

**MUROC JOINT UNIFIED SCHOOL DISTRICT
REGULAR BOARD MEETING
District Board Room
Richard B. Lynch Educational Center
17100 Foothill Avenue † North Edwards, CA 93523**

BOARD OF TRUSTEES

Sherman Burkhead Jr., President
Matt Carter, Clerk
Deandra Gelardo, Member
Melinda Marchlewicz, Member

SUPERINTENDENT

Kevin D. Cordes

**BOARD MEETING AGENDA
Monday, June 24, 2019 - 5:00 p.m.**

CALL TO ORDER

FLAG SALUTE

APPROVAL OF AGENDA

PUBLIC COMMENTS

At this time, the public may address the Board on any matter pertaining to the District that is not on the agenda. Each member of the public wishing to speak is requested to limit his/her comments to three minutes. The Board will consider public input, but cannot take any action at this meeting.

PRESENTATIONS/INFORMATION ITEMS/REPORTS

Reports

- ◆ Muroc Education Association (MEA)
- ◆ California School Employees Association (CSEA)
- ◆ Superintendent

CONSENT AGENDA

Page

All matters listed under Consent Agenda are considered by the Board to be routine and will be enacted by one motion in the form listed below, unless any member of the Board requests that an item be removed from the Consent Agenda for separate consideration.

***BY GENERAL CONSENT THE FOLLOWING AGENDA ITEMS ARE
APPROVED/ADOPTED/RATIFIED***

A. Adoption of Minutes

1. Regular Board Meeting, June 12, 2019

CA 2-4

B. Student Body Account Reports, Branch Elementary, Boron Junior-Senior High, Desert Junior-Senior High Schools, May 2019

CA 5-10

C. 2018-19 Consolidated Application, Spring Data Collection

D. CIF Athletic League Appointment of Representatives for 2019-20 School Year

CA 11

E. Kern County Superintendent of Schools

1. District Business Office Systems Agreement
2. County Level Educational Services for K-6 Students MOU

CA 12

CA 13

	<u>Page</u>
F. Personnel Actions	
1. Certificated Stipends	CA 14
2. Classified Temporary Assignments	CA 15
3. Classified Employee	CA 16
4. Classified Substitute	CA 17

ACTION AGENDA

Any resident of the District or staff member interested in speaking on an item listed under the Action Agenda, or an item that has been removed from the Consent Agenda and placed on the Action Agenda, should ask for recognition from the Board President to speak on the issue at the time it is being discussed.

- A. Consideration/Possible Action: Adoption of Local Control and Accountability Plan** AA 2
(LCAP is available for review at the District Office or online at: www.muroc.k12.ca.us)
- B. Consideration/Possible Action: Adoption of Budget for the 2019-20 School Year** AA 3
(Budget is available for review at the District Office or online at: www.muroc.k12.ca.us)
- C. Consideration/Possible Action: Ratification of Grant Agreement with the Office of Public School Construction**
- 1. Application #58/63685-00-001; Desert Junior-Senior High, Facility Hardship (Seismic) Rehabilitation, \$994,948.24 AA 4-35

BOARD REPORTS/COMMENTS

- ◆ Board Member Reports and/or Comments

ANNOUNCE CLOSED SESSION ITEMS

CLOSED SESSION

The Board will consider and may act upon any of the following items in Closed Session. Any action taken will be reported publicly at the end of the Closed Session as required by law.

- A. Personnel Matters
 - 1. Pursuant to Government Code Section 54957;
 - a. Public Employee Discipline/Dismissal/Release/Employment
- B. Confer with Labor Negotiator
 - 1. Certificated Bargaining Unit
 - 2. Classified Bargaining Unit
 - 3. Unrepresented Employee Groups
- C. Pursuant to Government Code Section 54956.9;
 - 1. Conference with Legal Counsel-Anticipated Litigation (*1 potential case*)
- D. Complaints

RECONVENE IN OPEN SESSION; ANNOUNCE CLOSED SESSION ACTION

PUBLIC COMMENTS

At this time, the public may address the Board on any matter pertaining to the District that is not on the agenda. Each member of the public wishing to speak is requested to limit his/her comments to three minutes. The Board will consider public input, but cannot take any action at this meeting.

ADJOURNMENT

MUROC JOINT UNIFIED SCHOOL DISTRICT
BOARD MEETING BACK-UP MATERIAL

CONSENT AGENDA

BOARD MEETING DATE: **June 24, 2019**

RECOMMENDATION: It is recommended that all of the items on the
following pages of the Consent Agenda be
Approved/Adopted/Ratified

MUROC JOINT UNIFIED SCHOOL DISTRICT REGULAR BOARD MEETING

BOARD OF TRUSTEES

Sherman Burkhead Jr., President
Matt Carter, Clerk
Deandra Gelardo, Member
Melinda Marchlewicz, Member

SUPERINTENDENT

Kevin D. Cordes

BOARD MEETING MINUTES **June 12, 2019**

PRESENT

Sherman Burkhead Jr., Matt Carter, Deandra Gelardo, Kevin Cordes

ABSENT

Melinda Marchlewicz

CALL TO ORDER

President Burkhead Jr. called the meeting to order at 5:00 p.m.

FLAG SALUTE

Ms. Gelardo led the flag salute.

APPROVAL OF AGENDA

Addendum to Agenda: Consent Agenda Item J, Summer Sport Schedule. Matt Carter moved, Deandra Gelardo seconded, to approve the agenda as amended. **(Motion approved; vote: 3-0)**
Vote: Burkhead Jr. Aye Carter Aye Gelardo Aye Marchlewicz Absent

PUBLIC COMMENTS

There were no public comments at this time

ADULT EDUCATION 2019 GRADUATION CEREMONY

Diplomas were given to students from the Lynch Learning Center Adult Education Program

PRESENTATIONS/INFORMATION ITEMS/DISCUSSION ITEMS/REPORTS

Presentations

Retirees: Certificated retirees Kristin Blatt and James Wilson were recognized for their many years of dedicated service to the District; however, neither were present.

Information Items

Construction Update: Kevin Cordes

Reports

Report by:

Superintendent

No Report:

Muroc Education Association (MEA)

California School Employees Association (CSEA)

Principals

CONSENT AGENDA

Sherman Burkhead Jr. moved, Matt Carter seconded, to approve/adopt/ratify the following items on the Consent Agenda. **(Motion approved; vote: 3-0)**

Vote: Burkhead Jr. Aye Carter Aye Gelardo Aye Marchlewicz Absent

A. Adoption of Minutes

1. Regular Board Meeting, May 8, 2019

B. Deposit Transactions Report, April 2019**C. Accounts Payables Report, April 2019****D. Student Body Account Reports, Branch Elementary, Boron Junior-Senior High, Desert Junior-Senior High Schools, April 2019****E. Fall Sports Schedules, Desert Junior-Senior High School****F. Kern County Superintendent of Schools**

1. District External Accounting Services
2. Teacher Induction Program MOU
3. Camp Keep Agreement

G. Cooperative Organization for the Development of Employee Selection Procedures

1. Agency Security Agreement
2. Member Service Agreement
3. Joint Powers Agreement

H. Revised Salary Schedule: Speech Language Pathologist**I. Personnel Actions**

1. Certificated Stipends
 2. Certificated Resignations
 3. Classified Resignations
 4. Classified Assignment Changes
 5. Classified Employees
 6. Classified Substitutes
 7. District Volunteers
 8. Resolution 6-19-04; Increase Position of Classified Services Custodian
 9. Resolution 6-19-05; Elimination Positions of Classified Services Special Education Instructional Aide, S.C.I.A. (2 positions)
 10. Resolution 6-19-06; Decrease Classified Services Special Education Bus Monitor
- J. Summer Sport Schedule, Desert High School, Varsity Boys Basketball (*addendum*)**

ACTION AGENDA

A. Public Hearing: Local Control and Accountability Plan: The public hearing opened at 5:22 p.m. and closed at 5:23 p.m. Dr. David Ellms reviewed the goals. There were no public comments.

B. Public Hearing: Budget for the 2019-20 School Year: The public hearing opened at 5:24 p.m. and closed at 5:47 p.m. Mr. Walker reviewed the budget. There were no public comments.

C. Resolution 6-19-03, Declaration of Need for Fully Qualified Educators for 2019-20: Deandra Gelardo moved, Matt Carter seconded, to adopt Resolution 6-19-03, Declaration of Need for Fully Qualified Educators for 2019-20. **(Motion approved; vote: 3-0)**

Vote: Burkhead Jr. Aye Carter Aye Gelardo Aye Marchlewicz Absent

D. Statement of Need and Submission of Variable Term Waiver Requests for 30-Day Substitute CBEST Waivers during the 2019-20 School Year: Sherman Burkhead Jr. moved, Deandra Gelardo seconded, to adopt the Statement of Need and approve the submission of Variable Term Waiver Requests for 30-day Substitute CBEST Waivers during the 2019-20 school year. **(Motion approved; vote: 3-0)**

Vote: Burkhead Jr. Aye Carter Aye Gelardo Aye Marchlewicz Absent

- E. Right of Way Contract-County Road with County of Kern, Public Works Department for an Easement Deed at West Boron Elementary School:** Matt Carter moved, Sherman Burkhead Jr. seconded, to approve the Right of Way Contract-County Road with County of Kern, Public Works Department for an Easement Deed at West Boron Elementary School. **(Motion approved; vote: 3-0)**

Vote: Burkhead Jr. Aye Carter Aye Gelardo Aye Marchlewicz Absent

- F. Resolution 6-19-01, Special Election to Fill a Vacancy on the Board of Trustees; Trustee Area #2, Office C, Edwards AFB:** Matt Carter moved, Sherman Burkhead Jr. seconded, to adopt Resolution 6-19-01, Special Election to Fill a Vacancy on the Board of Trustees; Trustee Area #2, Office C, Edwards AFB. **(Motion approved; vote: 3-0)**

Vote: Burkhead Jr. Aye Carter Aye Gelardo Aye Marchlewicz Absent

BOARD REPORTS/COMMENTS

President Burkhead Jr. announced the closed session items, and open session ended at 6:00 p.m.

CLOSED SESSION

The Board reconvened in Closed Session at 6:17 p.m.; to consider one pupil personnel matter; to discuss public employee discipline/dismissal/ release/employment; pursuant to Education Code 44929.21 for consideration and possible action of the adoption of Resolution 6-19-02, Non-Reelection of Probationary Certificated Employee; to confer with labor negotiator regarding negotiations with both bargaining units and unrepresented employee groups; to conference with legal counsel regarding anticipated litigation; and to discuss complaints. The Board returned to Open Session at 6:44 p.m. and announced the following action.

A. Pupil Personnel Matters

1. Student Expulsion, Case #2018-19-07

Matt Carter moved, Deandra Gelardo seconded, to expel the student until the last day of the last semester of the 2019-20 school year, on or about June 4, 2020. **(Motion approved; vote 3-0)**

Vote: Burkhead Jr. Aye Carter Aye Gelardo Aye Marchlewicz Absent

B. Personnel Matters

2a. Resolution 6-19-02, Non-Reelection of Probationary Certificated Employee

Matt Carter moved, Deandra Gelardo seconded, to adopt Resolution 6-19-02, Non-reelection of one probationary certificated employee for the 2019-20 school year. **(Motion approved; vote 3-0)**

Vote: Burkhead Jr. Aye Carter Aye Gelardo Aye Marchlewicz Absent

PUBLIC COMMENTS

There were no public comments at this time

ADJOURNMENT

There being no further business, Deandra Gelardo moved, Matt Carter seconded, to adjourn the meeting at 6:45 p.m. **(Motion approved; vote: 3-0)**

Vote: Burkhead Jr. Aye Carter Aye Gelardo Aye Marchlewicz Absent

Matt Carter, Clerk

June 24, 2019
Board Adoption Date

BRANCH ELEMENTARY SCHOOL
STUDENT BODY BANK STATEMENT RECONCILIATION - EFCU

BANK STATEMENT BALANCE As of May-19	34140.13
OUTSTANDING CHECKS	9669.13
BALANCE	24471.00
PLUS OUTSTANDING DEPOSITS	134.00
BALANCE	<u>24605.00</u>

2017	212.59
2035	6510.00
2039	506.50
2040	78.30
2041	397.08
2042	89.44
2043	89.44
2044	333.94
2045	45.90
2046	239.76
2047	59.18
2050	100.00
2051	100.00
2054	100.00
2055	180.00
2056	627.00

	<u>9669.13</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
		<u><u>9669.13</u></u>		
CHECKBOOK BALANCE AS OF Apr-19				\$30,279.58
PLUS RECEIPTS				\$10,342.40
BALANCE				40621.98
LESS DISBURSEMENTS				\$16,016.98
BALANCE				24605.00
PLUS/MINUS BANK ERROR				
BALANCE				24605.00
PLUS/MINUS ADJUSTMENT				
CHECKBOOK BALANCE AS OF May-19				<u>24605.00</u>

**BORON JR./SR. HIGH SCHOOL
STUDENT BODY ACCOUNTS
FINANCIAL STATEMENT 5/31/2019**

Balance as per Alta One Statement 5/31/2019

AltaOne Com. Fed. Credit Union-Savings	\$111.77	
AltaOne Com. Fed. Credit Union-Checking	\$91,703.12	
		\$91,814.89
Less Outstanding Checks:		\$3,799.95
Plus Outstanding Deposits:		
	Balance	\$88,014.94

Oustaing Checks:

Check #	Amount
6100	\$15.00
6121	\$159.90
6122	\$350.00
6124	\$375.00
6135	\$300.00
6136	\$475.00
6139	\$450.00
6146	\$21.45
6150	\$1,653.60
Total	\$3,799.95

Balance as per Ledgers 4/31/19	Balance	\$87,288.11
Deposits:		\$3,830.30
Less Disbursements:		\$3,103.47

FINAL BALANCE as of 5/31/2019		\$88,014.94
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ASB FINANCIAL REPORT - May 2019

Group	Beginning			Transfer		Ending Balance	
	Balance	Income	Expenses	Transfer In	Out		
100	Athletics	20,593.59		135.45		20,458.14	
101	ASB General	9,739.63	62.97	314.42		10,117.02	
103	10th Grade	4,673.16	440.00			5,113.16	
104	9th Grade	2,213.68	237.00			2,450.68	
105	8th Grade	2,814.52				2,814.52	
106	7th Grade	4,621.85	173.32			4,795.17	
107	12th Grade	8,492.69	300.00	1,000.00		7,792.69	
108	11th Grade	2,409.42	2,507.01			4,916.43	
109	Soccer Club	1,555.71	30.00			1,585.71	
110	Boys Soccer	910.01				910.01	
111	Donations	1,184.99				1,184.99	
134	D.C. Trip	-135.19				-135.19	
135	C.S.F.	169.56				169.56	
137	Academic Decathlon	423.05				423.05	
138	Safe School Ambassad	0.00				0.00	
140	N.H.S.	45.69				45.69	
141	Boron Boat Builders	7.50				7.50	
142	Disc Golf	52.34				52.34	
150	Cheerleaders	355.29				355.29	
151	Cheer Scholarship	1.23				1.23	
155	Band	1,488.92				1,488.92	
158	Drama	1,367.69				1,367.69	
201	Baseball	915.75				915.75	
204	H.S. Volleyball	401.00				401.00	
205	Shop Acct.	1,443.82				1,443.82	
206	Operation Success	527.80				527.80	
207	Cross Country	487.57				487.57	
208	Track	341.25				711.25	
212	BHS Enterprise (ROP)	0.00				0.00	
215	Varsity Club	1,317.80				1,317.80	
220	Yearbook	7,380.97	80.00	1,653.60		5,807.37	
221	Girl's Basketball	869.82				869.82	
223	Varsity Boys Basketba	151.53				151.53	
224	Softball	266.32				266.32	
228	Mem	235.00				235.00	
230	Book Scholarship	4,417.46				4,417.46	
231	Minette Scholarship	100.00				100.00	
235	Jr.H A.S.B. General	2,211.30				2,211.30	
236	Castle Scholarship	1,500.00				1,500.00	
237	A.S.B. Lock Acct.	287.50				287.50	
250	Football Club	1,798.46				1,798.46	
255	Supply Acct.	133.43				133.43	
260	Library	754.28				754.28	
262	P.E. Uniforms	796.57				315.57	
	TOTAL	89,742.18	3,830.30	3,103.47	0.00	0.00	88,014.94

DESERT HIGH SCHOOL
STUDENT BODY BANK STATEMENT RECONCILIATION - EFCU

BANK STATEMENT BALANCE AS OF May-19	94535.30
OUTSTANDING CHECKS	9506.57
BALANCE	85028.73
PLUS OUTSTANDING DEPOSITS	
BALANCE	<u><u>85028.73</u></u>

11220	14.66	11964	16.40	12292	15.75	12330	123.00
11311	98.22	11995	18.07	12294	55.88	12331	53.16
11383	80.00	12000	334.41	12309	92.00	12332	5.00
11453	5.00	12001	88.54	12315	73.36		
11523	250.00	12002	554.25	12321	600.00		
11722	10.00	12006	79.00	12322	200.00		
11729	821.25	12007	1092.00	12323	135.00		
11737	27.57	12088	81.62	12324	123.48		
11820	37.76	12119	17.49	12325	32.28		
11832	69.00	12141	325.00	12326	29.80		
11871	8.71	12250	51.00	12327	606.00		
11886	13.99	12270	2692.41	12328	341.56		
11896	46.08	12278	30.66	12329	157.21		

5380.85
9506.57

	<u>1482.24</u>		<u>2462.32</u>
CHECKBOOK BALANCE AS OF Apr-19			101661.19
PLUS RECEIPTS			5,596.88
BALANCE			107258.07
LESS DISBURSEMENTS			17647.34
BALANCE			89610.73
PLUS/MINUS BANK ERROR			
BALANCE			89610.73
PLUS/MINUS ADJUSTMENT			
CHECKBOOK BALANCE AS OF May-19			<u><u>89610.73</u></u>

DESERT HIGH SCHOOL
STUDENT BODY FINANCIAL REPORT FOR MAY 2019

	HIGH SCHOOL	BALANCE	INCOME	EXPENSES	TRANSFER IN	TRANSFER OUT	ENDING BALANCE
100	STUDENT BODY FUNDS	12576.86	837.21	5958.78	132.04		7587.33
2	ANNUAL	13935.52	184.00	469.42			13650.10
3	ASB ATHLETICS	0.00					0.00
4	BAND	738.52					738.52
6	BASEBALL, VAR	388.19					388.19
7	BASEBALL, JV	886.90					886.90
8	BASKETBALL, JV BOYS	26.84					26.84
9	BASKETBALL, VAR BOYS	102.65					102.65
10	BASKETBALL, JV GIRLS	0.96					0.96
11	BASKETBALL, VAR GIRLS	0.37					0.37
12	BIBLE CLUB, HS	129.30					129.30
13	C.S.F.	3292.29		555.05			2737.24
14	CHEERLEADERS	103.17					103.17
15	CROSS COUNTRY	2641.35					2641.35
16	CLASS OF '19	3331.24	1961.00	3305.88			1986.36
17	CLASS OF '18 - GRADUATED	37.76				75.52	-37.76
18	CHOIR CLUB	199.05					199.05
19	DRAMA	2543.80	261.00	330.23			2474.57
20	SCORP PALS	0.00					0.00
21	FOOTBALL	140.00					140.00
22	CLASS OF 2021	3889.31					3889.31
23	DHS Enterprises	14.66				29.32	-14.66
24	HONORARY HISPANIC SOC.	0.00					0.00
25	CLASS OF 2020	7018.21	402.00	239.45			7180.76
26	N.H.S.	135.80	225.00	261.80			99.00
27	CLASS OF '17 - Graduated	0.00					0.00
28	JROTC	3619.04	300.00	133.77			3785.27
29	PHOTOGRAPHY CLUB	17.20				17.2	0.00
30	SPIRIT WEAR - 1410	4678.91					4678.91
31	SNACK BAR - 1411	18293.10	802.75	1535.27			17560.58
32	SOFTBALL, VAR	1360.65	538.92	1726.56			173.01
33	BOYS/ GIRLS SOCCER	2279.94					2279.94
34	J.V. SOFTBALL	0.00					0.00
35	TENNIS, GIRLS	2508.82					2508.82
36	J.V. VOLLEYBALL	5.20					5.20
37	VOLLEYBALL, VAR	116.14					116.14
38	WRESTLING	345.25					345.25
39	ENVIRONMENTAL	263.35					263.35
40	ROP CLUB	0.00					0.00
41	GOLF CLUB	24.83					24.83
42	DESERT WOOD	0.00					0.00
43	TRACK	772.16					772.16
44	ROBOTICS	3836.94		664.10			3172.84
45	FASHION	0.00					0.00
46	Culture Club	1124.81		29.54			1095.27
47	SCIENCE OLYMPIAD	15.72					15.72
48	CLASS 2016 GRADUATED	5.00				10	-5.00
	TOTALS	91399.81	5511.88	15209.85	132.04	132.04	81701.84



CALIFORNIA INTERSCHOLASTIC FEDERATION

CIF STATE OFFICE -- 4658 DUCKHORN DRIVE -- SACRAMENTO, CA 95834 -- (916) 239-4477 -- FAX (916) 239-4478

2019-2020 Designation of CIF Representatives to League

Please complete the form below for each school under your jurisdiction and RETURN TO THE CIF SECTION OFFICE (ADDRESSES ON REVERSE SIDE) no later than June 30, 2019.

Muroc Joint Unified School District/Governing Board at its June 24, 2019 meeting, appointed
(Name of school district/governing board) (Date)

the following individual(s) to serve for the 2018-2019 school year as the school's league representatives:

PHOTOCOPY THIS FORM TO LIST ADDITIONAL SCHOOL REPRESENTATIVES

NAME OF SCHOOL BORON HIGH SCHOOL

NAME OF REPRESENTATIVE Robert Kostopoulos POSITION Athletic Director

ADDRESS 26831 Prospect Street CITY Boron ZIP 93516

PHONE 760-762-5121 FAX 760-762-5040 EMAIL rkostopoulos@muroc.k12.ca.us

NAME OF SCHOOL BORON HIGH SCHOOL

NAME OF REPRESENTATIVE David Wiggs POSITION Principal

ADDRESS 26831 Prospect Street CITY Boron ZIP 93516

PHONE 760-762-5121 FAX 760-762-5040 EMAIL dwiggs@muroc.k12.ca.us

NAME OF SCHOOL DESERT HIGH SCHOOL

NAME OF REPRESENTATIVE Paul Horton POSITION Athletic Director

ADDRESS 1575 Payne Avenue CITY Edwards ZIP 93523

PHONE 661-258-4411 FAX 661-258-5029 EMAIL phorton@muroc.k12.ca.us

NAME OF SCHOOL DESERT HIGH SCHOOL

NAME OF REPRESENTATIVE David Ellms POSITION Principal

ADDRESS 1575 Payne Avenue CITY Edwards ZIP 93523

PHONE 661-258-4411 FAX 661-258-5029 EMAIL dellms@muroc.k12.ca.us

If the designated representative is not available for a given league meeting, an alternate designee of the district governing board may be sent in his/her place. **NOTE:** League representatives from public schools and private schools must be designated representatives of the school's governing boards in order to be eligible to serve on the section and state governance bodies.

Superintendent's or Principal's Name Kevin D. Cordes Signature 

Address 17100 Foothill Avenue City North Edwards Zip 93523

Phone 760-769-4821 Fax 760-769-4241

PLEASE MAIL OR FAX THIS FORM DIRECTLY TO THE CIF SECTION OFFICE.
SEE REVERSE SIDE FOR CIF SECTION OFFICE ADDRESSES.

OFFICE OF MARY C. BARLOW
KERN COUNTY SUPERINTENDENT OF SCHOOLS
Advocates for Children

District Business Office Systems Agreement
2019-2020

This agreement is entered into between the KERN COUNTY SUPERINTENDENT OF SCHOOLS (SUPERINTENDENT) and the MUROC JOINT UNIFIED SCHOOL (DISTRICT). This agreement is in effect July 1 - June 30 and will automatically renew each fiscal year with same services unless SUPERINTENDENT is notified of requested changes in writing no later than September 15th of the current fiscal year.

SUPERINTENDENT shall not be liable to DISTRICT for any consequential damages resulting from Superintendent's inability or failure to provide the specified services, and DISTRICT's sole recourse for such inability or failure shall be an abatement of the costs to be charged, on a prorata basis.

Services:

1. Provide initial and ongoing training in the use of the QSS/OASIS system.
2. Provide access for various types of connections to the QSS/OASIS system.
3. Provide local support and assistance on the QSS/OASIS system.
4. Provide web based support and assistance for the QSS/OASIS system.

A. Connection cost for unlimited amount of users at all access levels:

MUROC JOINT UNIFIED SD proportionate share of cost based on W-2 count of 421

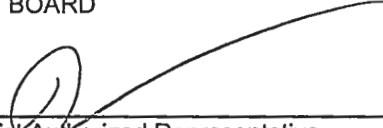
Payment Amount	No. of Payments	Annual Cost
\$ 2,894.06 x	4	\$ 11,576.25

SUPERINTENDENT is authorized to transfer the amounts for the services described above on a quarterly basis from DISTRICT

Account Code:

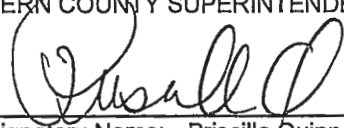
01-0000-0-5800.00-0000-7200-~~00~~-096-~~0000~~-0000 \$ 11,576.25
Section 1 Total

MUROC JOINT UNIFIED SCHOOL DISTRICT
GOVERNING BOARD

By: 
District Authorized Representative
Signatory Name: Trevor Walker
Signatory Title: CBO
Address: 17100 Foothill Avenue
North Edwards, CA 93523

Date: 6/17/2019

MARY C. BARLOW
KERN COUNTY SUPERINTENDENT OF SCHOOLS

By: 
Signatory Name: Priscilla Quinn
Signatory Title: Assistant Superintendent
Address: 1300 17th St, Bakersfield, CA 93301
Account code: 01-315-0000-0-8677.00-0000-0000-00-0000-000

Date: 6/5/19

Office of Mary C. Barlow
Kern County Superintendent of Schools
Advocates for Children


Memorandum of Understanding
County Level Educational Services for K-6 Students
Muroc Joint Unified School District

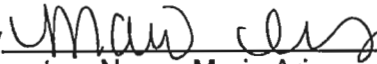
The Kern County Superintendent of Schools Office and the Muroc Joint Unified School District have enjoyed an excellent working relationship for decades. The School District has the need for an educational placement for those students in kindergarten and grades 1-6 who have been expelled, require an alternative to expulsion or are seriously at-risk of being expelled. The Kern County Superintendent of Schools Office operates an elementary community school, but receives inadequate funding from the State of California. The Muroc Joint Unified School District would like to have a county-level alternative education placement available for all three types of students listed above. Based on this background, the following agreement is established by the two agencies:

1. Beginning on July 1, 2019 and continuing through the remainder of the 2019-2020 school year, the Muroc Joint Unified School District will pay to the Kern County Superintendent of Schools Office an amount equal to \$29.00 per student day of enrollment for any student who is a) enrolled in kindergarten or grades 1 through 6, b) expelled by the district board or referred by the district to the community school, and c) is enrolled in classroom instruction.
2. Beginning on July 1, 2019 and continuing through the remainder of the 2019-2020 school year, the Kern County Superintendent of Schools Office will accept both expelled and district referred K-6 students from the School District.
3. Following the conclusion of the contracted school year representatives of the School Districts and the Kern County Superintendent of Schools Office will meet, if necessary, to evaluate costs associated with operation of the program and establish a "per student day of enrollment" rate for the subsequent school year.
4. This agreement shall remain in effect through the 2019-2020 school year and charges associated with this agreement shall be billed at the conclusion of the school year. SUPERINTENDENT is authorized to transfer the amounts owing under this Agreement from the following DISTRICT Account Code 01-0000-0-5800.00-0000-7200-096-0000-0000-0000. SUPERINTENDENT may transfer amounts owing for the annual fees following the end of each fiscal year this Agreement remains in effect.

Muroc Joint Unified
SCHOOL DISTRICT

MARY C. BARLOW
KERN COUNTY SUPERINTENDENT OF SCHOOLS

By 
Signatory Name: Kevin D. Cordes
Title: Superintendent
Address: 17100 Foothill Avenue
North Edwards, CA 93523

By 
Signatory Name: Maria Arias
Title: District/LEA Fiscal Analyst
Address: 1300 17th Street, Bakersfield, CA 93301
Acct Code: 01-001-0000-0-8710.00-0000-0000-00-2420-000

Date: 6/25/2019

Date: 6.13.19

**MUROC JOINT UNIFIED SCHOOL DISTRICT
Board Meeting Background Material**

TO: Board of Trustees

FROM: Kevin D. Cordes
Superintendent

DATE: June 24, 2019

AGENDA ITEM: **Approve Certificated Stipends**

BACKGROUND: Throughout the year it is necessary to cover certificated assignments with temporary personnel.

RECOMMENDATION: It is recommended that the Board approve the following certificated stipends.

Name	Assignment	Site	Pay Rate	Effective Date
Breen, Nicholas	Assistant Varsity Football Coach	DJ/SHS	\$ 2,016.00	07/30/2019
Horner, Dakota	Head JV Football Coach	DJ/SHS	\$ 2,016.00	07-30/2019
Horner, Robert	Assistant JV Football Coach	DJ/SHS	\$ 2,016.00	07-30/2019
Horton, Paul	Varsity Tennis Coach	DJ/SHS	\$ 2,593.00	07-30/2019
Nollinger, Nina	Head Varsity Volleyball Coach	DJ/SHS	\$ 2,616.00	07-30/2019
Parker, Dante	Head Varsity Football Coach	DJ/SHS	\$ 2,616.00	07-30/2019
Perry, Michelle	Head Cross Country Coach	DJ/SHS	\$ 2,593.00	07-30/2019

MUROC JOINT UNIFIED SCHOOL DISTRICT

Board Meeting Background Material

TO: Board of Trustees

FROM: Kevin D. Cordes
Superintendent

DATE: June 24, 2019

AGENDA ITEM: **Approve Temporary Classified Assignments**

BACKGROUND: Throughout the year it is necessary to cover classified assignments with temporary personnel.

RECOMMENDATION: It is recommended that the Board approve the following temporary classified assignments.

Name	Assignment	Site	Pay Rate	Effective Date
Birmingham, Timothy	Lifeguard & Maintenance	BHS Pool	\$12.00/Hr	06/07/2019
Chenworth, Kelton	Lifeguard	BHS Pool	\$12.00/Hr	06/07/2019
Cordes, Anne	Lifeguard	BHS Pool	\$12.00/Hr	06/07/2019
Cordes, Kevin	Lifeguard & Maintenance	BHS Pool	\$12.00/Hr	06/07/2019
Flores, Manuel	Lifeguard	BHS Pool	\$12.00/Hr	06/07/2019
Garrett, Kade	Sr. Lifeguard, Lifeguard & Maintenance	BHS Pool	\$12.50 & \$12.00/Hr	06/07/2019
Job, Bryson	Sr. Lifeguard & Lifeguard	BHS Pool	\$12.50 & \$12.00/Hr	06/07/2019
Klautdt, Deven	Lifeguard & Maintenance	BHS Pool	\$12.00/Hr	06/07/2019
Martin, Macee	Lifeguard	BHS Pool	\$12.00/Hr	06/07/2019
Smith, Shayla	Lifeguard	BHS Pool	\$12.00/Hr	06/07/2019
Royce, Lu	Sr. Lifeguard w/ WSI	BHS Pool	\$13.50/Hr	06/07/2019
Chavarria, Alma	Special Education Instructional Aide	Branch	\$14.77/Hr	06/10/2019
Duran, Sandra	Health Aide	BHS	\$20.67/Hr	06/10/2019
Swall, Christine	Special Education Instructional Aide	Branch	\$24.12/Hr	06/10/2019

MUROC JOINT UNIFIED SCHOOL DISTRICT

Board Meeting Background Material

TO: Board of Trustees

FROM: Kevin D. Cordes
Superintendent

DATE: June 24, 2019

AGENDA ITEM: **Approve Classified Employees**

BACKGROUND: Due to vacancies and/or new positions in the classified staff, the employees on the list below are being recommended for appointment.

RECOMMENDATION: It is recommended that the Board approve the classified appointments on the list below.

CLASSIFIED EMPLOYEES **Board Meeting Date: June 26, 2019**

McClelland, Corinna, Computer Lab Instructional Aide, Branch Elementary, 2 hours/day, H, Step 01, \$641.78/month, 9.5 month position, effective August 19, 2019.

MUROC JOINT UNIFIED SCHOOL DISTRICT

Board Meeting Background Material

TO: Board of Trustees

FROM: Kevin D. Cordes
Superintendent

DATE: June 24, 2019

AGENDA ITEM: **Approve Classified Substitute**

BACKGROUND: Due to the need to cover classified assignments when employees are ill or on leave, there is a need to maintain a pool of substitutes.

RECOMMENDATION: It is recommended that the Board approve the individuals on the attached list to serve as a substitute in the District.

TEMPORARY CLASSIFIED ASSIGNMENT

Board Meeting Date: May 8, 2019

Name	Assignment	Pay Rate	Effective Date
Jauregui, Ana	Custodian	\$12.00	06/13/2019

MUROC JOINT UNIFIED SCHOOL DISTRICT

BOARD MEETING BACK-UP MATERIAL

ACTION AGENDA

June 24, 2019

MUROC JOINT UNIFIED SCHOOL DISTRICT
Board Meeting Background Material
Action Agenda Item

TO: Board of Trustees

FROM: Kevin Cordes, Superintendent

MEETING DATE: June 26, 2019

AGENDA ITEM: **Adoption of Local Control and Accountability Plan (LCAP)**

BACKGROUND: Education Code Section 52062(b) requires that the governing board of a school district adopt a Local Control and Accountability Plan in a public meeting. This meeting shall be held after, but not on the same day as, the public hearing which was held at the June 12, 2019, regular board meeting. This meeting shall be the same meeting as that during which the governing board of the school district adopts a budget pursuant to Education Code Section 42127(a).

RECOMMENDATION: It is recommended that the Board of Trustees adopt the Local Control and Accountability Plan.

LCAP is available for review at the District Office or online at: www.muroc.k12.ca.us

MUROC JOINT UNIFIED SCHOOL DISTRICT
Board Meeting Background Material
Action Agenda Item

TO: Board of Trustees

FROM: Trevor Walker, Chief Business Officer

MEETING DATE: June 26, 2019

AGENDA ITEM: **Adoption of Annual Budget for 2019-20 School Year**

BACKGROUND: Education Code Section 42127 requires that on or before July 1st of each year, the governing board of a school district adopt a budget for the subsequent fiscal year.

RECOMMENDATION: It is recommended that the Board of Trustees adopt the annual budget for the 2019-20 school year.

Budget is available for review at the District Office or online at: www.muroc.k12.ca.us

Office of Public School Construction Application Number: 58/636885-00-001

GENERAL INFORMATION

Grantee Name: **Muroc Joint Unified School District**

School Name: **Desert Junior Senior High**

Grant Amount: **\$994,948.24** of which **\$496,404.62** is Financial Hardship Assistance.

Authority: **Proposition 51**

SFP Program Funding Source: **New Construction**

Future Priority Funding Rounds: **May 8, 2019 – June 6, 2019 and November 13, 2019 – December 12, 2019**

PROJECT DESCRIPTION

Type of Work: **Facility Hardship (Seismic) Rehabilitation**

New School or Addition to an Existing Site: **Not Applicable**

Number of Classrooms: **Not Applicable**

Financial Hardship Approval Date: **April 19, 2019**

Financial Hardship Status is valid until: **October 19, 2019**

Agreement includes Grants for: **Not Applicable** (Site Acquisition; Department of Toxic Substances Control fees and hazardous waste removal; etc.)

Agreement includes Grants for: **Not Applicable** (Site Development, if appropriate)

Other Facilities being newly constructed, modernized, replaced, or rehabilitated:
Seismic retrofit of 4 canopies attached to buildings N1, N2, N3, and N4 (previously known as buildings 500, 600, 700, and 800)

Square Footage being replaced: **Not Applicable** _____ Toilet Area sq. ft.
Not Applicable _____ Other Area sq. ft. (all non-toilet area)
(include for Facility Hardship replacement or Seismic Mitigation Program replacement projects)
For purposes of Facility Hardship and Seismic Mitigation Program projects, shower/locker area is considered "toilet area."

Approved rehabilitation cost estimate: **\$989,131.00**
(include for Facility Hardship rehabilitation or Seismic Mitigation Program rehabilitation projects)

Office of Public School Construction Application Number: 58/63685-00-001

This project scope and resulting funding determination relied on the following documentation and state agency approvals:

- The Funding Application (Form SAB 50-04), executed by the District Representative on **March 20, 2019**
- **Not Applicable** The Application for Charter School Preliminary Apportionment (Form SAB 50-09), executed by the District Representative on XXXXX
- **Not Applicable** The Application for Career Technical Education Facilities Funding (Form SAB 50-10), executed by the District Representative on XXXXX
- **Not Applicable** Site Approval letter from the California Department of Education dated XXXXX
- Plan Approval letter from the California Department of Education dated **October 8, 2018**
- Division of the State Architect Approval letter(s) dated **January 28, 2019** for DSA Application Number(s) **03-118945**
- Financial Hardship Approval Letter from the Office of Public School Construction dated **April 19, 2019**
- **Not Applicable** Bridge Financing Approval Letter from the Office of Public School Construction dated _____
- The industry specialist report prepared by T & B Engineering, Inc., dated **January 31, 2017** that details the minimum work necessary to mitigate the **seismic** threat in this **rehabilitation** application
- Written concurrence dated **March 12, 2018** from the Division of the State Architect agreeing with the **seismic** threat and the minimum work to mitigate the threat in the industry specialist report

A copy of the documentation listed here is available as part of the project file maintained by OPSC, and is also retained by the District for purposes of the project audit.

Grants are to be used in accordance with the provisions contained in the Leroy F. Greene School Facilities Act of 1998 (Education Code, Title 1, Division 1, Part 10, Chapter 12.5, commencing with Section 17070.10) and this Agreement.

The Grantee shall not make any change to the Project that would require a Change of Scope, without the State Allocation Board first approving the change to the Project.

Office of Public School Construction Application Number: 58/63685-00-001

TERMS AND CONDITIONS OF GRANT

A. Definitions

Terms not defined below shall have the same meaning as set forth in SFP Regulation Section 1859.2.

"Act" means the Leroy F. Greene School Facilities Act of 1998 (Education Code, Title 1, Division 1, Part 10, Chapter 12.5, commencing with Section 17070.10).

"Agreement" means a contract to do or not to do a certain thing and refers to this Grant Agreement.

"Application" means a request pursuant to the Act to receive funding for a school project.

"Apportionment" shall have the meaning set forth in Education Code Section 17070.15(a).

"Audit report" means the annual compliance reviews and fiscal reviews of the Grantee's finances, in accordance with the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting.

"Board" means the State Allocation Board as established by Section 15490 of the Government Code.

"Capital Outlay," for the purposes of the Grantee using Savings, pursuant to School Facility Program Regulation Section 1859.103, means capital assets in accordance with Section G of this Agreement.

"Change of Scope" means the addition or deletion of any work that would change the approved Grant amount for the Project or require updated state agency approval(s). This includes, but is not limited to, changes to site acquisition acres, or buildings, including but not limited to classrooms, multipurpose rooms, gymnasiums, administration buildings, restrooms, and libraries/media centers, and any changes to the size of those buildings, the type of building (e.g. portable, modular, or permanent), or the location on the school site of those buildings.

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

"Classroom" means a teaching station that has the same meaning as the term used in Education Code Section 17071.25(a)(1).

"Expenditure Report" means the Form SAB 50-06 *Expenditure Report* and all required supplementary documentation, including but not limited to a detailed listing of project expenditures organized by fund source and provided at an object-code-level of accounting detail, pursuant to the California School Accounting Manual, that shall include fields to identify information including, but not limited to dates, payees, warrant numbers, and the description and purpose of the expenditures as described in California Code of Regulations, Title 2, Regulation Section 1859.104.

"Financial Hardship" means State funding for all or a portion of the Grantee's matching share required by School Facility Program Regulation Section 1859.77.1 or 1859.79.

"Funding Application" means the Form SAB 50-04, *Application for Funding*, or the Form SAB 50-09, *Application for Charter School Preliminary Apportionment*, or the Form SAB 50-10, *Application for Career Technical Education Facilities Funding*, and all required supplementary documentation pursuant to the Act and California Code of Regulations, Title 2, Regulation Sections 1859.70, 1859.161 or 1859.191, as applicable.

"Fund Release Application" means the Form SAB 50-05, *Fund Release Authorization*, and all required supplementary documentation, which includes but is not limited to this Agreement, pursuant to the Act and the Regulations.

Office of Public School Construction Application Number: 58/63685-00-001

“Grants” means all eligible program grants provided by the Board to the Grantee in this Agreement. “Grantee” means the school district (as defined in California Code of Regulations, Title 2, Regulation Section 1859.2), charter school, or joint powers authority, as applicable, whose representative has signed this Agreement for Grants.

“Grantee Representative” means the authorized representative of a school district (as defined in California Code of Regulations, Title 2, Regulation Section 1859.2), charter school, or joint powers authority, as applicable, who signed this Agreement for Grants.

“Hazardous Material/Waste Removal Fund” shall mean the fund established pursuant to California Code of Regulations, Title 2, Regulation Section 1859.163.3(b).

“In Escrow, Governmental Entities” means the approval and signature of instrument(s) that will convey a specified school parcel or site from the public/government entity including the federal government for a determinable sum, and for a determinable date of acquisition which may be based on the Grantee’s receipt of funding from the Board.

“In Escrow, Non-Governmental Entities” means the deposit of signed instrument(s) and/or funds with instructions with a title company or escrow agent to carry out the provisions of an agreement or contract to acquire a specified school parcel or site for a determinable sum, and for a determinable date of acquisition which may be based on the Grantee’s receipt of funding from the Board.

“Ineligible Expenditure” means an expenditure of Grants not in accordance with this Agreement or the applicable laws and regulations governing the use of Grants.

“Local auditor” means an auditor hired at the Grantee’s expense who conducts annual compliance reviews and fiscal reviews of the Grantee’s finances, in accordance with the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting.

“Material Inaccuracy” means a finding of falsely certified eligibility or Funding Application related information submitted by Grantees, architects, or other design professionals that allowed the Grantee an advantage in the funding process. For penalties associated with Material Inaccuracy findings, see Education Code Section 17070.51.

“Modernization” means projects that are eligible for Grants based on Education Code Title 1, Division 1, Part 10, Chapter 12.5, Articles 6 (commencing with Section 17073.10) and 7 (commencing with Section 17074.10).

“Most Vulnerable Category 2 Buildings” means the building meets the criteria outlined in Section 1859.82(a)(1)(C) and is one of the following building types:

C1 – Concrete Moment Frame

C1B – Reinforced Concrete Cantilever Columns with Flexible Diaphragms

C2A - Concrete Shear Wall with Flexible Diaphragms

C3A – Concrete Frame with Infill Masonry Shear Walls and Flexible Diaphragms

PC1 – Precast/Tilt-up Concrete Shear Wall with Flexible Diaphragms

PC1A – Precast/Tilt-up Concrete Shear Wall with Rigid Diaphragms

PC2 – Precast Concrete Frame without Concrete Shear Walls and with Rigid Diaphragms

URM – Unreinforced Masonry Bearing Wall with Flexible Diaphragms

RM1 – Reinforced Masonry Bearing Wall with Flexible Diaphragms

URMA – Unreinforced Masonry Bearing Wall with Rigid Diaphragms

S1B – Steel Cantilever Columns with Flexible Diaphragms

S3 – Steel Light Frame Metal Siding and/or Rod Bracing, or

M – Mixed construction containing at least one of the above structure types.

Office of Public School Construction Application Number: 58/63685-00-001

"New Construction" means projects that are eligible for Grants based on Education Code Title 1, Division 1, Part 10, Chapter 12.5, Articles 3 (commencing with Section 17071.75), 4 (commencing with Section 17072.10), and 5 (commencing with Section 17072.20).

"Occupancy" means the point at which pupils occupy a classroom as evident by district documents such as the school board's adopted calendar, classroom attendance rosters, fire marshal approval of the classroom, etc.

"Office of Public School Construction (OPSC)" means the office within the California Department of General Services that assists the Board as necessary and administers the Act on behalf of the Director of General Services.

"Other Sources of Funds" means cash, the Grantee's matching funds, or in-kind contributions that are required or used to complete the project beyond the Grants provided by this Agreement.

"Preliminary Funding Application" means the Form SAB 50-09, *Application for Charter School Preliminary Apportionment*, and all required supplementary documentation pursuant to the Act and the Regulations.

"Project" means the purposes for which the Grantee has applied for the Grants detailed in this Agreement.

"Regulations" means the School Facility Program regulations (California Code of Regulations, Title 2, Division 2, Chapter 3, Subchapter 4, Group 1, Subgroup 5.5, commencing with Regulation Section 1859).

"Relocation/DTSC Fee Fund" shall mean the fund established pursuant to Regulation Section 1859.163.3, in order to set aside funding at the time Preliminary Charter School Apportionments are approved by the Board for relocation expenses and/or DTSC fees that will be provided at the Final Charter School Apportionment upon submission of actual costs.

"Savings" means Grants not used by the Grantee for the Project, pursuant to Regulation Section 1859.103, achieved by the Grantee's efficient and prudent expenditure of Grants.

"School District" shall have the meaning set forth in Education Code Sections 17070.15(m) and 17073.25.

"School Facility Program (SFP)" means the programs implemented under the Act.

"State" means the state of California.

"Unfunded List (Lack of AB 55 Loans)" means an information list of unfunded projects that was created due to the state's inability to provide interim financing from the Pooled Money Investment Account (AB 55 loans) to fund school construction project as declared in the Department of Finance Budget Letter #33 issued on December 18, 2008.

(Authority: SFP Regulation 1859.2)

B. Term of Grant Agreement

The Grantee and the Executive Officer, or designee, of the Office of Public School Construction shall be the parties to this Agreement. This Agreement must be entered into by both parties prior to, and as a condition of, the release of any funding for the Project. This Agreement becomes effective on the date the Board approves the Project for placement on the Unfunded List (Lack of AB 55 Loans). This Agreement terminates once (1) all Grants and the Grantee's matching funds, including interest generated by the Grants, is expended, and when all of the Parties' obligations under this Grant Agreement are fully satisfied, or (2) if the Board rescinds the unfunded approval or apportionment, or (3) if the Grantee withdraws its Funding Application.

Office of Public School Construction Application Number: 58/63685-00-001

C. Project Execution

1. The Board hereby awards to the Grantee a sum of money (Grants) **\$994,948.24** in consideration of and on condition that the sum be expended in carrying out the purposes as set forth in the description of the Project in this Agreement and its attachments and under the Terms and Conditions set forth in this Agreement. Grants may also be expended for the purposes of a future high priority Capital Outlay project as the result of Savings, or for the purposes of reimbursement, pursuant to SFP Regulation Section 1859.90.4.

(Authority: New Construction: Education Code Sections 17072.20 and 17070.63; New Construction and Modernization: SFP Regulations Article 8 commencing with Section 1859.70; Charter School Facilities Program: Article 14 commencing with Section 1859.160; Career Technical Education Facilities Program: Article 16 commencing with Section 1859.190)

2. Prior to the release of any funding for the Project, Office of Public School Construction staff has completed the following steps to finalize the Project funding amount outlined in this Agreement, as necessary:

- i. The Funding Application was accepted on **February 11, 2019** and deemed to meet the definition of an Approved Application. The Grantee was provided written notification of any deficiencies and given 24 hours to remedy the identified deficiency(s) in order to retain the date upon which it was received.

- ii. Upon confirmation of an Approved Application, Office of Public School Construction staff reviewed the Funding Application for compliance with School Facility Program Regulations and verified eligibility for all available program grants. The Grantee was provided written notification of all deficiencies and/or changes necessary and given 15 calendar days to respond and remedy the identified deficiencies and/or changes necessary.

- iii. Upon review of the submitted corrections, Office of Public School Construction staff provided the Grantee written notification of any final deficiencies and required a response within four business days.

- iv. Upon receipt of the final amendments to the Funding Application, the Office of Public School Construction staff and the Grantee agreed that the Project was ready for presentation to the Board for placement on the Unfunded List (Lack of AB 55 Loans).

(Authority: SFP Regulation Sections 1859.2, 1859.70, 1859.93, 1859.93.1; and Office of Public School Construction process)

3. Grantee certifies that the Project complies with all laws and regulations applicable to the Project.

(Authority: Form SAB 50-04 certifications)

Office of Public School Construction Application Number: 58/63685-00-001

4. Grantee certifies that the Project complies with all labor and public contract laws, as applicable, including, but not limited to:
- i. Public Contract Code Section 20111.6, as added by Chapter 808, Statutes of 2012 (Assembly Bill 1565), which became effective on September 30, 2012. Beginning January 1, 2014 through December 31, 2018, new contracting requirements are effective for school districts with an average daily attendance of 2,500 or more for construction projects with estimated expenditures of at least \$1,000,000 that will be funded through the SFP or any future state school bonds. These new Public Contract Code requirements require a standardized prequalification questionnaire and financial statement to be verified under oath from all bidders.
 - ii. Labor Code Section 1773.3, as amended by Senate Bill 854, Chapter 28, Statutes of 2014, which requires school districts that have School Facility Program projects with an initial public works contract awarded on or after January 1, 2012, to notify the Department of Industrial Relations (DIR). The DIR must provide prevailing wage monitoring services for all such projects, except in the cases of: (1) the district operates a DIR-approved internal wage monitoring program; or (2) the district has entered into a collective bargaining agreement that includes the requirements specified in Labor Code section 1771.4(b)(2).
 - iii. Chapter 378, Statutes of 2011 (Assembly Bill 436), which required the Department of Industrial Relations to monitor and enforce prevailing wage requirements for every State bond funded project, including School Facility Program projects, pursuant to Labor Code Section 1771.7 for projects in which the initial public works construction contract was awarded before January 1, 2012. The Project must have also been apportioned from either Proposition 47 or 55 and the construction phase of the Project commenced on or after April 1, 2003.
 - iv. Chapter 868 Statutes of 2002 (Assembly Bill 1506), which made projects funded from either Proposition 47 (2002) or Proposition 55 (2004) with a notice to proceed date on or after April 1, 2003 subject to Labor Compliance Program requirements as outlined in Labor Code Section 1771.5.

Project Execution Signature	
All laws and regulations noted in Sections (i), (ii), (iii), and (iv) above have been, and will be, followed, as applicable.	
X _____	Date <u>6/19/19</u>

(Authority: Form SAB 50-04 certifications)

Office of Public School Construction Application Number: 58/63685-00-001

D. Receiving Board Approval

1. Grantee must have (1) title, (2) leasehold, or (3) other interest to Project lands. Title may include an order for pre-judgment possession issued by a court in an eminent domain proceeding.

(Authority: Education Code Section 17070.70; SFP Regulation Sections 1859.74 and 1859.74.1)

2. Grantee understands and agrees that the Grants, combined with local funds, shall be sufficient to complete the Project.

(Authority: Education Code Section 17070.63(a))

3. The Grantee has established a "Restricted Maintenance Account" for the exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (refer to Regulation Sections 1859.100 through 1859.102).

(Authority: SFP Regulation Section 1859.100 and Form SAB 50-04 certifications)

4. The Grantee has or will comply with Education Code Section 17076.11 regarding at least a three (3) percent expenditure goal for disabled veteran business enterprises.

(Authority: Form SAB 50-04 certifications)

5. The Grantee understands and agrees that (1) Grants required to be adjusted for site acquisition for both New Construction and Charter School Facilities Program projects, and (2) Grants not used by the Grantee that failed to meet substantial progress and (3) unspent Financial Hardship Grants, (4) unspent Charter School Facilities Program Grants, or (5) unspent Career Technical Education Facilities Program Grants must be returned to the state school facilities fund from which the Grants were apportioned as a result of an audit, pursuant to Education Code Section 17076.10 and Education Code Section 41024, as applicable.

6. The Grantee understands and agrees that, if it does not remit the amount of Ineligible Expenditures identified in the audit report within 120 days of being invoiced by the California Department of Education, and if no repayment plan has been approved pursuant to paragraph (d) of Section 41024 of the Education Code, then the Controller shall deduct the total amount of any Ineligible Expenditures from apportionments pursuant to paragraph (d) of Section 41024 of the Education Code. The Grantee may request a payment plan pursuant to paragraph (d) of Section 41024 of the Education Code.

7. If the Grants will be used for the construction or modernization of school facilities on leased land, the Grantee has entered into a lease agreement for the leased property that meets the requirements of School Facility Program Regulation Section 1859.22.

Office of Public School Construction Application Number: 58/63685-00-001

8. The Grantee has established a facilities inspection system to ensure that each of its schools is maintained in good repair.

[Authority: Education Code Section 17070.75(f)]

9. The statutorily-required Grantee matching funds have either been expended by the Grantee, have been deposited by the Grantee in the county fund, or will be expended by the Grantee prior to notice of completion of the project.

(Authority: Education Code Sections 17072.30, 17074.16, 17078.72(g)(1), 17078.54(d), and 17075.10(b)(2); Form SAB 50-04 certifications)

10. The Grantee has considered the feasibility of using designs and materials for the new construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and the other characteristics of high performance schools.

(Authority: Education Code Section 17070.96)

11. Financial Hardship Review Process **Not Applicable**

- i. If the Grantee has requested Financial Hardship Grants, the Financial Hardship approval from the Office of Public School Construction was valid (Financial Hardship approvals are valid for 180 days) on the date the Approved Funding Application was received by the Office of Public School Construction.

[Authority: SFP Regulation Section 1859.81(e)]

ii.

- a) If the Grantee has requested Financial Hardship Grants and has a bridge financing debt instrument in place, or will have a bridge financing debt instrument in place in the future in order to move the Project forward until Grants become available, then the Grantee agrees that it has received, or will receive, bridge-financing approval from the Office of Public School Construction.
- b) The Grantee also agrees to retire all bridge financing debt within 60 calendar days of receiving Grants. Failure to retire all bridge financing debt within 60 calendar days of receiving Grants will result in the amount of the Financial Hardship Grants in this Agreement being reduced by the amount of the bridge financing that was not retired.

- iii. If the Project remained on the Unfunded List (Lack of AB 55 Loans) for more than 180 days, the Grantee understands and agrees that the Office of Public School Construction shall conduct a review to determine if the Grantee has additional funds available to contribute to the Grantee's matching funds.

[Authority: SFP Regulation Section 1859.81(e) and (f)]

- iv. If the additional Office of Public School Construction review, pursuant to Section (iii) above, determined that the amount of the Financial Hardship Grant required an adjustment, pursuant to Financial Hardship rules detailed in SFP Regulation Section 1859.81, the amount of the Grants detailed in this Agreement will be amended.

Office of Public School Construction Application Number: 58/63685-00-001

[Authority: SFP Regulation Section 1859.81(a)]

12. [Instructions: The following sections only apply to the program, or other circumstance, that is detailed in this Agreement.]

Not Applicable *New Construction:*

- i. The Grantee has received approval of the site and the plans from the California Department of Education and the Division of the State Architect. Plan approval is not required if request is for separate design Apportionment.

(Authority: SFP Regulation Section 1859.81.1)

- ii. The Grantee agrees to submit Project Information Worksheets pursuant to School Facility Program Regulation Section 1859.104.

Not Applicable *Seismic Mitigation Program Replacement or Facility Hardship Replacement:*

The Grantee agrees that the scope of this Project is the minimum work necessary to obtain approval by the Division of the State Architect and/or the federal, state, or local governmental entity with authority over of the work being performed to mitigate the _____ (health and safety or seismic) threat.

The Project must have an industry specialist report to substantiate the _____ (health and safety or seismic) threat and that details the minimum work necessary to mitigate the threat.

The Project must have concurrence by an appropriate governmental agency agreeing with the _____ (health and safety or seismic) threat and the minimum work necessary to mitigate the threat.

The Project must have the approval letter from DSA verifying that the building(s) in the Project qualify as one of the "Most Vulnerable Category 2 Buildings".

Not Applicable *Site Acquisition:*

The Grantee has complied with Sections 1859.74 through 1859.75.1, as appropriate. The Grantee shall provide all applicable county assessor parcel numbers for the land being acquired for the Project. Grantee understands and agrees that Grants for site acquisition (i.e. site purchase, hazardous materials mitigation, relocation, etc.) as described in Section F (Accounting for Spent Funds) of this Agreement are limited to actual eligible expenditures. Therefore, the audit report may result in an adjustment (increase or decrease) to the Grant amount based on the final approved expenditures related to site acquisition separate and apart from all other Grants.

Not Applicable *Modernization of Portable Classrooms:*

If this Agreement includes the modernization of portable classrooms eligible for an additional Apportionment pursuant to Education Code Section 17073.15, the Grantee certifies that either:

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- i. The Grants will be used to replace the portable classrooms and permanently remove the displaced portables from the classroom use within six months of the filing of the Notice of Completion for the project; or,
- ii. It has provided documentation to the Office of Public School Construction which indicates that modernizing the portable classrooms eligible for an additional Apportionment is better use of public resources than the replacement of these facilities.

(Authority: SFP Regulation Section 1859.78.8)

Not Applicable *Modernization or Charter School Facilities Program Rehabilitation:*

If this Agreement includes the modernization or Charter School Facilities Program Rehabilitation funding, the Grantee has received approval of the plans for the project from the California Department of Education and the Division of the State Architect. Plan approval is not required if request is for separate design Apportionment or advance release of funds for design from a Preliminary Charter School Apportionment.

(Authority: Modernization: SFP Regulation Section 1859.81.1; Charter: SFP Regulation Section 1859.163)

Seismic Mitigation Program Rehabilitation or Facility Hardship Rehabilitation:

The Grantee agrees that the scope of this Project is the minimum work necessary to obtain approval by the Division of the State Architect and/or the federal, state, or local governmental entity with authority over of the work being performed to mitigate the **seismic** threat.

The Project must have an industry specialist report to substantiate the **seismic** threat and that details the minimum work necessary to mitigate the threat.

The Project must have concurrence by an appropriate governmental agency agreeing with the **seismic** threat and the minimum work necessary to mitigate the threat.

The Project must have the approval letter from DSA verifying that the building(s) in the Project qualify as one of the "Most Vulnerable Category 2 Buildings".

The Project must have the approval letter from DSA indicating that the work in the project plans is the minimum work required to mitigate the **seismic** threat, which includes any other work triggered by the **seismic** mitigation work and that is required in order to obtain DSA approval.

Not Applicable *Charter:*

- i. Facilities to be rehabilitated under the Charter School Facilities Program previously funded with School Facility Program funds meet the requirements of Regulation Section 1859.163.
- ii. The Grantee agrees to submit Project Information Worksheets pursuant to School Facility Program Regulation Section 1859.104.

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Not Applicable *Charter- Preliminary Charter School Apportionment:*

- i. The Grantee agrees that failure to submit a Final Charter School Apportionment within the timelines prescribed for a Preliminary Charter School Apportionment (four years with a possible one year extension subject to Board approval) shall be cause for rescission of the Preliminary Charter School Apportionment; and,
(Authority: *SFP Regulation Section 1859.166*)

- ii. The Grantee agrees that when the Preliminary Charter School Apportionment is converted to a Final Charter School Apportionment, the funding available for the Final Charter School Apportionment is subject to the provisions of Section 1859.167; and,
(Authority: *SFP Regulation Section 1859.167*)

- iii. The Grantee agrees that the California School Finance Authority must determine that the Grantee is financially sound at the time of the Preliminary Charter School Apportionment, advance release of design and/or site funds, and at the time of conversion to a Final Charter School Apportionment or the Preliminary Charter School Apportionment will be rescinded; and,
(Authority: *SFP Regulation Section 1859.163*)

- iv. The Grantee agrees that in addition to this grant agreement, the Grantee must also enter into the Charter School Agreements.
(Authority: *SFP Regulation Section 1859.90.2*)

Not Applicable *Career Technical Education Facilities Program:*

The Grantee has complied with the Career Technical Education Facilities Program (CTEFP) eligibility criteria as outlined in Section 1859.192; and,

For Projects that received an Apportionment pursuant to SFP Regulation Section 1859.193(d) (CTEFP reservation of funds):

- i. The Grantee understands and agrees that by reserving funds in advance of obtaining the necessary approvals from California Department of Education and the Division of the State Architect, the Grantee must submit the necessary approvals and/or plans and specifications within one year of Apportionment; otherwise the Apportionment will be rescinded without further Board action.

- ii. Upon approval for placement on the Unfunded List (Lack of AB 55 Loans), the Grantee will receive a template of the Project Grant Agreement. OPSC will provide the Grantee the final Grant Agreement for the Project upon receipt of the necessary approvals from the Division of the State Architect and California Department of Education.

- iii. The Grantee understands and agrees that the executed the Grant Agreement must be submitted prior to fund release.
(Authority: *SFP Regulation Section 1859.197*)

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E. Receiving an Apportionment and Receiving Funds

The Grantee and the Executive Officer, or designee, of the Office of Public School Construction shall enter into this Agreement prior to, and as a condition of, the release of any funding for the Project.

(Authority: proposed SFP Regulation Sections 1859.90 and 1859.90.2)

Additionally:

1. The Grantee understands and agrees that, pursuant to School Facility Program Regulation Sections 1859.90.2 and 1859.90.3:
 - i. The Grantee shall participate in the priority funding process by submitting a valid priority funding request during a 30-day filing period after being placed on the Unfunded List (Lack of AB 55 Loans) in order to receive an Apportionment in accordance with Regulation Section 1859.90.3.
 - ii. Failure to submit a valid request within the filing period or failure to submit a valid *Fund Release Authorization* (Form SAB 50-05) after the Board approves an Apportionment shall result in an occurrence of non-participation.
 - iii. The Grantee understands and agrees that Grants may not be available for this Project after the Grantee has submitted a valid priority funding request. When the Grantee submits a valid priority funding request and Grants are not available, the Grantee shall not be charged with an occurrence of non-participation.
 - iv. After the second occurrence of non-participation, the funding for the Project shall be rescinded without further action by the Board.

2. Any Grants provided to Grantee under this Agreement will be disbursed upon receipt of a complete Fund Release Application, and shall not exceed **\$994,948.24** except for **Not Applicable**. (site-related exceptions)

(Authority: Education Code Sections 17072.13, 17072.14, and 17072.18)

3. Supplementary documentation submitted with, or prior to, a Fund Release Application must include this Agreement as well as documentation that proves the following:
 - i. The Grantee has entered into a binding contract(s) for at least 50 percent of the construction included in the plans and specification applicable to this Project.
 - ii. Notice to Proceed dates.
 - iii. For Career Tech projects where the Grantee received an Apportionment without needing Division of State Architect approval, evidence of Division of the State Architect approval date.

(Authority: Form SAB 50-05 certifications)

4. If the Office of Public School Construction finds that the Fund Release Application is incomplete, inadequate or inaccurate, it will notify the Grantee that the Grantee has ten (10) business days to address the issue(s). If the issue(s) has not been addressed after ten (10) business days, the Office of Public School Construction will consider the submittal to be invalid and the request will be returned to the Grantee. The Grantee will retain the opportunity to submit a valid Fund Release Application within 90 days of Apportionment.

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However, if the Grantee does not submit a valid Fund Release Application within 90 days of the Apportionment the Grantee will receive a non-participation occurrence as described in (1.)(ii) above. The Grantee will not receive Grants at that time. Furthermore, any penalties imposed on the Grantee by a contractor, or other consequence, because of delays in payment will be paid by the Grantee and is not reimbursable under this Agreement.

(Authority: proposed amendment to School Facility Program Regulations)

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F. Accounting for Spent Funds

1. For purposes of completing the Expenditure Reports required pursuant to Education Code Section 17076.10, over the course of the project, the Grantee shall maintain a general ledger at a Project-specific level that includes fund, resource, project year, goal, function, and object codes for all expenditures for the Project, including furniture and equipment, as they are described in the *California School Accounting Manual, Procedure 301: Overview of the Standardized Accounting Code Structure and Procedure 345: Illustrations Using Account Code Structure*.
(Authority: Education Code Section 17076.10)

2. Annual Expenditure Reports

Pursuant to Education Code 17076.10, beginning 12 months from the first fund release, and continuing annually for a period of up to **four** years after the final fund release, as described in SFP Regulation Section 1859.104, the Grantee shall submit an Expenditure Report to the Office of Public School Construction.

3. Substantial Progress Compliance Reviews

i. Pursuant to Education Code Section 17076.10, the Grantee shall be subject to a substantial progress review by the Office of Public School Construction under this Agreement with respect to all matters connected with this Agreement. The Grantee shall provide substantial progress documentation 18 months from the latest fund release. The Office of Public School Construction will consider the requirements of substantial progress met if the Grantee submits its Expenditure Report for a completed project up to 18 months from the latest fund release. The Office of Public School Construction must notify the Grantee within 60 days of receiving the documentation if a review and analysis of the information will be conducted.
(Authority: SFP Regulation Section 1859.105)

ii. For Grantees That Have Received Grants for Construction:

The substantial progress documentation required shall include evidence that either 75 percent of the site development work is complete, or 90 percent of the building work is under contract, or 50 percent of all construction activities are complete.
(Authority: School Facility Program Regulation Section 1859.105)

The documentation that the Grantee shall provide shall include, but is not limited to:

- a) The fund source indicated, for each project cost,
- b) Assessor's parcel number, for site acquisition costs,
- c) Qualification Appraisal(s) for Architect/Engineer/Construction Manager,
- d) Architect/Engineer/Construction Management Agreement(s),
- e) Evidence the Grantee has met Disabled Veteran Business Enterprise contractual requirements,
- f) Construction Contract Agreements to date,
- g) Construction Bid Summaries,
- h) Construction Delivery Method,

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- i) Project expenditures, to date, submitted on Detailed Listing of Project Expenditures (DLOPE) worksheet or in an equivalent format [the Office of Public School Construction will review expenditure totals for purposes of determining compliance with substantial progress requirements but will not review expenditures to determine eligibility under the program (this will be done by the local auditor)],
- j) General ledger report that details project expenditures to date
- k) Submittal of written policy and procedures that documents processes for accounting of School Facility Program project activities.
- l) Construction schedule of values or Continuation Sheet
- m) Project cost estimate

(Authority: Education Code Section 17071.10 and SFP Regulation Section 1859.105)

iii. **Not Applicable** For Grantees That Have Received Advanced Financial Hardship Site Grants or Environmental Hardship Grants:

The documentation that the Grantee shall provide if requested by the Office of Public School Construction shall include, but is not limited to:

- a) The final site appraisal,
- b) The California Department of Education final approval letter, evidence of the completion of any and all California Environmental Quality Act requirements
- c) Final escrow instructions or evidence the Grantee has filed condemnation proceedings including intent to request an order of possession of the site, as applicable.

(Authority: SFP Regulation Section 1859.105 or 1859.105.1, as applicable)

iv. **Not Applicable** For Grantees That Have Received Advanced Financial Hardship Grants for Design:

The documentation that the Grantee shall provide if requested by the Office of Public School Construction shall include, but is not limited to:

- a) An Approved New Construction or Modernization Adjusted Grant Application; or,
- b) A certification that the final building plans have been submitted to and accepted by the Division of the State Architect for review and approval.

(Authority: SFP Regulation Section 1859.105)

v.

- a) Should the Office of Public School Construction determine that the Grantee has not made substantial progress as described in (F)(3)(i), (ii), (iii), and (iv), it will inform the Grantee of its findings and require the Grantee to submit a final expenditure report within 60 days of notification, pursuant to SFP Regulation Section 1859.105. If no Grants have been expended by the Grantee, then the Office of Public School Construction will recommend to the Board that the project be rescinded.
- b) If Grants have been expended by the Grantee, then
 - I. The Project shall be subject to an audit pursuant to Section 41024 of the Education Code and the applicable provisions outlined in Section (F)(4) of this Agreement. The audit shall identify Grants expended in accordance with program requirements and the amount of any unspent Grants and the amount of any Ineligible Expenditures.

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- II. Once the amount of unspent Grants has been determined in the audit report described in (I) to be repaid and the Grantee repays the Grants, the Office of Public School Construction shall take an item to the State Allocation Board make a corresponding baseline eligibility adjustment, when applicable.

(Authority: SFP Regulation Section 1859.105)

4. Final Project Audit

The Grantee understands and agrees to the following:

- i. Upon Project completion pursuant to SFP Regulation Section 1859.104, the Office of Public School Construction may notify the Grantee, the Grantee's County Office of Education, and the State Controller's Office that the Grantee is subject to an audit of the Project by a local auditor that is in accordance with the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting. The Grantee shall retain all financial accounts, documents, and records necessary for an audit pursuant to Education Code Section 41024(a)(4) and shall provide Project documentation, if requested by the local auditor.

[Authority: proposed amendment to School Facility Program Regulation Section 1859.104(a)]

- ii. Project documentation that the Grantee shall provide when requested by the local auditor, for the purposes of the audits described in Education Code Section 41024, shall include, but is not limited to:
- a) Proof of acreage purchased
 - b) Proof of site costs and adjusted site grants, where applicable
 - c) Copy of Form SAB 50-04
 - d) Copy of SAB Board item(s) (Approval of project Apportionment)
 - e) DSA Approval Letter
 - f) Final CDE Approval Letter
 - g) Architect Final Billing
 - h) Proof of Routine Restricted Maintenance Account Deposit or documentation demonstrating district's facilities are maintained in good repair
 - i) Project-specific accounting records, such as a general ledger, as described in Spending Funds (Section F, paragraph 1), for all sources of funding
 - j) Final construction billing and invoices,
 - k) Any and all change orders
 - l) Proof of date of Occupancy
 - m) If the Grantee's matching funds have already been expended for this Project or have been deposited in the County School Facility Fund, the Grantee shall provide accounting records, such as a general ledger, for all sources of funding, verifying those previous expenditures or deposits. If the matching funds have been or will be spent from a Certificate of Participation (COP), then the Grantee shall indicate the fund that the proceeds from the COP were originally deposited into or will be deposited into. The Grantee shall also include a copy of the COP booklet. Providing the official notice of intent to sell bonds may be provided to prove that the Grantee will expend the Grants prior to the time the project is completed, as described complete pursuant to SFP Regulation Section 1859.104. If the Grantee

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has funds from another source not listed here, the Grantee shall provide the accounting records, such as a general ledger verifying the expenditures and deposits.

(Authority: Education Code Section 17076.10 and SFP Regulation Section 1859.106)

- iii. During the local auditor's audit and/or upon completion of the audit report, the Grantee understands and agrees that its Expenditure Report is final and may not be subsequently adjusted or amended.
- iv. The Grantee understands and agrees that:
 - (a) Should the audit report determine that the Grantee spent Grants on Ineligible Expenditures, the local auditor will inform the California Department of Education of the amount of the Ineligible Expenditure. The amount to be remitted will be limited to the proportionate percentage of Grants and Financial Hardship Grants. Grantees will not be required to provide the state with payments related to the amount of their matching funds. Ineligible Expenditures funded by Grants will not be considered Savings.
 - (b) The Grantee may appeal the finding of any Ineligible Expenditures, as described in Education Code Section 41024(d).
 - (c) The California Department of Education will recover Grants spent on Ineligible Expenditures, pursuant to Education Code Section 41024(d)(1).
 - (d) The Grantee may request a repayment plan from the California Department of Education related to the recovery of Grants described in (c).
 - (e) In order to recover funds as part of a repayment plan described in (d), the California Department of Education will notify the State Controller of the repayment plan and the State Controller will withhold funds from the Grantee's principal apportionment or Education Protection Account payments, pursuant to Education Code Section 41024(d).

(Authority: Education Code Sections 17070.63(c), 17076.10, and 41024; SFP Regulation Section 1859.106)

- v. The Grantee shall provide its Expenditure Report for a Project deemed complete pursuant to SFP Regulation Section 1859.104, and any and all audit reports, including the audits of Savings, to the Office of Public School Construction.

(Authority: Education Code Section 17076.10)

- vi. The Grantee shall also provide site access to the local auditor to determine if the project work is in accordance with the Board-approved project scope, including a final inspection for a Project deemed complete pursuant to SFP Regulation Section 1859.104.

(Authority: Education Code Section 17076.10)

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5. Savings Audit(s)

Grantees may retain Savings for expenditure for other high priority Capital Outlay with the exception of when Savings are generated:

- (1) in the Charter School Facilities Program, or
- (2) in the Career Technical education Facilities Program, or
- (3) in advance of a site adjustment, or
- (4) for Financial Hardship Grants.

(Authority: Education Code Section 17070.63 and SFP Regulation Section 1859.103)

If the Grantee uses Savings to contribute to the Grantee's matching share on other SFP projects, then those SFP projects may only be funded from the same program (e.g. New Construction, Modernization), that this Project is funded from.

(Authority: SFP Regulation Section 1859.103)

The Grantee understands and agrees to the following:

- i. Upon the Grantee declaring Savings pursuant to SFP Regulation Section 1859.103, the Office of Public School Construction may notify the Grantee, the Grantee's County Office of Education, and the State Controller's Office, that the Grantee is subject to annual audits of the Savings by a local auditor that is in accordance with the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting until the Grantee has expended all Savings. The Grantee shall retain all financial accounts, documents, and records necessary for an audit pursuant to Education Code Section 41024(a)(4) and shall provide documentation related to the use of Savings, when requested by the local auditor.

[Authority: proposed amendment to School Facility Program Regulation Section 1859.104(a)]

- ii. Savings documentation that the Grantee shall provide when requested by the local auditor, for the purposes of the audits described in Education Code Section 41024, shall include, but is not limited to:
 - a) The Grantee's final expenditure report submitted to the Office of Public School Construction, and
 - b) Project-specific accounting records, such as a general ledger, as described in Spending Funds (Section F, paragraph 1), and
 - c) General ledger report verifying that the Savings has been deposited to county school facilities fund and detail verifying the expenditure of the funds for high priority Capital Outlay, and
 - d) Construction billing and related invoices.

(Authority: Education Code Section 17076.10 and SFP Regulation Section 1859.106)

- iii. The Grantee understands and agrees that its Savings expenditure reports submitted to the local auditor are final and may not be subsequently adjusted or amended.

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- iv. The Grantee understands and agrees that:
- (a) Should the audit report determine that the Grantee spent Savings on Ineligible Expenditures, the local auditor will inform the California Department of Education of the amount of the Ineligible Expenditure. The amount to be remitted will be limited to the Savings. Grantees will not be required to provide the state with payments related to the amount of their matching funds.
 - (b) The Grantee may appeal the finding of any Ineligible Expenditures, as described in Education Code Section 41024(d).
 - (c) The California Department of Education will recover Grants spent on Ineligible Expenditures, pursuant to Education Code Section 41024(d)(1).
 - (d) The Grantee may request a repayment plan from the California Department of Education related to the recovery of Grants described in (c).
 - (e) In order to recover funds as part of a repayment plan described in (d), the California Department of Education will notify the State Controller of the repayment plan and the State Controller will withhold funds from the Grantee's principal apportionment or Education Protection Account payments, pursuant to Education Code Section 41024(d).

(Authority: Education Code Sections 17070.63(c), 17076.10, and 41024; SFP Regulation Section 1859.106)

- v. The Grantee shall provide its Savings expenditure reports, and any and all audit reports, to the Office of Public School Construction, pursuant to Education Code Section 17076.10.

- vi. The Grantee shall also provide site access to the local auditor to determine if the project work is in accordance with eligible uses of Savings.

(Authority: Education Code Section 17076.10)

6. Not Applicable Site Adjustments

Should the audit report determine that the amount of Grants received for site acquisition requires adjustment, then, upon receipt of the audit, the Office of Public School Construction will present the Project to the State Allocation Board for an adjustment to the Apportionment, in accordance with Education Code Section 41024 (c)(2).

7. Not Applicable Charter School Facilities Program and Career Technical Education Facilities Program Unspent Grants, plus Interest

Should the audit report determine that the Grantee completed either the Charter Schools Facilities Program Project or the Career Technical Education Facilities Program Project without using all the Grants provided for eligible expenditures, the Office of Public School Construction will present the Project to the State Allocation Board for an adjustment to the Apportionment, in accordance with Education Code Section 41024 (c)(2).

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8. Not Applicable Financial Hardship

Should the audit report determine that there are unspent Financial Hardship Grants, then the Grantee agrees to either (1) repay the unspent Financial Hardship Grants pursuant to Education Code Section 41024(c)(2) or (2) use the unspent Financial Hardship Grants on a future project(s), provided the Grantee qualifies for Financial Hardship Grants when it applies for funding for the future project(s).

i. Upon receipt of the audit report, the Office of Public School Construction will notify the Grantee to determine whether the Grantee will repay the unspent Financial Hardship Grants immediately or use them for a future project(s). The Grantee will have 30 days to respond to the request.

ii. If the Grantee intends to use unspent Financial Hardship Grants on a future project(s), it must do so within three years of the audit report's determination that not all Financial Hardship Grants were expended for this Project or from the date that Savings was declared by the Grantee, whichever comes first. Failure to use unspent Financial Hardship Grants on a future project(s) within that time will result in the Grantee repaying the unspent amount plus interest.

(Authority: Education Code Section 41024 and SFP Regulation Section 1859.81)

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G. Advisory Listing Detailing Common Eligible Project Expenditures

Project expenditures not listed in this document will not be considered eligible for funding under the School Facility Program.*

Project expenditures will only be considered eligible if:

- The expenditures are within the Project scope that was approved by the State Allocation Board
- The expenditures are substantiated with contracts, invoices, final billings, and verification of payment

(Authority: Education Code Section 41024)

- The expenditures are expended or encumbered prior to the time a project is deemed complete, pursuant to SFP Regulation Section 1859.104

(Authority: Education Code Section 17076.10)

The Grantee may seek written clarification from OPSC for items not included in the lists of eligible and ineligible project expenditures. The local auditor may use the written response from OPSC to guide the audit of the project expenditures.

*Project expenditures not listed in the following tables may be considered if those expenditures are reasonable and appropriate site development work pursuant to SFP Regulation Section 1859.76.

(Authority: SFP Regulation Section 1859.76)

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**16. Facility Hardship (Seismic) – Rehabilitation
 Separate Apportionment for Design Costs
 Or Adjusted Grant
 Common Eligible Project Expenditures**

Facility Hardship expenditures must be an eligible SFP expenditure to be considered allowable.

Only the minimum work necessary as indicated in the project's industry specialist report, to mitigate the health and safety issue is eligible. This also includes any other work triggered by the health and safety mitigation work that is required in order to obtain DSA approval, such as required fire and life safety or access compliance work.

Elective work or upgrades outside of the required scope of work done by the District are not eligible for funding.

Construction contract must be executed on or after May 20, 2006.

DESIGN COSTS		
	Type of Expenditure	Authority
a.	Advertising for Construction Bids	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
b.	Architect's Fee for Plans	
c.	CDE Plan Check or Site Review Fee	
d.	California Environmental Quality Act (CEQA) Associated Costs	SFP Reg. Sections 1859.105 & 1859.82
e.	Consultant Fees – specific to SFP project(s) (prorate if necessary)	Ed Code Section 17074.25* & SFP Reg. Section 1859.82
f.	Division of the State Architect (DSA) Plan Check Fee	Ed Code Section 17074.25 & SFP Reg. Section 1859.82

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DESIGN COSTS		
	Type of Expenditure	Authority
g.	Energy Analysis Fee	Ed Code Section 17074.25* & SFP Reg. Section 1859.82
h.	Legal Fees associated with: <ul style="list-style-type: none"> • The review of the SFP project-related lease agreements. • The review of the SFP project-related contracts between districts and contractors, architects, construction managers or engineers. • The review of the SFP project-related bid documents and bid responses. 	
i.	Local Agency Plan Check Fees	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
j.	Preliminary Site Tests	
k.	Engineering Fees	

*These costs are recognized as components of allowable costs pursuant to EC Section 17074.25, and may be included as allowable expenditures under the Modernization program.

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**17. Facility Hardship (Seismic) – Rehabilitation
 Adjusted Grant
 Common Eligible Project Expenditures**

Facility Hardship expenditures must be an eligible SFP expenditure to be considered allowable.

Only the minimum work necessary as indicated in the project’s industry specialist report, to mitigate the health and safety issue is eligible. This also includes any other work triggered by the health and safety mitigation work that is required in order to obtain DSA approval, such as required fire and life safety or access compliance work.

Elective work or upgrades outside of the required scope of work done by the District are not eligible for funding.

Construction contract must be executed on or after May 20, 2006.

CONSTRUCTION COSTS		
	Type of Expenditure	Authority
a.	Construction Management Fees	
b.	Building Construction Costs – Including: <ul style="list-style-type: none"> • Foundations • Structures • Exterior & Interior Finishes • Fittings & Fixtures • Plumbing • Electrical • Mechanical 	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
c.	Construction Security (Campus Security not eligible and administrative overhead not eligible)	Ed Code Section 17074.25* & SFP Reg. Section 1859.82
d.	Construction Tests	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
e.	Costs incurred to initiate, enforce and maintain a LCP, which may include school district “third party providers” costs, district’s own Force Account labor costs, or construction manager costs.	Labor Code Section 1771.1(a) & (b) & SFP Reg. Section 1859.79.2 & 1859.82

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CONSTRUCTION COSTS		
	Type of Expenditure	Authority
f.	<p>Force Account Labor – complies with the Public Contract Code and is specific to the project, adhering to the following criteria outlined in Section 20114:</p> <ul style="list-style-type: none"> • For school districts with an average daily attendance less than 35,000, the total number of hours on the job does not exceed 350 hours • For school districts with an average daily attendance of 35,000 or greater, the total number of hours on the job does not exceed 750 hours or when the cost of material does not exceed \$21,000. • Must be work that involves a skilled trade. <p>To be eligible must be supported by time cards or time logs.</p>	PCC Section 20114 & SFP Reg. Section 1859.82
g.	Inspections – For services provided during construction of the project.	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
h.**	Utility Services – Only if approved for 50 years or older permanent building Modernization project (see SFP Regulation Section 1859.78.7).	Ed Code Section 17074.25 & SFP Reg. Sections 1859.78.7 & 1859.82
i.	Demolition Costs	Ed Code Sections 17074.25 & 1859.82
j.	Interim Housing	Ed Code Sections 17074.25* & 1859.82

*These costs are recognized as components of allowable costs pursuant to EC Section 17074.25, and may be included as allowable expenditures under the Modernization program.

**Eligible expenditures in these sections may exceed the amounts requested on the Funding Application.

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H. Advisory Listing Detailing Common Ineligible Project Expenditures

The following tables are intended to provide advisory listings of common, but not exhaustive, ineligible Project expenditures.

In addition to the ineligible Project expenditures listed on the following tables, any costs associated with the Grantee's local debt issuance or interest on the Grantee's local bond(s) are also ineligible Project expenditures.

The Grantee may seek written clarification from OPSC for items not included in the lists of eligible and ineligible project expenditures. The local auditor may use the written response from OPSC to guide the audit of the project expenditures.

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**16. Facility Hardship (Seismic) – Rehabilitation
 Separate Apportionment for Design Costs
 Or Adjusted Grant
 Common Ineligible Project Expenditures**

If the facility hardship expenditure is not able to be categorized on the list of eligible SFP expenditures then it is considered ineligible.

Any work beyond the minimum work necessary, as indicated in the project’s industry specialist report, to mitigate the health and safety issue(s), or work that was triggered by the health and safety mitigation work and that is required in order to obtain DSA approval, is not eligible.

Elective work or upgrades outside of the required scope of work done by the District are not eligible for funding.

Construction contract executed prior to May 20, 2006 is not eligible.

DESIGN COSTS		
	Type of Expenditure	Authority
a.	Legal Fees not attributable to the project	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
b.	For projects that received Design funds only any construction related expenditures are not eligible	

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**17. Facility Hardship (Seismic) – Rehabilitation
 Adjusted Grant
 Common Ineligible Project Expenditures**

If the facility hardship expenditure is not able to be categorized on the list of eligible SFP expenditures then it is considered ineligible.

Any work beyond the minimum work necessary, as indicated in the project’s industry specialist report, to mitigate the health and safety issue(s), or work that was triggered by the health and safety mitigation work and that is required in order to obtain DSA approval, is not eligible.

Elective work or upgrades outside of the required scope of work done by the District are not eligible for funding.

Construction contract executed prior to May 20, 2006 is not eligible.

	Type of Expenditure	Authority
a.	Administrative and overhead costs including indirect costs for general management.	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
b.	Campus supervision going beyond construction site security (such as campus security and administrative overhead).	
c.	Expenditures which have been reimbursed from another source such as insurance proceeds.	
d.	Repair of damages incurred during construction are not eligible	
e.	Expenditures associated with Facility Hardship SAB approvals which were not constructed as originally approved (see Regulation Section 1859.82).	
f.	Operational costs (such as service contracts and maintenance expenses or commissioning).	
g.	Supplies as described in the California School Accounting Manual (CSAM), Procedure 770.	Ed Code Section 17074.25 & SFP Reg. Section 1859.82
h.	Furniture and Equipment is not eligible for a facility hardship rehabilitation project unless specifically approves by DSA.	

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I. Record Retention

Grantee shall maintain satisfactory financial accounts, documents, and records for the Project, at a Project-specific level of detail. Grantee shall also retain such financial accounts, documents, and records necessary for an audit, pursuant to Education Code Section 41024(a)(4).

Financial accounts, documents, and records may be retained electronically.
(Authority: Government Code Section 12275(a) and (b), and Education Code Section 41024)

J. Material Inaccuracy

If a failure by the Grantee to comply with the terms of this Agreement, or an audit report determination that the Grantee has violated applicable state or federal law as it relates to this Project, stems from falsely certified information on the Funding Application or Fund Release Application (including certifications made by architects or other design professionals), then Material Inaccuracy findings and penalties, as described in Education Code 17070.51 and SFP Regulation Section 1859.104.1, may apply.

K. Conflict of Interest

All Grantees are subject to State and Federal conflict of interest laws. Failure to comply with these laws, including business and financial disclosure provisions, will result in the application being rejected and any subsequent contract being declared void. Other legal action may also be taken. Applicable statutes include, but are not limited to, Government Code, Section 1090 and Public Contract Code, Sections 10410 and 10411, for State conflict of interest requirements.

1. Employees of the Grantee: Employees of the Grantee shall comply with all applicable provisions of law pertaining to conflicts of interest, including, but not limited to any applicable conflict of interest provisions of the California Political Reform Act, Cal. Gov't Code § 87100 et seq.
2. Employees and Consultants to the Grantee: Individuals working on behalf of the Grantee may be required by the Department to file a Statement of Economic Interests (Fair Political Practices Commission Form 700) if it is determined that an individual is a consultant for Political Reform Act purposes.

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L. Severability

If any provision of this Agreement or the application thereof is held invalid, that invalidity shall not affect other provisions or applications of this Agreement which can be given effect without the invalid provision or application, and to this end the provisions of this Agreement are severable.

M. Disputes

1. Any claim that the Grantee may have regarding performance of this agreement including, but not limited to, claims for additional compensation or extension of time, shall be submitted to the Office of Public School Construction. The Office of Public School Construction and Grantee shall then attempt to negotiate a resolution of such claim and process an amendment to this Agreement to implement the terms of any such resolution.
2. Any claim that the Grantee may have regarding the audit report's project expenditure determination shall be adjudicated by the Education Audit Appeals Panel, consistent with Education Code Section 41344.

N. Electronic Filing

Any communication under this Grant Agreement shall be in writing and may be transmitted by electronic means. Communication sent electronically will be effective on the date of transmission.

O. Supplement, Not Supplant

The terms and conditions of this Agreement are intended to supplement, not supplant, the laws and regulations that apply to this Project. The Grantee understands and agrees to adhere to all laws and regulations that apply to this Project, even if those laws and regulations are not specifically cited in this Agreement.

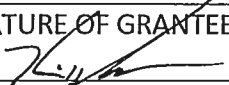
P. Exact Duplicate

This Agreement is an exact duplicate (verbatim) of the Agreement provided by the Office of Public School Construction. In the event a conflict should exist, the language in the Agreement provided by the Office of Public School Construction will prevail.

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SIGNATURES

The statements set forth in this Agreement are true and correct to the best of my knowledge and belief. IN WITNESS WHEREOF, this Agreement has been executed by the parties.

NAME OF GRANTEE REPRESENTATIVE (PRINT) Kevin D. Cordes, District Superintendent	PHONE NUMBER 760-769-4821
SIGNATURE OF GRANTEE REPRESENTATIVE 	DATE 6/19/19
SIGNATURE OF EXECUTIVE OFFICER OF THE OFFICE OF PUBLIC SCHOOL CONSTRUCTION, OR DESIGNEE	DATE