

C.A.S.H. 26th Annual Conference on School Facilities

Beyond the Bond
Keeping the Promise for School Facilities

Room# 306
Tuesday, March 1, 2005
4:00 p.m. - 5:00 p.m.
Sacramento Convention Center

WORKSHOP #8

WILLIAMS SETTLEMENT LAWSUIT
**PROGRAM REGULATIONS AND SFP JOINT-
USE PROGRAM REQUIREMENTS/NEW
REGULATIONS**

Moderator: Dave Zian
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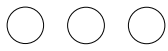
Panelists:

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Needs Assessment

Carol Shellenberger



Settlement and Legislation

On September 29, 2004, several bills were enacted as part of the settlement agreement in the case of *Williams v. State of California*.



Settlement and Legislation

Intent was to ensure all students have equal access to:

- Instructional Material
- Qualified Teachers
- Safe, Clean and Adequate Facilities



Settlement and Legislation

Today's discussion will focus on the parts impacting the SAB/OPSC:

- School Facilities Needs Assessment Grant Program (SFNAGP), Senate Bill 6
- Emergency Repair Program (ERP), Senate Bill 6
- Interim Evaluation Instrument (IEI), Senate Bill 550



SB 6: School Facilities Needs Assessment Grant Program

Program Basics

- \$25 million provided in Legislation
 - Remaining funds will go to the ERP
- Perform a one-time comprehensive assessment of the facilities
 - \$10 per pupil - minimum of \$7,500 per school
 - Any funds remaining after the needs assessment has been performed may be used at any eligible school to complete necessary repairs listed on the Needs Assessment Report



Use of Funds

| School Site | Grant Amount | Cost to Perform Needs Assessment | Remaining Funds |
|---------------------|---------------------|----------------------------------|--------------------|
| K Street Elementary | \$ 7,500.00 | \$ 5,500.00 | \$ 2,000.00 |
| River Middle | \$ 8,420.00 | \$ 8,100.00 | \$ 320.00 |
| Capitol High | \$ 20,220.00 | \$15,300.00 | \$ 4,920.00 |
| Total | \$ 36,140.00 | \$ 28,900.00 | \$ 7,240.00 |

The LEA has \$7,240 dollars remaining to be used at any of the eligible sites to make the necessary repairs identified in the needs assessment (Part V of the Form SAB 61-01).



SB 6: School Facilities Needs Assessment Grant Program

School Site Eligibility

- Schools newly built prior to January 1, 2000
- Identified by the California Department of Education (CDE) as ranked in deciles 1 – 3, inclusive, on the 2003 Academic Performance Index (API)
- The list of 2,208 schools meeting the API criteria is available on the CDE website www.cde.ca.gov/eo/ce/wc



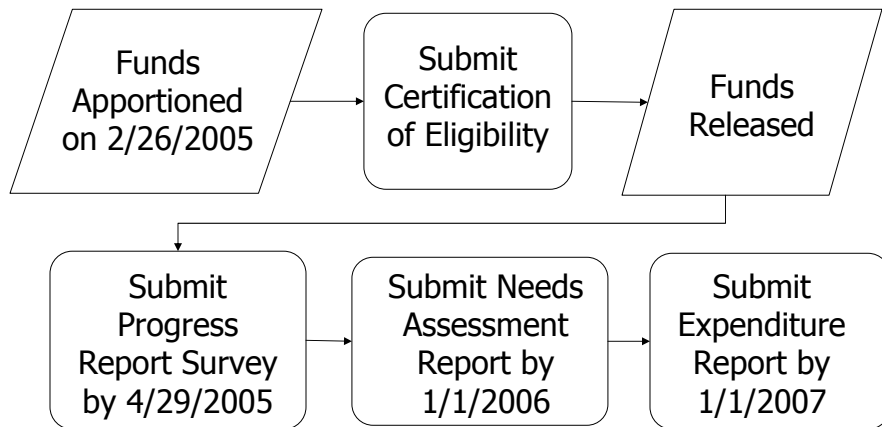
SB 6: School Facilities Needs Assessment Grant Program

School Site Eligibility

- The Needs Assessment grant was apportioned to those schools on the above list at the February 23, 2005 SAB Meeting
- Needs Assessments are to be completed by January 1, 2006



Important Deadlines



Emergency Repair Program Interim Evaluation Instrument

Lisa Constancio



SB 6: Emergency Repair Program (ERP)

Program Basics

- This program is open to the same schools that are eligible for the School Facilities Needs Assessment Grant Program
- Minimum of \$100 million per year will be allocated in the Budget Act; until \$800 million has been allocated for the ERP
- Funds will be provided to reimburse LEAs for costs of repairs at eligible school sites to mitigate health and safety hazards as permitted (refer to Regulation Sections 1859.323, 1859.323.1, and 1859.323.2)



Project Eligibility

SB 6 specifically identifies repairs related to the following conditions as eligible for ERP funding:

- ✓ Gas Leaks
- ✓ Non-functioning heating, ventilation, fire sprinklers or air-conditioning systems
- ✓ Electrical power failure
- ✓ Major sewer line stoppage
- ✓ Major pest or vermin infestation
- ✓ Broken windows or exterior doors or gates that will not lock and pose a security risk
- ✓ Abatement of previously undiscovered hazardous materials that pose an immediate threat
- ✓ Structural damage creating a hazardous or uninhabitable conditions (unless eligible for SFP Facility Hardship or Rehab.)



Filing Periods and Funding

- Applications will be accepted on a continual basis once the regulations have become effective
- Apportionments will be made on a monthly basis
- Unfunded approvals will be given if funds for the fiscal year have been exhausted



Things to Keep In Mind

- ERP is a reimbursement program
- The list of health and safety hazards specified in Education Code Section 17592.72 is not exhaustive
- Projects will typically be maintenance issues that must be taken care of in an urgent manner because the condition poses a health and safety hazard
- Sufficient documentation of the presence of a health and safety hazard must be provided to OPSC
- Replacement of systems or components is permitted in accordance with Regulation Section 1859.323.1.
Replacement Projects



Interim Evaluation Instrument

- Good repair is defined to mean that the facility is maintained in a manner that ensures that it is clean, safe, and functional as determined pursuant to an Interim Evaluation Instrument developed by the OPSC
- 13 components of a school are rated; some examples are:
 - Mechanical Systems
 - Windows/Doors/Gates
 - Drinking Fountains
- Goal is to have all “Yes” = facility is in good repair



Facilities Inspection System

- After 7/1/05, each district or COE participating in the School Facility Program or the Deferred Maintenance Program must develop a school facility inspection system to ensure facilities are kept in good repair
 - Certification has been added to SFP Forms 50-04, 50-07, and 50-09, and DMP Five Year Plan Form SAB 40-20
- For schools meeting the eligibility criteria of SB 6, the needs assessment is the baseline of the facility inspection system



School Accountability Report Card

- Districts and COEs will use the IEI in completing the Student Accountability Report Card (SARC)
- Annually must report on the safety, cleanliness, and adequacy of school facilities and maintenance needed to ensure good repair



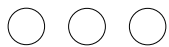
Reporting Deadlines

- Districts or COEs will not send OPSC copies of the IEI
- OPSC is to report to the Governor and Legislature by December 31, 2005 on options for state standards
- The Governor and Legislature are charged with adopting in statute the state standard definition of good repair by September 1, 2006



Uniform Complaint Process

- SB 550 created Education Code Section 35186, which establishes a Uniform Complaint Process (UCP)
- As part of this process, a notice must be posted in each classroom to notify parents and guardians of the appropriate subjects of a complaint
- The California Department of Education is responsible for this portion of SB 550. Please refer to Education Code Section 35186(f) or the CDE website for information on the required contents of that notice



Joint Use Overview

Collette Rhoads



School Facility Program Joint-Use Overview

- JOINT-USE – An Alternative
- Changes to SFP Regulations
 - Existing School Site Defined
 - Funding on District-Owned Land
 - Signature Date on Joint-Use Agreement
- Program Highlights
 - Types of Projects
 - Eligibility Criteria
 - Grant Determination
 - Partnership Funding Options
 - Other Details
- Available Funding
- Summary
 - Dates and Timelines
 - Resources



JOINT-USE – An Alternative

Maximizing your assets by joint-use:

- Achieve better facilities
- Better use of public funds
- Reduce district's costs for facilities



Changes to SFP Regulations

- Section 1859.2 Definitions
 - Clarifies that “Existing School Site” for purposes of Joint-Use, means real property that has a public school with any grades K-12 and that has at minimum administration and classroom facilities for any grades K-12 and has been assigned a county district school (CDS) code, which meets the criteria of Regulation Section 1859.23
- Section 1859.23 Funding on District-Owned Land
 - Clarifies that prior to requesting SFP funds for facilities the district must hold title to the property unless it holds an appropriate ground lease per Regulation Section 1859.22
- Sections 1859.123 and 1859.123.1 Qualifying SFP Projects
 - Eliminates the requirement that the Joint-Use agreement be signed prior to SAB approval of the qualifying/companion SFP project



Types of Projects

- Type I - Part of New Construction Project
- Type II – Stand Alone Project
 - Reconfigure and/or construct new buildings
 - May be part of a modernization project



Types of Projects

- Type I - Part of a new construction project that will increase the size, creates extra cost, or does both beyond that necessary for school use, of the:
 - Multipurpose room
 - Gymnasium
 - Childcare Facility
 - Library
 - Teacher Education Facility



Types of Projects

- Type II - A stand alone joint-use project to either reconfigure existing school buildings or construct new buildings, or both that may be part of a modernization project located at a school that does not have the type of facility or the existing facility is inadequate to provide for a:
 - Multipurpose room
 - Gymnasium
 - Childcare Facility
 - Library
 - Teacher Education Facility
 - Pupil Academic Achievement*

*Plans must be accepted by Division of the State Architect prior to January 1, 2004.

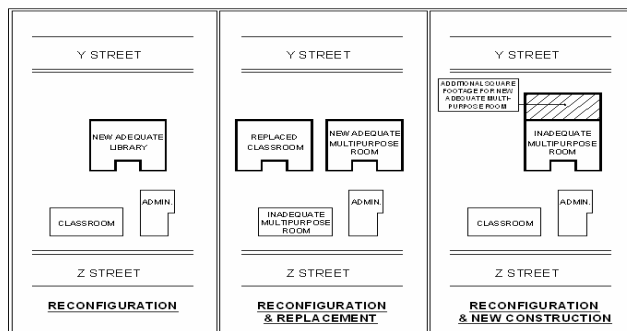


Types of Projects - Reconfiguration

- An Alternative to Building a New Facility:
 - Remodeling an Existing School Building
 - Maintaining Classrooms and/or Other Minimum Essential Facilities



Examples of Reconfiguration



TYPE II JOINT USE TYPICAL RECONFIGURATION SITE PLAN

SCALE: NONE





Eligibility Criteria – Type I

Type I Joint-Use Project:

- Partner is a governmental agency, Higher Education, or nonprofit organization
- Part of a SFP new construction project
- Located at school site of SFP project
- Increases the size, creates extra cost or both of joint-use project
- Joint-Use Agreement meets criteria of EC 17077.42
- Has square footage eligibility (only if increased size)
- Contract executed after April 29, 2002
- Has DSA and CDE approved plans



Eligibility Criteria – Type II

Type II Joint-Use Project:

- Partner is a governmental agency, Higher Education, or nonprofit organization
- Reconfigures existing school buildings and/or constructs new buildings
- Is a stand alone project or part of a SFP modernization project
- Located at an existing school site
- Site does not have the facility or existing facility is inadequate
- Joint-Use Agreement meets criteria of EC 17077.42
- Has square footage eligibility
- Contract executed after April 29, 2002
- Has DSA and CDE approved plans if part of SFP modernization
- Has preliminary plans and CDE preliminary plan approval if a stand alone project



Grant Determination

- Type I - Increased Size
- Type I - Extra Cost
- Type I - Increased Size *and* Extra Cost
- Type II



Partnership Funding Options

- Minimum 25% of Eligible Costs
- Multiple Partners
- District may provide up to 50% with local bond



Other Details

- Funding Priority Order
- Joint-Use Agreement
- Time Limit on Apportionment
- Submitting Your Application



Available Funding

- Proposition 47 - \$10.2 Million Remaining
- Proposition 55 - \$50 Million Bond 2004
- Filing Period
 - June 1 – May 31
- Apportionment Date
 - July State Allocation Board Meeting



Important Dates and Timelines

- Filing Period: June 1 – May 31
- Apportionment Date: July SAB Meeting
- Type I and Type II Part of SFP Modernization:
 - Time Limit on Apportionment – 18 mos.
 - First Expenditure Report – 12 mos.
- Type II Not Part of SFP Modernization:
 - DSA and CDE plans to OPSC – 12 mos.
 - Time Limit on Apportionment – 18 mos.
 - First Expenditure Report – 12 mos.



Resource Information

- Rachel Wong (916) 445-7880
rachel.wong@dgs.ca.gov
- www.opsc.dgs.ca.gov/Programs/Joint-Use_AB16.htm



Critically Overcrowded Schools Program

Theodore J. Rapozo



Milestones and Changes

o **2002 COS Facilities Account**

- What happened?
- What's next?
- What's new?

o **2004 COS Facilities Account**

- What happened?
- What's next?



COS Program Criteria

A proposed project must meet the following criteria:

- Relieve overcrowding
- Have SFP New Construction Eligibility
- Have at least 75% of pupils come from school(s) on the CDE Source School List
- Be in the General Location of a Source School



2002 COS Facilities Account

- \$1.7 Billion from Proposition 47
- Received 438 applications / 17 districts
- Preliminary Apportionments for 303 projects / 15 school districts
- Restricted Fund: \$1.69 Billion
- Unrestricted Fund: \$2.1 Million



2004 COS Facilities Account

- \$2.44 Billion from Proposition 55
- Preliminary Apportionments for 496 projects / 8 school districts
- Restricted Fund: \$1.9 Billion
- Unrestricted Funds: \$283 Million
- Transfer to SFP New Construction: \$269 Million



First Annual Report

Due: October 27, 2005 (2004 COS)

- Project progress discussion at school board public hearing
- Includes CDE site certification and
- General location serves application

or

Preliminary Apportionment is rescinded



Fourth Annual Report

**Due by: August 27, 2007 (2002 COS)
October 27, 2008 (2004 COS)**

- Project progress discussion at school board public hearing
- Converts to a Final Apportionment or
- Receives a time extension

or

Preliminary Apportionment is rescinded



One -Year Extension Criteria

- CDE contingent or final site approval
and
- Final plans submitted to DSA for review and approval
or
- Other evidence satisfactory to the SAB (narrative)



Advanced Fund Releases

- Design apportionment
- Site apportionment
- Environmental Site apportionment



Apportionment Conversion

To convert a Preliminary Apportionment to a Final Apportionment:

- SFP Eligibility for at least 75% of pupils in Preliminary Apportionment
- Meet all SFP criteria for filing an adjusted grant Form SAB 50-04



2002 Eligibility Options – AB 2950

District Wide Reporting

- Enrollment - Standard Cohort 5-year Projection
- Enrollment - Current Year

High School Attendance Area Reporting

- Enrollment - Standard Cohort 5-year Projection
- Enrollment - Current Year
- Pupil Residency - Cohort 5-year Projection
- Pupil Residency - Current Year



What do I need to submit?

- Form(s) SAB 50-01 to update CBEDS Enrollment/Residence Data
- Form SAB 50-04 with appropriate supporting documentation



Online Resources

- www.opsc.dgs.ca.gov
 - SFP/COS program description
 - Links to Form SAB 50-01 & 50-04(pdf)
 - Application Submittal Requirements
 - SFP Guidebook & Regulations
 - Frequently Asked Questions
 - PowerPoint presentation



Who can I contact?

- Your OPSC Project Manager
- or for COS questions:
- Jessica Love at (916) 327-1448
 - T.J. Rapozo at (916) 324-2557