



Office of Public School Construction

STAFF TO THE STATE ALLOCATION BOARD

December-January 2022/2023 Update

Buzzworthy

SCHOOL FACILITY PROGRAM (SFP) APPORTIONMENTS – October and November SAB Meetings

At its October and November meetings, the State Allocation Board (SAB) approved apportionments for \$1.1 billion and approximately 385 funding applications for 188 school districts. These apportionments are a result of the Priority Funding process and the new regulations for Direct Apportionments. Below is a breakdown of the apportionments by type and includes specific information about the due dates for applicants to submit fund releases.

October SAB Meeting – Priority Funding Apportionments

At the October 26, 2022, the SAB approved apportionments for \$802.6 million for 265 projects from 111 school districts. These approvals are included as an Action item in the October SAB meeting agenda. The *Fund Release Authorizations* (Form SAB 50-05) for these projects are due by the end of the day, Tuesday, January 24, 2023 to the Office of Public School Construction (OPSC).

November SAB Meeting – Priority Funding Apportionments

At the November 28, 2022, the SAB approved apportionments for \$109.9 million for 50 projects from 37 school districts. These approvals are included as an Action item in the November SAB meeting agenda. The Forms SAB 50-05 for these projects are due by the end of the day, Sunday, February 26, 2023 to the OPSC.

November SAB Meeting – NEW Direct Apportionments

At the November 28, 2022, the SAB also approved Direct Apportionments for \$211.9 million for 69 projects from 40 school districts. These approvals are listed in the Consent portion of the meeting agenda. Direct Apportionment have different timelines for fund release than Priority Funding. For these Direct Apportionments, a Form SAB 50-05 is due 180 days after the apportionment by the SAB and 365 days for projects that include Financial Hardship assistance.

Fund Release Authorization (Form SAB 50-05) Submittals

For all apportionments, the Form SAB 50-05 and supporting documentation may be emailed to OPSCApplicationReviewTeam@dgs.ca.gov. For most projects, the Form SAB 50-05 may be submitted electronically via OPSC Online. More information on accessing and using OPSC Online at the following link: <https://www.dgs.ca.gov/OPSC/Resources/Page-Content/Office-of-Public-School-Construction-Resources-List-Folder/Online-Application-Links>.

All projects must also submit a Grant Agreement prior to, or concurrently with the Form SAB 50-05. Further information on the Grant Agreement is provided under the Resources section.

SFP REGULATIONS FOR DIRECT APPORTIONMENTS – Additional Information

At the September 21, 2022 meeting, the SAB approved the proposed regulations for direct apportionments on an emergency basis. The new regulations streamline the process of making apportionments for purposes of providing expedited fund releases and more efficiently distributing and General Fund proceeds, or any other available proceeds, to those projects that would be able to quickly use the funds. These regulatory amendments are now in effect as of November 7, 2022.

Moving forward, all new approvals of New Construction and Modernization funding applications by the SAB will be provided as Direct Apportionments. The new timelines for submittal of a Form SAB 50-05 are now 180 days after an apportionment by the SAB and 365 days for projects that include Financial Hardship assistance.

The new 180-day and 365-day timelines for submittal of a Form SAB 50-05 apply only to applications that receive direct apportionments without first having an unfunded approval. Projects that received unfunded approvals and are still in the Priority Funding process will still have 90 days to submit a Form SAB 50-05 from the time they are apportioned. Career Technical Education Facilities Program and Charter School Facilities Program applications will continue to be funded and apportioned through the Priority Funding process.

PRIORITY FUNDING FILING ROUND NOW OPEN AS OF NOVEMBER 9, 2022

Applicants that are currently on the Unfunded List (Lack of AB 55 Loans) and elected not to receive an expedited apportionment have the option to participate in the 30-day Priority Funding (PF) Filing Round which opened Wednesday, November 9, 2022, and will close on Thursday, December 8, 2022. Applicants are strongly encouraged to submit their PF Requests using OPSC Online.

For more information, please contact Kelsie Muramoto at Kelsie.Muramoto@dgs.ca.gov or (279) 946-7869. OPSC will continue to accept PF Requests that are emailed as a PDF attachment or mailed as a hard copy to the office. Submittal via OPSC Online is preferred.

UPCOMING WEBINAR – FINANCIAL HARDSHIP AND THE CALIFORNIA PRESCHOOL, TRANSITIONAL KINDERGARTEN AND FULL-DAY KINDERGARTEN FACILITIES GRANT PROGRAM

In anticipation of the upcoming California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program filing round opening on February 1, 2023, OPSC is holding a webinar on the program and the Financial Hardship Program, with a focus on completing applications in OPSC Online. This webinar is currently scheduled for January 18, 2023 from 10:00 a.m. to 12:00 p.m. via Zoom meeting and teleconference.

PROPOSED REGULATORY AMENDMENTS TO THE SCHOOL FACILITY PROGRAM

Due to the case of *San Bernardino City Unified School District v. State Allocation Board*, California Court of Appeal, this item was presented to the Board for purposes of communicating to school districts that financial hardship savings from financial hardship projects are no longer required to be repaid to the School Facility Program.

The Court ruled in favor of the San Bernardino City Unified School District thereby invalidating parts of the Board's SFP Regulation Section 1859.103 resulting in parts of that regulation section along with any reference to the return of financial hardship savings pursuant to that section throughout the SFP Regulations, forms, and Grant Agreement master templates needing to be repealed.

The SAB approved the proposed regulatory amendments to SFP Regulation Section 1859.103 and to inform school districts that financial hardship savings are no longer required to be repaid to the School Facility Program. On Friday October 28, 2022, OPSC sent out an email blast reminding school districts that the following now applies to projects receiving financial hardship funding from the SFP.

- Savings achieved by the school district's efficient and prudent expenditure of project funding must be spent on high priority capital outlay pursuant to Education Code (EC) Section 17070.63(c).
- The expenditure of project savings must be reported annually until all state and required matching funds have been expended pursuant to EC Section 17076.10(a).
- A school district that received any funds from the SFP on or after April 1, 2017 and were apportioned on or after July 1, 2017 will have their project savings audited pursuant to EC Section 41024.

If there are questions please contact your OPSC project manager or OPSC's K-12 Audit Team Supervisor, Hung Bang at hung.bang@dgs.a.gov or at (279) 946-8444.

CALIFORNIA PRESCHOOL, TRANSITIONAL KINDERGARTEN AND FULL-DAY KINDERGARTEN FACILITIES GRANT PROGRAM PROJECTS

The first filing round for the expanded California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program occurred from April 1, 2022 through April 30, 2022. As of April 30, 2022, OPSC received a total of 417 applications requesting an estimated \$1.5 billion. Out of the 417 projects, 11 projects received an Apportionment for \$33.7 million at the September meeting, 18 projects received an Apportionment for \$59.4 million at the October meeting, and 43 projects received an Apportionment for \$131.8 million at the November 28, 2022 SAB meeting.

Cumulatively, this round included approximately \$225 million in Apportionments for 72 projects, representing 72 school districts. All remaining applications will not be processed and those applicants are encouraged to resubmit in the next filing round that opens February 1, 2023 and closes March 2, 2023.

For apportionments with request for an advance fund release for design, the District must submit a valid *Fund Release Authorization* (Form SAB 70-02) within 12 months of apportionment.

Reminders

PROCESSING OF APPLICATIONS DURING THE UPCOMING HOLIDAY SEASON

The holiday season has started. OPSC may send time-sensitive correspondence related to the processing of certain applications during your holiday break. School districts are encouraged to designate a staff member who will be available to respond to 15 and 4-day letter requests in order to maintain our processing timelines. OPSC staff will endeavor to be flexible with timelines to respond to these requests; however, school districts must be responsive to ensure that district projects are submitted to the Board for approval in a timely fashion in order for OPSC to maintain processing of applications in date order received.

In order to provide school districts with the maximum possible lead time for preparation of a response during the holiday season, OPSC Project Managers will contact potentially affected district personnel directly prior to mailing request letters. Additionally, OPSC sends out 90-day notifications for processing of all applications, so please make sure you are responding to requests for documentation during the 90-day notification timeline and making note that processing will be commencing for your project in the near future. If you have any questions, please contact your Project Manager for assistance.

COVID-19 EXTENSION REQUESTS

Executive Order N-25-20, issued on March 4, 2020, proclaimed a State of Emergency exists in California as a result of the threat of COVID-19. As a result, the SAB approved regulations to allow the Executive Officer the authority, during a proclaimed emergency by the Governor of the State of California, to grant program extensions provided the Executive Officer inform the SAB of any action taken.

Following Executive Order N-11-22, the majority of the provisions in Executive Orders following N-25-20 expired on or before June 30, 2022. Therefore, the Office of Public School Construction (OPSC) will no longer accept COVID-19 extension requests effective August 25, 2022.

OPSC will continue to accept and review extension requests for any other ongoing states of emergency, such as wildfires, for school districts directly impacted. School districts that are requesting an extension as a result of a state of emergency shall continue to submit the [School District Extension Request Form](#).

As of November 16, 2022 there are no longer any pending extension requests. OPSC will take a final report to the SAB in the near future.

EXECUTIVE ORDER – CONTRACTOR AND GRANTEE COMPLIANCE WITH ECONOMIC SANCTIONS

On March 4th, 2022, Governor Gavin Newsom issued Executive Order N-6-22 (EO) regarding sanctions in response to Russian aggression in Ukraine. The EO is located at the following link <http://www.gov.ca.gov/wp-content/uploads/2022/03/3.4.22-Russia-Ukraine-Executive-Order.pdf>

In accordance with the EO, OPSC sent a notification to all District Superintendents, County Superintendents, and Authorized Representatives that have participated in the School Facility Program and other State Allocation Board administered programs that, as a contractor or grantee, compliance with the economic sanctions imposed in response to Russia's actions in Ukraine is required.

Failure to comply may result in the termination of contracts or grants, as applicable. Should you have any questions or concerns related to OPSC please contact Michael Watanabe at Michael.Watanabe@dgs.ca.gov or (279) 946-8463. For any questions or concerns on Department of General Services contracts, please contact the Office of Public Affairs at DGSPublicAffairs@dgs.ca.gov.

PIGGYBACK CONTRACTS FOR MODULAR FACILITIES ON PERMANENT FOUNDATIONS ARE INELIGIBLE FOR STATE FUNDING FROM STATE ALLOCATION BOARD ADMINISTERED PROGRAMS

At the June 22, 2022, SAB meeting, staff presented an item regarding piggyback contracts and Public Contract Code (PCC) compliance relative to modular school facilities. After staff's presentation, discussion from the SAB members, and public comment, the SAB took the following action:

Provide a grace period for SAB-administered programs for projects with construction contracts signed on or within sixty calendar days (through August 21, 2022) of SAB action. Create a new process to begin after this grace period where Staff evaluates the contracts during the time of application processing and prior to fund release to ensure no piggyback contracts have been used to obtain modular facilities that are placed on permanent foundations.

Since this action,

- OPSC has notified all District Superintendents and District Representatives on file with OPSC, as well as all stakeholders on OPSC's master email subscription list, that consistent with the PCC and the AG Opinion, modular school facilities must be competitively bid.
- OPSC has create a [webpage](#) to advise school districts of the Public Contract Code requirements and its applicability to state funding.
- OPSC has established a specific process during application processing and/or in advance of fund release for thoroughly reviewing contracts to ensure that funds are not released for projects that use piggyback contracts for modular school facilities. This process is outlined on the new [webpage](#).
- For any contracts entered into after fund release (after OPSC's review), staff will work with the State Controller's Office to amend the K-12 Audit Guide for Appendices B and C, to ensure that as part of the project audit, and the K-12 local auditor would review the contracts for compliance.
- Staff will continue to process and present applications that signed piggyback contracts on or prior to August 21, 2022.

KINDERGARTEN – 12TH GRADE SCHOOL CONSTRUCTION PICTURES WANTED

The Office of Public School Construction (OPSC) is seeking photos of state-funded school construction and modernization projects to feature in OPSC/DGS publications and on our websites. The photos will be used to showcase recent accomplishments in partnership with the state.

- Photos should be submitted in a resolution high enough to support both web viewing and in-print material.
- Children should not be identifiable or should be absent from photos.
- Photos should not be branded with corporate logos and/or business information.

To submit pictures, please email them as attachments to OPSCCommunications@dgs.ca.gov. Please provide the school district name, school site name, OPSC application number, photo credit (if attribution is required), contact information, and authorization to use the photo without royalties or restrictions.

For questions, contact OPSC's Communications Team at OPSCCommunications@dgs.ca.gov.

FACILITY INSPECTION TOOL – APPROVED!

The Governor signed Senate Bill 129 on July 12, 2021, which requires OPSC to update the Facility Inspection Tool (FIT) for use beginning July 1, 2022. The FIT is used to determine the condition of a school facility. Three stakeholder meetings were held by staff on November 30, 2021, January 20, 2022 and March 3, 2022 inviting members of the public to participate in the development of updates to the tool. On April 27, 2022, the SAB approved a revised Facility Inspection Tool.

The new form can be accessed on OPSC's website under the Form's tab and at the following link: <https://www.dgs.ca.gov/-/media/Divisions/OPSC/Forms/Facility-Inspection-Tool---SAB-Approved-04-27-2022.pdf>

OPSC is pleased to announce that availability of the [Facility Inspection Tool](#) in Microsoft Excel format.

The Facility Inspection Tool (FIT), or a locally developed instrument that meets the same legal requirements specified in Education Code Sections 33126 and 33126.1, must be included in the school district's School Accountability Report Card to determine if a school facility is in "good repair" and to rate the facility accordingly. The completed form is not submitted to OPSC. The State Allocation Board (SAB) approved the revision to the current form at the April 27, 2022 SAB meeting.

The new Excel version has the following features included:

- Ability to automatically insert rows for additional Building Areas/Names.
- Automatic calculation of ratings for the Cleanliness category on the new Cleanliness Detail worksheet.
- Automatic transfer of Cleanliness ratings to the Evaluation Detail.
- Automatic transfer of Evaluation Detail ratings to the Totals and Rankings Summary page.
- Automatic calculation of the Category Rank and Overall School Rating.

In the future, OPSC will post a web-based form that will be exportable to a pdf.

If there are questions, please contact OPSC's Communication Team at OPSCCommunications@dgs.ca.gov

VIRTUAL SCHOOL FACILITY PROGRAM (SFP) TRAINING SERIES

Last year, OPSC launched its FREE Virtual School Facility Program (SFP) Training Series. Fifteen sessions took place throughout the year. The topics were:

- *Tips for a Successful K-12 Closeout Audit*
- *Basics of State School Facility Program Funding*
- *The Three "Lists" and What it Means for Your Project*
- *Facility Hardship and Seismic Mitigation Programs*
- *Overview of OPSC Online*
- *Eligibility Applications in OPSC Online*
- *Funding Applications in OPSC Online*
- *Converting Your Charter School Facility Program Preliminary Apportionment*
- *Priority Funding Process,*
- *Career Technical Education Facility Program Reservation of Funds*
- *How to Submit a Fund Release Authorization (Form SAB 50-05) in OPSC Online*
- *Financial Hardship*
- *Site Development Worksheet for Additional Grants & The Facility Hardship Cost Estimate*
- *Grant Agreements in OPSC Online*
- *Substantial Progress Checklists and Expenditure Reports in OPSC Online*

If you have suggestion for other topics, they can be submitted to OPSCCommunications@dgs.ca.gov. All online trainings are archived to OPSC's YouTube channel for future use. Our YouTube channel can be found at: <https://www.youtube.com/user/OPSCYou/>.

OPSC ONLINE HANDS-ON ASSISTANCE

OPSC Staff are available to provide hands-on assistance to all school districts and interested parties in the use of OPSC Online. Staff can connect to you via variety of video conferencing software applications including Microsoft Teams, Zoom, Cisco WebEx, and Google Meet. You can screenshare your computer and staff will assist you in navigating OPSC Online as well as guide you through the application submittal process.

To request assistance, please reach out to OPSC's Project Manager assigned to your County, found under "Contact" on OPSC's website: <https://www.dgs.ca.gov/OPSC/Contact>.

DGS/OPSC EMAIL BLASTS

The Department of General Services (DGS) and OPSC uses email distribution service through GovDelivery.com. Using one email address, subscribers can subscribe to any email list under DGS.

All school district superintendents and authorized school district representatives are encouraged to sign up. Signing up will give you immediate access to email notifications of upcoming meetings, key dates, and reminders. The signup link can be found under "Contact" on OPSC's website: <https://www.dgs.ca.gov/OPSC/Contact>.

INTERNET EXPLORER AND OPSC's SAB 50-01 ONLINE ENROLLMENT PROJECTION CALCULATOR

OPSC's SAB 50-01 Online Enrollment Projection Calculator is used to generate the *Enrollment Certification/Projection* (Form SAB 50-01) which is submitted by school districts and county offices of education to establish and update new construction eligibility annually, or as needed for funding requests. At this time, the online enrollment calculator can only generate the form using Microsoft's Internet Explorer (IE) browser.

On June 15, 2022, Microsoft retired Internet Explorer. OPSC is working to reprogram the calculator to work natively in other web browsers; however, in the interim OPSC has created an instructional guide on how to turn on "IE mode" in Microsoft Edge to allow the generation of the form using Microsoft Edge.

The Microsoft Edge Guide can be found on our Online Application webpage section under Resources at <https://tinyurl.com/2d4z79rw>.

LOCAL AUDITS

Projects funded after April 1, 2017 in which the final expenditure report has been reported to OPSC require an independent audit to be performed within one year of the reporting date. Once the audit is completed, a copy of report must be submitted for review and certified by the State Controller's Office who in turn will forward a copy to OPSC for record keeping purposes and data collection. A yearly analysis report of these certified independent audits is compiled and presented the SAB at the beginning of each year.

All acknowledged yearly reports are available on our Audit K-12 Resource webpage section under Resources at <https://tinyurl.com/1a7pk55e>

UPDATES TO DISTRICT REPRESENTATIVE CONTACT INFORMATION

Please let OPSC know if your district recently went through personnel changes and now have a new superintendent and/or authorized district representative. To replace the name of a district representative, an *Eligibility Determination* (Form SAB 50-03) (<https://www.dgs.ca.gov/OPSC/Forms>) must be submitted to OPSC either via US Mail or may be emailed to OPSCApplicationReviewTeam@dgs.ca.gov.

[Upcoming State Allocation Board Meeting](#)

STATE ALLOCATION BOARD

As a result of Senate Bill 189 (Chapter 48, Statutes of 2022), the Board is permitted to resume meetings remotely via Zoom and teleconference through June 30, 2023. The next meeting is scheduled for Wednesday, January 25 2023, at 4:00 p.m. by way of Zoom meeting and teleconference.

[Status of Funds](#)

Remaining Bond Authority (as of November 28, 2022) (includes Unfunded Approvals) (in \$ millions)

Assembly Bill 181	General Fund FY 22/23		General Fund FY 23/24		General Fund FY 24/25	
	838.2		2,060.5		875.0	
Total	838.2		2,060.5		875.0	
Proposition	New Construction	Modernization	Career Tech	Charter School	Overcrowding Relief	Seismic Repair
51	52.0	604.0	7.3	34.6	N/A	N/A
1D	0.6*	0.9	0.0	0.3*	6.6	1.2
55	0.5*	0.0	N/A	0.6*	N/A	N/A
47	0.3	0.0	N/A	0.0	N/A	N/A
1A	0.2	0.0	N/A	N/A	N/A	N/A
Total	53.6	604.9	7.3	35.5	6.6	1.2

*Total authority is not available at this time. There are outstanding accounts receivables.

Past Announcements

APPLICATIONS RECEIVED BEYOND BOND AUTHORITY

Received requests for new construction projects have exceeded the available bond authority. Any applications received on or after September 12, 2018 will be placed on the Applications Beyond Bond Authority List. SFP Regulations require that all new construction applications placed on this list must contain a school board resolution that includes several acknowledgements (per SFP Regulation Section 1859.95.1). Multiple applications from one district can be covered in one single school board resolution. All future new construction applications received by OPSC will undergo an intake review to ensure that required documents have been submitted with the application, but OPSC will not review to confirm program eligibility or process the application further unless bond authority becomes available for the project.

Received requests for modernization projects also have exceeded the available bond authority. Any accepted modernization applications received on or after March 1, 2019 will be placed on the Application Beyond Bond Authority List and will require the same type of school board resolution (per SFP Regulation Section 1859.95.1) as what is currently required for submitting new construction projects.

As of November 30, 2022, OPSC received the following for the Applications Received Beyond Bond Authority List:

- New Construction – 213 applications. Total requested - \$1,377,594,215
- Modernization – 570 applications. Total requested - \$1,703,064,360

It should be noted that health and safety projects, specifically Facility Hardship or Seismic Mitigation Program projects, are placed at the top of the SFP Workload List. Therefore, these projects will not be placed on the Applications Received Beyond Bond Authority List and do not require a Beyond Bond Authority school board resolution.

JOINT STATE AGENCY WORKSHOP

OPSC, the California Department of Education (CDE), the Division of the State Architect (DSA), and the California Department of Forestry and Fire Protection (CAL FIRE) conducted a free workshop via Zoom on Friday, September 9, 2022. This workshop provided information to Local Education Agencies on how to build sustainable facilities and outdoor spaces and representatives from each agency were available to answer questions from attendees. A recording of the workshop has been archived on OPSC’s website for any who wish to view it: <https://youtu.be/b67He0qF0AY> on school planning, design and the availability of state funding.

In addition, recordings of our previous workshops on How to Prepare for Emergencies and Roles of the State Agencies in the School Construction Process are available on OPSC’s Website and YouTube channel and can be accessed at the following links: [Planning For and Addressing Natural Disasters](#) and [The Roles of State Agencies in the School Construction Process](#).

Resources

ELECTRONIC FUND TRANSFERS (EFT) AVAILABLE FOR REMITTANCES DUE TO OPSC

OPSC accepts electronic fund transfers of payments due to the State. If a remitter wishes to send the funds electronically through EFT or Wire Transfer, please reach out to OPSCAccountsReivable@dgs.ca.gov for instructions.

EMAILING DOCUMENTS AND RECEIVING CONFIRMATION

In an effort to simplify the submissions of documents electronically to the OPSC, school districts can email all documents to OPSC Application Review Team (ART) at:

OPSCApplicationReviewTeam@dgs.ca.gov

A Team member will email acknowledgement receipts for all submittals. The document types listed below should be emailed to OPSCApplicationReviewTeam@dgs.ca.gov. In addition, we encourage senders to carbon copy “cc” the intended program recipient listed in the table below; however, it is not required.

Document Type	CC NAME	CC EMAIL ADDRESS
NEW SUBMITTALS: <i>Enrollment Certification</i> (Form SAB 50-01) <i>Existing School Building Capacity</i> (Form SAB 50-02) <i>Eligibility Determination</i> (Form SAB 50-03) <i>Application for Funding</i> (Form SAB 50-04)		
90 Day Responses – Cost Estimates	OPSC Cost Estimates	OPSCCostEstimates@dgs.ca.gov
90 Day Responses – Eligibility Updates	Hannah Konnoff	Hannah.Konnoff@dgs.ca.gov
<i>Fund Release Authorization</i> (Form SAB 50-05) (SFP)	OPSC Fund Release Department	OPSCFundRelease@dgs.ca.gov
<u>Full-Day Kindergarten Facilities Grant Program</u> <i>Application for Funding</i> (Form SAB 70-01) <i>Fund Release</i> (Form SAB 70-02) <i>Expenditure Report</i> (Form SAB 70-03)	Lindsey Walden	Lindsey.Walden@dgs.ca.gov
4/15/30-Day Letter Responses (Program/Audits)	Assigned Project Manager /Auditor Reviewing your project	Assigned PM/Auditor’s email address.
Grant Agreements	OPSC Grant Agreement	DGSOPSCGrantAgreements@dgs.ca.gov
Priority Funding Requests	Kelsie Muramoto and OPSC Priority Funding	Kelsie.Muramoto@dgs.ca.gov and OPSCPriorityFunding@dgs.ca.gov
Substantial Progress Checklists / <i>Expenditure Reports</i> (Form SAB 50-06)	Sue Reese	Suzanne.Reese@dgs.ca.gov
Financial Hardship	Jason Hernandez	Jason.Hernandez@dgs.ca.gov
<i>Appeal Requests</i> (Form SAB 189)	Michael Watanabe	Michael.Watanabe@dgs.ca.gov

For any questions or to obtain current OPSC contacts, please refer to OPSC’s [Directory of Services](#).