 1866.13 protects against duplicate apportionments of State funds by requiring school districts to exclude work in deferred maintenance extreme hardship projects from being funded in SFP modernization projects, and to eliminate from five year plans any projects that will be funded as SFP modernization projects or Federal Renovation Program projects. The proposed amendment adds the new category of funding for charter school rehabilitation projects as requiring elimination of such projects from five year plans.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation sections will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. These regulations only apply to school districts and charter schools for purposes of funding school facility projects.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OPSC no later than March 12, 2007, at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young, Regulation Coordinator

Mailing Address: Office of Public School Construction
1130 K Street, Suite 400
Sacramento, CA 95814

E-mail Address: robert.young@dgs.ca.gov

Fax No.: (916) 445-5526

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 445-0083. If Mr. Young is unavailable, these questions may be directed to the backup contact person, Lisa Jones, Supervisor, Regulations Team, at (916) 322-1043.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~/underline.
2. A copy of this notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.opsc.dgs.ca.gov> under "Regulations," then click on "Proposed Regulations."

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SAB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

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

DIVISION OF THE STATE ARCHITECT PLAN APPROVAL REPORT
(COMPLETE PLANS, EFFICIENT PLAN DESIGN, INSPECTIONS)

PURPOSE OF REPORT

To present a report prepared by the Division of the State Architect (DSA) addressing the plan approval process.

DESCRIPTION

At the May 2005 State Allocation Board meeting, in its consideration of a report by the Los Angeles Unified School District, the Board requested that the DSA report back at a future SAB meeting with information on what constitutes a complete set of plans for review, to include suggestions for efficient plan design to reduce the cost of school construction, and considerations for the DSA to allow local building departments to conduct some of the inspections.

To comply with the Board's request, the DSA has provided the attached report and Project Submittal Checklist.

RECOMMENDATION

Accept this report.

This Item was approved by the State Allocation Board on September 27, 2006.

**DEPARTMENT OF GENERAL SERVICES
DIVISION OF THE STATE ARCHITECT (DSA)**

**EFFICIENT AND COST-EFFECTIVE
SCHOOL DESIGN AND CONSTRUCTION
IN CALIFORNIA**

REPORT OF FINDINGS

SEPTEMBER 2006

PREPARED FOR:

The State Allocation Board

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INTRODUCTION

Objective In May 2005, the State Allocation Board requested that the Division of the State Architect (DSA) study reforms for improving the school design and construction process in California. In summary, the Board members requested that suggestions be gathered for ensuring that a viable design, plan, and review process is in place so that the schools are designed and built in an efficient and cost-effective manner that serves the best interests of the State of California.

In response to the request, the DSA conducted an extensive search of existing literature in this area. Additionally, the DSA, in response to recommendations to improve the plan review and approval process resulting from a task force sponsored by the California Community Colleges and the Division of the State Architect, has developed the Collaborative Process for Project Development and Review and the DSA Academy.

This report, dated September 2006, reflects a:

- Summary of key findings from relevant and noteworthy existing literature on the topic of school design and school construction costs
- Overview of DSA initiatives—the Collaborative Process for Project Development and the DSA Academy—currently underway and that are intended to improve the current school design and plan review processes
- Comprehensive bibliography of reports and studies conducted by various parties nationwide on school capital outlay programs and practices

SUMMARY OF KEY FINDINGS

Introduction This section summarizes key findings collected from relevant existing literature on the topic of school design and plan review processes. The three studies summarized in this report are especially noteworthy and include:

- To Build a Better School, Little Hoover Commission
- Public School Cost Reduction Guidelines, Office of Public School Construction/Vanir Construction Management, Inc.
- Best Practices Report, Office of Public School Construction

These studies involved extensive and wide-ranging stakeholder participation from those familiar with all aspects of public school construction.

Stakeholders included school districts, County Superintendents of Schools, architects, engineers, contractors, consultants, manufacturers, builders, inspectors, state agencies, legal professionals and other interested parties.

Additional studies, reports, and articles are references in the extensive bibliography included in this report.

In summary, the topic of school design and construction has been studied extensively. A key theme repeated throughout these studies is the importance of utilizing sound and proven management systems and practices in order to constructively impact the efficiency and cost-effectiveness of public school design and construction in California.

Findings In 2000, the Little Hoover Commission conducted a study, To Build a Better School. In summary, the Commission’s overall recommendation was to “encourage policy-makers and local educators to create a process and a venue for designing, building and maintaining quality schools, and for training the staff needed to replicate that quality in hundreds of school districts throughout California.”¹ The Commission’s findings also stated that to ensure that public funds are used wisely, the exploration of alternatives to the current system should be explored, including:

- “In some communities, school districts may not be the best organization to build and maintain school buildings.”²
- “The success of the State’s school facility program rests on the ability of school districts to manage construction programs, but the degree of competence varies greatly among districts.”³
- “The State’s multiple interests in safe and efficient school facilities are not optimally served by a divided oversight structure.”⁴

¹ Little Hoover Commission, To Build a Better School, February 2000

² Little Hoover Commission, ii

³ Little Hoover Commission, iii

⁴ Little Hoover Commission, iv

SUMMARY OF KEY FINDINGS

Findings

(continued)

- “While the State has taken steps to hold down construction costs, it has no mechanisms or incentives to encourage and assist local school districts to design, build, operate, maintain and renovate buildings to maximize value over the life of the facilities.”⁵
- “While the State is an equal partner in developing school facilities, it does not have an inventory of buildings, a methodical way to project and plan for future needs or to assess progress toward meeting those needs.”⁶
- “While voters have supported statewide bond efforts, local school districts do not as a whole have reliable and efficient mechanisms for financing facility needs.”⁷

In April 2000 and as a requirement of SB 50 (1998), the Office of Public School Construction (OPSC) published its Public School Cost Reduction Guidelines. The purpose of the guidelines was to set forth “measurable reductions in the cost of construction of public school facilities”⁸. The study identified key issues and processes that inflate the cost of construction and suggestions for avoiding them. According to OPSC’s study, “the major factors effecting the costs of public schools in California are driven by several overriding issues:

- The desire for school-by-school control and the resultant customizing of each school to meet what is perceived as local education necessities, has caused a “one of a kind, ‘start-over-every-time’ approach
- Notwithstanding the large statewide volume of school construction, most districts are faced with infrequent needs, and often limited resources and capabilities for managing construction
- The State’s mandates for the K-12 system are more complex than those for other state capital outlay systems, and are driving the results and the costs
- The traditional project delivery methods, from initial planning through design and construction, are linear, step-by-step, prescriptive methods that fail to take advantage of current and evolving performance”⁹

⁵ Little Hoover Commission, v

Little Hoover Commission, To Build a Better School, February 2000, vi

⁷ Little Hoover Commission, vii

⁸ Office of Public School Construction/Vanir Construction Management, Inc., Public School Construction Cost Reduction Guidelines, April 2000, v

⁹ Office of Public School Construction, v

SUMMARY OF KEY FINDINGS

Findings

(continued)

The study proceeded to suggest numerous approaches to reducing costs in the following ten subject areas:

1. “District Responsibilities—a) Know what you don’t know; recognize your limitations and ask for help where you need it; b) The design and construction process is collaborative and complex; it needs clear and unwavering direction; c) There are no quick fixes; if you have an immediate need, hire the very best expertise available”¹⁰
2. “Joint Use Facilities—a) The District must actively pursue the opportunities; b) The benefits must accrue to all parties to the Joint Use; c) The costs to the District must be less than building the facility on its own”¹¹
3. “Site Issues—a) Select the site carefully, considering both the educational criteria and the design and construction impact; b) Become fully involved in local land planning issues that will effect the demographics; the availability, and the value of District’s current and future property; involve the community in the selection; c) Plan ahead; undertake and update long range Facilities Master Plans”¹²
4. “Professional Consultants—a) Establish a clear definition of the scope of services required thus avoiding duplication or overlap of services, including the time restraint for providing the services, and the fee anticipated for the services; b) Use the fewest, but most expert consultants possible through careful selection; c) Manage their services through constant, prompt and thorough interaction”¹³
5. “Contractors—a) Utilize a thorough pre-qualification system that will solicit the most qualified contractors for the project; b) Manage the construction phase through constant interaction and open communication; c) Manage the Change Orders and Dispute Resolutions assertively and in a timely manner”¹⁴
6. “Agencies—a) Know what you don’t know; Recognize your limitations and ask for help where you need it; b) Become fully involved in both local and state agency issues; c) Work with the agency staffs, not against them”¹⁵

¹⁰ Office of Public School Construction/Vanir Construction Management, Inc., Public School Construction Cost Reduction Guidelines, April 2000, 7

¹¹ Office of Public School Construction, 7

¹² Office of Public School Construction, 25

¹³ Office of Public School Construction, 35

¹⁴ Office of Public School Construction, 45

¹⁵ Office of Public School Construction, 53

SUMMARY OF KEY FINDINGS

Findings (continued)

7. “Types of Construction—a) Keep the design as simple as possible; good architecture and good educational environments do not need overstatements of configuration, materials or finishes; b) Utilize standard elements, that work well, are readily available, and tested over time; c) Maximize the use of factory-built components, wherever they best suit the design”¹⁶
8. “Prototypes—a) Expend the time and resources necessary to fully research the best educational components from colleague districts so that the prototype design represents the very best thinking and experience; b) Design the prototype as a complement of basic educational components to ensure maximum flexibility for future uses and educational changes; c) Keep the basic components as simple as possible, but include the ability to tailor the exterior visual character to the local community”¹⁷
9. “Project Delivery—a) Regardless of the project delivery method used, the qualifications, capability, and commitment of the entities involved will dictate the success of the project; b) The individual, professional, responsibility of each entity involved remains the same. The District, the design consultant, the general contractor, and each subcontractor is equally responsible for their portion of the work regardless of the type of project delivery; c) There is no one best method, all should be considered”¹⁸
10. “Project Budgeting—In order to effectively utilize capital outlay resources, districts need to budget more accurately and completely. This includes both long range fiscal planning and short range project planning”¹⁹

¹⁶ Office of Public School Construction/Vanir Construction Management, Inc., Public School Construction Cost Reduction Guidelines, April 2000, 61

¹⁷ Office of Public School Construction, 77

¹⁸ Office of Public School Construction, 85

¹⁹ Office of Public School Construction, 104

SUMMARY OF KEY FINDINGS

Findings (continued)

Additionally, at the request of the State Allocation Board, the OPSC published a Best Practices Report in March 2003 “regarding a variety of methods and best practices of school facility construction.”²⁰ In response to the Board’s request, the OPSC compiled a sampling of resources that address various strategies and best practices for school facility construction.

Contained within this Best Practices Report is feedback from districts that built schools with funding from the Proposition 1A State Bond funds as well as information on topics such as cost reduction, energy conservation, sustainable schools, reuse of plans, prototype plans, urban design solutions, design or developer built schools, School Facility Program eligibility and funding and other helpful tips for successful projects. This report also contains “Feature Projects” from the OPSC Breaking Ground newsletter that illustrates the latest school facility planning ideas and design solutions approved by DSA and the California Department of Education.

²⁰ Office of Public School Construction, Best Practices Report, March 2003

OVERVIEW OF DSA INITIATIVES

Introduction

Numerous efforts to improve school design and conserve fiscal resources in the design and construction of schools have been well-documented over the years. Since the 1930s, governments, educators and economists have been studying the state's infrastructure including its schools. Local and state agencies continually perform studies and reviews on school capital outlay policies, procedures, practices, delivery methods and services in an effort to simplify and improve processes, and conserve resources while providing enhanced service to Californians.

This overview provides a report on the DSA initiatives—the Collaborative Process for Project Development, and the DSA Academy—that are intended to improve the current school design and plan review processes.

Collaborative Process for Project Development and Review

The “Collaborative Process for Project Development and Review” is currently under development by DSA to ensure the public safety of K-12 schools and community college facilities through a collaborative, consistent, and timely project development, review and approval process.

Pending approval of AB 162 (Leslie) during the 2005-06 legislative session, the collaborative process will provide DSA clients with an alternative process to the traditional procedure for obtaining the State Architect's approval of school construction plans and specifications. Participation in this alternative “Collaborative Process for Project Development and Review” is entirely voluntary on the part of all parties—the Division of the State Architect (DSA), the district, and its design professional.

This process will result in the early involvement of DSA in collaboration with the district and its design professional beginning during the development of the project's preliminary design. The process includes the mutual agreement of DSA, and the district and its design professional on their respective responsibilities, including commitment to design decisions and schedules for the project's development and review. Also involved is the early identification of technical issues by DSA and the resolution of technical issues by the district and its design professional prior to DSA project submittal. Access to “qualified DSA external plan review firms”²¹ for consultation earlier on technical project issues will also be available.

It is anticipated that this process, planned for implementation in 2007, will reduce costly redesign requirements to final project plans and specifications and improve the timeframes associated with completion of a project's development and review process.

²¹ “Qualified DSA external plan review firm”—an individual, firm, or the building official of a city, a county, or a city and county, as defined in Section 18949.27 of the Health and Safety Code

OVERVIEW OF DSA INITIATIVES

DSA Academy

The DSA Academy has been recently established by DSA. When fully implemented, the Academy will serve as a major learning resource for those involved in the school or community college planning, design and construction process.

Classes offered by the Academy seek to promote consistent knowledge and application of the building codes and regulations needed for successful plan review, approval, and construction of public buildings under the jurisdiction of DSA.

To date, courses in the following subject-matter areas have been developed and delivered:

Project Inspector – Overview

Plan Review— Access Compliance, Structural Safety, Fire & Life Safety

Expanded classes in all subject-matter area will be phased in after Fall 2006.

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

SCHOOL DISTRICT DATA

School District:KINGS RIVER UNION ELEMENTARY County:..... TULARE
Application Number: 52/71969-00-01 School Name:..... KINGS RIVER ELEMENTARY
Total District Enrollment: 525 Project Grade Level: K-8
District Baseline Eligibility:..... K-6, -252; 7-8, -43; 9-12, 0; Non-Severe, 0; Severe, 0

PURPOSE OF REPORT

To present the District's request for funding under the School Facility Joint-Use Program and to request:

1. Adoption of proposed amendments to the School Facility Joint-Use Program regulations.
2. Authorization to file the proposed regulations on an emergency basis with the Office of Administrative Law (OAL).

DESCRIPTION

The Kings River Union Elementary School District is currently requesting \$1,124,443 in SFP joint-use funding for a Type II project consisting of a gymnasium at the Kings River Elementary School. The current joint-use regulations state that a gymnasium can only be constructed at a K-8 school if the school does not have a multipurpose room, or the existing multipurpose room is inadequate. The District has an adequate multipurpose room but is requesting a waiver of the regulation due to the need for a gymnasium for its 6-8 grade level students. Additionally, the District passed a bond for the exclusive purpose of this joint-use project.

AUTHORITY

The SFP Regulation Section 1859.124.1 displays a chart of allowed square footages for joint-use projects and provides that, in the case of a K-6 or K-8 school, a gymnasium is available only if there is no multipurpose room or the existing multipurpose room is inadequate (less than 60 percent of the State standard for a minimum essential facility).

STAFF COMMENTS

Although the District's application for a Type-II joint-use gymnasium is otherwise complete and approvable, Staff cannot recommend approval of the District's request; existing SFP Regulations disallow a joint-use gymnasium at an elementary school where that school has an adequate multipurpose room. The minimum essential facility for a multipurpose room at this site is 4,000 square feet. The District has a 4,866 square foot multipurpose room, representing 122 percent of the adequate space, thus exceeding the 60 percent threshold to qualify for funding.

However, the Board may wish to consider the attached emergency regulation change that would allow a joint-use gymnasium at an elementary school that also serves 7-8 grade level students. The OPSC has conferred with the California Department of Education and the Department is supportive of gymnasiums being placed on K-8 campuses. If the Board determines that a regulation change would be appropriate, this project could be held pending approval of the amendment to the regulations, and subsequently apportioned when funding becomes available.

RECOMMENDATIONS

1. Adopt the proposed amendments to the regulations as shown on the Attachment and begin the regulatory process.
2. Authorize the OPSC to file these regulations on an emergency basis with the OAL.
3. Direct Staff to retain the project until the emergency regulation is approved, and funding becomes available.

This Item was approved by the State Allocation Board on September 27, 2006.

ATTACHMENT
PROPOSED AMENDMENTS TO THE
SCHOOL FACILITY PROGRAM REGULATIONS
 State Allocation Board Meeting, September 27, 2006

Amend Regulation Section 1859.124.1 as follows:

Section 1859.124.1. Square Footage Facility Chart.

Use the Chart below to determine square footage for purposes of Section 1859.124. The three columns to the left of the Chart indicate the facility types that may be funded under a Type I or Type II Joint-Use Project.

CHART OF SQUARE FOOTAGES (In Square Feet)					
Type I	Type II	Facility Type	Elementary School K-6, K-8	Middle School 7-8 or 6-8 (on Separate Campus)	High School 7-12 or 9-12 (on Separate Campus)
x	x	Multi-purpose Room (includes food service)	5.3 per pupil Minimum 4,000	5.3 per pupil Minimum 5,000	6.3 per pupil Minimum 8,200
x	x	Gymnasium (includes shower/locker)	12.9 per pupil* Minimum 6,828* Maximum 16,000*	12.9 per pupil Minimum 6,828 Maximum 16,000	15.3 per pupil Minimum 8,380 Maximum 18,000
x	x	Library	2.3 per pupil plus 600	3.3 per pupil plus 600	4.3 per pupil plus 600
x	x	Teacher Education**	39 per pupil or as approved by CDE		
	x	Pupil Academic Achievement***	39 per pupil or as approved by CDE		
x	x	Childcare	60 per child - Minimum 1,440		

*Available to K-6 schools only if there is no multipurpose room or the existing multipurpose room is inadequate on the campus and the Joint-Use Agreement includes gymnasium space rather than a multipurpose room.

** Subject to the CDE approval.

***Subject to the CDE approval. Plans and specifications must be accepted by the DSA for review and approval prior to January 1, 2004.

...

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code.

Reference: Sections 17077.40, 17077.42 and 17077.45, Education Code.

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

GENERAL SITE DEVELOPMENT REPORT

PURPOSE OF REPORT

To provide an update based on the Board's request regarding the general site development grant for additions to existing school sites where additional acreage is not acquired.

BACKGROUND

A report was presented at the June 2006 State Allocation Board (SAB) meeting including proposed regulations to provide an additional grant for general site development for new school projects and addition projects to existing sites wherein additional acreage is acquired. Staff reported that when the topic was presented at the June 2006 SAB Implementation Committee meeting, some of the Implementation Committee members and other stake holders expressed concerns that only new school projects and projects that are acquiring additional acreage would be eligible for the general site additional grant. It was stated that since addition projects still incur general site expenses, they should at least be eligible for the percentage increase proposed. The Board requested additional information whether the general site grant should be provided for additions to existing sites wherein additional acreage is not being acquired.

AUTHORITY

Education Code Section 17072.12 states that the Board may provide funding for assistance in site development and acquisition. The SAB's Legal Counsel has opined, "Because the School Facility Program (SFP) does not define site development, the Board may adopt regulations to define and clarify the types and amounts of site development assistance that can be provided."

STAFF COMMENTS

General site work is often included in addition projects that do not include site acquisition; however, since land is not being acquired for the project, the work included is typically not as extensive as the work included in new school projects or projects that include the acquisition of additional acreage. General site work includes, but is not limited to: finish grading, on-site hard surfaced areas for foot traffic, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, athletic fields, and landscaping. Currently, the SFP uses the same methodology to fund both new schools and addition projects. The additional grant for general site development regulations approved at the June 2006 SAB meeting was based upon the initial findings of the analysis of the SFP new construction grants to build complete schools. While schools constructed on new sites with no existing facilities were included in the initial phase of the grant adequacy study, the same analysis of the grants for addition projects is ongoing.

Staff is diligently working to complete the analysis to determine whether or not the funding provided by the SFP is adequate for addition projects. The study also includes an analysis of the impact the grant increases provided by Assembly Bill 127 (Chapter 35, Statutes of 2006) would have on these projects. If it is determined that a funding deficiency exists for addition projects, it is prudent to first determine if the forthcoming grant increases will account for the deficiency before recommending any additional grants. Until the study is complete, Staff cannot state if grants for addition projects are inadequate similar to new school projects or if they are adequately funded. Likewise, if a deficiency exists, it must be quantified by a thorough analysis before an accurate methodology for its remedy can be formulated. Staff requests that the Board consider this matter once the grant adequacy study is complete and comprehensive conclusions can be presented.

RECOMMENDATION

Accept this report.

This Item was approved by the State Allocation Board on September 27, 2006.

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

SCHOOL FACILITY PROGRAM
ADJUSTMENTS TO THE NEW CONSTRUCTION BASELINE ELIGIBILITY

PURPOSE OF REPORT

To request:

1. Adoption of amendments to the School Facility Program (SFP) Regulations for adjustments to the new construction baseline eligibility for additional facilities provided after the new construction baseline eligibility has been established.
2. Authorization to file the proposed amendments with the Office of Administrative Law (OAL).

DESCRIPTION

At the October 2005 State Allocation Board (SAB) meeting, the SAB requested that Staff discuss at a future SAB Implementation Committee meeting the SFP Regulations relating to adjustments to the new construction baseline eligibility. The Board's request was made in response to school districts' concerns regarding different interpretations of the pertinent law and Regulation sections, and corresponds with queries to the Legislative Counsel on the same subject.

The issues of new construction baseline eligibility and the adjustments to the baseline required by law and regulations were discussed at three separate meetings of the Implementation Committee. As a result of those discussions, Staff has identified three issues that are addressed with the proposed regulation changes. These changes are needed to ensure that the SFP Regulations contain clear guidelines for reporting requirements for the adjustments to the new construction baseline eligibility, provide relief for school districts with ongoing lengthy construction and modernization projects, and allow school districts to replace facilities with local funds without a negative impact on the new construction baseline eligibility.

AUTHORITY

Education Code (EC) Section 17070.35 (a)(2) authorizes the Board to adopt rules and regulations in connection with the administration of the Leroy F. Greene School Facilities Act of 1998 as it deems necessary.

EC Sections 17071.10 and 17071.30 require an applicant school district to determine its existing school building capacity which shall be made on a one-time basis and used as the baseline for eligibility determination for new construction funding.

EC Section 17071.75 establishes the formula for calculating the district's ongoing eligibility for new construction funding, which shall include any facilities provided from any state or local funding source after the existing school building capacity was determined. SAB Legal Counsel has opined that this section is mandatory and cannot be waived or diluted, and the Board cannot exempt any subsequently acquired facility from the count of adequate capacity for purposes of determining ongoing eligibility.

STAFF COMMENTS

At the February 2006 Implementation Committee meeting, Staff gathered feedback from Committee members and school district representatives regarding the impact of changes in portable classroom inventories on the new construction baseline eligibility. At the April 2006 Implementation Committee meeting, Staff discussed resolutions to school districts' concerns within the scope of existing law and regulations, and presented proposals for regulatory changes. The draft regulation and form changes were

(Continued on Page Two)

STAFF COMMENTS (cont.)

further discussed at the May 2006 Implementation Committee meeting. The proposed regulation and form changes are contained in the Attachment and are summarized below:

Issue 1: Clarifying language for the required adjustments to the new construction baseline eligibility

Regulation Section 1859.51 specifies how a district's ongoing eligibility for new construction funding is calculated, including the required adjustments for additional classrooms provided from any state and local funding sources, after the new construction baseline eligibility is established by a district. Specifically, Regulation Section 1859.51(i) is intended to specify that a school district shall report any additional classrooms provided after the new construction baseline eligibility has been established with the exception of certain facilities, such as portable classrooms leased under the State Relocatable Classroom Program (SRCP), classrooms leased for less than five years, and facilities that were built or acquired for certain non-classroom purposes with funds specifically available for those purposes. These classrooms do not count as additional classrooms provided as these types of facilities are not long-term housing solutions.

The requirement that a district's ongoing eligibility for new construction funding be reduced by facilities provided with local funding sources was added as a result of Assembly Bill 695, Chapter 858, Statutes of 1999 (Mazzoni) after the inception of the SFP. During the process to implement this statute, the classrooms that are counted as additional capacity, and those that are not, were discussed at the Implementation Committee. In those discussions, it was agreed that portable classrooms that are acquired/constructed after the establishment of the baseline will reduce a district's ongoing eligibility for new construction funding regardless of the funding source.

As a matter of convenience, EC Section 17071.30 was referred to in the regulations to specify which classrooms did not have to be reported *after* a district's new construction baseline eligibility was established. In particular, EC Section 17071.30 specifies two options for a district to calculate its *existing* building capacity, and allows certain portable classrooms to be excluded from the calculation of that capacity. One option specifies that classrooms leased under the SRCP and portable classrooms leased less than five years shall not be considered as capacity. The second option specifies that the number of portables in a district that exceed 25 percent of its permanent classrooms shall not be considered as capacity. A district must choose between the two options in the determination of its existing building capacity as part of the calculation of the one-time baseline eligibility.

An unintended consequence of referring to the entire EC section is that some districts interpreted the regulation to mean that portables acquired with local funds after the establishment of a district's new construction baseline eligibility can be excluded and not reported as additional classrooms provided. This was not the intent of the regulation, and SAB Legal Counsel opined that this was not the intent of the statute.

The proposed amendment to Regulation Section 1859.51(i) removes the reference to EC Section 17071.30 and clarifies that the following classrooms do not have to be reported as additional classrooms provided after the new construction eligibility has been established:

- SRCP portable classrooms,
- Portable classrooms leased less than five years,

(Continued on Page Three)

STAFF COMMENTS (cont.)

- Portable classrooms leased more than five years when needed as interim housing on a single project (see below),
- Facilities that were built or acquired for certain non-classroom purposes with funds specifically available for those purposes,
- Portables counted in a district's existing building capacity that are subsequently replaced entirely with local funds and that are taken out of classroom use (see below).

Any classroom, whether permanent or portable that does not meet any of the conditions listed above, must be reported as additional capacity if it is leased, acquired or constructed after the new construction baseline eligibility has been established. This clarification of the regulation defining a classroom provided is in alignment with the agreements made at the Implementation Committee in 1999 when the statute was changed to add that facilities provided with local funding sources should also reduce a district's ongoing eligibility for new construction funding. Since the existing regulations can be interpreted otherwise, the Office of Public School Construction (OPSC) proposes to apply the proposed regulations prospectively for any new facilities for which contracts for the lease, purchase or construction are signed after the Board's approval of these regulations.

Issue 2: Portable classrooms leased for more than five years

Currently districts must report portables leased after the establishment of the existing building capacity once the portables have been leased for five years, whether in a single lease or cumulative total of several leases. These classrooms are then charged against the district's new construction baseline eligibility thereby reducing the district's ability to finance future projects to construct actual permanent classrooms. In many instances, it is conceivable that a project, from conception to occupancy, may take longer than a five-year period and therefore would require the continuation of the lease for the interim portables. Since the portables are and would continue to be leased on an interim basis, the classrooms would not be considered provided as required in statute to be charged against the district's new construction eligibility. Therefore, the proposed addition to Regulation Section 1859.51(i)(5) specifies that the five-year lease requirement shall be project specific and the district shall be eligible to continue to lease the classroom without a reduction to its new construction baseline eligibility for an additional time period as determined by the SAB, not to exceed three years.

Issue 3: Locally funded replacement projects

Current SFP Regulations require an adjustment to the new construction baseline eligibility for any classrooms provided in a locally funded project, including the classrooms that replace existing facilities. This policy results in the reduction of the district's eligibility for any future new construction projects and discourages efforts to raise local funds for facility projects that districts may consider outside of the SFP.

In considering regulatory changes to accommodate locally funded replacement projects without a reduction to the new construction baseline eligibility, Staff proposes additional amendments to the modernization eligibility of the SFP Regulations. These changes are necessary to ensure that the replaced facilities do not continue to generate modernization eligibility.

(Continued on Page Four)

STAFF COMMENTS (cont.)

In addition, Staff proposes changes to the financial hardship provisions of the SFP Regulations that would prohibit districts from seeking financial hardship assistance for a required period of time following the encumbrance of funds for replacement projects that are locally funded. This will require districts to consider the need for their matching share on future SFP projects when making expenditures on replacement projects. Since the use of local funds on replacement projects is a larger issue of prioritizing local resources, it is important to note that there is proposed legislation (Senate Bill 1415) that proposes to change the lockout period from five years to ten years for districts to participate in the SFP or the Deferred Maintenance Program when funds generated from the sale of surplus property are deposited in the general fund unless certain criteria are met.

The SAB Implementation Committee had discussions on the appropriate period of time districts should be prohibited from seeking financial hardship assistance when local funds are used for replacement facilities. While most considered that a five-year period was adequate, some Committee members considered a ten-year exclusion period more appropriate. As a result, Staff has presented the amendments on the Attachment with a five-year exclusion period; however, a ten-year exclusion period is noted as a footnote should the Board decide today that a ten-year exclusion period is more appropriate.

It is possible for a district to have an emergency situation that requires a facility replacement. In such cases, the Board may determine that the replacement of facilities with local funds should not preclude the district from seeking future financial hardship assistance. The regulatory changes presented herein apply to both permanent and portable classrooms and facilities.

RECOMMENDATIONS

1. Direct Staff to proceed with either a five-year or ten-year exclusion period as the period of time that districts should be prohibited from seeking financial hardship assistance when local funds are used for replacement facilities.
2. Adopt the proposed regulatory amendments as shown on the Attachment.
3. Authorize the OPSC to file these Regulations with the OAL.

BOARD ACTION

In considering this Item, the Board approved Staff's recommendations. The Board directed Staff to proceed with a five-year exclusion from Financial Hardship for districts using local funds to replace facilities.

ATTACHMENT
PROPOSED AMENDMENTS TO THE
SCHOOL FACILITY PROGRAM REGULATIONS
State Allocation Board Meeting, September 27, 2006

Amend Regulation Section 1859.51 as follows:

Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

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

- ...
- (i) Reduced by the number of pupils housed, based on loading standards pursuant to Education Code Section 17071.25(a)(2)(A), in any Classroom Provided after the baseline eligibility was determined by the Board with the exception of those pupils housed or to be housed in a classroom:
 - (1) That is a trailer and transportable/towed on its own wheels and axles.
 - (2) Of less than 700 interior square feet.
 - ~~(3) Excluded pursuant to Education Code Section 17071.30.~~
 - (3) That is a portable classroom, leased pursuant to Chapter 14 (commencing with Section 17085) of the Education Code.
 - (4) That is a portable classroom leased for a period of less than five years, whether in a single lease or cumulative total of several leases.
 - (5) That is a portable classroom that needs to be leased beyond five years to provide interim housing in a modernization or new construction project provided the cumulative lease term does not exceed a specified time period as determined by the SAB not to exceed three years on each qualifying project. For this purpose, a project means all work contained in a single set of construction plans.
 - ~~(46)~~ Where the contract for the lease, lease-purchase, purchase, or construction of the classroom was made prior to January 1, 2000.
 - ~~(57)~~ That is included in a SFP project where the district has funded a portion of the project beyond its required district contribution and the pupil capacity of the classroom does not exceed 150 percent of the number of pupils receiving a new construction grant (rounded up) for the SFP project.
 - ~~(68)~~ That was acquired with joint-use funds specifically available for that purpose.
 - (9) That was built or acquired exclusively for regional occupational centers, regional occupational programs, child care, preschool and/or Adult Education Programs, and with funds specifically available for those purposes.
 - (10) That replaces a classroom, previously included in the determination of the district's new construction eligibility pursuant to Education Code Section 17071.75, in a project funded by the district without participation from the State and the district permanently removes the replaced facility from classroom use immediately after the replacement classroom is occupied.
- ...

Note: Authority cited: Section 17070.35, Education Code.

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

Amend Regulation Section 1859.61 as follows:

Section 1859.61. Adjustments to the Modernization Baseline Eligibility.

The baseline eligibility for modernization as provided in Section 1859.60 for a specific site will be adjusted as follows:

- (a) Reduced by the number of pupils provided grants in a modernization SFP project at the specific site.

- (b) Reduced by the number of pupils housed, based on the loading standards pursuant to Education Code Section 17071.25(a)(2), in a modernization LPP project funded under the LPP pursuant to Sections 1859.14 and 1859.15.
- (c) Increased by changes in projected enrollment in subsequent enrollment reporting years.
- (d) Increased for additional facilities not previously modernized with State funds, that become 25 years old, if permanent, or 20 years old, if portable or as a result of audit findings made pursuant to Sections 1859.90 and 1859.105.
- (e) Adjusted as a result of errors or omissions by the district or by the OPSC.
- (f) Adjusted as a result of amendments to these Subgroup 5.5 Regulations that affect the eligibility.
- (g) For classroom loading standards adopted by the Board for non-severely disabled individuals with exceptional needs and severely disabled individuals with exceptional needs.
- (h) As directed by the Board due to a finding of a Material Inaccuracy pursuant to Regulation Section 1859.104.1.
- (i) Increased for facilities previously modernized with State funds, which qualify for an additional modernization apportionment pursuant to Section 1859.78.8.
- (j) Adjusted as a result of the Reconfiguration of an existing high school under the provisions of the Small High School Program.
- (k) Decreased for facilities that were deemed eligible for modernization pursuant to Sections 1859.60 and 1859.61(d) and subsequently replaced, or will be replaced under a signed contract for construction or acquisition of facilities, in a project funded by the district without participation from the State.

Note: Authority cited: Section 17070.35, Education Code.

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

Amend Regulation Section 1859.81 as follows:

Section 1859.81. Financial Hardship.

Except for Joint-Use Projects, a district is eligible for financial hardship to fund all or a portion of its matching share requirement after demonstrating both of the following the requirements of (a), (c), and (d) below:

- (a) The district is financially unable to provide all necessary matching funds for an eligible project. To determine this, an analysis shall be made of the district's financial records by the OPSC including data and records maintained by the CDE and the County Office of Education. The analysis shall consist of a review of the district's latest Independent Audit regarding funds available from all capital facility accounts, including, but not limited to, developer fees, funds generated from capital facility certificates of participation, federal grants, redevelopment funds, sale proceeds from surplus property, the appraised value of facilities approved for replacement pursuant to Section 1859.82, bond funds either encumbered, unencumbered or authorized but unsold, and savings from other SFP projects. All funds thus identified that have not been expended or encumbered by a contractual agreement for a specific capital outlay purpose prior to the initial request for financial hardship status shall be deemed available as a matching contribution.

After the initial request for financial hardship status is granted, no further encumbrances will be approved by the OPSC and all prospective revenue made available to the district's capital facility accounts shall be deemed available as matching contribution on the subsequent financial hardship review, with the exception of:

- (1) Approved interim housing expenditures.
- (2) Funding to pay for previously recognized multi-year encumbrances approved at the initial financial hardship approval.

- (3) Funding that is transferred into a Special Reserve Fund and is used for the express purpose of the Federal Renovation Program when the amount expended out of that fund does not exceed the maximum Federal Renovation Grant amount.
- (4) Funding that is transferred into a Special Reserve Fund and is used for the express purpose of the School Facilities Needs Assessment Grant Program or Emergency Repair Program when the amount expended out of that fund does not exceed the maximum grant amount apportioned.
- (5) All other capital facility funding for a period of three years when no subsequent financial hardship request is made during this period. The three-year period begins with the date of the most recent financial hardship new construction or modernization adjusted grant funding apportionment.

The financial hardship analysis is subject to approval by the Board.

- (b) From the funds deemed available as a matching contribution, the district may retain \$19,776 per classroom in each enrollment reporting period for the cost to provide interim housing for the currently unhoused pupils of the district. The amount shown shall be adjusted annually in the manner prescribed in Section 1859.71. The number of classrooms needed for interim housing for the currently unhoused pupils shall be the sum of the positive numbers determined in (b)(7) as follows:
 - (1) Determine the current enrollment of the district by grade level as shown on the latest Form SAB 50-01.
 - (2) Determine the New Construction Grants apportioned by grade level for all SFP projects and LPP funded under the provisions of Sections 1859.12 or 1859.13 where the district has submitted Form SAB 50-06 indicating that the project is 100 percent complete.
 - (3) Subtract (b)(2) from (b)(1).
 - (4) Determine the number of classrooms by grade level reported in Part 1, Line 8 on Form SAB 50-02.
 - (5) Multiply the classrooms determined in (b)(4) by 25 for K-6, 27 for 7-12, 13 for Non-Severe and 9 for Severe.
 - (6) Subtract the product determined in (b)(5) from the difference determined in (b)(3) by grade level.
 - (7) Divide the difference by grade level determined in (b)(6) by 25 for K-6, 27 for 7-12, 13 for Non-Severe and 9 for Severe and round up to the nearest whole number.

From the funds deemed available as a matching contribution, the district may also retain \$19,776 per portable toilet unit in each reporting period for the cost to provide necessary interim toilet facilities for the currently unhoused pupils of the district. The amount shown shall be adjusted annually in the manner prescribed in Section 1859.71. The number of toilet facilities needed for interim housing shall be the sum of the positive numbers determined in (b)(7) divided by eight rounded up to the nearest whole number.

If the district's available funds, as determined by the OPSC analysis less costs for interim housing, is less than its matching share, the district will be deemed to have met the requirements of this Subsection.

- (c) The district has made all reasonable efforts to fund its matching share of the project by demonstrating it is levying the developer fee justified under law or an alternative revenue source equal to or greater than the developer fee otherwise justified under law at the time of request for hardship and the district meets at least one of the following:
 - (1) The current outstanding bonded indebtedness of the district issued for the purpose of constructing school facilities in accordance with Education Code Section 17072.35 or 17074.25 as appropriate, at the time of request for financial hardship status, is at least 60 percent of the district's total bonding capacity. Outstanding bonded indebtedness includes that part of general obligation bonds, Mello-Roos Bonds, School Facility Improvement District Bonds and certificates of participation which the district is paying a debt service that was issued for capital outlay school facility purposes.

- (2) The district had a successful registered voter bond election for at least the maximum amount allowed under Proposition 39 within the previous two years from the date of request for financial hardship status. The proceeds from the bond election that represent the maximum amount allowed under the provisions of Proposition 39 must be used to fund the district's matching share requirement for SFP project(s).
- (3) It is a County Superintendent of Schools.
- (4) The district's total bonding capacity at the time of the request for financial hardship status is \$5 million or less.
- (5) Other evidence of reasonable effort as approved by the SAB.
- (d) The district has not signed a contract for acquisition or construction of classrooms that replace existing facility(ies), which were included in the determination of the district's new construction eligibility pursuant to Education Code Section 17071.75, in a locally funded project during the five-year period* immediately preceding the district's application for financial hardship assistance. This restriction may be lifted if the Board finds that unforeseen and extenuating circumstances existed that required the district to use local funds to replace the facility(ies).

If the district's request for financial hardship status is denied by the Board, the district may be deemed eligible for rental payments of \$2,000 per year per classroom under the Emergency School Classroom Law of 1979 for a two year period when relocatable classroom buildings are available and the district provides financial documentation that it is unable to afford the full rental amount and any other information satisfactory to the Board that the rental reduction is necessary. The number of classrooms eligible for the \$2,000 rental payments shall be the sum of the numbers determined in (c)(5)(B) as follows:

- (A) Determine the number of pupils by grade level that the district requested a New Construction Grant on the Form SAB 50-04 that were denied financial hardship status.
- (B) Divide the number by grade level determined in (c)(5)(A) by 25 for K-6, 27 for 7-12, 13 for Non-Severe and 9 for Severe and round up to the nearest whole number.

If the district meets the financial hardship requirements in this Section, the amount of financial hardship is equal to the district's matching share less funds deemed available in (a).

Once a district has been notified by the OPSC that it meets the requirements of financial hardship in this Section, the district may file Form SAB 50-04 under the provisions of financial hardship anytime within a period of 180 calendar days from the date of the OPSC notification.

If the district does not submit Form SAB 50-04 under the provisions of financial hardship within 180 calendar days of the OPSC notification of approval of financial hardship status, the district must re-qualify for financial hardship status under the provisions of this Section by submittal of a new request for financial hardship status.

If the district submits Form SAB 50-04 within 180 calendar days of the OPSC notification of approval of financial hardship and the project(s) has been included on an unfunded list for more than 180 calendar days, a review of the district's funds pursuant to (a) will be made to determine if additional district funds are available to fund the district's matching share of the project(s).

Financial hardship approval status by the OPSC for a separate design and/or site apportionment does not apply to any subsequent funding for the project(s).

Note: Authority cited: Sections 17070.35, 17075.15 and 17592.73, Education Code.

Reference: Sections 17075.10 and 17075.15, Education Code.

*May be a ten-year period, pending the Board's direction.

ELIGIBILITY DETERMINATION SCHOOL FACILITY PROGRAM

SAB 50-03 (REV 06/04/09/06)

GENERAL INFORMATION

This form is used by the School District to calculate the district's eligibility for new construction and modernization funding under the School Facility Program (SFP). The business address entered on the application should be the location that the school district wishes the Office of Public School Construction (OPSC) to mail all correspondence regarding this application.

Part I

Complete to designate or change the authorized district representative and/or alternate. Should this be the case, complete the school district information, identify the district representative(s) in Part I and complete the district certification information at the bottom of the form, including the date the district's governing board took appropriate action.

Part II

Complete for new construction baseline eligibility determination. This part is also used to request an adjustment to an approved new construction baseline eligibility as a result of subdivisions (f), (k) and (l) of Section 1859.51 due to either errors or omissions of information submitted by the district when it requested the initial baseline eligibility, because of a reorganization election that has changed the classroom inventory of the district or to change the classroom inventory that was reported at the time the district requested its initial determination of existing school building capacity as a result of special day class loading. The following documentation is necessary to determine new construction baseline eligibility and must be submitted with this form:

- A completed Form SAB 50-01 based on the latest enrollment data.
- A completed Form SAB 50-02.

Part III

Complete for modernization baseline eligibility determination at a specific site. Districts must be able to provide a drawing of the site where eligibility for modernization is generated with its request for an eligibility determination. The drawing must identify all permanent and portable classrooms on the site and their ages. If the district intends to use the square footage method in Option B, the drawings must also identify the square footage of all facilities on the site.

Part III is also used to request an adjustment to the approved baseline eligibility at a specific site as a result of subdivisions (c), (d), (e), (g) and (i) of Section 1859.61 due to one or more of the following:

- an increase in enrollment,
- additional facilities becoming at least 20/25 years old,
- facilities becoming eligible for an additional modernization apportionment, for permanent school buildings every 25 years after the date of its previous apportionment or for portable classrooms every 20 years after the date of its previous apportionment,
- because of errors or omissions of information submitted by the district when it requested the initial baseline eligibility for the site, or

- to change the classroom inventory that was reported at the time the district requested its initial determination of existing school building capacity as a result of special day class loading,
- a replacement of a facility that was previously deemed eligible for modernization but subsequently replaced in a project funded with local funds with no participation from the State. The district should submit a site diagram indicating the replaced facilities and a copy of the contract for construction or acquisition of facilities.

Complete for modernization baseline eligibility determination at a specific site. Districts must be able to provide a drawing of the site where eligibility for modernization is generated with its request for an eligibility determination. The drawing must identify all permanent and portable classrooms on the site and their ages. If the district intends to use the square footage method in Option B, the drawings must also identify the square footage of all facilities on the site. Part III is also used to request an adjustment to the approved baseline eligibility at a specific site as a result of subdivisions (c), (d), (e) (g) and (i) of Section 1859.61 due to either an increase in enrollment, additional facilities becoming at least 20/25 years old, facilities becoming eligible for an additional modernization apportionment, for permanent school buildings every 25 years after the date of its previous apportionment or for portable classrooms every 20 years after the date of its previous apportionment, because of errors or omissions of information submitted by the district when it requested the initial baseline eligibility for the site or to change the classroom inventory that was reported at the time the district requested its initial determination of existing school building capacity as a result of special day class loading. The following documentation is necessary (if not previously submitted to the OPSC) to determine modernization baseline eligibility and must be submitted with this form (as appropriate):

- Site diagram of school where modernization funding is requested. The diagram must indicate the ages and number of all permanent and portable classrooms on the site in accordance with the gross classroom inventory as provided by Section 1859.31.
- If the modernization eligibility will be determined by Option B, the site drawings must also include square footage and/or dimensions of all buildings on the site.

If modernization funding is requested for permanent or portable classrooms previously modernized with State funds, and qualifies for an additional apportionment pursuant to Section 1859.78.8, for purposes of establishing the beginning of the 25/20 year, it shall begin on the date of its previous modernization apportionment.

It is not necessary to complete Part III if the district is only requesting funding for new construction and it is not necessary to complete Part II if the district is only requesting funding for modernization.

A district may request that eligibility for new construction or modernization be reviewed and approved by the Board pursuant to Section 1859.20 prior to submitting Form SAB 50-04 to the Board.

For a list of the documents that must be submitted in order for the OPSC to deem an eligibility request for new construction or modernization complete and ready for OPSC processing, consult the OPSC Web site at www.opsc.dgs.ca.gov.

**ELIGIBILITY DETERMINATION
SCHOOL FACILITY PROGRAM**

SAB 50-03 (REV 06/04/09/06)

SPECIFIC INSTRUCTIONS**Part I – District Representative Information**

Enter the name(s) of district employee(s) that can act on behalf of the district's board. A consultant who is on contract with the district to communicate with the OPSC on behalf of the district's board may be listed. The designee of the Superintendent of Public Instruction shall file modernization applications on behalf of the California Schools for the Deaf and Blind.

Part II – New Construction Eligibility Determination

Indicate if this request is for a new or adjusted eligibility determination. Enter the district-wide information unless filing on a High School Attendance Area (HSAA) or Super HSAA basis. The enrollment projection and the existing school building capacity data are obtained from information reported and determined on the Form SAB 50-01 and the Form SAB 50-02. Once the OPSC has verified the information provided on these forms, it will automatically be transferred to this form to determine the district's eligibility for new construction. The district may manually enter the information from these forms and compute its eligibility; however, it may be adjusted by the OPSC based on verification of Form SAB 50-01 and Form SAB 50-02.

1. Enter the five year projected enrollment as shown in Part G of Form SAB 50-01 for grades K–6, 7–8, 9–12 and for the total of non-severe and severe special day class (SDC) projected enrollment.
2. Enter the amounts on Form SAB 50-02, Part III, line 5 for grades K–6, 7–8, 9–12, non-severe and severe.
3. New construction eligibility (i.e., the "baseline eligibility") is determined by subtracting the existing school building capacity (line 2) from the projected five year enrollment (line 1). Report negative numbers in brackets.

Adjustments to the district's new construction baseline eligibility will be made by the OPSC pursuant to Section 1859.51. Contact your project manager at the OPSC for the adjusted baseline eligibility for future request for new construction grants.

Part III – Modernization Eligibility Determination

Modernization eligibility is calculated based on information at a specific site when modernization SFP grants are requested within the district. Therefore, completion of Form SAB 50-01 and Form SAB 50-02 are not needed to determine eligibility for modernization funding. Since the eligibility is site specific, the district must submit a separate Form SAB 50-03 for each site for which it is requesting modernization funding. Indicate if this request is for new baseline eligibility determination or for an adjustment to an approved baseline eligibility as a result of Section 1859.61.

The district may use one of two options to calculate its modernization eligibility at a specific site within the district. The district may select only one option at a time to calculate its modernization eligibility at any given school site. The district may switch options at a later date, if it results in a net gain in eligibility at the site, regardless of whether a funding application has been submitted. Hence, for purposes of adjusting modernization eligibility to include non-classroom buildings previously modernized under the Lease-Purchase Program, a district may switch options for the purposes of obtaining additional modernization apportionments as provided by Section 1859.78.8. To assure timely processing of the application, districts must provide a drawing of the site (if not previously submitted to the OPSC) where modernization funds are generated with the eligibility request to the OPSC. The drawing must identify all permanent and portable classrooms and their ages on the

site. If the square footage of Option B is selected, the drawings must also identify the square footages of all facilities on the site. In item 1, enter the school site name from the California Public School Directory published by the California Department of Education. For purposes of determining the age of the building for modernization funding, the 25/20 year period shall begin 12 months after the plans for the building were approved by the Division of the State Architect (DSA); or in the case of permanent or portable classrooms previously modernized with State funds, which are eligible for an additional apportionment, the 25/20 year period shall begin on the date of its previous modernization apportionment. Any drawing that includes classrooms eligible for an additional apportionment pursuant to Section 1859.78.8 should specify both the date the classroom's plans were originally approved by the DSA and the date of its previous modernization apportionment.

1. Enter the school site name from the California Public School Directory published by the California Department of Education.

Option A

2. Enter the number of permanent classrooms by grade level at the school site that would have been included in the Gross Classroom Inventory pursuant to Section 1859.31 that are at least 25 years old and include any permanent classrooms not previously reported that have become at least 25 years old. If the school is a 6–8 middle school only, then report all classrooms at the 7–8 grade level. If this request is to adjust the classrooms reported for non-severe or severe pupil loading, the total classrooms reported must be equal to the classrooms reported at the time of the district request for initial modernization baseline eligibility. In no event may the number of classrooms reported for non-severe or severe pupils exceed the number of classrooms needed to house non-severe and severe pupils as reported on line 6 using loading standards of 13 for non-severe and 9 for severe classrooms. For purposes of the California Schools for the Deaf and Blind, the loading standard for these severe pupils shall be 9.
3. Enter the total number of portable classrooms by grade level at the school site that would have been included in the Gross Classroom Inventory pursuant to Section 1859.31 that are at least 20 years old and include any portable classrooms not previously reported that have become at least 20 years old. If the school is a 6–8 middle school only, then report all classrooms at the 7–8 grade level. If this request is to adjust the classrooms reported for non-severe or severe pupil loading, the total classrooms reported must be equal to the classrooms reported at the time of the district request for initial modernization baseline eligibility. In no event may the number of classrooms reported for non-severe or severe pupils exceed the number of classrooms needed to house non-severe and severe pupils as reported on line 6 using loading standards of 13 for non-severe and 9 for severe classrooms.
4. Add lines 2 and 3 by the grades shown.
5. Multiply line 4 by 25 for K–6, 27 for 7–8 and 9–12, 13 for non-severe and 9 for severe.
6. Enter the latest California Basic Educational Data Systems (CBEDS) enrollment for the school site identified as it would have been reported utilizing the criteria in Parts A, B and C of Form SAB 50-01. Report continuation high pupils as 9–12. If the school is a 6–8 middle school only, report 6th graders as 7–8.
7. Modernization eligibility (i.e., the baseline eligibility) is the lesser of each column of lines 5 or 6.

**ELIGIBILITY DETERMINATION
SCHOOL FACILITY PROGRAM****Option B**

2. Enter the total number of permanent classrooms at the school site that would have been included in the Gross Classroom Inventory pursuant to Section 1859.31 or all permanent square footage at the site that is at least 25 years old.
3. Enter the total number of portable classrooms at the school site that would have been included in the Gross Classroom Inventory pursuant to Section 1859.31 or all portable square footage at the site that is at least 20 years old pursuant to Section 1859.60.
4. Add lines 2 and 3.
5. Enter the remaining number of permanent and portable classrooms at the school site that would have been included in the Gross Classroom Inventory pursuant to Section 1859.31 or all remaining permanent or portable space that is under 25/20 years old.
6. Add lines 4 and 5.

7. Determine the percentage of space on the site that is at least 25/20 years old by dividing line 4 by line 6. Round to four decimal places.
8. Enter the latest CBEDS enrollment for each grade group at the school site identified as it would have been reported utilizing the criteria in Parts A, B and C of Form SAB 50-01. Report continuation high pupils as 9-12. If the school is a 6-8 middle school only, report 6th graders as 7-8.
9. Modernization eligibility (i.e., the baseline eligibility) is determined by multiplying line 7 by each grade group reported in line 8. Round up.

Adjustments to the District's modernization baseline eligibility will be made pursuant to Section 1859.61. These adjustments will **automatically** be made by the OPSC. Contact your project manager at the OPSC for the adjusted baseline eligibility for future requests for modernization grants at the specific site.

DRAFT

STATE OF CALIFORNIA
ELIGIBILITY DETERMINATION
SCHOOL FACILITY PROGRAM

SAB 50-03 (REV 06/04/09/06)

SCHOOL DISTRICT	FIVE-DIGIT DISTRICT CODE NUMBER (SEE CALIFORNIA PUBLIC SCHOOL DIRECTORY)
BUSINESS ADDRESS	HIGH SCHOOL ATTENDANCE AREA (HSAA) OR SUPER HSAA (IF APPLICABLE)
CITY/COUNTY	

Part I – District Representative Information

The following individual(s) have been designated as district representative(s) by school board minutes or the designee of the Superintendent of Public Instruction:

DISTRICT REPRESENTATIVE	TELEPHONE NUMBER	E-MAIL ADDRESS
DISTRICT REPRESENTATIVE	TELEPHONE NUMBER	E-MAIL ADDRESS

Part II – New Construction Eligibility Determination NEW ADJUSTED

	K-6	7-8	9-12	Non-Severe	Severe
1. Projected Enrollment (Part G, Form SAB 50-01)					
2. Existing School Building Capacity (Part III, Line 5 of Form SAB 50-02)					
3. New Construction Baseline Eligibility (Line 1 minus Line 2)					

Part III – Modernization Eligibility Determination NEW ADJUSTED

1. School Name					
Option A	K-6	7-8	9-12	Non-Severe	Severe
2. Permanent classrooms at least 25 years old					
3. Portable classrooms at least 20 years old					
4. Total (Lines 2 and 3)					
5. Multiply Line 4 by: 25 for K-6, 27 for 7-8 and 9-12, 13 for Non-Severe and 9 for Severe					
6. CBEDS enrollment at school					
7. Modernization Eligibility (lesser of each column of Lines 5 or 6)					
Option B					
2. Permanent space at least 25 years old (report by classroom or square footage)					
3. Portable space at least 20 years old					
4. Total (Lines 2 and 3)					
5. Remaining permanent and portable space (report by classroom or square footage)					
6. Total (Lines 4 and 5)					
7. Percentage (divide Line 4 by Line 6)					
	K-6	7-8	9-12	Non-Severe	Severe
8. CBEDS enrollment at school					
9. Modernization Eligibility (multiply Line 7 by each grade group reported on Line 8)					

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

- I am designated as an authorized district representative by the governing board of the district or the designee of the Superintendent of Public Instruction; 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,
- This form is an exact duplicate (verbatim) of the form provided by Office of Public School Construction. In the event a conflict should exist, then the language in the OPSC form will prevail.

SIGNATURE OF DISTRICT REPRESENTATIVE	DATE
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APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

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

GENERAL INFORMATION

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

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

Requests for funding may be made as follows:

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

- Site/plan approval letter from the CDE.
- Appraisal of property if requesting site acquisition funds.
- Plans and specifications (P&S) for the project that were approved by the DSA. Submittal of plans may be on CD-ROM or "Zip Drive" readable in AutoCAD 14. The specifications may be provided on a diskette that is IBM compatible.
- Cost estimate of proposed site development, if requesting site development funding.
- If this request is pursuant to Section 1859.77.2 and the district's housing plan is other than those listed in the certification section of this form, a copy of the school board resolution and the approved housing plan.
- If the site apportionment is requested pursuant to Regulation Section 1859.74.5, a cost benefit analysis as prescribed in Regulation Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
- If this is a request for funding under the Small High School Program, pursuant to Regulation Section 1859.93.2, the district must also provide a CDE Small High School academic reform strategy approval.
- If this request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, a justification of how the project relieves overcrowding, including but not limited to, the elimination of the use of Concept 6 calendars, four track year-round calendars, or bussing in excess of 40 minutes.

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

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

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

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

APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

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

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

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

SPECIFIC INSTRUCTIONS

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

1. Type of Application

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

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

If this request is to convert a Preliminary Apportionment or a Preliminary Charter School Apportionment to a Final Apportionment, check the New Construction (Final Apportionment or Final Charter School Apportionment) box.

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

2. Type of Project

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

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

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

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

3. Number of Classrooms

Enter the:

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

4. Financial Hardship Request

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

APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

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

5. New Construction Additional Grant Request

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

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

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

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

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

- If the district is requesting replacement facilities on the same site, enter the square footage requested as provided in Section 1859.82(a) or (b).
- Enter the square feet of eligible replacement area as provided by Section 1859.73.2.
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.71.3, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.71.3(a)(3).
- Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.71.2.

6. Modernization Additional Grant Request

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

7. Excessive Cost Hardship Request

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

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

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

8. Project Priority Funding Order

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

APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

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

9. Prior Approval Under the LPP

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

10. Prior Apportionment Under the SFP

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

11. Preliminary Apportionment to a Final Apportionment

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

12. Alternative Developer Fee

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

13. Adjustment to New Construction Baseline Eligibility

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

- a. Report all **additional** classroom(s) provided after the district submitted its request for determination of its new construction baseline eligibility for the grades shown, or indicate N/A if there are none. Refer to Section 1859.51(i).

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

In the replacement classroom column, indicated the number of classrooms that were included in the determination of the district's new construction eligibility pursuant to Education Code Section 17071.45 but replaced in a locally funded project.

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

- b. If the eligibility for this project was determined on a high school attendance area (HSAA) or Super HSAA pursuant to Section 1859.41, enter the number of pupils by grade level type that were included in the latest report by the CDE pursuant to Education Code Section 42268 that received operational grants in that HSAA or Super HSAA.

14. Pending Reorganization Election

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

15. Joint-Use Facility/Leased Property

Check the box if:

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

16. Project Progress Dates

Complete this section for new construction/modernization projects:

- Enter the date the initial construction contract was signed for this project. If a construction contract has not been executed, enter N/A.
- Enter the issue date for the Notice to Proceed for the construction phase of the project, or enter N/A if a Notice to Proceed has not been issued.

17. Labor Compliance Program

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

18. Construction Delivery Method

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

19. Architect of Record or Licensed Architect Certification

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

20. Architect of Record or Design Professional Certification

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

21. Certification

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

APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM

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

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.

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

1. Type of Application—Check Only One

- Checkboxes for New Construction, Modernization, etc.

Separate Apportionment

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

2. Type of Project

- Checkboxes for Elementary School, Middle School, High School

Total Pupils Assigned:

Form for Total Pupils Assigned by grade level and severity

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

Form for 50 Years or Older Building Funding details

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

Form for Alternative Enrollment Projection details

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. Project to be located on:

- Leased Site, New Site, Existing Site with Additional Acreage Acquired, Existing Site with No Additional Acreage Acquired

3. Number of Classrooms:

Form for Number of Classrooms: Master Plan Acreage Site Size, Recommended Site Size, Existing Acres, Proposed Acres

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

5. New Construction Additional Grant Request—New Construction Only

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

b. Multilevel Construction (CRS):

c. Project Assistance

d. Site Acquisition:

- Leased Site, Additional Acreage to Existing Site, Addition to Existing Site

(1) 50 percent Actual Cost: \$

(2) 50 percent Appraised Value: \$

(3) 50 percent Relocation Cost: \$

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

(5) 50 percent DTSC Fee: \$

e. 50 percent hazardous waste removal: \$

Response Action (RA)

**APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM**

- 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. Replacement area
 - Toilet (sq. ft.): _____
 - Other (sq. ft.): _____
- i. Energy Efficiency: _____ %
- j. Automatic Fire Detection/Alarm System
- Automatic Sprinkler System

6. Modernization Additional Grant Request—Modernization Only

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

7. Excessive Cost Hardship Request

New Construction Only

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

Modernization Only

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

8. Project Priority Funding Order—New Construction Only

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

Project meets:

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

9. Prior Approval Under the LPP

New Construction: 22/ _____

Modernization: 77/ _____

10. Prior Apportionment Under the SFP

Site/Design—New Construction: 50/ _____

Design—Modernization: 57/ _____

11. Preliminary Apportionment to Final Apportionment

Preliminary Apportionment Application Number: # _____

12. Alternative Developer Fee—New Construction Only

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

13. Adjustment to New Construction Baseline Eligibility

- a. **Additional** Classroom(s) provided:

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: _____

- b. Operational Grant (HSA) only:

K-6:	_____
7-8:	_____
9-12:	_____
Non-Severe:	_____
Severe:	_____

14. Pending Reorganization Election—New Construction Only Yes No

15. Joint-Use Facility/Leased Property

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

16. Project Progress Dates

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

17. Labor Compliance Program

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

18. Construction Delivery Method

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

**APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM**

19. Architect of Record or Licensed Architect Certification

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

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

ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

SIGNATURE

DATE

20. Architect of Record or Design Professional Certification

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

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

ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

SIGNATURE

DATE

21. Certification

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

- I am an authorized representative of the district as authorized by the governing board of the district; and,
- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et. seq., of the Education Code was adopted by the school district's governing board or the designee of the Superintendent of Public Instruction on, _____; and,
- The district has established a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (refer to Sections 1859.100 through 1859.102); and,
- Pursuant to Education Code Section 17070.755, the district has made a priority of the funds in the restricted maintenance account, established pursuant to Education Code Section 17070.75, to ensure that facilities are functional and meet local hygiene standards; and,
- The district has considered the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
- If this funding request is for the modernization of portable classrooms eligible for an additional apportionment pursuant to Education Code Section 17073.15, the district certifies that (check the applicable box below):
 - 1. The state modernization funds will be used to replace the portable classrooms and permanently remove the displaced portables from the classroom use within six months of the filing of the Notice of Completion for the project; or,
 - 2. It has provided documentation to the Office of Public School Construction which indicates that modernizing the portable classrooms eligible for an additional apportionment is better use of public resources than the replacement of these facilities.
- Facilities to be modernized have not been previously modernized with Lease-Purchase Program, Proposition 1A Funds or School Facility Program state funds; and,
- 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 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,

APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

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

- 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,
- If the application contains a "Use of New Construction Grant" request, the district has adopted a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board on _____ as specified in Sections 1859.77.2, or 1859.77.3, as appropriate. The district's approved housing plan is as indicated (check all that apply):
 - 1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB and the district must identify the source of the funds. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
 - 2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
 - 3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project. [Applicable for Sections 1859.77.2(b) and 1859.77.3(b)]
- If the district requested additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4, the district will include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project; and
- If this request is for a Large New Construction Project or a Large Modernization Project, the district has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and it has considered the need for vocational and career technical facilities to adequately meet its program needs in accordance with Education Code Sections 51224, 51225.3(b) and 52336.1; and
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the increased costs for the energy efficiency components in the project exceeds the amount of funding otherwise available to the district; and
- If this application is submitted after January 1, 2004 for modernization funding, the district has considered the potential for the presence of lead-containing materials in the modernization project and will follow all relevant federal, state, and local standards for the management of any identified lead; and
- The district has or will initiate and enforce a Labor Compliance Program that has been approved by the Department of Industrial Relations, pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003; and,
- Beginning with the 2005/2006 fiscal year, the district has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and
- If this application is submitted pursuant to Section 1859.93.2, the district certifies that is has an academic reform strategy scored by the CDE, and is available at the district office for OPSC verification; and
- If this application is submitted pursuant to Section 1859.93.2, the district certifies the enrollment at the Small High School will not exceed 500 pupils for a minimum of two complete school years after the Occupancy of the last Small High School funded, as outlined in Section 1859.104(e)(2); and
- If this application is submitted pursuant to Section 1859.78.9, the district certifies the enrollment at the resulting Small High Schools will not exceed 500 pupils for a minimum of two complete school years after the Occupancy of the Small High Schools; and
- If this application is submitted pursuant to Section 1859.78.9 or Section 1859.93.2, the district certifies that is will meet all reporting requirements as specified in Section 1859.104(e)(1) and/or (2).

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE

FUND RELEASE AUTHORIZATION

SCHOOL FACILITY PROGRAM

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

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

- Check the boxes in Part I if the district has current financial hardship status pursuant to Section 1859.81 and is requesting release of Preliminary Apportionment funds for design, engineering, and other preconstruction project costs. Attach to this form the CDE Letter pursuant to Section 1859.149(a)(2).
- Check the boxes in Part II if the Charter School is requesting a release of a Preliminary Charter School Apportionment for design and/or separate site apportionment pursuant to Section 1859.164.2.
- Check the box in Part III, for release of a separate site apportionment provided pursuant to Sections 1859.74.4, 1859.75.1 or 1859.81.1 or for release of Preliminary Apportionment site only acquisition pursuant to 1859.153(b) or (c).

- Check the box(es) in Part IV for release of new construction or modernization funds and enter the appropriate dates:
 - a. Date of written approval by the Division of the State Architect (DSA).
 - a**b.** Issue date of the Notice to Proceed for the construction phase of the project; and,
 - b**c.** Signature date of the initial construction contract entered into by the district for this project.
- Check the boxes in Part V if the district is requesting a separate release of site acquisition funds as part of a new construction project.
- Check the boxes in Part VI if the district is requesting release of joint-use project funds.
- Check the appropriate box(es) in Part VII that identify the district funding sources that have or will be used for the district's share of the project.
- Check the appropriate box(es) in Part VIII that identifies the construction delivery method that the district utilized for this project.

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

DRAFT

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

Part I. Preliminary Apportionment—Design Only

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

Part II. Preliminary Charter School Apportionment

A. Design Only

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

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

B. Separate Site Apportionment

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

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

Part III. Separate Site Apportionment

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

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

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

Part IV. New Construction/Modernization

District must be able to check both boxes:

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

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

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

Part V. New Construction—Site Acquisition Only

District must be able to check both boxes:

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

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

Part VI. Joint-Use Projects

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

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

FUND RELEASE AUTHORIZATION
SCHOOL FACILITY PROGRAM

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

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

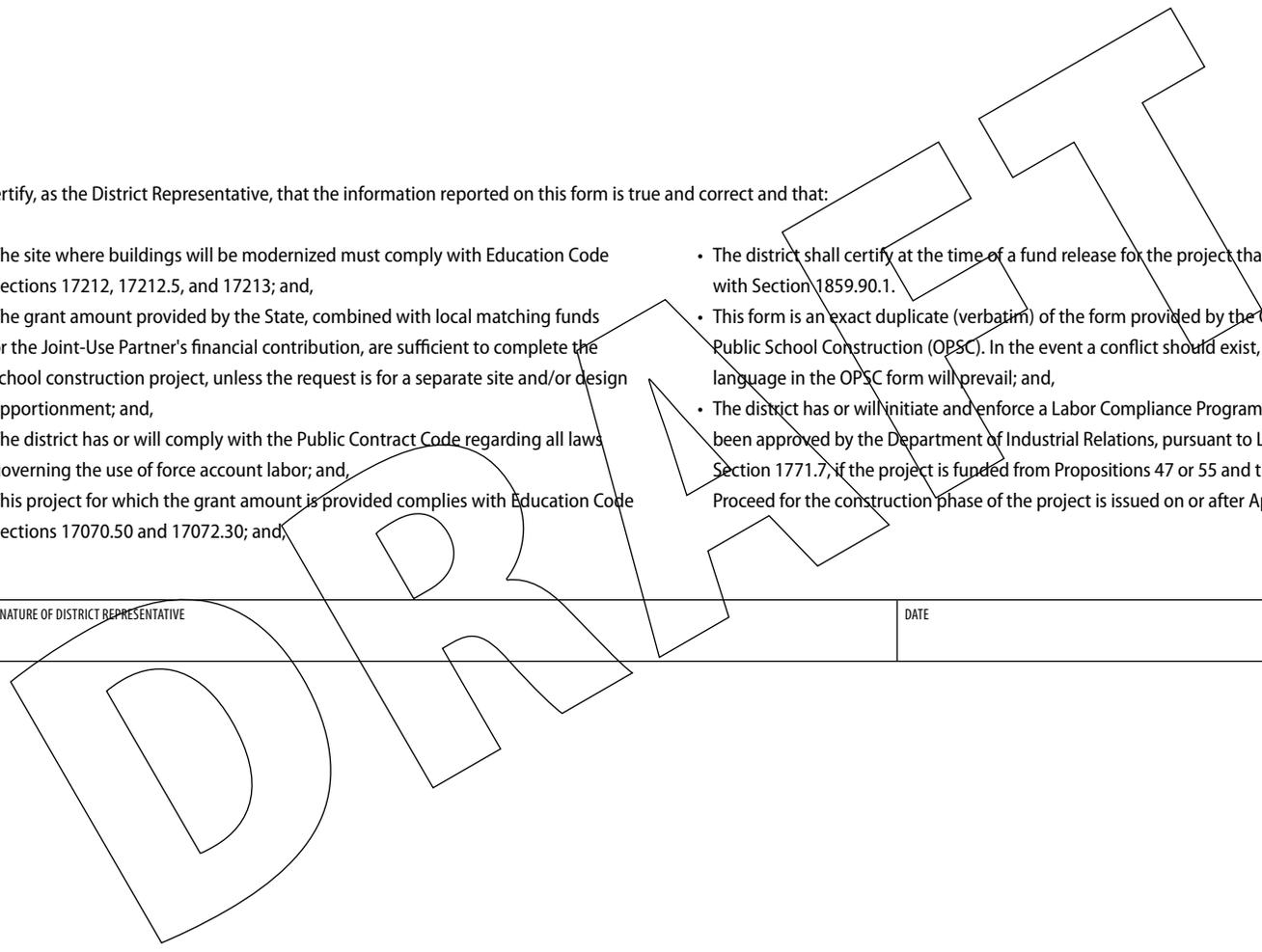
Part VIII. Identify District's Construction Delivery Method

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

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

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

SIGNATURE OF DISTRICT REPRESENTATIVE	DATE
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REPORT OF THE EXECUTIVE OFFICER
State Allocation Board Meeting, September 27, 2006

AMENDMENTS TO THE SCHOOL FACILITY PROGRAM

PURPOSE OF REPORT

To request:

1. Adoption of the proposed regulations in order to provide clarifying language changes as requested by the Office of Administrative Law (OAL).
2. Authorization to file the proposed regulations with the OAL.

BACKGROUND

At the June 2006 State Allocation Board meeting, the Board adopted emergency regulatory amendments regarding an additional grant for general site development and authorized the Office of Public School Construction (OPSC) to file the regulations with the OAL. Upon receipt, the OAL began its review and communicated concerns that a minor part of the content was unrelated to the matter of the emergency. The OPSC staff met with the assigned OAL attorney and it was determined that the OAL was going to disapprove the emergency regulations since some of the amendments were not sufficiently related to the emergency need (refer to Attachment A, pages 517 through 531). Based on this knowledge, the OPSC withdrew the emergency regulatory amendments and then re-submitted the regulatory text and forms that were specific to the emergency only. The OAL was supportive and responsive to this action, and therefore, approved the re-submitted emergency rulemaking file with an effective date of September 5, 2006.

AUTHORITY

Government Code Section 11349.6(b) states in part, ". . . The office [OAL] shall not file the emergency regulations with the Secretary of State if it determines that the regulation is not necessary for the immediate preservation of the public peace, health and safety, or general welfare, . . .".

STAFF COMMENTS

Based on recent policy changes, the OAL is insistent that State agencies meet the emergency standard by not mixing any unrelated subject matter with the emergency regulatory amendments. Therefore, at the request of the OAL, this agenda item defines the term "piggyback contract," makes a minor modification to the forms, and is being recommended for the Board's approval on a non-emergency basis.

RECOMMENDATIONS

1. Adopt the proposed regulatory amendments as shown on Attachment B.
2. Authorize the OPSC to file these regulations with the OAL.

This Item was approved by the State Allocation Board on September 27, 2006.

ATTACHMENT B
PROPOSED AMENDMENTS TO THE
SCHOOL FACILITY PROGRAM REGULATIONS
State Allocation Board Meeting, September 27, 2006

Amend Regulation Section 1859.2

Section 1859.2. Definitions.

...

"Piggyback Contract" means a contract for acquisition of personal property, without advertising for bids, as authorized by Public Contract Code Section 20118.

...

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

Reference: Sections 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.18, 17072.33, 17073.25, 17074.10, 17074.30, 17074.32, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17280, and 56026, Education Code; Section 53311, Government Code; and Section 1771.5, Labor Code.

APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

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

GENERAL INFORMATION

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

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

Requests for funding may be made as follows:

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

- Site/plan approval letter from the CDE.
- Appraisal of property if requesting site acquisition funds.
- Plans and specifications (P&S) for the project that were approved by the DSA. Submittal of plans may be on CD-ROM or "Zip Drive" readable in AutoCAD 14. The specifications may be provided on a diskette that is IBM compatible.
- Cost estimate of proposed site development, if requesting site development funding.
- If this request is pursuant to Section 1859.77.2 and the district's housing plan is other than those listed in the certification section of this form, a copy of the school board resolution and the approved housing plan.
- If the site apportionment is requested pursuant to Regulation Section 1859.74.5, a cost benefit analysis as prescribed in Regulation Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
- If this is a request for funding under the Small High School Program, pursuant to Regulation Section 1859.93.2, the district must also provide a CDE Small High School academic reform strategy approval.
- If this request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, a justification of how the project relieves overcrowding, including but not limited to, the elimination of the use of Concept 6 calendars, four track year-round calendars, or bussing in excess of 40 minutes.

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

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

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

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

APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

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

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

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

SPECIFIC INSTRUCTIONS

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

1. Type of Application

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

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

If this request is to convert a Preliminary Apportionment or a Preliminary Charter School Apportionment to a Final Apportionment, check the New Construction (Final Apportionment or Final Charter School Apportionment) box.

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

2. Type of Project

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

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

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

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

3. Number of Classrooms

Enter the:

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

4. Financial Hardship Request

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

5. New Construction Additional Grant Request

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

- 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. Indicate the site scenario that best represents the project request. If no RA is required, refer to Section 1859.74. If a RA is required on a site that is not leased or an addition to an existing site, refer to Section 1859.74.2. If RAs are required on a leased site or an addition to an existing site, refer to Sections 1859.74.3 or 1859.74.4, respectively. The limitation of 50 percent may be exceeded when unforeseen circumstances exist, the CDE determines that the site is the best available site, and substantiation that the costs are the minimum required to complete the evaluation and RA.
 - 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. If the district is submitting a funding request for new construction under the Small High School Program, enter the 60 percent values.

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

- 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.
- 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. If the district is submitting a funding request for new construction under the Small High School Program, enter the 60 percent values. Attach cost estimates of the proposed site development work which shall be supported and justified in the P&S. All cost estimates shall reflect 100 percent of the proposed work.

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

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

- h. Enter the square feet of eligible replacement area as provided by Section 1859.73.2.
- i. 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).
- j. 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.

6. Modernization 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.
- b. If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.78.5(a)(3).
- 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).
- d. Check the box if the district is requesting a Separate Apportionment for Reconfiguration pursuant to Section 1859.78.9. Enter the full value of the Reconfiguration request, not to exceed an aggregate of \$500,000 for all high school entities created.
- e. Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.78.4.

7. Excessive Cost Hardship Request

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

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

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

8. Project Priority Funding Order

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

APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

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

9. Prior Approval Under the LPP

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

10. Prior Apportionment Under the SFP

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

11. Preliminary Apportionment to a Final Apportionment

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

12. Alternative Developer Fee

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

13. Adjustment to New Construction Baseline Eligibility

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

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

14. Pending Reorganization Election

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

15. Joint-Use Facility/Leased Property

Check the box if:

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

16. Project Progress Dates

Complete this section for new construction/modernization projects:

- Enter the date the initial construction contract was signed for this project. If a construction contract has not been executed, enter N/A.
- Enter the issue date for the Notice to Proceed for the construction phase of the project, or enter N/A if a Notice to Proceed has not been issued.

17. Labor Compliance Program

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

18. Construction Delivery Method

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

19. Architect of Record or Licensed Architect Certification

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

20. Architect of Record or Design Professional Certification

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

21. Certification

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

**APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM**

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

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 (Small High School Program)
- 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—Modernization
- Design Only—Modernization of California Schools for Deaf/Blind
- Facility Hardship [Section 1859.82(a)]
- 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: _____
- 9-12: _____
- Non-Severe: _____
- Severe: _____

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

- K-6: _____
- 7-8: _____
- 9-12: _____
- Non-Severe: _____
- Severe: _____

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

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

Is this an Alternative Education School? Yes No

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

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

If yes, enter date of successful bond election: _____

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

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

If yes, enter date of successful bond election: _____

- f. Facility Hardship (no pupils assigned)

3. Number of Classrooms:

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

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

5. New Construction Additional Grant Request—New Construction Only

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

b. Multilevel Construction (CRS): _____

- c. Project Assistance

d. Site Acquisition: _____

- Leased Site
- Additional Acreage to Existing Site
- Addition to Existing Site

(1) 50 percent Actual Cost: \$ _____

(2) 50 percent Appraised Value: \$ _____

(3) 50 percent Relocation Cost: \$ _____

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

(5) 50 percent DTSC Fee: \$ _____

e. 50 percent hazardous waste removal: \$ _____

- Response Action (RA)

f. Site Development _____

50 percent Service-Site: \$ _____

50 percent Off-Site: \$ _____

50 percent Utilities: \$ _____

- General Site

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

Toilet (sq. ft.): _____

Other (sq. ft.): _____

**APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM**

- h. Replacement area
 - Toilet (sq. ft.): _____
 - Other (sq. ft.): _____
- i. Energy Efficiency: _____ %
- j. Automatic Fire Detection/Alarm System
- Automatic Sprinkler System

6. Modernization Additional Grant Request—Modernization Only

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

7. Excessive Cost Hardship Request

New Construction Only

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

Modernization Only

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

8. Project Priority Funding Order—New Construction Only

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

Project meets:

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

9. Prior Approval Under the LPP

New Construction: 22/ _____

Modernization: 77/ _____

10. Prior Apportionment Under the SFP

Site/Design—New Construction: 50/ _____

Design—Modernization: 57/ _____

11. Preliminary Apportionment to Final Apportionment

Preliminary Apportionment Application Number: # _____

12. Alternative Developer Fee—New Construction Only

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

13. Adjustment to New Construction Baseline Eligibility

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

14. Pending Reorganization Election—New Construction Only

Yes No

15. Joint-Use Facility/Leased Property

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

16. Project Progress Dates

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

17. Labor Compliance Program

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

18. Construction Delivery Method

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

**APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM**

19. Architect of Record or Licensed Architect Certification

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

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

ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

SIGNATURE

DATE

20. Architect of Record or Design Professional Certification

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

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

ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

SIGNATURE

DATE

21. Certification

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

- I am an authorized representative of the district as authorized by the governing board of the district; and,
- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et. seq., of the Education Code was adopted by the school district's governing board or the designee of the Superintendent of Public Instruction on, _____; and,
- The district has established a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (refer to Sections 1859.100 through 1859.102); and,
- Pursuant to Education Code Section 17070.755, the district has made a priority of the funds in the restricted maintenance account, established pursuant to Education Code Section 17070.75, to ensure that facilities are functional and meet local hygiene standards; and,
- The district has considered the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
- If this funding request is for the modernization of portable classrooms eligible for an additional apportionment pursuant to Education Code Section 17073.15, the district certifies that (check the applicable box below):
 - 1. The state modernization funds will be used to replace the portable classrooms and permanently remove the displaced portables from the classroom use within six months of the filing of the Notice of Completion for the project; or,
 - 2. It has provided documentation to the Office of Public School Construction which indicates that modernizing the portable classrooms eligible for an additional apportionment is better use of public resources than the replacement of these facilities.
- Facilities to be modernized have not been previously modernized with Lease-Purchase Program, Proposition 1A Funds or School Facility Program state funds; and,
- 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 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,

APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

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

- 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,
- If the application contains a "Use of New Construction Grant" request, the district has adopted a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board on _____ as specified in Sections 1859.77.2, or 1859.77.3, as appropriate. The district's approved housing plan is as indicated (check all that apply):
 - 1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB and the district must identify the source of the funds. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
 - 2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
 - 3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project. [Applicable for Sections 1859.77.2(b) and 1859.77.3(b)]
- If the district requested additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4, the district will include the automatic fire detection/ alarm system and/or automatic sprinkler system in the project prior to completion of the project; and
- If this request is for a Large New Construction Project or a Large Modernization Project, the district has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and it has considered the need for vocational and career technical facilities to adequately meet its program needs in accordance with Education Code Sections 51224, 51225.3(b) and 52336.1; and
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the increased costs for the energy efficiency components in the project exceeds the amount of funding otherwise available to the district; and
- If this application is submitted after January 1, 2004 for modernization funding, the district has considered the potential for the presence of lead-containing materials in the modernization project and will follow all relevant federal, state, and local standards for the management of any identified lead; and
- The district has or will initiate and enforce a Labor Compliance Program that has been approved by the Department of Industrial Relations, pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003; and,
- Beginning with the 2005/2006 fiscal year, the district has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and
- If this application is submitted pursuant to Section 1859.93.2, the district certifies that it has an academic reform strategy scored by the CDE, and is available at the district office for OPSC verification; and
- If this application is submitted pursuant to Section 1859.93.2, the district certifies the enrollment at the Small High School will not exceed 500 pupils for a minimum of two complete school years after the Occupancy of the last Small High School funded, as outlined in Section 1859.104(e)(2); and
- If this application is submitted pursuant to Section 1859.78.9, the district certifies the enrollment at the resulting Small High Schools will not exceed 500 pupils for a minimum of two complete school years after the Occupancy of the Small High Schools; and
- If this application is submitted pursuant to Section 1859.78.9 or Section 1859.93.2, the district certifies that it will meet all reporting requirements as specified in Section 1859.104(e)(1) and/or (2).

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE

**FUND RELEASE AUTHORIZATION
SCHOOL FACILITY PROGRAM**

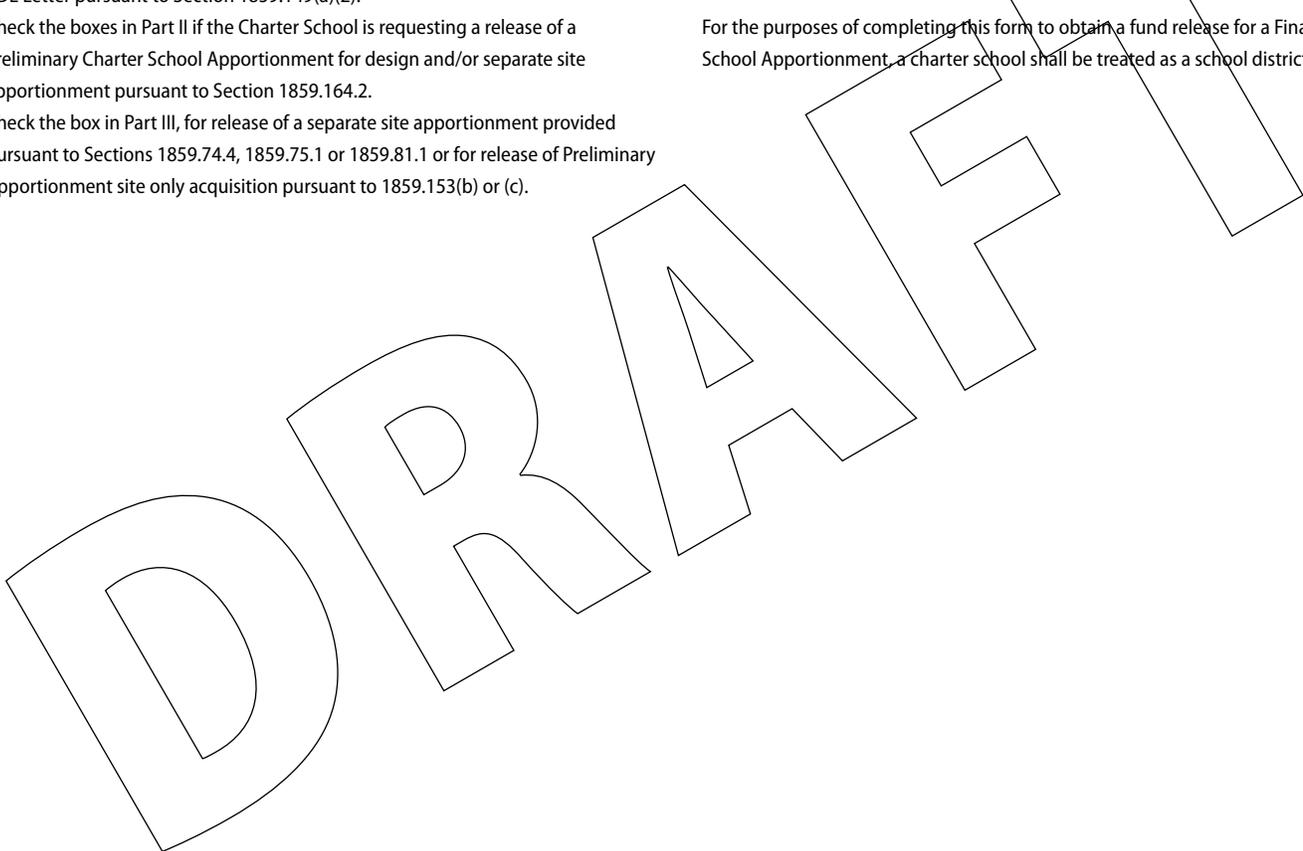
GENERAL INSTRUCTIONS (Refer to Title 2, California Code of Regulations Sections 1859.90 and 1859.91)

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

- Check the boxes in Part I if the district has current financial hardship status pursuant to Section 1859.81 and is requesting release of Preliminary Apportionment funds for design, engineering, and other preconstruction project costs. Attach to this form the CDE Letter pursuant to Section 1859.149(a)(2).
- Check the boxes in Part II if the Charter School is requesting a release of a Preliminary Charter School Apportionment for design and/or separate site apportionment pursuant to Section 1859.164.2.
- Check the box in Part III, for release of a separate site apportionment provided pursuant to Sections 1859.74.4, 1859.75.1 or 1859.81.1 or for release of Preliminary Apportionment site only acquisition pursuant to 1859.153(b) or (c).

- Check the box(es) in Part IV for release of new construction or modernization funds and enter the appropriate dates:
 - a. Issue date of the Notice to Proceed for the construction phase of the project; and,
 - b. Signature date of the initial construction contract entered into by the district for this project.
- Check the boxes in Part V if the district is requesting a separate release of site acquisition funds as part of a new construction project.
- Check the boxes in Part VI if the district is requesting release of joint-use project funds.
- Check the appropriate box(es) in Part VII that identify the district funding sources that have or will be used for the district's share of the project.
- Check the appropriate box in Part VIII that identifies the construction delivery method that the district utilized for this project.

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



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

Part I. Preliminary Apportionment—Design Only

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

Part II. Preliminary Charter School Apportionment

A. Design Only

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

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

B. Separate Site Apportionment

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

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

Part III. Separate Site Apportionment

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

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

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

Part IV. New Construction/Modernization

District must be able to check both boxes:

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

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

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

Part V. New Construction—Site Acquisition Only

District must be able to check both boxes:

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

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

Part VI. Joint-Use Projects

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

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

FUND RELEASE AUTHORIZATION
SCHOOL FACILITY PROGRAM

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

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

Part VIII. Identify District's Construction Delivery Method

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

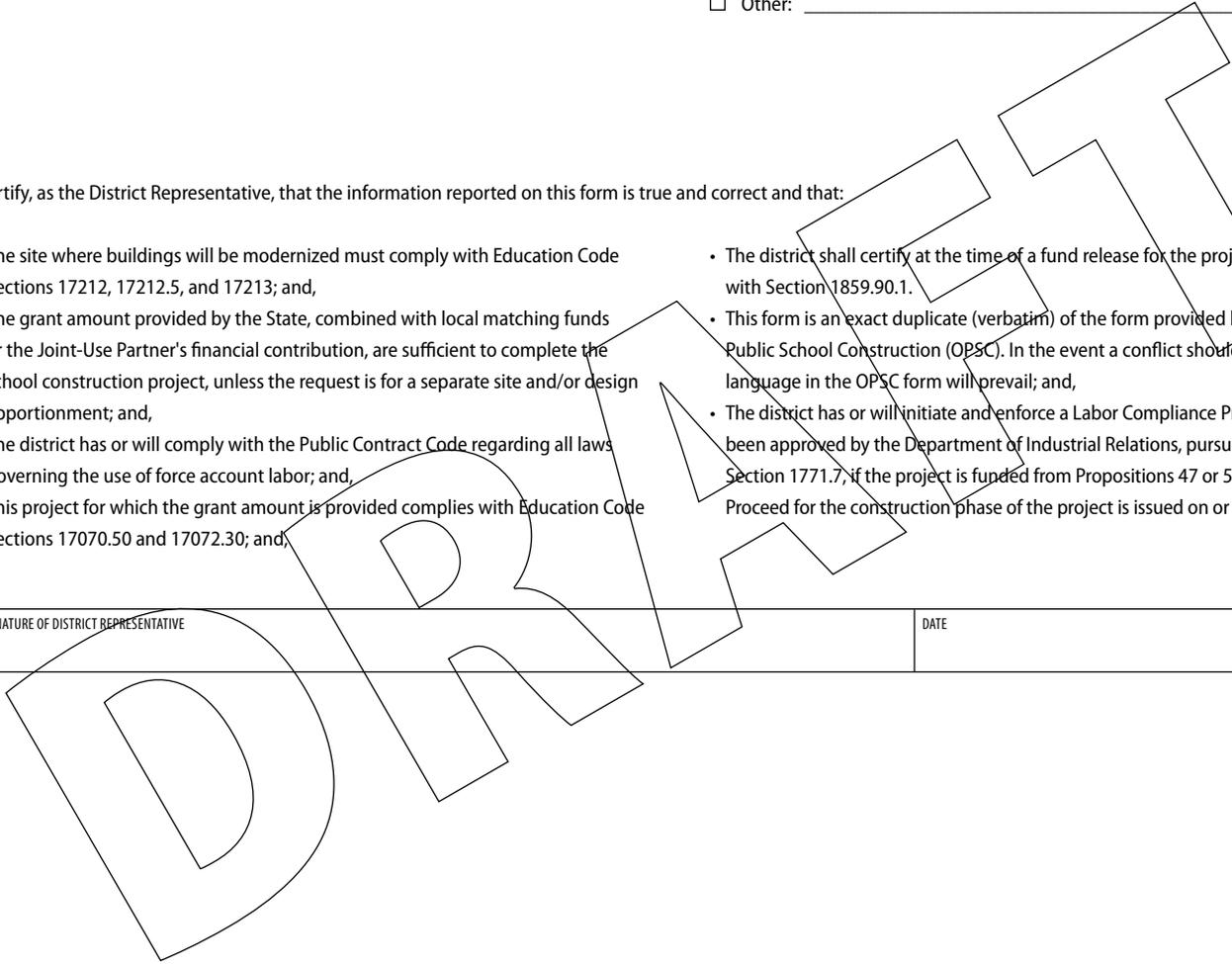
I certify, as the District Representative, that the information reported on this form is true and correct and that:

- The site where buildings will be modernized must comply with Education Code Sections 17212, 17212.5, and 17213; and,
- The grant amount provided by the State, combined with local matching funds or the Joint-Use Partner's financial contribution, are sufficient to complete the school construction project, unless the request is for a separate site and/or design apportionment; and,
- The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This project for which the grant amount is provided complies with Education Code Sections 17070.50 and 17072.30; and,

- The district shall certify at the time of a fund release for the project that it complies with Section 1859.90.1.
- This form is an exact duplicate (verbatim) of the form provided by the Office of Public School Construction (OPSC). In the event a conflict should exist, then the language in the OPSC form will prevail; and,
- The district has or will initiate and enforce a Labor Compliance Program that has been approved by the Department of Industrial Relations, pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003.

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE



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

SCHOOL FACILITY PROGRAM COSTS AVOIDED
PER PUPIL BY USE OF YEAR-ROUND EDUCATION

PURPOSE OF REPORT

To present yearly per pupil costs avoided in construction costs typically found by using year-round school programs and to approve this report for presentation to the Legislature.

DISCUSSION

Education Code Section 42263(d) requires that the State Allocation Board (SAB) report to the Legislature, no later than December 1 on even years, the statewide savings per pupil in school construction costs resulting from the operation of multi-track year-round education (MTYRE) programs. The average savings per pupil is the amount the State would have had to spend to house a pupil per year if that pupil had not been attending a year-round school, which is the funding basis for the MTYRE Operational Grant Program administered by the California Department of Education (CDE).

To provide the yearly cost savings per pupil figure, the Office of Public School Construction (OPSC) utilized an average of all project cost data collected from the School Facility Program during 2004/2005 and 2005/2006 Fiscal Years as provided by law. By factoring in the useful life of a facility and amortizing bond costs over 30 years at an interest rate of 4.6627 percent, the OPSC is reporting the yearly cost savings per pupil, as shown in the table below. This table also includes the amounts reported two years ago for the 2002/03 and 2003/04 Fiscal Years for reference.

USEFUL LIFE OF A FACILITY	2002/03 & 2003/04 FY YEARLY COST SAVINGS PER PUPIL	2004/05 & 2005/06 FY YEARLY COST SAVINGS PER PUPIL
20 Years	\$1,809	\$ 2,212
30 Years	\$1,206	\$1,475
40 Years	\$ 905	\$1,106

STAFF COMMENTS

The methodology used to determine the new cost savings figures is identical to that used in the reports presented to the SAB biennially since 1992. The SAB has historically requested that the cost savings per pupil be presented to the Legislature reflecting the 20-year, 30-year and 40-year useful life of facility savings. The Legislature analyzes the Useful Life figures and makes a determination of how to utilize this information for purposes of appropriating funds for the MTYRE Operational Grant Program, which is administered by the CDE. If a district elects to receive Operational Grants for eligible projects on MTYRE schedules, the district's eligibility in the SFP is reduced in a like amount.

RECOMMENDATION

Direct the OPSC to present this report for the 2004/2005 and 2005/2006 Fiscal Years to the Legislature on the average yearly cost savings using the 20-year (\$2,212/pupil), 30-year (\$1,475/pupil) and 40-year (\$1,106/pupil) useful life figures.

This Item was approved by the State Allocation Board on September 27, 2006.