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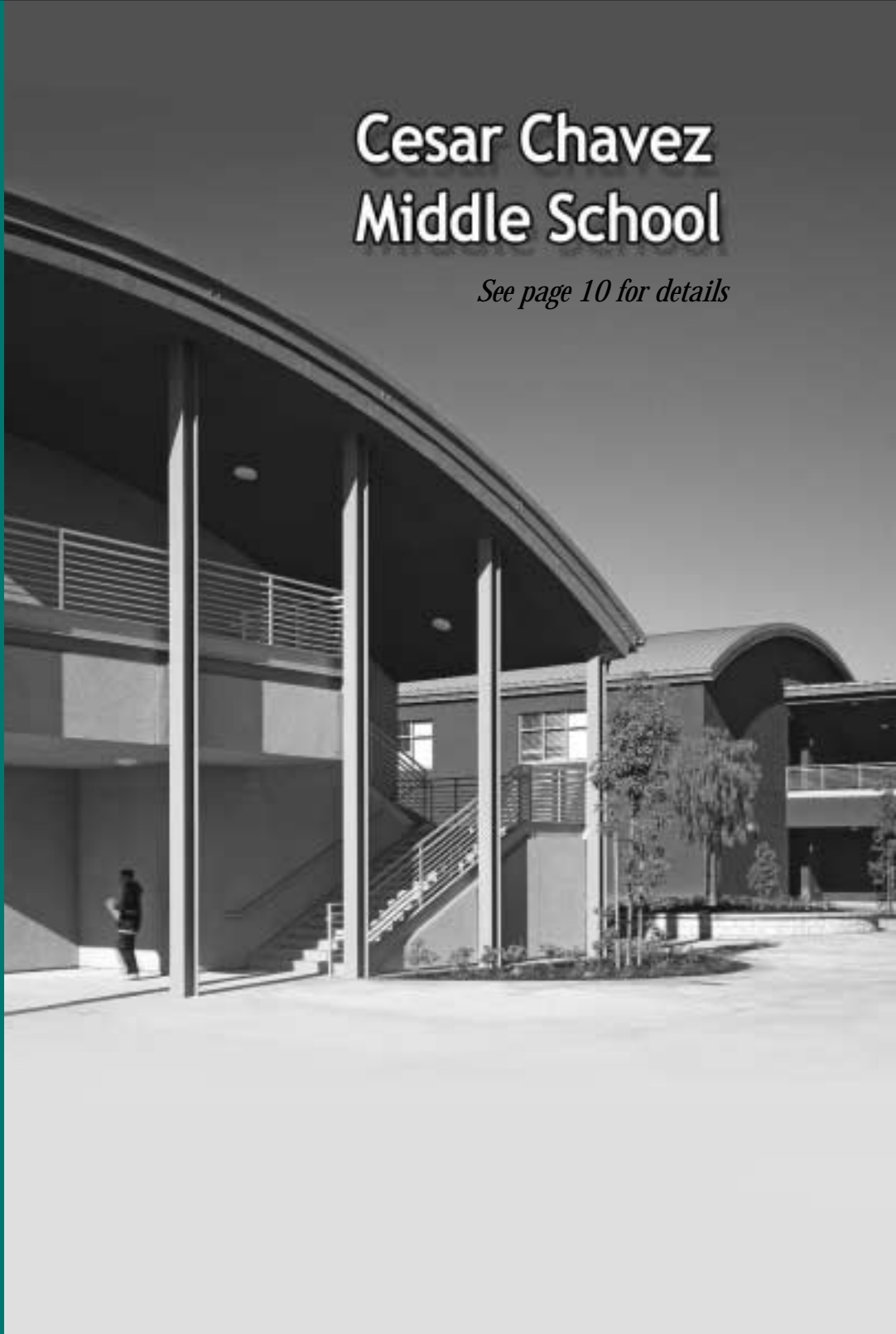
THE NEWSLETTER OF THE COALITION FOR ADEQUATE SCHOOL HOUSING

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Message From The Chair



Ted E. Rozzi, C.A.S.H. Chair

The 2007-2008 Legislative Session is in full gear with both houses reviewing facilities bills dealing with declining enrollment-state funding eligibility issues, Green Building Incentives, project delivery options, and Career Technical Education implementation. In addition, the State Allocation Board's Implementation Committee has been busy developing regulations to implement the new programs identified in Proposition 1D.


The C.A.S.H. Board is absolutely committed to providing our members with the most current information possible on new legislation and programs and to that end, the Board has approved the formation of a committee on Career Technical Education and a working group on Charter School issues.

With the explosion of interest in Career Technical Education (CTE), the new CTE Committee will be looking at the proposed Proposition 1D regulations, the School Facility Program funding approval process and other legislative actions concerning CTE to

provide clarity for our members on best practices, eligibility and funding options.

The relationship with Charter Schools continues to be an evolving topic both within the School Facilities Program and at the State Board of Education. The new C.A.S.H. Working Group on Charter Schools will examine the changes within the SFP and the changes currently being considered by the State Board to the Proposition 39 regulations regarding Charter School facilities to again provide our membership with the most current information on school district responsibilities and options.

As I have stated many times, the strength of the C.A.S.H. organization is the energy and expertise of our members. I am asking once again for our school district and associate members to help the organization. If you have an interest in Career Technical Education and/or Charter School facilities, please contact the C.A.S.H. office at 916-448-8577 or me at 951-285-8299 to make your interest known.

These are exciting times for C.A.S.H. and California school districts. We would appreciate your assistance in meeting these new challenges. 



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The CASH Register is published eleven times a year (January through November) by the Coalition for Adequate School Housing (C.A.S.H.) and distributed to C.A.S.H. members. Over 1,000 rapidly growing school districts, county offices of education, architects, attorneys, bond counsel, financial institutions, developers, contractors, consultants, inspectors, licensed professionals, manufacturers of portable classrooms, maintenance suppliers and others who are concerned about school construction issues hold C.A.S.H. memberships.

The CASH Register solicits articles on school facility-related topics from the membership. If you are interested in submitting an article, please send it or a letter of inquiry to: Editor, CASH Register editorial office, 1130 K Street - Suite 210, Sacramento, CA 95814. Sorry, we are unable to return or acknowledge unpublished manuscripts. The views expressed herein are those of the authors and not necessarily those of the Coalition for Adequate School Housing, its board, staff or general membership.

Legislative Hearing Updates

April presented an important deadline for education bills with fiscal impacts, which was that in order to move on to their respective Appropriations Committees they needed to be passed out of their policy committees (i.e., Education, Labor and Employment, etc.) The Assembly Education Committee met on April 25 and continued well into the evening to complete its file. Additionally, the Senate Education Committee – with the tradition of placing fiscal bills on a suspense file – took action on such bills on Thursday, April 26. The following is a summary of action on and disposition of key facilities bills.

Assembly Appropriations Committee

AB 168 (Berg) – Minimum Essential Facilities Support

Summary: Would add a section to the Education Code to address Minimum Essential Facilities (MEFs) and specifically authorizes funding for schools that lack MEFs or MEFs that do not meet square footage standards. Would require OPSC and the SPI to establish MEF standards, including but not limited to square footage. Funding would be apportioned on a square footage calculation as determined by the board. Limits funding to the construction, expansion or reconfiguration of MEFs and authorizes the board to prioritize funding for MEFs. The State and local share would be 50% unless the district is eligible as a Financial Hardship district.

Action: Due to the fiscal impact of this bill, it is now on the Assembly Appropriations Suspense File.

AB 260 (Fuller) – Small Districts, Project Management Assistance

Support

Summary: Would provide additional funding to small school districts for project management assistance for projects approved by the State Allocation Board after January 1, 2008. Would allow districts to contract with design professionals, general contractors,

construction managers, and state-approved inspectors if no conflict of interest exists. Would authorize districts to contract for pre-construction services, bid phase services, construction phase services, and project close-out services.

Action: Ian Padilla testified in support of the measure on behalf of C.A.S.H. Due to the fiscal impact of this bill, it is now on the Assembly Appropriations Suspense File.

AB 1011 (DeSaulnier) – Modernization Eligibility, MTYRE Schools Support

Summary: Reduces the age of a 25-year-old permanent school building for purposes of receiving Modernization funding by one year for every three years of continual use on MTYRE schedule. Assembly Member DeSaulnier waived presentation; however, C.A.S.H. testified in support of the bill.

Action: Due to the fiscal impact of this bill, it is now on the Assembly Appropriations Suspense File.

Assembly Education Committee

AB 818 (Krekorian) – Construction Cost Index Adjustments to the Grants Support with Amendment

Summary: Requires the State Allocation Board to adjust the New Construction base grants quarterly, as opposed to annually, and use a selling

cost price index based on the Class B construction. Requires the Board to compare the grants to actual construction costs to build new schools and to adjust the grants so that they reflect actual costs. If the Board does not complete its analysis, it will be required to increase the New Construction base grants by 15% effective January 1, 2008.

C.A.S.H. supports the bill but offered an amendment to apply the quarterly adjustment to the Modernization grants as well.

Action: Assembly Member Krekorian accepted our amendment to apply the quarterly adjustment to the Modernization grant as well as other grants. Other issues raised by the Committee staff and members, and that the author agreed to work on, was to clarify the index used by the Board and the issue of reducing the grants if the 15% increase is applied and the Board comes back at a later date with a study that shows that the comparison yields a lower percent. The bill passed out of the Committee.

AB 1500 (Hancock) – Modernization Grants Sponsor

Summary: AB 1500 as introduced would do the following:

Restore the traditional ratio of the per-pupil Modernization grant amounts as 43% of the New Construction grants as was established with the creation of the School Facility Program by SB 50 (Greene) in 1998;

Establish a program to provide funding eligibility for specific schools that have required seismic upgrades and where a district had to use its Modernization funds and eligibility to meet seismic requirements; and

Provide greater state financial assistance to comply with the mandate of the federal Americans with Disabilities Act (ADA).

Bill Savidge testified before the Committee representing West Contra Costa Unified School District about the

Continued on page 4

Legislative Hearing Updates

Continued from page 3

deficiency in state funding for Modernization projects citing an elementary project that his district just completed for full educational, seismic and ADA upgrades totaling \$266 million. The state contributed \$28.3 million to the project. Prior to the hearing, concern was raised by the County School Facilities Consortia (CSFC), which supported the bill, that the Special Education grants for Modernization projects also be increased. Assembly Member Hancock accepted the amendment and another to remove the provision in the bill that would require the state to fund 100% of the increased costs associated with ADA compliance, and instead require that the state fully fund its 60% share of such costs in keeping with the 60/40 match.

Action: The bill passed out of the Education Committee with no "NO" votes and is scheduled to be heard by the Assembly Appropriations Committee on May 2.

AB 1014 (Bass) – Enrollment Projection Methods

Support

Summary: Would authorize school districts to use an alternative method of projecting student enrollment than the state cohort survival enrollment projection methodology. Would require that the Office of Public School Construction review the method and make a recommendation to the State Allocation Board. C.A.S.H. has been seeking to provide an alternative to school districts for several years and initiated a working group comprised of expert demographers to study the accuracy of various projection methods. This bill is in keeping with our legislative platform.

Action: Tom Duffy testified before the Committee and presented the C.A.S.H. 2005 study on various enrollment projection methods, which concluded that the state cohort survival enrollment projection method on average did not yield the most accurate

demographic projections. The bill passed out of the Committee by a vote of 7-3 and is scheduled to be heard by the Assembly Appropriations Committee on May 2.

AB 1368 (Mullin) – Local Bonds, 40 years

Support

Summary: Would require the principal of the bonds to be payable not more than 40 years from the date of the bonds and would make conforming changes. Would authorize a district to issue notes that mature within a period not to exceed 5 years, rather than one year. The prohibition on the fiscal officer of a school district or a community college district issuing a renewal note that would have a maturity date later than five years from the date of the original issuance of the note would be restated. The total amount of the notes or renewals of notes issued and outstanding would be prohibited from exceeding not the amount of the unsold bonds, but rather the total of that amount of unsold bonds and the amount of the other funds of the school district or a community college district that are lawfully available for the purpose of repaying the notes, including state grants.

Action: The bill passed out of the Committee by a vote of 7-3.

AB 1395 (Coto) – 3-Year Eligibility Freeze

Support

Summary: Would provide that the ongoing eligibility of any school district is not reduced as a result in the adjustment in enrollment projections for a period of 3 years from the date of eligibility approval by the Board.

Action: The bill passed out of Committee by a vote of 6-3 and is scheduled to be heard by the Assembly Appropriations Committee on May 2.

AB 1490 (Mendoza) – 30-Year-Old Portables

Support

Summary: Would allow a school district to subtract from its capacity

calculations for ongoing New Construction eligibility pupils housed in district-owned portable classrooms that are at least 30-years-old. C.A.S.H. sponsored a similar measure in 2006, SB 1203 (Morrow), to address the issue of the continued use of portable classrooms that are beyond their useful lives.

Action: Assembly Member Mendoza accepted amendments to the bill, which included a requirement that the portables must be replaced with permanent buildings and that they must be removed from instructional use within six months of occupancy. The bill will stipulate, however, that they can be used as storage facilities. Assembly Member Brownley asked if one can discern permanent construction from relocatables. Tom Duffy, who testified before the Committee in support of the bill on behalf of C.A.S.H., referred Ms. Brownley and the Committee members to the definition in the Education Code and explained that they are distinguishable by DSA approved criteria and the way in which they are affixed to the ground. The bill passed out of Committee.

AB 1545 (Parra) – Hardship, Minimum Essential Facilities

Summary: Would prohibit the board from applying any financial penalties or excluding a school district from participation in the School Facility Program operated pursuant to the act if a school district that has been approved for and received financial hardship funding related to an apportionment for a school facilities project that includes minimum essential facilities, as defined, uses local funds for the purpose of completing any of those minimum essential facilities prior to occupancy of the facilities or the completion of financial reconciliation of the project. The bill would authorize the board to adopt regulations that limit the amount of local funds that may be used without penalty based on a comparison to the cost of the project on which the funds are to be expended.

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April 5, 2007 SAB Implementation Committee Notes

The April 5 Implementation Committee only had one item, continuation of the discussion regarding AB 2947, regulations relating to the transfer of special education programs and facilities from one local educational agency (LEA) to another.

Future Implementation Committee items discussed were:

1. Proposed regulatory amendments regarding proceeds from the sale of a site funded in whole or part with State funds. OPSC stated that they are waiting for input from bond counsel.
2. Regulatory amendments to adjust the grant and to provide the grant to school districts that voluntarily initiate and enforce labor compliance programs (LCP).
3. Seismic Retrofit funding under Proposition 1D – the DSA representative stated that this is a very complex issue. It's going through the process, but there's no anticipated timeframe for completion. The chair stated that she would add the Seismic Retrofit issue to the Implementation Committee Future Items list.

Suspended Implementation Committee Items

1. Alternative Education Loading Standards and Funding was listed as a suspended item. The chair stated that it had been postponed because of the heavy workload created by the new programs in Proposition 1D and it probably will be resurrected.

Transfer of Special Education Programs

AB 2947 amended ECS 17071.75 regarding the title transfer (i.e. the transfer of a special education program and the title to the facilities) from a "grantor" (COE) to a "grantee" (school district) and the impact the transfer has

on the corresponding baseline eligibility. The bill provides for:

1. the adjustment of school building capacity for qualifying districts and county offices of education (COEs).
2. the adjustment of projected enrollment for qualifying districts and COEs.
3. compensation to the State for facilities if the grantee did not have Financial Hardship status at either the time of the transfer or the time of the adjustment request.

The OPSC proposal stated that the law contained no timeframe for the title transfers to have taken place, but the timeframe for making adjustments resulting from the transfers begins January 1, 2007. SAB counsel opined that there's no authority to mandate adjustments to capacity or enrollment that took place prior to January 1, 2007, but the entities involved in the transfer have the option of requesting the adjustments as long as any required remittance is submitted to the State. OPSC proposed that the amount of the State remittance, when required, be based on prorating the State funding initially apportioned to the project by the square footage of facilities transferred, less any site acquisition for the project (unless the title transfer includes land acquisition). Remittance to the State is required if the title transfer occurs within 10 years after initial occupancy of the facility and the receiving entity did not have Financial Hardship status at either the time of transfer or the time of the adjustment request. OPSC will allow up to five years for the repayment if needed by the District.


The Implementation Committee had a discussion regarding transfers that occurred prior to the effective date of the legislation (January 1, 2007) and the amount remitted to the State for facilities transferred within 10 years after initial occupancy. The consensus of the committee was that there should

be no State remittance for transfers that occurred prior to January 1, 2007; and that the State remittance for transfers occurring on or after January 1, 2007 should be prorated based on the number of years after initial occupancy that the transfer occurs. One proposal was that if the transfer occurs within three years after initial occupancy the State remittance would be 100 percent of the amount currently being proposed by OPSC. Then, for each year after the first three years, the amount remitted would be reduced by 10 percent, e.g. 90 percent for the fourth year, 80 percent for the fifth year, etc. The chair asked that the write up going to the SAB reflect that the consensus of the Implementation Committee differed from the OPSC proposal on these issues.

A question was raised regarding what criteria OPSC would use to approve or disapprove a district's request for repayment of up to five years of the State remittance. OPSC stated that they would approve the district's request without requiring justification. It was suggested that OPSC ensure there would be no arbitrage issues related to the repayment timelines.

The Newhall School District Superintendent submitted a written legal opinion he had requested from his legal counsel regarding the requirement to pay the State remittance for transfers that occurred prior to the effective date of the legislation, January 1, 2007. The district's legal counsel opined that the remittance requirement could not be applied retroactively. The superintendent stated that the opinion is now moot because SAB counsel has stated that the SAB has no authority to mandate adjustments to capacity and enrollment for title transfers that occurred prior to January 1, 2007. If the adjustments are not requested, then no State remittance is required.

The item will go to the April 25 SAB meeting.

The next SAB Implementation Committee meeting will be Friday, May 4.  ~C.A.S.H. Staff

April 25 State Allocation Board Notes

Announcements:

1. Gary Ness, the SAB long time legal counsel, announced that this was his last SAB meeting. He is transferring to another State agency. There was no mention of his replacement.
2. Kathleen Moore, from CDE, stated that they would report at the May SAB meeting on their efforts to identify the components of a complete school. She stated that they used approximately 60 schools from various grade levels to identify the elements of a complete school. She stated that there's no "prototype" school. Not all schools have every element all the time. She also stated that educational needs have changed since 1998 when the current SFP was devised, and it may be time to re-evaluate some of the provisions of the SFP to ensure we are building schools that meet current educational needs of students.

Executive Officer Statement:

1. Lori Morgan stated that the SAB modernization access regulations were approved by the Office of Administrative Law and are effective April 25, 2007.
2. Lori Morgan reminded the SAB and the audience that key deadlines are approaching for charter school facilities projects.

Status of funds:

Approximately \$3.5 billion in new construction, \$3 billion in modernization, and \$315 million in Emergency Repair Funds remains.

Special/Appeals:

Aspire Public Schools requested approval to construct a charter school outside the High School Attendance Area that generated the unhoused pupil eligibility. OPSC staff recommended that the request be denied because

approving the request would be inequitable to other charter schools that did not apply or applied and were not approved due to lack of unhoused pupil eligibility, and because the request is contrary to law. This item was "postponed."

Regulations/Policies:

1. Implementation of AB 2947 regarding transfer of Special Education programs and facilities:

The law allows for three basic things: the adjustment of school building capacity for qualifying districts and COEs, the adjustment of projected enrollment for qualifying districts and COE's, and compensation to the State in certain instances when there is a title and facilities transfer (for purposes of this bill title includes any lease interest of five years or greater).

The regulations propose that the entities involved in the transfer of special education programs and the title to the facilities (collectively referred to as "title transfer" in the proposed regulations) between a COE and a school district that occurred prior to January 1, 2007, have the option of requesting adjustments to school building capacity and projected enrollment resulting from the title transfer, as long as any required remittance is submitted to the State. However, for title transfers that occur after January 1, 2007 OPSC stated the adjustments are not voluntary. The OPSC write up states that OPSC is required to make the adjustments and collect the remittance to the State for title transfers occurring after January 1, 2007. OPSC will limit the transfer adjustments to no more than once every five years.

If the transfer occurs within 10 years after initial occupancy, the amount remitted to the State shall be "a proportionate share of any financial hardship assistance" provided for the project. If

the entity receiving the facilities had SAB-approved Financial Hardship status through the OPSC at either the time of the title transfer or the time of the adjustment request, the requirement to make a remittance to the State will not apply. If the entity receiving the facilities did not have Financial Hardship status, the amount owed to the State will be based on prorating the State Financial Hardship funding initially apportioned to the project by the square footage of facilities transferred, less any site acquisition for the project (unless the title transfer includes land acquisition).

Kathleen Moore expressed concern that the method proposed to calculate the amount remitted to the state could deter the school district and county office from transferring programs even though that may be the best educational decision for the students. She requested that the amount remitted to the state be prorated and lowered. The chair, Anne Sheehan, suggested that the proposed regulations be adopted, and that a review of the program be conducted in six to twelve months from the effective date of the regulations. Ms. Moore agreed to a review in six months.

Tom Duffy, representing C.A.S.H., expressed concern that the way these regulations were promulgated, along with other recent decisions regarding COE programs and facilities, made it appear that Special Education students and programs are being treated as second class citizens.

Anna Ferrera, representing the County School Facilities Consortia, referenced a letter that CSFC sent to the SAB members expressing concern over the way the proposed regulations interpreted "proportionate" share of state remittance, and agreed with Ms. Moore that the program should be evaluated in six months to determine whether the amount remitted to the state is negatively impacting local education program decisions.

2. Amendments to Charter School Facilities Program Regulations:

OPSC staff recommended four amendments to the current regulations regarding the Charter School Facilities Program.

One – remove the restriction on using the preliminary apportionment only for site acquisition and construction, and allow excess costs in one category to be used for shortfalls in the other category.

Two – use the funds from rescinded projects and remaining balance of funds in the Unrestricted Charter School Fund in the 2004 Charter School Facilities Account to provide extra funding for those charter projects apportioned under Prop 55.

Three – use funds from the charter Hazardous Material/Waste Removal Fund and the charter DTSC/Relocation Fund for the Conversion Increase Fund within the 2004 Charter School Facilities Account.

Four – use any additional funds from future charter preliminary apportionments to replenish the charter Hazardous Material/Waste Removal Fund and the DTSC/Relocation Fund.

The above changes would enable more projects funded under the Charter School Facilities Program to be completed. Ms. Moore moved that the proposed regulations be adopted except for a staff recommendation to deny additional funding for the Vaughn High School Academy, which had already received a full and final apportionment. SAB approved Ms. Moore's motion and directed staff to continue working on the Vaughn High School Academy request for additional funds.

3. Final Adoption of Proposed Regulatory Amendments for Repayment of Funds Due to the State:

At the March 28, 2007 SAB meeting, the board addressed three public comments regarding these proposed regulations. The three comments triggered an additional 15-day public comment period which ended April 24, 2007. No additional comments were submitted during the additional 15-day comment period so the SAB approved

submitting the proposed regulations to the Office of Administrative Law.

Reports

1. High Performance Schools Incentive Grant

The SAB approved these regulations at the February, 2007 SAB meeting; however, the board requested that staff bring the item back to, 1) clarify the meaning of "Enhanced Commissioning" and "Edible Gardens", 2) provide information on the California Climate Action Registry (CCAR), and 3) report back on the Global Green USA proposal to provide an additional incentive grant of \$50,000 above the approved funding for meeting any of seven proposed high performance criteria.

OPSC staff provided definitions of enhanced commissioning and edible gardens, and provided information on CCAR. OPSC staff recommended no additional financial incentives be provided since the costs would be covered in the SFP High Performance Schools Incentive Grant already, or would be deemed operational costs and not eligible for facility funding.

The SAB postponed hearing this report.

2. Overcrowding Relief Grant

The SAB adopted proposed regulations for the new ORG program at the February 2007 SAB meeting. The item on today's agenda merely confirms that the combination of ORG and other grants to replace single-story facilities with multi-story facilities pursuant to SAB Regulation Section 1859.73.2 is allowable provided the district meets the requirements of that regulation section and the single-story facilities to be replaced do not receive duplicate funding under both the ORG or other SFP programs (i.e. new construction and modernization) which provide funds for portable replacement. The district must still demonstrate that it is more cost beneficial to tear down a single-story building and replace it with a multi-story building than to build the ORG project on a new site.

The SAB accepted the report and thanked the staff for their work.


3. Val Verde

OPSC staff provided a progress report on Val Verde's request not to apply funds deemed available from their COP proceeds as district contribution toward their future SFP projects. The district stated that the proceeds from their COPs were used to complete several SFP projects because the per-pupil grants provided from the state were inadequate. OPSC stated that they reviewed 13 SFP new construction projects that had costs that exceeded the per-pupil grants provided. They did not say anything about their results or their conclusions. They stated that they need additional information and that OPSC senior management would visit the district on April 30.

There was a lot of discussion from the SAB members and the audience regarding this issue. Since the school district was not present, the chair stated that she did not want to have any substantive discussion without the district being there to present their side of the story and respond to issues and concerns.

Tom Duffy, representing C.A.S.H., expressed concerns that the state was questioning local decisions regarding what was being built without having clear standards or public input on what those standards should be. Kathleen Moore stated that if OPSC staff is reviewing the educational adequacy of facilities being built, that is a Department of Education responsibility and CDE staff should be involved.

Bruce Hancock, representing Val Verde, stated that he has been working with the district over the past year and a half. He stated that the district just recently received a draft SAB agenda write-up from OPSC, and they are preparing a detailed, point by point response which should be completed next week.

It is anticipated that the item will be heard at the May 23, 2007 SAB meeting.  ~C.A.S.H. Staff

Legislative Hearing Updates

Continued from page 4

Action: Tom Duffy testified in support of the bill on behalf of C.A.S.H. and stressed the need for additional funding assistance to build and provide core facilities on every campus. The bill passed out of Committee.

SB 614 (Simitian) – Design-Build

Sponsor

Summary: SB 614 would amend current statute relating to the use of design-build for school districts and community colleges:

Reduce the dollar threshold to award design-build contracts from \$10 million to \$2 million;

Explicitly authorize DSA to approve plans for foundations prior to the submittal of complete building plans in order to capitalize on the efficiency of the design-build method;

Provide the protections afforded under Public Contract Code Section 4100 et. seq. to all subcontractors;

Restates existing statutory restrictions relating to the responsibilities of school districts and community colleges on subcontracting and meeting and conferring with labor organizations.

Action: Tom Duffy testified on behalf of C.A.S.H. as the sponsor of the bill. As introduced, the bill repealed the sunset provisions for design-build contracts; however, Senator Simitian accepted Committee amendments to restore the sunset provisions enacted by AB 127 (Nunez) last year. Senator Scott, Chair of the Senate Education Committee, expressed strong support for SB 614 and the effort to expedite cost-efficient school construction. There was no opposition to the bill and it passed out of the Committee with no “NO” votes.

SB 18 (Perata) – Labor Compliance Programs, Proposition 1D

Watch

Summary: SB 18 would extend the

requirement to initiate and enforce labor compliance programs for school projects funded by Proposition 1D.

Action: Passed out of Senate Labor & Industrial Relations. Will be heard next in Senate Appropriations.

AB 486 (De La Torre) – MTYRE, NCLB

Watch

Summary: AB 486 would prohibit a school district from operating MTYRE schedules at more than 50% of its schools that are eligible for NCLB funding beginning in 2010-2011.

Action: Passed out of Assembly Education by a 7-3 vote. Will be heard next in Assembly Appropriations.

AB 125 (Ma) – Proposition 39 Performance Audits, Facilities Assessments Pilot Program

Watch

Summary: AB 125 contains two, separate provisions relating to facilities. One provision calls for the establishment of a pilot program, funded out of a future bond, to fund facilities assessments at 10 school districts. The second provision, which was amended in Committee to remove the mandate, would have required Prop. 39 performance audits to be conducted by persons with “demonstrated experience in the planning and construction of school facilities.” Assembly Member Ma accepted the amendment to make the language permissive rather than mandatory.

Action: Passed out of Assembly Education with amendments by a 7-3 vote. Will be heard next in Assembly Appropriations.

AB 1450 (Brownley) – Multi-Story Replacement Buildings

Summary: AB 1450 would widen the aperture of the State Allocation Board’s authority to provide a supplemental grant for a multi-story replacement building. The bill would remove the restriction that (1) the multi-story building replaces a single-story building and (2) the district maximize the site’s pupil capacity. The bill would

allow school districts to reconfigure a school site to serve a different grade level (i.e., convert an elementary school site to a high school site), and would be required to reduce its New Construction eligibility by the number and type of pupils the new site serves. The bill would preclude districts from receiving funding under the new provisions if it received previous funding from the program and/or preclude a district from receiving funding under the new provisions earlier than 10 years after it received any funding under the SFP.

Action: Passed out of Assembly Education by a 6-3 vote. Will be heard next in Assembly Appropriations.

SB 121 (Romero) – MTYRE, Operational Grants

Watch

Summary: SB 121 would de-link New Construction eligibility from the receipt of MTYRE operational grants beginning in 2007-2008. Current law requires MTYRE districts that receive state operational grants to reduce their eligibility for New Construction funding by the number of pupils reported to the Superintendent of Public Instruction. Additionally, SB 121 would require that the eligibility such districts retain will be used to build facilities in order to reduce their dependency on MTYRE calendars.

Action: Passed out of Senate Education with an amendment. Will be heard next in Senate Appropriations.

SB 465 (Lowenthal) – New Construction Eligibility, 6% MTYRE Penalty

Support

Summary: SB 465 would repeal the statute that reduces New Construction eligibility by 6% for districts that do not operate MTYRE schools.

Action: Passed out of Senate Education with an amendment to make the bill operative as of January 1, 2009 so as not to put pressure on existing bond funds. Will be heard next in Senate Appropriations.

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Why Consider Design-Build? *By Steve Newsom, AIA*

In 2002, Assembly Bill 1402 went into effect, enabling California's K-12 districts to pursue projects over \$10 million utilizing the design-build delivery system. Five years after becoming available, less than one percent of the districts in the state have implemented design-build. So, why should school districts consider this delivery method?

The answer is simple, and it's a word that everyone has become familiar with over the last few years: Escalation. Districts have been hit hard by escalation, resulting in projects being either eliminated or reduced to the bare minimum in order to maintain overall construction program budgets. Often, long lists of deductive alternates are created in order to combat the effects of the current bidding climate. In more extreme instances, entire buildings have been deleted from campuses with no opportunity to re-gain what was eliminated.

So, how can design-build help? Consider the East Natomas Education Complex in the Grant Joint Union High School District, designed by the McCarthy/LPA design-build team. This is the largest 7-12 design-build project in California. The school district pursued the "best value" selection process, and their Request for Proposal required the competing design-build entities to provide as much of the district's specified program as possible for a specified amount of money. Because the contractor would be agreeing to provide a school for a specific price based on incomplete drawings, a significant financial risk was being shifted from the district to the design-build entity. A typical response by the design-build team would be to inflate the costs to offset the risk, but this effectively shifts the risk back to the district, and reduces the chances of being awarded the project.

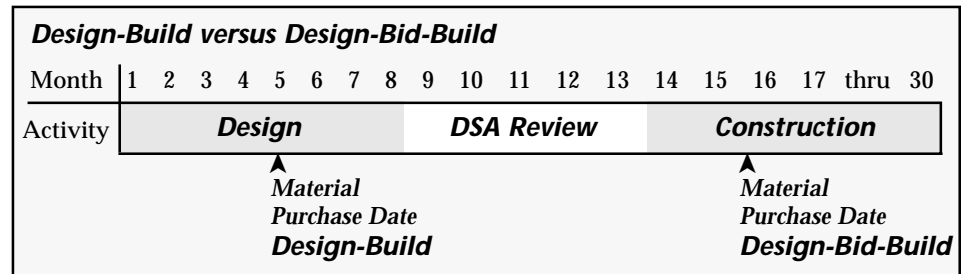
This project was approached differently. While preparing the drawings and

other data to be included with the proposal for the project, the architect, engineers and contractor worked diligently to produce the most complete documents possible for two reasons: 1. Obtain the most competitive prices from the suppliers and subcontractors, and 2. Establish a schedule for purchasing major systems as soon as possible. Item 2 is the most noteworthy for this project.


By establishing a schedule to purchase major systems and components of the project, the district benefited financially. How? Well, if a traditional design-bid-build delivery method was used, the contractor would be purchasing construction materials nearly one year later. Remember escalation? Here is a graphic of the timeline comparing the same project utilizing design-bid-build and design-build:

month period illustrated in the chart reflects a savings of over \$1 million. The district will realize a savings for every material and system purchased early in the process, and the additional storage costs incurred are insignificant compared to the overall savings.

By having a strong commitment to this approach by all design-build team members, the proposal submitted to the district effectively saved them millions of dollars. The concept is simple, but requires a unified design-build team with mutual respect, experience and effective communication. It also requires the school district to prepare their documents carefully and completely in order to maximize the potential benefits of design-build. As more design-build projects are completed, valuable information related to




The East Natomas Education Complex will be constructed of concrete and steel, with no wood being used. Considering the cost escalation on the structural steel alone, the eleven

this approach will help districts tailor the process to their needs. 

— Steve Newsom, AIA, is with LPA, Inc. in Roseville, California and sits on the C.A.S.H. Board of Directors.

C.A.S.H. Past Chair Testifies Before Governor's Commission

On April 26, 2007, C.A.S.H. Past Chair Eric J. Hall testified before the Governor's Commission on Public Employee Pension Benefits. Eric was the only school district representative on the panel discussing post retirement pension benefit obligations. C.A.S.H. congratulates Eric on this recognition of his fiscal expertise.  ~C.A.S.H. Staff



'The Kids are Coming...' *Cesar Chavez Middle School*

Lynwood Unified School District • Lynwood, California

Cesar Chavez Middle School is one of six new schools to open in the Lynwood Unified School District since 2003. Located at 3898 Abbott Road in Lynwood, Calif., the 120,890-square-foot middle school is home to 966 students. The complex includes classroom buildings, an administration building, a full-size kitchen, lunch shelter, locker room and two-level parking structure, plus a library and multipurpose room/gymnasium that were specifically designed to be community resources.

In February 2003, Lynwood Unified School District implemented a \$150 million modernization program to accommodate the growing student population and reach its goal of reducing class size for the district's more than 18,700 students. Managed by McCarthy Building Companies' Southern California Division, the program includes the construction of six new schools and the expansion and renovation of 10 additional facilities.

Construction work for the program is phased over nearly four years with completion set for the spring of 2007.

The design of Cesar Chavez Middle School was greatly influenced by its urban surroundings. Architects from Ruhnau Ruhnau Clarke & Associates of Riverside, Calif., conceived a "street" concept, where students have open areas to congregate but can be easily supervised. A meandering street connects the lunch shelter, gymnasium and play courts to show students that they are part of a community. Bright, playful colors engage students and add to the idea that school is a fun place.

Due to the small site size, designers utilized the 7.5 acres in innovative ways; basketball courts are on the top level of the parking structure and the 29 classrooms are divided amongst three two-story buildings. The orientation of buildings also allows for extensive use of daylighting with minimal direct sun exposure.


Before the project began, a strip mall that occupied the site needed to be

demolished. Dust screens were installed and the actual demolition was done midday while the least number of nearby residents were home. This way, complaints about noise and dirt were minimized.

The motto "Kids are Coming" was used during the construction of the school in order to reflect the tight project schedule and imminent arrival of nearly 1,000 students in grades 5-8. When the construction schedule was cut by one-third due to land acquisition issues, from 18 to 12 months, project managers immediately secured a permit from the City of Lynwood that would allow for extended work hours from 6 a.m. to 7 p.m., six days a week. Developing a detailed game plan for the tightened schedule, which all the team members supported, ensured that construction stayed on track, and classrooms would be ready for the start of the 2006-07 school year.

Toward the end of construction, the contractors and construction managers

fast-tracked the interior commissioning, cutting the timeline from 60 to 30 days. The project team turned to alternative delivery methods, including completing the floors in the classrooms and administrative offices on-site to achieve the finished floor elevation (FFE) in a timely manner, rather than finishing the work elsewhere, which would lead to inevitable delays. In addition, teachers and administrators were allowed to set up their classrooms and offices while work was being completed. In order to ensure safety for the school's staff as they moved into the work zone, they were escorted to and from the buildings. Workers didn't find this system inconvenient, but rather enjoyed their duty as guides.

"I found it very rewarding to interface with the teachers and staff, who were excited to be working at a brand new school," said Steve Baker, McCarthy project manager. "Their enthusiasm was encouraging and proved to me that we were doing great work." 



Cesar Chavez Middle School Project Team:

Owner: Lynwood Unified School District

Construction Manager: McCarthy Building Companies, Inc.

General Contractor: S.J. Amoroso Construction Co., Inc.

Architect: Ruhnau Ruhnau Clarke & Associates

Electrical Engineer: FBA Engineering

Mechanical Engineer: Nack & Associates

Structural Engineer: KNA Consulting Engineers Inc.



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February 25-28, 2008

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Roundtable Proposal Form

How roundtables work: The roundtable moderator will provide a brief two-to three-minute overview of the topic, after which the moderator will open the forum for discussion and questions and answers with the participants. After 45 minutes the participants will move on to other tables for other topics, and a new group will join the roundtable discussion. The topic will be repeated two to three times. There will be up to eight roundtable discussions running concurrently.

A roundtable discussion should be a very interactive event as opposed to a presentation/lecture. Roundtable discussions should be structured to educate attendees. At no time should a roundtable discussion endorse a particular product or service.

Roundtable Title / Idea: _____

Description: _____

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1130 K Street, Suite 210, Sacramento, CA 95814

Submittal Deadline: Friday, May 25, 2007

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February 25-28, 2008

Sacramento Convention Center/Hyatt Regency

Workshop Proposal Form

Workshop Title / Idea: _____

Description: _____

Are you interested in moderating this Workshop? Yes No

Workshops must consist of a moderator and **not more than two to three panelists**, one of which must be a school district or county office of education member. The moderator oversees workshop development, coordinates pre-conference meetings, and acts as facilitator during the actual workshop. **All Moderators and Panelists must be C.A.S.H. members.**

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Strand Preference for Topic:
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State Revenues Continue Below Estimates

The Department of Finance has reported that State General Fund revenue is continuing to be less than estimated when the budget was released in January. Since the January budget release, revenues have been \$1.3 billion less through March. Personal income tax is the primary reason for the lower revenue with a \$1.65 billion below estimate revenue. The other tax revenues are close to being on target. The lower personal

income tax revenue indicates that the budget year estimates could also need to be lowered.

The Proposition 98 budget year guarantee, however, might not have a significant change if school funding moves from Test Three to Test Two. The May Revision will provide more clarity, but for now the February revenue estimates made by the Legislative Analyst appear to be the more accurate estimates. Those estimates

indicated that the current year Proposition 98 funding is approximately \$600 million above the minimum. This opens the door to the Legislature attempting mid-year reduction of uncommitted and unspent funds.

Please contact Dave Walrath if you have any questions at 916.441.3300 or dwalrath@m-w-h.com. 

~C.A.S.H. Staff

Whitson Cox, Former State Architect and Prolific Artist

By Robert D. Dávila - Bee Staff Writer • © The Sacramento Bee, 2007

Whitson W. Cox, a prominent Sacramento architect and former state architect who also earned acclaim as a prolific watercolor painter, died Saturday, April 14, 2007. He was 85.

The cause was pneumonia, said his daughter, Marilyn Gendron.

Mr. Cox was a founding partner in 1954 of an architectural firm that grew to become Lionakis Beaumont Design Group, one of the largest in Sacramento. He was the principal architect for Cosumnes River College and worked on other landmarks, including the Sacramento County administration building, Mira Loma High School, Northminster Presbyterian Church, a Pacific Gas and Electric Co. headquarters complex, and many Northern California schools and hospitals.

"He was a very fine and very talented architect," former partner George Lionakis said. "He was one of the premier architects in the city."

In 1971, he became a consulting architect for California State University, Sacramento, and designed several campus buildings. In 1983, he was appointed by Gov. George Deukmejian as state architect, responsible for setting state policy and overseeing design and construction of state buildings. He retired in 1986.

Mr. Cox also was renowned as an artist who painted watercolor abstracts. He exhibited in more than 70 shows and competitions and added his works to many collections, including the Crocker Art Museum. He judged competitions, taught classes and was a past president of the West Coast Watercolor Society.

"In those early days, you weren't an architect unless you were an artist," Gendron said. "He was always an artist."

His creativity extended beyond canvas, including haiku verses and other poems he composed to accompany his works, his daughter said. He created

logos for businesses, designed labels for Mount Eden Vineyards in Saratoga and experimented with digital media, using a computer to scan and swirl images of his paintings.

"He was very positive and a mentor to a lot of people," his daughter said. "He would always encourage people to follow their bliss."


Mr. Cox was born in 1921 to a railroad telegrapher and nurse in Crawford, Neb., and grew up in Coos Bay, Ore. He supported himself in college through art, working as a sign painter for department stores and movie theaters, his daughter said. He earned a bachelor's degree in architecture from the University of Oregon and served as a gunnery officer on a Navy hospital ship in the Philippines and an intelligence officer during World War II.

He married Loreen Baker in 1946 and worked in San Francisco before moving in 1949 to Carmichael, where they raised two daughters. He earned an architectural license in 1952 and started his own practice before forming a partnership with J.R. Liske and George C. Sellon, the first state architect, that became Lionakis Beaumont.

Mr. Cox was honored by his peers for his project designs and professional contributions. He was a chapter and state president and a national director of the American Institute of Architects. He became an AIA fellow in 1971 and received the Distinguished Service Citation from the AIA California Council in 1985.

He was active in civic groups, serving as president of the Crocker Art Gallery Association, the University Club, the West Sacramento Rotary Club and the California Museum Association. An Eagle Scout and active supporter of the Boy Scouts, he was vice president of the BSA Golden Empire Council and received the Scouts' Silver Beaver Award.

Mr. Cox was an active man who enjoyed and often played tennis at Arden Hills Tennis Club. He loved hiking the Sierra Nevada with his daughters, often returning to his studio to record his impressions of nature on canvas. He enjoyed traveling for work and vacation, including trips to Europe, Japan and South America.

"He was a very down-to-earth person who appreciated people," longtime friend Bob Cole said. "He brought pleasure to a lot of people." 

Legislative Hearing Updates

Continued from page 8


SB 658 (Romero) – Eligibility: COS and New Construction Support

Summary: SB 658 is a key legislative vehicle authored by Senator Romero and backed by Senate Pro Tempore Don Perata and the Senate Education Committee, to address issues of SFP eligibility for New Construction and the preservation of COS projects in the face of declining enrollment. Specifically, the bill would do the following:

Provide COS final apportionments for projects where the final apportionment is at least 75% of that requested at the time of preliminary apportionment;

Provide adjusted COS final apportionments for projects where the districts' enrollment has declined to less than 75% of the pupils in the preliminary apportionment;

Declare legislative intent to supplement the state cohort survival enrollment projection method for New Construction eligibility.

Action: Passed out of Senate Education with an amendment. Will be heard next in Senate Appropriations. 

~C.A.S.H. Staff

FRC Update

Citizens Oversight Committees

The following presentations on **Citizens Oversight Committees** are an example of some of the information that is available on the Facility Resource Center at <http://www.cashnet.org>. Additional information can be found by entering **Citizens Oversight Committees** in the **Search Resource Center** box.

0.4.8 Citizens Oversight Committees, Requirements and Guidelines

Robert E. Anslow, Bowie, Arneson, Wiles and Giannone, September 2001

Assembly Bill 1980 provided additional requirements relative to school district general obligation bond elections conducted pursuant to Proposition 39. One of the new requirements is establishing and appointing members to a Citizens Oversight Committee. This presentation discusses the structure and function of this committee.

0.4.12 Citizens' Oversight Committee – Operational Guidelines

Paul Disario, San Juan Unified School District, September 2002

These operational guidelines are to ensure that funds are used only on school improvement.

0.4.17 Case Study: Fontana Unified School District

Yvonne Medina, Fontana USD, September 2006

This Case Study covers some of the factors needed for bond passage such as: a timeline, a district team, consultants, an opinion poll, project issues, and lessons learned. Also included are bylaws for a Citizens' Bond Oversight Committee.

1.1.35 Difficult But Fabulous: A Workshop On Seismically Unsound Historic School Buildings

Lisa Ryker, WLC Architects; Steve Newsom, LPA Inc.; Paul Bunton, Bunton Clifford Associates; Jerry Johnson, Eureka City School District, February 2005

Case studies on seismically unsound historic school buildings are provided as well as funding alternatives, CEQA issues and suggestions for community involvement.

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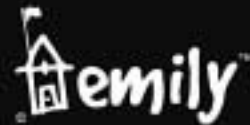
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C.A.S.H. Meetings, Conferences & Workshops

May 23, 2007
Wednesday

General Membership Meeting
1215 K Street, 14th Floor
Sacramento, CA 95814

June 26, 2007
Tuesday

DSA Annual Update Workshop
Doubletree Hotel
2001 Point West Way
Sacramento, CA

June 27, 2007
Wednesday

General Membership Meeting
1215 K Street, 14th Floor
Sacramento, CA 95814

June 29, 2007
Friday

DSA Annual Update Workshop
Ontario Airport Marriott
2200 E. Holt Blvd.
Ontario, CA

Monthly C.A.S.H. meetings are held from 11:00 a.m. to Noon in Sacramento. The monthly meetings are always scheduled to coincide with the monthly meetings of the State Allocation Board on the fourth Wednesday of the month, except in November and December, to enable C.A.S.H. members to attend the SAB's afternoon session. Both SAB meetings and General membership meetings are subject to change.



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