

# Welcome to the County School Facilities Consortium 2013 Annual Summit!!



Office of  
**Public School Construction**

Lisa Silverman, Executive Officer

## Mission Statement



To enrich the lives of California's school children as stewards of the taxpayers' commitment to education.

## Today's Discussion



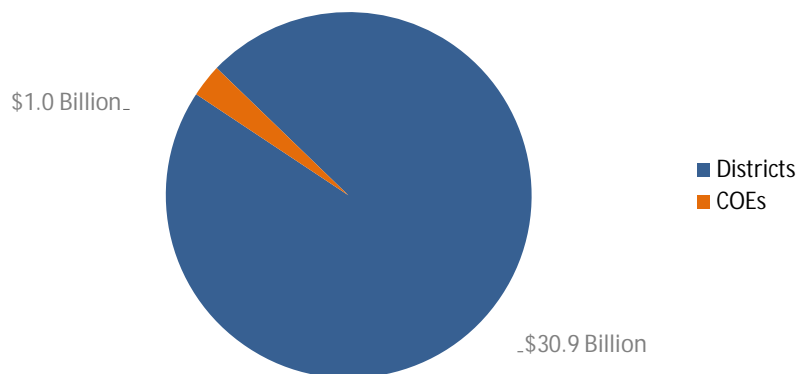
- COE Apportionments and Funding
- Priority Funding Accomplishments
- Overview of SAB Project Lists
- The Priority Funding Process
- Nonparticipation in Priority Funding
- New Application Process
- Financial Hardship Information
- State Allocation Board Update



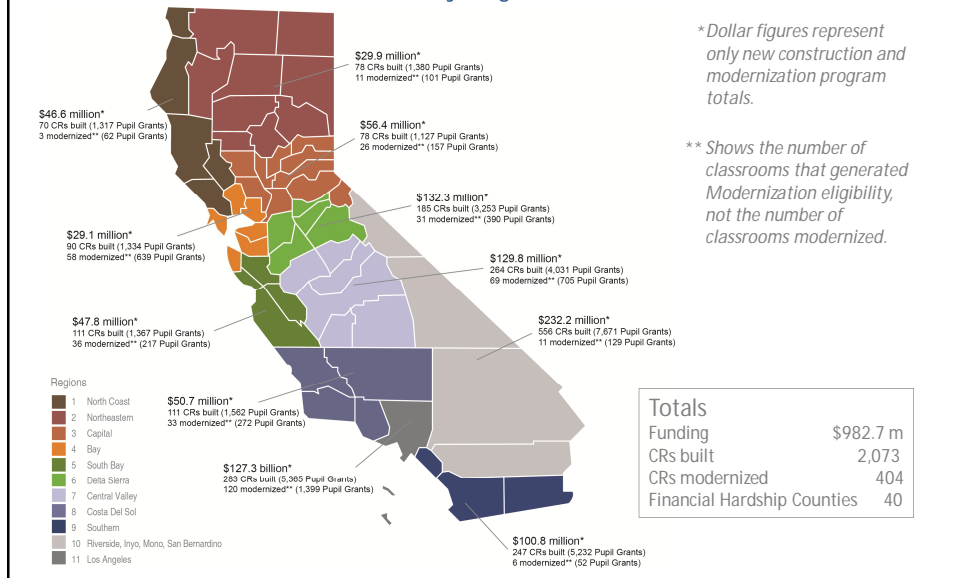
# COE APPORTIONMENTS AND FUNDING

## COE Apportionments

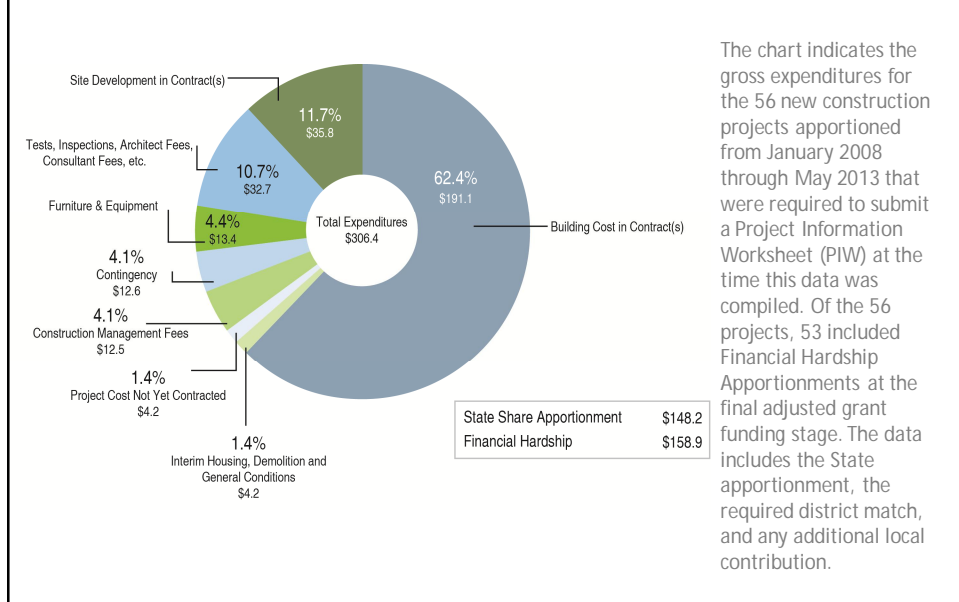
Total Amount Apportioned For the School Facility Program:  
\$33.1 Billion



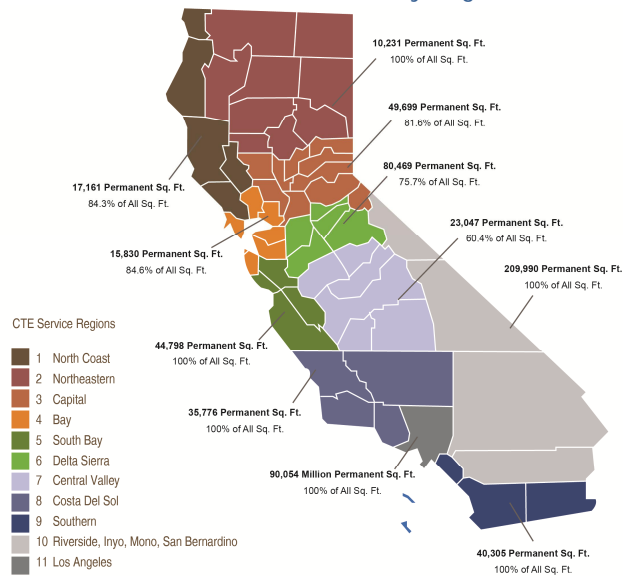
## COE Funding by Region



## COE State and Local Contributions



## COE Permanent Construction by Region



The chart indicates the permanent square feet construction versus the total square feet construction (which includes modular and portable construction) for the 56 new construction projects apportioned from January 2008 through May 2013 that were required to submit a Project Information Worksheet (PIW) at the time this data was compiled.



## PRIORITY FUNDING ACCOMPLISHMENTS

## Priority Funding Accomplishments

All Projects

### Six Completed Funding Rounds

- Total Number of Apportionments: 1587
- Total Number of Converted Apportionments (Includes Automatic Fund Releases): 1568
- Success Rate Based on Converted Apportionments: 99%
- Total Apportioned: \$4.58 Billion
- Total Funds Released: \$4.50 Billion
- Success Rate Based on Funds Released: 98%

## Priority Funding Accomplishments

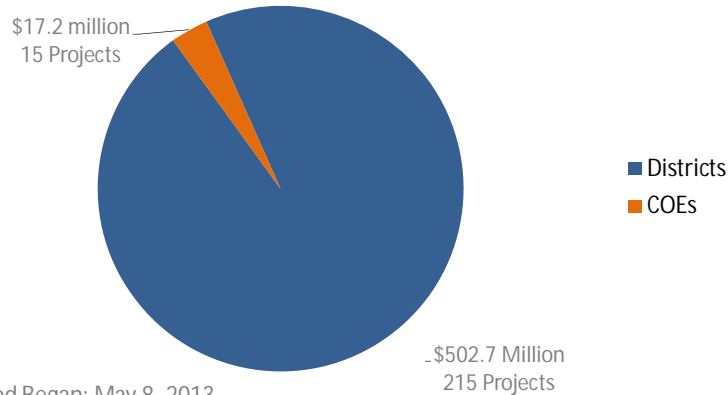
COE Projects Only

### Six Completed Funding Rounds

- Total Number of Apportionments: 89
- Total Number of Converted Apportionments (Includes Automatic Fund Releases): 83
- Success Rate Based on Converted Apportionments: 93%
- Total Apportioned: \$170.5 Million
- Total Funds Released: \$155.2 Million
- Success Rate Based on Funds Released: 91%

## Priority Funding: Last Round

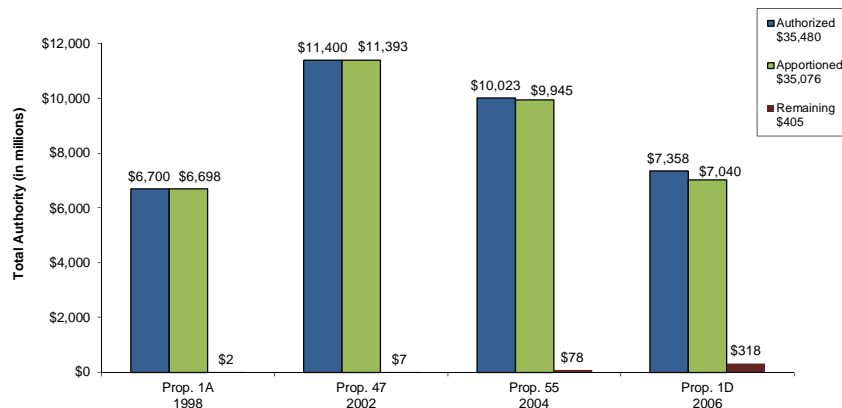
Total Received: \$519.9 Million, 230 Projects



Filing Period Began: May 8, 2013  
 Filing Period Ended: June 6, 2013  
 Certifications Expire: December 31, 2013

## Current Bond Authority

**School Facility Program**  
 Total Authorized Bond Authority vs. Total Remaining Bond Authority  
 (as of August 28, 2013)





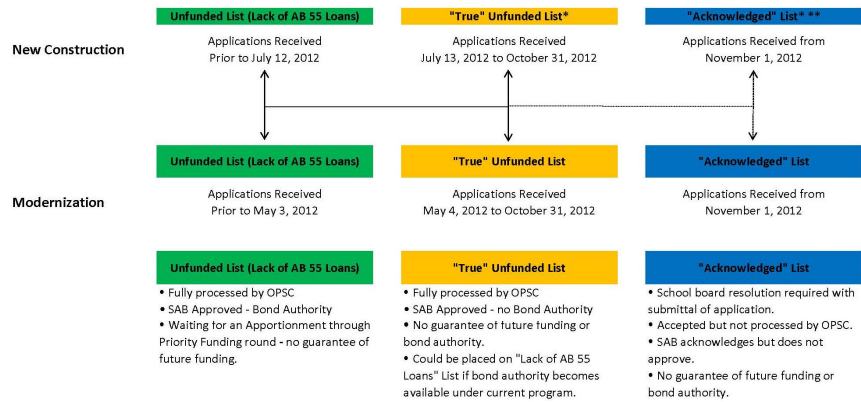
# OVERVIEW OF SAB PROJECT LISTS

## Overview of SAB Lists

- Unfunded List (Lack of AB 55 Loans)
- Unfunded List pursuant to SFP Regulation Section 1859.95 ("True" Unfunded List)
- Applications Received Beyond Bond Authority List ("Acknowledged" List)



# SFP Application Processing



\* Applications on this List have no Bond Authority or guarantee of future funding.

\*\* If a school facilities program is approved in the future, it is unknown whether these projects will be processed or eligible for funding under the new criteria.



## THE PRIORITY FUNDING PROCESS

## Priority Funding List

### How to get on the Priority Funding list

- Project must be on the Unfunded List (Lack of AB 55 Loans)
  - Projects on the True Unfunded List or Acknowledged List *cannot participate* in Priority Funding
- District must submit request to convert unfunded approval to an Apportionment
- As cash becomes available, the SAB makes apportionments

## Priority Funding Round Timelines

### Current list validity period

- Filing period ended June 6, 2013
- Requests valid from July 1, 2013 to December 31, 2013

### Next filing period

- Begins November 13, 2013
- Ends December 12, 2013
- Requests valid from January 1, 2014 to June 30, 2014

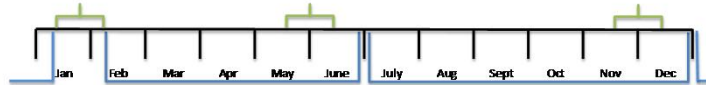
# Priority Funding Timeline

2013/2014

**Request Filing Period**  
1/8/13 - 2/7/13  
**Eligible for Apportionments**  
until 6/30/13

**Request Filing Period**  
5/8/13 - 6/6/13  
**Eligible for Apportionments**  
7/1/13 - 12/31/13

**Request Filing Period**  
11/13/13 - 12/12/13  
**Eligible for Apportionments**  
1/1/14 - 6/30/14



2014/2015

**Request Filing Period**  
5/14/14 - 6/12/14  
**Eligible for Apportionments**  
7/1/14 - 12/31/14

**Request Filing Period**  
11/12/14 - 12/11/14  
**Eligible for Apportionments**  
1/1/15 - 6/30/15

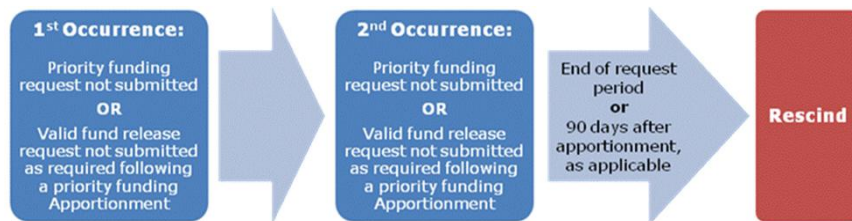


**Requests submitted**  
11/13/13 - 12/12/13  
**Eligible for Apportionments**  
1/1/14 - 6/30/14



# NONPARTICIPATION IN THE PRIORITY FUNDING PROCESS

## Process for Nonparticipation in Priority Funding



## Priority Funding: Nonparticipation

### What happens when districts do NOT participate in Priority Funding?

- If a district does not submit a request to convert an unfunded approval to an apportionment, it counts as one occurrence of nonparticipation.
- If a district submits the Priority Funding request, but does not submit a valid *Fund Release Authorization* (Form SAB 50-05), it counts as one occurrence of nonparticipation.
- Two occurrences = Project Rescission

## Priority Funding: Nonparticipation

### Two Occurrences = Project Rescission

- Project removed from Unfunded List (Lack of AB 55 Loans)
- Bond authority removed
- Pupil grants returned to eligibility baseline



## NEW APPLICATION PROCESS

## New Application Processing

### Applications received on or after November 1, 2012:

- Not fully reviewed or processed by OPSC
- Not approved by the SAB
- Placed on the "Acknowledged" List

## New Application Processing

### When projects are rescinded:

- Removed from the Unfunded List (Lack of AB 55 Loans)
- Bond Authority made available for additional projects\*
- Move from "True" Unfunded List to Unfunded List (Lack of AB 55 Loans)\*

\* There are factors to consider...

## New Application Processing

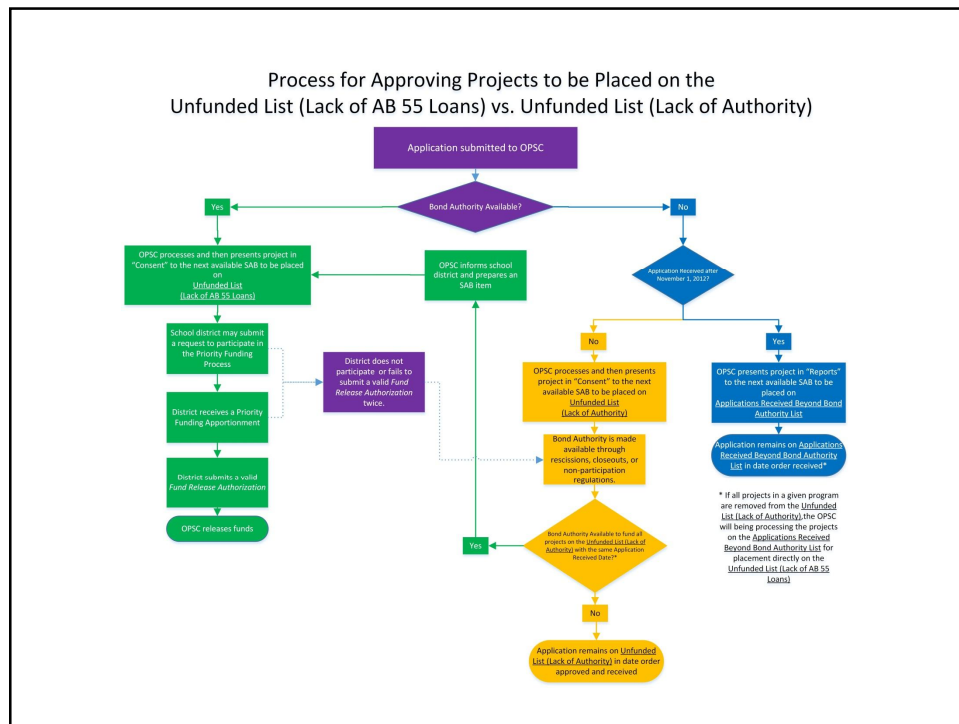
### Factors when moving applications to Unfunded List (Lack of AB 55 Loans):

- Projects with same received date are moved at the same time
- Program
- Bond Source

## New Application Processing

### What about projects on the "Acknowledged" List?

- Bond authority must be available
- All projects for a given program must be removed from the "True" Unfunded List
- *Then* projects can move from "Acknowledged" List directly to Unfunded List (Lack of AB 55 Loans)



## Fund Release Authorization Procedures

- District has 90 calendar days after funding to submit Fund Release Authorization (SAB Form 50-05)
  - OPSC will review key documents
    - Contracts in place for at least 50% of construction (district to provide complete contract)
    - DIR acknowledgment of receipt of district's notice
    - Notice to Proceed
- Funds released upon completion of review





# FINANCIAL HARDSHIP INFORMATION

## Financial Hardship Review: Process Improvements

### Streamline the Financial Hardship (FH) Review process

- Created FH checklists to standardize documentation requested in a FH review
- Two-tier FH review process
  - Phase 1 – Review of qualifying criteria for FH status (COEs automatically qualify)
  - Phase 2 – Review of available funds
- Reminder letters are sent to District/COE of upcoming deadlines for document submittal
- On-site and conference call outreach for District/COE is available

## Financial Hardship Review Process After November 1, 2012

- FH packages for programs lacking Bond Authority will not be accepted
  - FH packages received will be returned to district
- Districts can submit *Application for Funding* (Form SAB 50-04) to get on Acknowledged List without Financial Hardship approval letter
- FH Review will be done if and when funding becomes available

## Financial Hardship Re-Review

Any SFP project on an unfunded list for more than 180 days must have a review conducted of a COEs financial records to determine if additional COE funds are available as contribution to their project.

- OPSC will send letters to COEs that submitted a Certification Letter to participate in a Priority Funding round
  - Letter will request financial information based on the potential that funds may be made available from a Bond Sale to the School Facility Program

## Financial Hardship Re-Review

(continued)

- FH Re-Review must be completed prior to a project receiving an apportionment
- FH Re-Review is only a review for additional funds available since last review
- The COE does not have to re-establish its FH status
- OPSC will contact the COE for all documents required in an Unfunded FH Re-Review Checklist
- After a Re-Review is complete and the COE concurs with the finding it will be eligible to receive an apportionment should funds be made available

## Financial Hardship Team

John Leininger, Supervisor

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Audrey Sims-Davis

916-376-3989 or [audrey.simsdavis@dgs.ca.gov](mailto:audrey.simsdavis@dgs.ca.gov)



# STATE ALLOCATION BOARD UPDATE

## State Allocation Board Members



Ana Matosantos, Chair  
Director, Department of Finance  
Designee: Eraina Ortega,  
Chief Deputy Director of Policy



Tom Torlakson  
State Superintendent of Public Instruction,  
Department of Education  
Designee: Kathleen Moore,  
Director of CDE School Facilities & Transportation Division



Fred Klass  
Director, Department of General Services  
Designee: Esteban Almanza,  
Chief Deputy Director



Cesar Diaz  
Governor's Appointee



Senator Lori Hancock



Assembly Member Joan Buchanan, Vice Chair



Senator Mark Wyland



Assembly Member Curt Hagman



Senator Carol Liu



Assembly Member Adrin Nazarian



## State Allocation Board Schedule

- September 25, 2013\*
- October 23, 2013\*
- December 2013 – (Date TBD)\*

\*Pending Workload

## School Facility Program Review Subcommittee Schedule

### October 1, 2013

- Charter school facilities
- Statewide school facilities inventory

### October 23, 2013

- County Offices of Education
- Financial hardship program
- Review of consensus items

*Topics are subject to change*

*continued...*

## School Facility Program Review Subcommittee Schedule

November 12, 2013

- Review of policy recommendations for presenting to the State Allocation Board
- What is the need/demand for a future bond?
  - How much?
  - How should the funding be split up?

November 25, 2013

- TBD

January 7, 2014

- TBD

*Topics are subject to change*

## Questions

Please let us know if you have any questions...

Lisa Silverman, Executive Officer

(916) 376-1771

Please send comments and suggestions to:

[OPSCcommunications@dgs.ca.gov](mailto:OPSCcommunications@dgs.ca.gov)

## State Allocation Board Update: Program Review

County School Facilities Consortium  
2013 Annual Summit  
Sacramento, CA  
September 17, 2013

William Savidge  
Assistant Executive Officer  
State Allocation Board

## Program Review Subcommittee

- State Allocation Board Subcommittee
- Established in late 2012
- To consider all elements of the State School Facilities Program
- Develop list of follow-up areas
- Chair's goal to reach consensus on changes to consider in a new program
- Recommendations to the full SAB
- Potential recommendations from SAB to Legislature
- Assm. Joan Buchanan, Chair
- Members
  - Assm. Curt Hagman
  - Kathleen Moore, CDE
  - Esteban Almanza, DGS
  - Cesar Diaz, CA Bldg. Construction Trades Council
- OPSC provides staff support, materials preparation
  - Policy and Specials team

# The Meetings

## To date

- Oct. 24, 2012: Overall SFP
- Nov. 28, 2012: New Construction
- January 16, 2013: Mod., Charters
- February 5, 2013: County Offices, Financial Hardship
- March 6, 2013: CDE Report, Campus Safety Facilities
- May 21, 2013: State Agencies, PIW
- June 10, 2013: Funding, Follow-up issues
- August 13, 2013: Dwelling units eligibility, portables funding, Supplemental Grants
- September 5, 2013: Classroom definition, Options for SFP Programs—Mod., CTE, Charter, others

## Upcoming

- October 1, 2013: Statewide facilities inventory, Charters
- October 23, 2013: COE's, financial hardship, consensus items review
- November 12, 2013—Review policy recommendations, Funding need
- November 25, 2013—Topics TBD
- January 7, 2014—Recommendations Review
- January 22, 2014—State Allocation Board

Tentative dates/topics, subject to change.

## Program Review

OPSC prepared comprehensive background material

Simple, graphically presented material

SFP Overview

Individual programs  
More in-depth reviews of programs, funds, grants

Subcommittee members have indicated this background is extremely valuable

May be used in the future as "Orientation" documents for new SAB members

### New Construction Program

Funding Sources: Propositions 1A, 47, 55 & 1D

#### Overview

- The New Construction Program provides school districts with funding to add classroom capacity to meet future student housing needs.
- The program provides funding for costs associated with new school construction, or classroom additions to existing schools. In addition to funding added classroom capacity, the program funds libraries, multipurpose rooms, gymnasiums, administration, and other school facilities.

#### Eligibility



- A district's new construction eligibility is based on its projected need to house pupils. New construction eligibility is determined by comparing the district's projected enrollment and the district's current classroom capacity.

- The formula used to project enrollment, known as the "cohort formula", projects what the enrollment will be in five or ten years. This projection allows districts to plan ahead and meet future needs.
- The enrollment projection can be based on five or ten years of historical student enrollment.
- The new construction eligibility formula is as follows:
  - Enrollment in 5 years - existing classroom capacity = # of unhoused pupils = eligibility

New construction example for K-6 pupils

500 (Enrollment in 5 years) - 400 (existing classroom capacity) = 100 (eligibility).

#### Existing Classroom Capacity



#### Enrollment in 5 Years



Eligibility  
(5 pupils)



## New Construction

- What is the definition of a classroom under the SFP?
- What have the priorities for New Construction been?
  - Classrooms or Core Facilities
  - Permanent vs. Portable construction
- How can the current method for determining eligibility and projecting future needs for school facilities be improved?
- Funding: Is the current method of calculating grants (per pupil plus supplemental grants) working?

## Modernization

- Does the current method of calculating eligibility for Modernization work? What are the challenges?
- What percentage of the modernization grants provided are used for hard construction costs?
- Is the current per pupil grant funding model working?
- Does the allowance for Modernization of portables work?
  - Can you even modernize a portable?

## Other Programs issues

- **Charter School Facilities:** Does the program work for the needs of the Charter community?
  - Is the eligibility model for this program working?
  - How do we fund Charter schools facilities needs?
- **Special Programs**—are they working?
  - What programs or areas presented challenges?
  - HPI, CTEFP, ORG, SMP, Joint Use
  - Are there too many special programs?

## Financial Hardship & COE's

- **Financial Hardship:** Does the current method for qualifying work? What are the concerns?
  - Is the current method of providing design grants working?
- **County Offices of Education:** What are alternative methods for providing facilities to meet the needs of the student populations served by COE's?
  - For COE's is the current method for projecting eligibility and future needs working?
  - Funding for COE's—what are the current issues with the funding model?

## Identified program issues

- Bond authority reservation—how long should the Board reserve bond authority before the project is rescinded?
- How often has funding been provided through the SFP for real property and/or facilities that are no longer being used or were never developed?
- What is the best method to create and maintain a statewide database of all school facilities in California?
- How do we successfully fund maintenance of our school facilities?

## Reaching consensus

- The Subcommittee has reached preliminary consensus on several items
  - Requesting staff to review options to frame consensus recommendations
- **Statewide School Facilities Database**—we do want to move toward a statewide inventory
  - High level database to inform state school facilities policy
  - Example—assessing the need for modernization funding
- **Project Information Worksheet (PIW)**—yes, the PIW is valuable for New Construction and Modernization.
  - Take another look at the data collected
  - Implement Modernization PIW as part of a new bond

## Reaching consensus

- **Definition of a classroom**—consider a flexible definition providing “Sq. Ft. of Learning Area per Student” as the basis for determining classrooms in an SFP project
  - Additional discussion at September meeting
- **Eligibility**—re-establish New Construction Baseline Eligibility for the program.
  - Statewide inventory could be a part of this process
- **Supplemental Grants**—consolidation may be possible with only limited grants
  - Fire Alarm and Sprinkler systems

## Reaching consensus

- **Portables**—state funding for portable classrooms can’t be justified in its current form
- **Concerns**
  - From SAB members—life of the asset not matching life of bond funding, inability to modernize, overall issues with building quality, educational impacts, site issues
  - From school community—need for flexibility in meeting enrollment increases, need for cost-effective solutions to house students, large numbers of existing portable buildings
- **Looked at options August Program Review meeting**
  - Including no state funding for portables in new construction
  - Requirements to replace portables when eligible to modernize
  - Scenarios to incentivize portables replacement

## Reaching consensus

- Program Consolidation
  - September meeting discussion
  - Not quite there...still political concerns with separate programs identified for voters
  - Charter School Facilities should remain separate
- New Construction & Modernization
  - All other programs could be consolidated there
  - Different options—to consolidate and streamline
  - High Performance Schools issues—changing standards in Cal Green and Title 24
    - Every school a green school—now how do we pay for it?

## Reaching consensus

- Modernization Program
  - September discussion
- Different options for eligibility
  - Age-based
  - Condition-based
  - No consensus on approach, but recognition of changed environment at the state
    - We will have less \$ to deal with Mod. Need—how do we prioritize?
- Isn't this also a discussion about major maintenance?
- Local vs. State responsibility

## Reaching consensus

- Some tough items remain...
- State program elements for partners without the ability to provide matching funds
- Financial Hardship program
  - Local effort requirements, planning funds, perceptions of gaming the system
- County Office of Education facilities
  - How do we as a state provide facilities for at-risk student populations?
  - Shared responsibility of school districts to house students
- Charter School facilities
  - Is the loan process through CSFA the most appropriate match structure?
  - How can we streamline the process for Charters?

## Other areas of consideration

- Program consolidation
  - September Program Review discussion summary
- Streamlining of processes, procedures, agencies
- Accountability and Audits
  - Unfinished work of the Audit Subcommittee
  - SB 584 Wyland—SAB will be involved in setting content for local Prop. 39 Bond Performance and Financial audits
- Identifying the need for state funding
  - New construction
  - Modernization
- Grant adequacy...

## Next Steps

- This Subcommittee will continue reviewing substantive issues with the School Facilities Program
- OPSC staff will be presenting options for areas of consensus as reached in the meetings
  - Framing recommendations for consideration
  - By the subcommittee and the Board
- Make sure to stay involved and be a part of this important discussion!

## Closing Challenges

- The governor has a clear set of parameters
  - Local control--LCFF environment for education
  - Subsidiarity as a basic principle of government
  - Streamlining and consolidating agencies, processes
- How do we in school facilities translate this into a new program?
- Consider also the competing infrastructure needs of the state...
  - Where does school facilities fit into this larger picture?

*"As a result, now is an appropriate time to engage in a dialogue on the future of school facilities funding. Central to this discussion must be a consideration of what role, if any, the state should play in the future of facilities funding. It is also appropriate to engage in a deeper examination of the acceleration in state bond issuances for school facilities over the course of the last 15 to 20 years. Further, there are problems inherent in the current program that must be examined. School facility funding and related debt service costs have been supported outside of operational funding provided to schools, as such, facility needs are not balanced with the operational needs of schools. The current School Facilities Program is overly complex and administered by multiple control agencies with fragmented responsibilities. The current program is also largely state-driven, restricting local flexibility and control."*

2013/2014 Governor's Budget Summary



# California Department of Education Update

Fred Yeager, Assistant Director

School Facilities and Transportation  
Services Division

CALIFORNIA DEPARTMENT OF EDUCATION  
Tom Torlakson, State Superintendent of Public Instruction



TOM TORLAKSON  
State Superintendent  
of Public Instruction

## Agenda

- Review of Special Education Facilities Title 5 Standards
- Proposition 39
- Senate Bill 1404 Regulations (Civic Center Act fees)
- Classroom Definition
- Title 5 Update





TOM TORLAKSON  
State Superintendent  
of Public Instruction

## Background

- *Education Code 17251* – Authorizes development of site and plan standards
- Title 5 Section 14030 – Plan standards
- Least Restrictive Environment



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State Superintendent  
of Public Instruction

## Background

- In the past, the CDE noticed an increase in requests for what appeared to be non-integrated facilities.
  - Community Day School and Special Education
  - Grouping of classrooms
  - Bus Drop offs



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State Superintendent  
of Public Instruction

## CDE Concerns

- Inappropriate peer group
- Little or no discussion of need for facility in context of needs of students
- No examination of placement at comprehensive sites



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State Superintendent  
of Public Instruction

## Term Definition

- Least Restrictive Environment (LRE) means that a student who has a disability should have the opportunity to be educated with non-disabled peers, to the greatest extent appropriate. The student should be provided with supplementary aids and services necessary to achieve educational goals if placed in a setting with non-disabled peers.



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State Superintendent  
of Public Instruction

## References for Facilities

- *Education Code 17070.80*
  - (a) All SFP projects must be designed for use by students with "...exceptional needs [and] shall be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both."



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State Superintendent  
of Public Instruction

## References for Facilities

- *Education Code 17070.80*
  - (b) "The governing board of each applicant school district and county office of education shall ensure that school facilities for pupils who are individuals with exceptional needs are integrated with other school facilities."



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State Superintendent  
of Public Instruction

## References for Facilities

- *Education Code 17070.80*  
(d) State Superintendent of Public Instruction (SSPI) may waive subsection (a) if:
  - 1) The applicant documents, and the CDE reviews, the reason for the applicant's "... inability to comply with the requirement." and...



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State Superintendent  
of Public Instruction

## References for Facilities

- 2) The Advisory Committee on Special Education reviews and makes a recommendation to the State Superintendent of Public Instruction.

The SSPI will then consider the recommendation of the Advisory Committee on Special Education and approve or reject the waiver request.



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State Superintendent  
of Public Instruction

## References for Facilities

Title 5, Section 14036.  
Integrated Facilities.

“...preferably the classrooms are under the same roof and adjacent to the classrooms of their non-handicapped peers”, specifically:

- (1) Proximity to regular education,
- (2) Same ratio of portables used as used for general education,
- (3) Side by side schools are not considered integrated.



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State Superintendent  
of Public Instruction

## Special Education Working Group

The purpose and goals were:

- To clarify existing applicable laws and regulations regarding school facilities for the education of students with exceptional needs.
- To assist the CDE with considerations towards, and development of, a procedure for the CDE to use in evaluating plans for buildings that house students with exceptional needs. This procedure includes: the proposed construction of new non-integrated sites; additions to, and the modernization of, existing non-integrated sites; and additions to existing integrated sites. Furthermore, effort will be made to identify best practices in providing special education facilities.



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State Superintendent  
of Public Instruction

## Special Education Working Group

### Membership:

- District-Special education and facility staff
- COE-Special education and facility staff
- CDE-Special education and facility staff
- CSFC-County School Facilities Consortia
- SELPA-Special Education Local Plan Area
- SPSSC-Student Programs & Services  
Steering Committee
- CCSESA-California County Superintendents  
Educational Services Association



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State Superintendent  
of Public Instruction

## Procedure Overview

### Outcomes:

- Process and procedures for  
consideration of non-integrated  
projects
- Best practices



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State Superintendent  
of Public Instruction

## Procedure Overview

1. Discussion of why facility is needed with consideration of:
  - Continuum of placement
  - Peer group interaction and LRE
  - Transition plan for students to the general population
  - Placement on general education site
2. CDE Special Education and Facility staffs review and may request additional information from District/COE.



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of Public Instruction

## Procedure Overview

3. If the CDE does not approve, District/COE may request hearing before Special Education Advisory Committee.
4. Approval of the State Superintendent of Public Instruction.



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State Superintendent  
of Public Instruction

## Tips in Planning Special Education Facilities

- Early involvement of the CDE
- Master planning of district sites to accommodate COE programs
  - Building location
  - Drop off



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State Superintendent  
of Public Instruction

## Tips in Planning Special Education Facilities

For a non-integrated facility:

- Preliminary Plan
  - Early consultation with the CDE at site selection and plan development
- Provide
  - Age of students
  - Needs of students
  - Where do students attend now
  - Why not on a comprehensive campus
- How is interaction, if any, provided on the campus?





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## Tips in Planning Special Education Facilities

### On existing school district campus:

- Discuss with the CDE the proposed location and orientation of buildings to maximize interaction
- If special education buildings are to be clustered, describe the program need for such
- Student participation in school wide events
  - Are core facilities sized to accommodate?
- Bus drop off



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State Superintendent  
of Public Instruction

## Links to Resources

### Procedure:

[www.cde.ca.gov/ls/fa/sf/whatsnew.asp](http://www.cde.ca.gov/ls/fa/sf/whatsnew.asp)

### Least Restrictive Environment:

[www.lre4ca.org](http://www.lre4ca.org)



**TOM TORLAKSON**  
State Superintendent  
of Public Instruction

## Contact Information

- Liese Olukoya, Consultant  
School Facilities and Transportation Services  
Division  
916-445-5657  
lolukoya@cde.ca.gov
- James Johnson, Education Administrator I,  
Special Education Division  
916-327-4218  
jamjohns@cde.ca.gov



**TOM TORLAKSON**  
State Superintendent  
of Public Instruction

## The California Clean Energy Jobs Act (Proposition 39)

- Past August 1 deadline for small LEAs to  
request bundling for Year 1 and Year 2
- Precise per-ADA amounts still being  
calculated
- California Energy Commission leading  
development of the guidance

[http://www.energy.ca.gov/efficiency/  
proposition39/index.html](http://www.energy.ca.gov/efficiency/proposition39/index.html)



**TOM TORLAKSON**  
State Superintendent  
of Public Instruction

## SB 1404 Regulations

### *Changes to the Civic Center Act*

- September 4 State Board of Education meeting to commence rulemaking
- 45 day public comment period September 21 through November 4
- November 4 public hearing at CDE
- Proposed adoption of regulations in January

<http://www.cde.ca.gov/be/ag/ag/>



**TOM TORLAKSON**  
State Superintendent  
of Public Instruction

## Title 5

- District consultation with SELPA/COE?
- Use COE new construction funds to convert permanent facilities at a school?



**TOM TORLAKSON**  
State Superintendent  
of Public Instruction

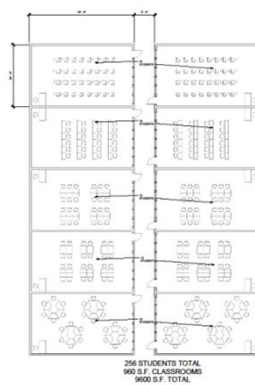
## Classroom Definition

- In a new facility program, how will teaching spaces be defined?
- State Allocation Board Program Review Sub-Committee

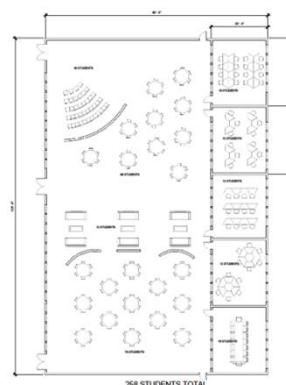


**TOM TORLAKSON**  
State Superintendent  
of Public Instruction

## Classroom Definition



CALIFORNIA DEPARTMENT OF EDUCATION  
SCHOOL FACILITIES PLANNING DIVISION  
REVISED 12/2011



CALIFORNIA DEPARTMENT OF EDUCATION  
SCHOOL FACILITIES PLANNING DIVISION  
REVISED 12/2011



**TOM TORLAKSON**  
State Superintendent  
of Public Instruction

## Classroom Definition



**TOM TORLAKSON**  
State Superintendent  
of Public Instruction

## Special Education Planning in New Program

- District consultation with SELPA/COE?
- Use COE new construction funds to convert permanent facilities at a school?



**TOM TORLAKSON**  
State Superintendent  
of Public Instruction

## Contact

Fred Yeager, Assistant Director  
School Facilities and Transportation  
Services Division  
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[fyeager@cde.ca.gov](mailto:fyeager@cde.ca.gov)



**SCHOOL ENERGY COALITION**



## Proposition 39

Presented By:  
Anna Ferrera, Executive Director

## Proposition 39: New Tax Revenue

- Voters approved in November 2012. The change to the tax law is estimated to bring over \$1 billion in additional revenue to the State's General Fund starting with 2013-14 (half-year impact in 2012-13).
- Proposition 39 language stated that \$550 million be transferred to the Treasurer for a Clean Energy Job Creation (CEJC) Fund for "public energy projects." Included schools, local government, community colleges and UC and CSU.
- Transfer to the CEJC Fund for clean energy projects would be for five years only – through the 2017-2018 budget year.
- Establishes a Citizens Oversight Board (COB) of 9 members: 3 from the Treasurer's Office; 3 from the Controller, 3 from the Attorney General's office; and ex-officio members from CPUC and CEC to annually review expenditures from the CEJC fund.



## Proposition 39: The Alphabet Soup

### Energy:

- CEC – CA Energy Commission – Administers energy programs not associated with IOUs such as Bright Schools and ECAA Low Interest Loans
- ECAA – Energy Conservation Assistance Act – Low & no interest loans at CEC
- IOUs – Investor-Owned Utilities: PG&E, Edison and SDG&E
- CPUC – CA Public Utilities Commission - Regulates IOUs and associated programs
- CEJC – Clean Energy Jobs Creation Fund. Created under Proposition 39
- COB – Citizen's Oversight Board. Created under Proposition 39
- NEB – Non-Energy Benefits

### Education:

- CDE – California Department of Education
- CCCCO – CA Community College Chancellor's Office

### Jobs:

- WIB – Workforce Investment Board
- CCC – CA Conservation Corps



## State Proposition 39 Proposals

The Governor's Budget Proposal in January:

- Proposed that all revenue from the single sales factor adjustment would go into the state's General Fund and applied to Proposition 98.
- Funding designated for CEJC Fund for public energy projects would go solely to K-14 schools on a per Average Daily Attendance (ADA) basis.
- Program to be administered by CDE for K-12 and Chancellor's Office for community colleges - option to consult with CEC and the Public Utilities Commission.

State Legislation quickly introduced requiring competition for funds:

- SB 39 by Senator de León focused on disadvantaged areas.
- AB 39 by Assembly Member Skinner provided for renewable projects, and a number of others.



SCHOOL ENERGY COALITION

## Advocacy was Needed as Budget Process Moved Forward Along with Implementing Legislation

- Assembly Member Skinner proposed a regional funding approach using county offices of education or 11 supervisorial districts.
- Multi-Agency Oversight - as many as six different agencies charged with some oversight at one point in de León's bill.
- Governor's office and de León considered the idea of using unfunded *Williams* Emergency Repair Program projects as an interim ready-to-go list for Proposition 39.
- Attempts to challenge or change the flexibility of Government Code Section 4217 through language eliminating performance agreements, lease-leaseback and adding on low bid by requiring competitive bidding.



SCHOOL ENERGY COALITION



## SEC Message to Budget Committee

- Make the program simple and flexible with dollars going directly to LEAs for energy projects.
- Simple application form to receive funds.
- Funding minimums for smaller school districts.
- Clarification regarding improvements made to private property as in the case of Charter Schools.
- Timing for funding of utmost importance.
- Make it urgency language to go into effect immediately upon signing.



## Final Budget Language Public Energy Projects = Schools

- Governor's proposal prevailed for the most part.
- The signed budget provides a total of \$428 million in funding for energy efficiency programs for K-12 and community colleges in 2013-14.
- All revenue from adjustment is counted toward Proposition 98.
- All funding for public energy projects will go to K-12 per ADA allocation with minimums after a priority for Free and Reduced Price Lunch.
- ADA adjusted after "set-aside" for ECAA loan program and Workforce Investment Board (WIB) funding (Legislative influence).
- 89% to K-12 and 11% to community colleges.



## Pre-ADA Allocation Set-Asides

- \$28 million for ECAA low/no interest revolving loans for eligible projects and technical assistance. Loans can also be used to make up project funding gaps. The amount going to ECAA will be determined in budget process annually. Schools are encouraged to apply for these loans or they may be opened up to other eligible entities in future years.
- \$3 million to WIB for grants eligible community and workforce training organizations that employ disadvantaged youth and veterans. Priority to those that provide hands-on experience related to energy efficiency and clean energy. Provides credential, certificates and partnerships with apprenticeship programs.



## Remaining For K-12: Minimums or ADA

- The Superintendent of Public Instruction (SPI) provides a priority of 15% of the funding on the basis of Free and Reduced Priced Meals and the remaining 85% per ADA as follows:
  - Smaller than 100 ADA = \$15,000 per year (\$75k/5 years)
  - 101-1,000 ADA = \$50,000 (\$250k/5 years) or ADA (whichever is greater)
  - 1,001-1,999 ADA = \$100,000 (\$500k/5 years) or ADA (whichever is greater)
  - 2,000 ADA and above = ADA allocation. For every district receiving over \$1 million in funding, at least half of the funds shall be used on projects larger than \$250,000.



All funding must be encumbered by June 30, 2018.

## For Smaller Schools: Two-Year Bundling of Funds Allowed

- To provide for deeper retrofits for smaller schools.
- LEAs under 1,000 ADA may provide a written request to CDE by August 1 of a given year to receive its allocation for current and following year (bundling 2 years).
- This deadline has now passed, but may be requested next year or anytime during the five-year period for two-year's worth of funding.
- An LEA requesting funding pursuant to this subdivision shall not receive a funding allocation in the year following the request.



## Bill Takes Effect Immediately

- Authorizing agencies are now meeting to discuss guidelines. CEC has the lion's share of the implementation in consultation with CDE.
- Stakeholder input is being collected through the CEC list serve and on an individual basis.
- Process for input after draft guidelines are released is being contemplated.



## Signed Budget Language Outlines Project Guidelines for Schools

- The CEC, in consultation with CDE for K-12 and the Chancellor's Office for CCs – and with input from CPUC, *shall* establish:
- Standards for estimating energy benefits, energy costs, cost savings, and job creation as a result of projects.
- Appropriate contractor qualifications, licensing, and certifications (not creating new).
- Project Evaluation – benchmarks, audits or surveys, sequencing of facility improvements, and definition of cost-effective.
- Measurement and verification procedures to ensure energy savings and Green House Gas (GHG) reductions.



## Guidelines (Cont.)

- Pre-installation verification form – A "simple" form to be created that will provide information such as project description, estimated energy savings, jobs created, current usage, and cost.
- CEC may develop benchmarking and "innovative facility evaluation systems" in coordination w/UC.
- Standards for classified employee training and information to maximize energy savings at schools.
- CEC to allow the use of data "analytics" of energy use data where possible in the energy auditing, evaluation, and inventory, with prior technical validation by the Commission, a local utility, or the CPUC.



## Guidelines *(Cont.)*

- A district or LEA shall not use a sole source process to award funds.
- Transparency for labor.
- A district or LEA may use the Best Value criteria to award funds as defined in Public Contracting Code 20133 (c)(1).

And finally:

- All CEC Guidelines and changes must be Publicly Noticed before approval.



## How Schools Decide What Projects Go Forward

- LEA shall prioritize eligible projects within district using at least the following factors:
  - Age.
  - Proportion of Title 1.
  - Was the school recently modernized?
  - Hours of Operation - Year-Round?
  - Energy intensity using EPA Energy Star, ASHRAE or other software.
  - Financial return over lifecycle of project in terms of net present value.



## How Schools Decide What Projects Go Forward *(Cont.)*

- Potential for energy demand reduction.
- Health and Safety improvement or Non-Energy Benefits (NEBs).
- Facilitation of participants in apprenticeship programs.
- Expected number of employees and trainees.
- Enhancement of local employment opportunities by utilizing groups specified such as Conservation Corps., Green Partnership Academies, ROP and others.



## Other Important Items

- Establishing Baseline: Qualifying Information Needed. Authorize local gas and electric utilities to provide 12 months of past and ongoing energy usage information and billing to CEC.
- Inventory: CEC shall maintain information on LEAs and CCs that receive grants and loans. Information shall be publicly available and searchable with relevant metrics to be determined by CEC.



## Completion Report

- Due one year after project completion - no later than 15 months.
- Project expenditures to be reported to the COB with: 1) total final gross project cost; 2) estimated amount of energy saved and consumption data per CEC; 3) rating of new clean energy installed, and; 4) time lapsed from award to completion.
- The COB shall report back annually to the Legislature and the report will be posted on a publicly accessed website.
- CDE shall require LEAs to pay back funds if not meeting the standards and criteria, or if a project is torn down, remodeled or sold before the payback period.
- The Chancellor shall require a community college to do the same.



## ECAA Loans and Repayments

- Funding added to current program. Can be used for renewable projects. Can be used to provide "gap" funding, if needed.
- SEC Advocated to Extend payback time from 15 years to 20 years.
- LEAs must budget for this.



## Next Steps

- Time is of the essence for issuance of guidelines as schools determine project schedules for summer 2014.
- Recently heard: Goal is to have Draft Guidelines by the end of September 2013 and Final Version in December 2013.
- Outreach from CEC and CDE. School perspective needed. Specifically on the guidelines and criteria they are charged with developing.
- Retroactivity not considered in discussions. Any give with regard to pre-construction or phased-in projects?
- Simplicity and Flexibility again the guideline message.
- Guidelines not requirements.



## Schools Should Be Prepared

- Create an internal team to consider energy retrofits and projects at your district or COE.
- Gather preliminary baseline information on your school's energy usage.
- Conduct an internal survey of the type of energy efficiency and renewable projects that may be feasible throughout your district. Keep it simple for now.
- Gather preliminary data on energy savings that might be incurred with clean energy retrofits or renewable projects.
- Estimate the number of jobs created through the implementation of these projects.
- Inventory of projects that have already been completed or are in varying stages of completion.





## Other Issues SEC is On Top Of:

- Leveraging Proposition 39 Dollars with Local Bonds and Other Mechanisms
- Net Energy Metering and Renewable Generation – AB 327 (Perea)
- Cap and Trade – Opportunities for Schools that lower their GHG
- Rate Cases and other actions before the CPUC



## Stay Tuned...

SEC will continue to monitor and provide input.

Our goal is to assist in moving forward well-built school energy projects that will save schools money and create healthy environments for students.

All this while creating jobs throughout the state...



# Questions?



## Contact Information

Anna Ferrera

School Energy Coalition

(916) 441-3300

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[www.schoolenenergysolutions.org](http://www.schoolenenergysolutions.org)

*Anna Ferrera is the Executive Director of the School Energy Coalition.*

*She is a former Presidential appointee and Senior Advisor at the United States Department of Energy and former staff to the California State Senate on energy issues.*



## Mountain View Educational Center BUTTE COUNTY OFFICE OF EDUCATION



Butte County Office of Education  
Rick Huston, Manager of Maintenance/Facilities + Operations

NTD Architecture  
Jordan Knighton, Partner, AIA NCARB  
Derek Labrecque, Principal, AIA, LEED AP BD+C  
Regina Bills-Dacong, Director, Facility Planning + Funding Services



### Agenda

1. Mountain View Educational Facility | VISION
2. Challenges + Opportunities
3. Translation | Implementation Plan
4. Funding Summary
5. Post Occupancy Comments



"I am pleased and thankful it's here. There are lots of possibilities here...everything is working, we're high-tech, Green, within budget and everything is fabulous"

Corin Meester  
BCOE Director of Spec. Education



## Vision for Mountain View Educational Center

Flexibility to accommodate the alternative educational delivery and the partnership between Hearthstone School & Adult Transition Center



*Social interaction* is encouraged through 2 unique programs:  
/ Adult Transition Center  
/ Hearthstone School



With an *emphasis on sustainability* it is environmentally conscious + designed to the standards of the Collaborative for High Performance Schools (CHPS).



Funded through the Office of Public School Construction, this project is *economical and within budget*.

### HEARTHSTONE SCHOOL

- independent study charter program
- 300 K-12 students
- flexibility allows for tailored educational delivery

Received Sustainable grant in recognition of high performance

- green design + construction strategies utilized.

**\$4.6 M TOTAL** hard construction cost

- **59%** of Clark & Sullivan's construction team were composed of **LOCAL** subcontractors

### ADULT TRANSITION CENTER

- serves 18-22 yr. olds
- high school grads with disabilities
- independent living & job skill training

Designed as a teaching tool for sustainability

**Additional** grants were achieved, offsetting costs:

Sprinkler System Grant | **Labor Compliance Grant** | High Performance Grant | **Site Acquisition Grant** | Service Site Grant | **Off-Site Improvements + Utilities Grant**

NTD  
ARCHITECTURE

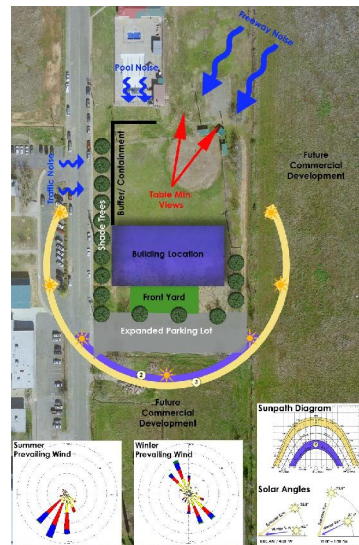
## Challenges + Opportunities

### Site Organizational Goals:

- "Wow" Factor at front door
- Defined Vehicular Circulation
- Individual Identity
- Exterior Eco-System
- Amphitheatre
- Exterior Classroom: Garden, Animals
- Physical Education

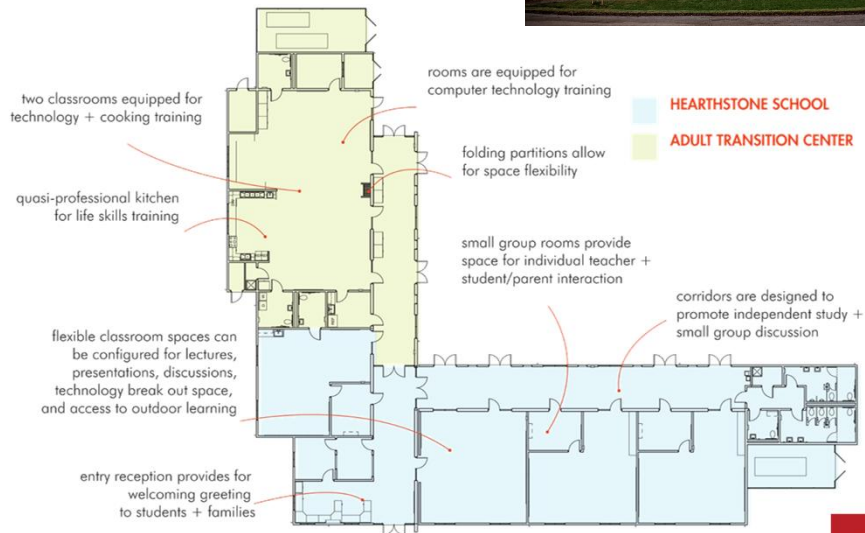
### Building Organizational Goals:

- Residential Scale / Front Porch
- Circulation Space: Gallery & Socialization
- Indoor/outdoor connectivity
- Classroom Flexibility
- Small Group Instruction
- Solar Orientation
- Views of Table Top Mountain



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## Translation | Implementation



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ARCHITECTURE



## Sustainable Sites

### Environmentally Sensitive Land

- appropriate site selection + development

### Transportation

- Alternative Transportation
- 16 Bicycle Spaces
- Minimized Parking to 26 Spaces
- Provide Preferred Parking

### Storm Water management

- Controlled Construction Site Run-Off
- Limited Storm Water Run-Off; Bio-swales

### Outdoor Surfaces

- Reduce Heat Island Effect
- Landscape Shading
- Light Colored Concrete Pavement
- Cool Roof's; reflect sun's energy

### Outdoor Lighting

- Light Pollution
- Non-emergency lights on timer

### Educational Display

- Signage + Monitoring



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## Water Efficiency

### Outdoor Water Systems

- Water Use Budget
- 1,127,280 gallons of annual Potable water savings – 54% reduction without rainfall
- High Efficiency Irrigation Technology; moisture sensors + weather based controls

### Indoor Water Systems

- Reduce Sewage Conveyance by 35%
- 50,400 Gallons of annual Potable water savings! 52% reduction through:  
Low-Flow toilets; 1.1 gal/flush,  
waterless urinals,  
high efficiency faucets



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## Materials & Resources

### Sustainable Materials

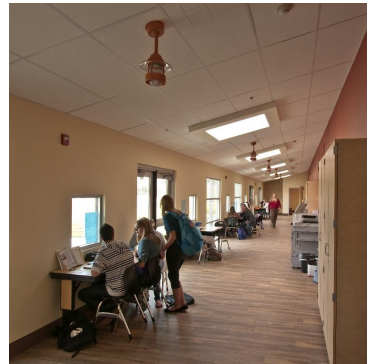
- Storage + Collection of Recyclables

### Construction Waste Management

- Construction Site Waste
- Diverted 73% of total project waste – 55.5 tons concrete, wood, sheetrock, cardboard through recycling, composting

### Sustainable Materials

- Certified Environmentally Preferred Products  
Resilient Flooring, Carpeting, Casework, Acoustical  
Ceilings, Paints, Insulation, Siding, Sheetrock,



- Skylights
- Cool Roof
- Horizontal Lap Siding
- High Efficiency Operable Windows
- Vertical Board n Batten Siding
- Stone Veneer

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## Indoor Environmental Quality

### High Quality Day Lighting

- Minimum of 50% of Classroom Day lighting Windows, clerestory Windows, Skylights

### View Windows

- Views to outdoors > 90% of occupied spaces

### Electrical Lighting

- Indirect/Direct Lighting with multi-level switching
- Teaching Wall Lights with A/V Mode
- Automatic shut-off of lights in support spaces

### Chemical & Pollutant Source Control

- Direct Exhaust Systems

### Ducted Returns

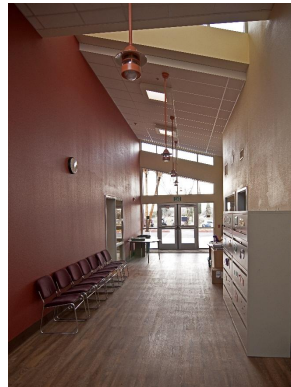
- Improved Indoor Air Quality

### Improved Acoustical Performance

- Classroom Acoustics

### Low Emitting Materials

- Low Volatile Organic Compound (VOC) products; adhesives, carpets, resilient flooring, paints, insulation, gypsum board, acoustical ceiling and wall panels



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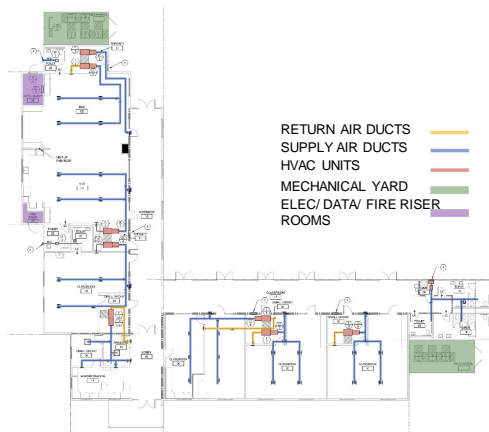
## Energy & Atmosphere

### Superior Energy Performance

- Exceeded Title 24 Requirement ~ 21%
- Energy efficient HVAC + Lighting Systems
- Optimized Building Envelope + Insulation

### Energy Management System

- Monitors + Controls energy usage; lighting, equipment, HVAC systems



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## Leadership, Education & Innovation

### CHPS Resolution

- board Resolution that mandates compliance with CHPS

### Equipment Performance

- Board Resolution requiring Energy Equipment

Start

### Maintenance Plan

- a maintenance plan that includes an inventory of all equipment and their preventative maintenance needs.



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COLLABORATIVE FOR  
HIGH PERFORMANCE  
SCHOOLS  
Better buildings. Better students.

## SUSTAINABLE SUMMARY

- Collaborative for High Performance Schools Program (CHPS) Certification
- 1 of 5 County Office of Education Projects CHPS Certified
- Maximize Incentives; \$80k CHPS High Performance Incentive Program
- PG&E Savings by Design Rebates

### Mountain View Educational Center CHPS Points Achieved

 Sustainable Sites	8
 Water Efficiency	3
 Materials & Resources	5
 Indoor Environmental Quality	13
 Energy & Atmosphere	8
 Leadership, Education & Innovation	6

Minimum points required to be a  
CHPS School is 32 out of a  
possible 85

**43 Points Total**

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## Funding Summary

School Facility Program - Financial Hardship project

- Two applications
  - Community School
  - Special Education
- High Performance Grant
- Total State Funding = \$5,776,914

## Post-Occupancy Observations



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## Questions?

### Contact Info:

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NTD Architecture

Derek Labrecque

Principal

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530.888.0999

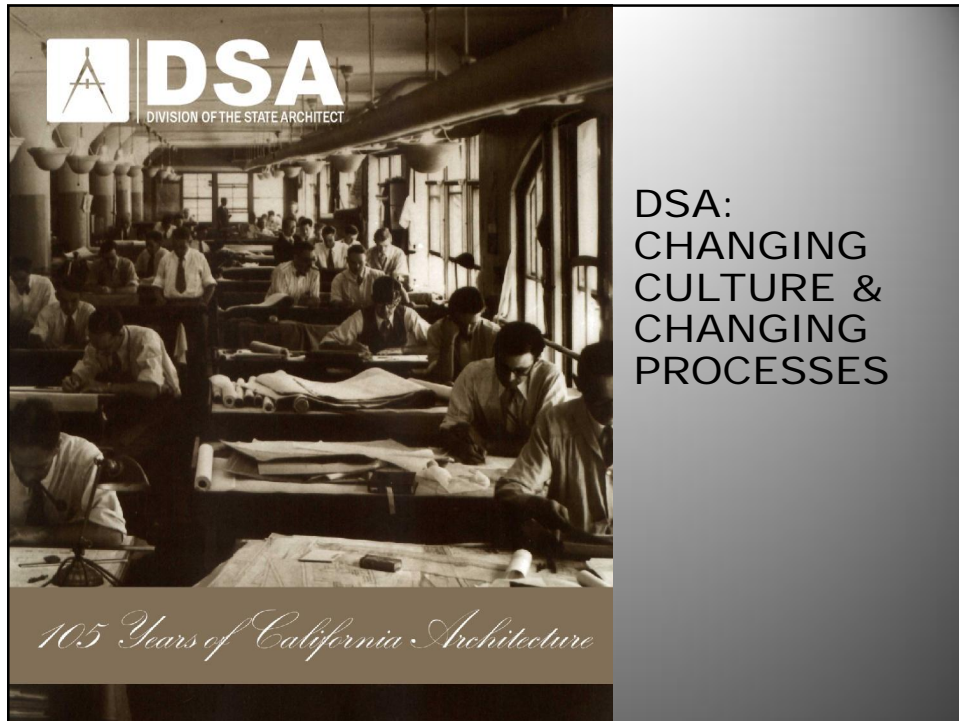
Regina Bills-Dacong

Director, Facilities Planning + Funding

[rbills-dacong@ntd.com](mailto:rbills-dacong@ntd.com)

530.308.3645

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## **OVERVIEW**

- **Accessibility**
- **Prop. 39**
- **Certification**
- **Inspection Card Process**
- **Design/Construction Oversight Communication**
- **DSA Fee Structure**



## **NEW CALIFORNIA ACCESSIBILITY CODE**

- **New ADA Requirements: 3/15/12**
- **Alignment of ADA and CBC**
  - **Most Accessible**
  - **Dimensions: Fixed vs. Ranges**
- **Published Date: 7/1/13**
- **Alternative Use: 7/1/13**
- **Effective Date: 1/1/14**



## **PROP. 39**

- **Exempted Work**
- **Expedited Projects**
- **Hourly Fee Structure vs. Percentage**



## **CERTIFICATION**

- **Uncertified Projects as of 1/1/11: 16,386**
- **Uncertified Projects as of 8/31/13: 12,495**



## **ALTERNATIVE APPROACH TO CERTIFICATION (Legacy Projects)**

### **Statute**

- **Death, Default, or Incapacitation**
- **District's Responsibility to Request**



## **ALTERNATIVE REQUIREMENTS**

- **IOR's Verified Report (Form 6)**
- **A/E Verified Report (Form 6)**
- **No Uncorrected Deviations**
- **DSA Approved Construction Documents**
- **Form 310 and Fees**



## **STOP THE BLEEDING**

- **8/31/13: 2332 additional uncertified projects**
- **Change the way we do business**



## **REVISE PROCESS**

- **5/1/12: Eliminate cost review of individual Change Orders**





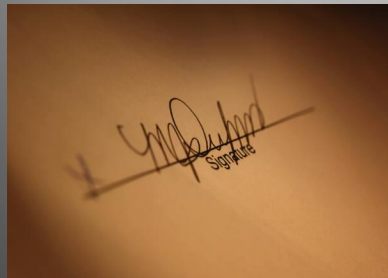
## REVISE PROCESS

- **11/1/12: Initiate Construction Change Documents (CCDs)**
  - **Eliminate Field Construction Directives (FCDs)**
  - **Eliminate Change Orders (Cos)**
  - **DSA reviews only Structural, FLS and Access**



## REVISE PROCESS

- **1/1/13: Single Signature for Special Inspections**





## **REVISE THE CONSTRUCTION OVERSIGHT PROCESS**

- **Initiate the Inspection Card process**
- **Utilized by all municipal agencies**
- **Approval of construction and documents at milestones**
- **Certification concurrent with construction**



## **6/1/13: INSPECTION CARD**

- **Verified Reports at specific milestones**
  - **A/E**
  - **Geologists/ Soils Engineer**
  - **Currently required by Statute or Regulation**
- **Each Individual Building or Portion**
- **Site work**





## **MILESTONE APPROVALS**

- All documents submitted and approved at each milestone
- Equivalency to certification
- Order to Comply
- Stop Work Order



## **CONSTRUCTION SCHEDULE**

- Flexibility
- Coordination:
  - Inspector
  - Builder
  - Architect
- Sign-off portions



## **NEW CERTIFICATION PROCESS**

- **Under Construction**
- **Occupied without Certification with an Itemized List of Deficiencies**
- **Certified**



## **OCCUPIED WITHOUT CERTIFICATION**

- **Issue Deficiency List to District**
  - **Grace Period: 45 Days**
- **Post Deficiency List on DSA Website**
- **Post Temporary Remediation Measures**
- **Re-examination Fee after 12 Months**



## **TEAM RESPONSIBILITIES**

- **District**
- **IOR**
- **A/E**
- **Laboratory Manager**
  
- **Contractual Relationships**
- **Conflict of interest changes**



## **CONSTRUCTION OVERSIGHT COMMUNICATION**



## **COMMUNICATION**

- **Change Culture of Project Team**
- **Change Process of Team Communication**
- **Stop Lost Documents**
- **Rapid Response**



## **COMMUNICATION SYSTEM CRITERIA**

- **Immediately Available**
- **Efficient**
- **Simple to Use**
- **Easily Accessible to Entire Team**
- **BOX**



## DSAbbox

- **Free to all Team Members**
- **Cloud Based: Accessible**
- **Transparent**
- **“Filing Cabinet”**
  - **Sends E-Mail to All Team Members**
  - **Maintains Response and Version Control**



## DSAbbox

### INVITATION TO DSAbbox



#### Will Herald has invited you to share files

Will Herald has invited you to share files in the 'HQ.CASHtest\_DSA\_Construction Change Documents' folder. To access your files, sign up for free to the right.



HQ.CASHtest\_DSA\_Construction Change Documents

"Please see the files I've shared with you by creating a free account"

- Will Herald

#### More about your Free Box account:

-  Access files from anywhere with online storage - even from the iPhone or Blackberry
-  Replace FTP software for seamless online file sharing with teams, partners, and clients
-  Share ideas, create content and collaborate in an online workspace

#### Sign Up

Name:

Email:

Password:

Strong ☐ ☐ ☐ ☐

Confirm Password:

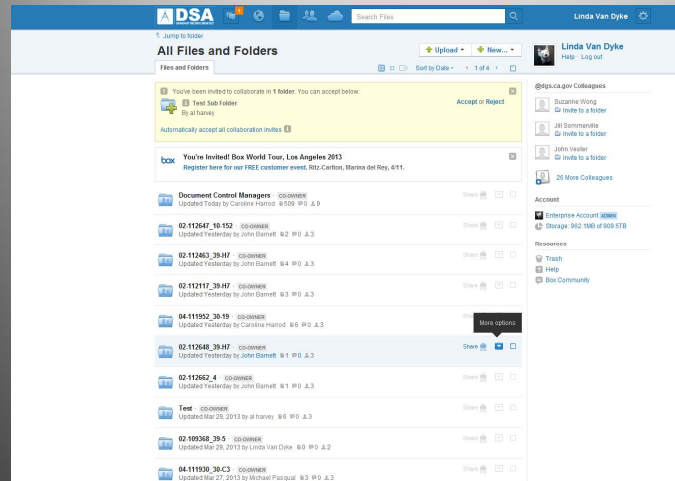
**Continue**

By registering you agree to Box's Terms of Service

#### Have an account?

Log in to an existing account to link the email above to your account.

## PROJECT LIST



## District (Program Manager)

### Sort by:

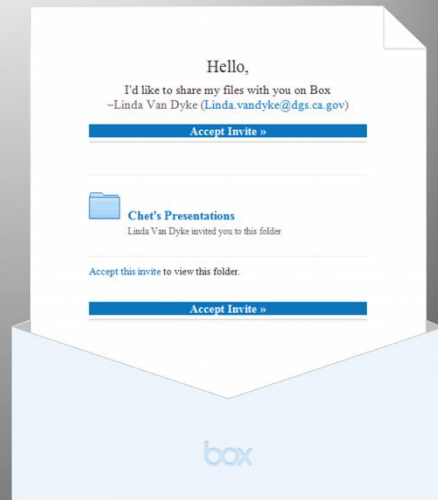
- All campuses with active projects
- Specific campus with all active projects
- Specific project



## DSAbbox

### YOU'VE GOT MAIL

- E-mail upon deposit to folder
- Record all "transactions"

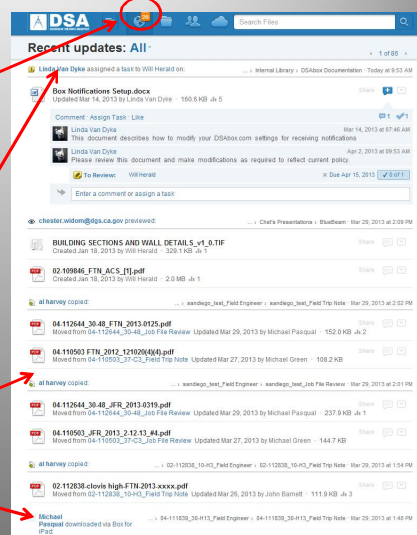


## DSAbbox

### Record of File Activity

# of updates

Who did what  
When they did it





## **INSPECTION CARD AND DSAbbox SCHEDULE**

- All projects commencing construction after 6/1/13
- All appropriate existing projects phased in by 12/31/13
- Estimate that all projects will be utilizing system by 6/30/13



## **CERTIFICATIONbbox**

- Existing Uncertified Projects
- Improve the Communication Process
- DSA Has Established a Separate Bbox:
  - Every District
  - Every Campus





## **Uncertified Projects**

- **District Notifies DSA**
- **DSA Sends Invitation**
- **DSA Opens a Single Folder**
  - **Includes Closing Letter (Deficiency List)**
- **District Electronically Places all Required Information into the Folder and Sends e-mail to DSA**
- **DSA Reviews Submission**
- **Certification**



## **CHANGING CULTURE & CHANGING PROCESSES**

- **Paradigm Shift for Staff**
- **Training**
- **Document Analysts**
- **Tablets**



## **DSA FEE STRUCTURE FOR REVISIONS**

- **Obligated to recover all costs**
- **Changes to original approved documents**
- **Hourly rates**



## **HOURLY RATES**

- **Under construction prior to 2/28/13: \$98**
- **Commence construction after 3/1/13: \$170**
- **No Double Dipping**
  
- **April Billings**
- **May and June Billings**
- **July and August**



## CHANGING CULTURE & CHANGING PROCESSES

## The Local Control Funding Formula: A Perspective on Implementation

Brooks M. Allen  
Director of Education Advocacy  
ACLU-SC

CSFC Annual Summit  
September 17, 2013





## Central Challenges

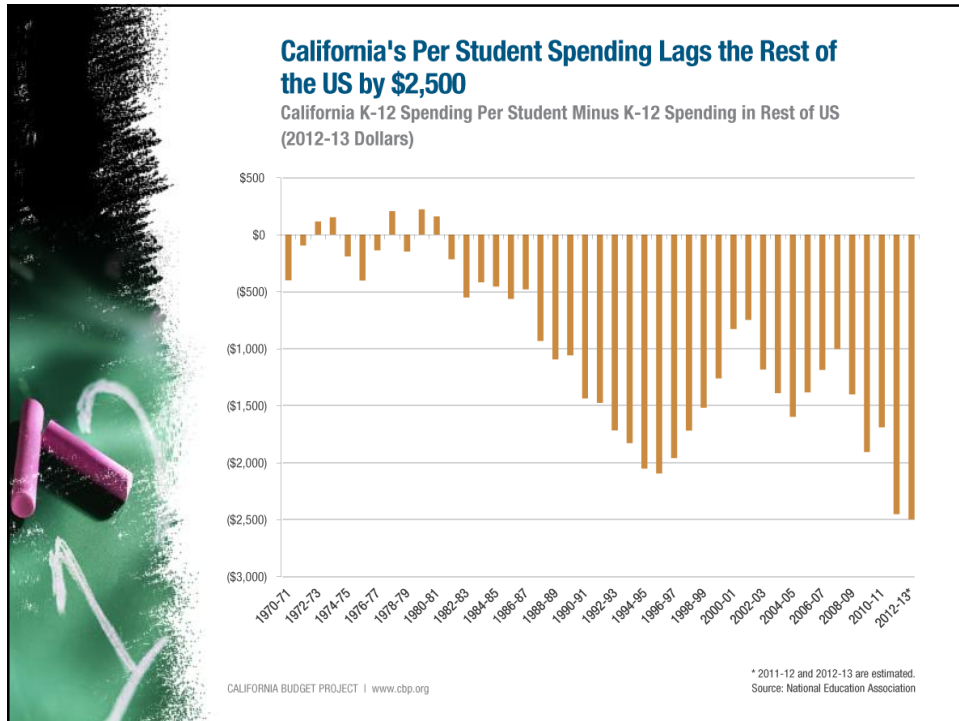
- Inadequate investment in our public schools
- Irrational education finance system



## A Decade of Disinvestment

- 2010-11 estimated General Fund spending was lower as a share of the state's economy than in 35 of the prior 40 years.
- CA ranked 46th among the 50 states in K-12 spending per student in 2010-11.
- Ranked 47th in education spending as a percentage of personal income.

Source: California Budget Project -  
[http://www.cbp.org/pdfs/2011/111012\\_Decade\\_of\\_Disinvestment\\_%20SFF.pdf](http://www.cbp.org/pdfs/2011/111012_Decade_of_Disinvestment_%20SFF.pdf)



**LCFF Begins to Address One Challenge**

**EVERYTHING  
YOU NEED TO KNOW  
ABOUT THE**

# LCFF

Local Control Funding Formula

The LCFF is a new funding formula that will increase school funding & direct more resources to California's highest-need students. It leaves significant spending decisions to local discretion, but does not require districts or counties to adopt formal plans for these funds until 2014. **It is up to parents and students to make sure LCFF funds are used responsibly this year.**

### HOW IT WORKS

Districts used to receive money through **categorical funds** that could only be spent on specific programs. There were over 40 of these categorical programs, the majority of which have been eliminated under LCFF.

The rest of the money, called the **revenue limit**, was given out using a complicated and outdated formula. The calculation was different for each district, and did not take the needs of students into account. Districts could use these funds at their discretion.

OLD

**Categorical Funds**

**Revenue Limit**

NEW

K-3	\$6,845*
4-6	\$6,947
7-8	\$7,154
9-12	\$8,289

**BASE GRANT**  
The LCFF establishes uniform per-student base grants, with different rates for different grade spans. These differences are intended to recognize the higher costs of education at higher grade levels.

**SUPPLEMENTAL GRANT**  
The LCFF acknowledges that English learner, low-income, and foster youth (EL/LI/FY) students have greater needs that require more resources to address. For each EL/LI/FY student, districts receive an **additional 20%** of the adjusted base rate per student.

**CONCENTRATION GRANT**  
On top of the supplemental grant, districts that have a high proportion (over 55%) of EL/LI/FY students receive an **additional 50%** of the adjusted base rate per student for each student above 55% of enrollment.

No districts receive less money than they would have under the old system. **Most districts will receive more.**

\* These are target figures that will be reached gradually over time. The LCFF is expected to take 8 years to reach full implementation.

**WHY IT MATTERS**

Major Shifts Made by the Local Control Funding Formula (LCFF)	
Before LCFF	After LCFF
Revenue Limits, lending inequitable results	LCFF base funding differentiated by grade span
State categorical programs with temporary tiered flexibility	Supplemental & Concentration Grants
K-3 class size reduction limited funding with unlimited class sizes	K-3 class size reduction, target 24:1
Accountability and performance process separate from funding	Local Control Accountability Plans required starting next year
<p style="text-align: center;"><u><b>Unchanged</b></u></p> <ul style="list-style-type: none"> <li>Financial audits</li> <li>Compliance with <i>Williams</i></li> <li>School Accountability Report Cards</li> <li>Federal funding, planning, and accountability requirements</li> <li>Some categorical programs, i.e. special education, preschool, early childhood</li> </ul>	



## Prospects for Addressing the Other Challenge

To reach the same level of per student spending as the rest of the US =  
\$15.3 billion more in 2012-13

For the LCFF to be fully implemented by 2020-21, the LAO estimates that school funding would need to reach a level that is equal to an \$18 billion increase

Source: California Budget Project

<http://californiabudgetbites.org/tag/local-control-funding-formula/>



## It's not all in the name






**“Equal treatment for  
children in unequal  
situations is not justice.”**

**Governor Brown**

State of the State speech, January 2013




**“This is a matter of equity and civil  
rights, ... So if people are going to  
fight it, they’re going to get the battle  
of their lives....**

**The facts of life are deep inequities  
from the Oregon border to the  
Mexican border, and I think we ought  
to deal with that in the best way we  
possibly can,...and education gives  
people a chance, a fishing rod, as  
people say, not just a fish.”**

**Governor Brown**

April 24, 2013 press conference  
(as reported in Sac Bee on April 25, 2013)





**“The plan also strategically directs additional money above base funding to children with the greatest need – low-income students, English learners and foster youth.”**

Press Releases from Governor Brown's Office  
April 24 & June 5, 2013  
(touting support of business & civil rights leaders and superintendents)




## **Fulfilling the Promise**

- “We have not examined what mix of incentives, supports, and accountability mechanisms will ensure that dollars allocated equitably from the state to local districts are in turn spent wisely by local districts to boost performance especially among the neediest students and schools.”
- Bersin, Alan, Michael W. Kirst, and Goodwin Liu. 2008. *Getting Beyond the Facts: Reforming California School Finance*. Chief Justice Earl Warren Institute on Race, Ethnicity, and Diversity Issue Brief. University of California, Berkeley, California.  
<http://www.law.berkeley.edu/files/GBTFissuebriefFINAL.pdf>



## **Fiscal and Program Accountability**

- Services for low-income students, English learners, and foster youth will have to be increased or improved in proportion to the increase in funds these students generate. (EC 42238.07.)



## **Local Control and Accountability Plans (LCAPs)**



## LOCAL CONTROL ACCOUNTABILITY PLAN

### STATE PRIORITIES

Districts must set annual goals in 8 State Priority areas

- 1 **Basic Necessities** Qualified and properly assigned teachers, sufficient instructional materials, facilities in good repair
- 2 **Implementation of Common Core State Standards**
- 3 **Parental Involvement**
- 4 **Student Achievement** Statewide assessments, API, EL reclassification rate, college preparedness, etc.
- 5 **Student Engagement** Attendance rates, dropout rates, graduation rates, etc.
- 6 **School Climate** Suspension and expulsion rates, etc.
- 7 **Access to Courses**
- 8 **Other student outcomes in subject areas**

### LOCAL PRIORITIES

Districts can also establish local priority areas

### GOALS

are set under each priority area, for all students and for subgroups

### SPECIFIC ACTIONS

are described for each goal

PROGRESS TOWARDS GOALS AND EFFECTIVENESS OF ACTIONS ARE REVIEWED ANNUALLY

GOALS & ACTIONS ARE DETAILED FOR ALL STUDENTS AND FOR STUDENT SUBGROUPS AT THE DISTRICT AND SCHOOL LEVEL

### PARENT ADVISORY COMMITTEES

Districts must establish **Parent Advisory Committees** to advise school boards and superintendents on LCFF implementation. These committees must include parents and guardians of students that are eligible for free or reduced-price meals, English learners, or foster youth. Furthermore, if English learners make up at least 10% of a district's enrollment and the school district enrolls at least 50 English learners, it must establish a **District English Learner Advisory Committee** which must include parents/guardians. Districts must present their LCAPs to these advisory committees for review and comment.

**DISTRICTS MUST ADOPT LCAPS BY JULY 2014. LCAPS COVER 3 YRS. ARE UPDATED ANNUALLY, & MUST BE ALIGNED WITH THE DISTRICT BUDGET**

### STUDENT SUBGROUPS

Districts must set district goals for all **numerically significant subgroups** (at least 30 students, or 15 for foster youth).

**Racial / Ethnic Subgroups:**  
 Black or African American  
 American Indian or Alaska Native  
 Asian  
 Filipino  
 Hispanic or Latino  
 Native Hawaiian or Pacific Islander  
 White  
 Two or more races

**Other Subgroups:**  
 Socioeconomically disadvantaged  
 English learners  
 Students with disabilities  
 Foster youth

### EXPENDITURES

Districts must list and describe the expenditures implementing the **specific actions** for each fiscal year. Districts receive **supplemental and concentration funds** for English learner, low-income, and foster youth students. Districts must use this money to increase or improve services for these high-need students in proportion to the increase in funds they receive.

**ACLU**  
 Questions? Email [Sally.Chung@aclu-sc.org](mailto:Sally.Chung@aclu-sc.org)

## Maintenance and Capital Renewal

- First state priority: “The degree to which ... school facilities are maintained in good repair as specified in [EC 17002(d)].”
- Current context:
  - Facility Inspection Tool (FIT)
  - SARCs and Facility Inspection System tied to DMP and SFP
  - RRMA



## **Maintenance and Capital Renewal**

- Now, within the LCAP and w/o DM
- Recall, for each state priority
  - Annual goals for district and each school
  - Specific annual actions to reach goals, including “enumeration of any specific actions necessary for that year to correct any deficiencies in regard to [facilities priority area]” (EC 52060)



## **Maintenance and Capital Renewal**

- A listing and description of the expenditures for the fiscal year implementing the specific actions
- Then, annual updates (EC 52061):
  - Review applicability of goals & progress toward goals
  - Assessment of the effectiveness of the specific actions
  - Describe changes will make as result of review and assessment



## Possible LCAP Approach

- Annual maintenance and capital renewal goals
- 3-yr maintenance plan with specific actions based on the goals and priorities identified through an assessment of “good repair” and existing deficiencies



## Possible LCAP Approach

- Annual assessments of progress toward the goals and effectiveness of the actions taken
- Listing and description of expenditures to implement the specific actions in the maintenance plan
  - RRMA
  - Maintenance, operations and custodial expenditures





## Broader Context

- Opportunities:
  - Assess instructional and operational needs
  - Align with capital and maintenance funding
  - Consider potential effect on local bonds
- LCAPs reviewed and approved in conjunction with adopted budgets




## Community Engagement

- State priorities of **parental involvement** and positive **school climate** must be reflected in LCAP
- Parents and other stakeholders must be consulted when developing the LCAP
- Superintendent must present the initial LCAP and annual updates to a district-level parent advisory committee and District English Learner Advisory Committee and respond in writing to any comments.



## Community Engagement

- Governing boards must:
  - Hold public hearing on LCAP and budget in the same meeting with 72 hours notice
  - Adopt LCAP and budget in subsequent public meeting
  - Follow same process before revising its LCAP
- Superintendents must notify communities when to submit written comments about the LCAP
- LCAPs and any revisions/updates must be published on the district and COE websites
- Uniform Complaint Process



## 2013-2014

- Invest new funds in increased and improved services to ensure successful transition.
- Avoid significant challenges by avoiding diffuse expenditures and funding commitments that may not align with LCFF and forthcoming regulations.
- Competing pressures



### WHAT YOU CAN DO

#### Attend a Regional Input Session

The State Board of Education is currently developing rules for how the new funding for high-need students can be spent and how schools and districts should go about planning and budgeting to foster greater student achievement. The State Board is holding meetings for stakeholders like parents and students to share their input and ideas on how the LCFF should be implemented.

**Reflect and ask yourself:** What could your district and school be doing to help all students and particularly English learner, low-income, and/or foster youth (EL/LI/FY) students reach their full potential? What would help ensure that your district directs funds towards these goals?

**Attend a Regional Session and Speak:** Share your top priorities and concerns. Describe the types of rules and regulations you believe will lead to better education for all students. Share your thoughts on the restrictions that should be placed on the use of supplemental and concentration funds to make sure that the highest-need students actually benefit. If you cannot attend a session, email comments or submit a request for a session in your county to [lcff@wested.org](mailto:lcff@wested.org) by noon on August 13, 2013.

A live video stream of the August 12 session will be available at [www.k12hsn.org/conferencing/lcff](http://www.k12hsn.org/conferencing/lcff)

#### Talk to your local school board

School boards are in the process of finalizing their budgets for this school year.

**Ask administrators and board members:** How much do they estimate they will receive in supplemental and concentration funds? How are they planning to use these funds to increase or improve services for EL/LI/FY students, as required by the LCFF? How will these funds be divided between the school district and the individual school sites that have a lot of high-need students? How will the district coordinate with existing school site councils, English Learner Advisory Committees, and other parent and student advisory committees? How will they ensure that parents and students have a substantial and meaningful role in making decisions for the school district and for individual schools?

#### Learn and Advocate

The LCFF is intended to provide greater discretion to local communities to determine how to best meet the educational needs of their children. For this to work, parents, teachers, administrators, and board members need to be engaged in meaningful conversations about goals and strategies and allocations of resources to implement them. Stay informed and participate when your district begins developing its **Local Control and Accountability Plan (LCAP)**. Districts are required to seek input from school employees, parents, and students.

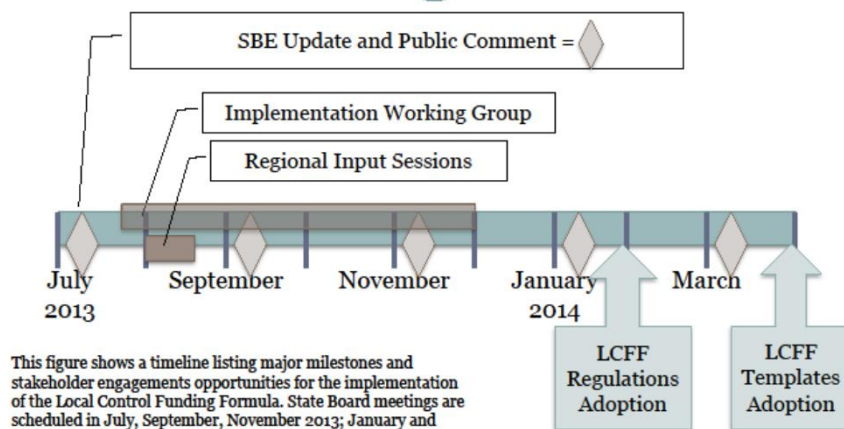
The LCFF requires that districts establish **Parent Advisory Committees (PACs)** to advise school boards and superintendents on LCFF implementation. They must include parents and guardians EL/LI/FY students. Furthermore, if English learners make up at least 15% of a district's enrollment and the school district enrolls at least 50 students who are English learners, it must establish a **District English Learner Advisory Committee (DELAC)**.



## Re-Cap

- Assess
- Engage
- Plan
- Improve and Increase
- Align
- Maintain Transparency
- Re-evaluate

## Local Control Funding Formula Milestones



This figure shows a timeline listing major milestones and stakeholder engagements opportunities for the implementation of the Local Control Funding Formula. State Board meetings are scheduled in July, September, November 2013; January and March 2014 where updates and public comments may be provided. An Implementation Working Group will meet approximately from the end of July to December 2013. Regional Input Sessions will take place in early August 2013.

## Resources

- CDE LCFF page - <http://www.cde.ca.gov/fq/aa/lc/>
  - LCFF Fact Sheet - <http://www.cde.ca.gov/fq/aa/pa/lcff13factsheet.asp>
  - LCFF Listserv - send a "blank" message to [join-LCFF-list@mlist.cde.ca.gov](mailto:join-LCFF-list@mlist.cde.ca.gov)
- BASC LCFF Calculator
- SBE Sept Agenda -  
<http://www.cde.ca.gov/be/ag/ag/yr13/agenda201309.asp>
- Good repair standards and FIT -  
<http://www.dgs.ca.gov/opsc/Programs/deferredmaintenanceprogram/goodrepairstandards.aspx>