July 7, 2010

Mr. Gil Johnson, Chairman
Proposition S ICOC
2643 Ariane Drive
San Diego, CA 92117

Dear Mr. Johnson:

Subject: CTE Round Three

You have asked the district to keep the Independent Citizens’ Oversight Committee (ICOC) informed of significant program changes, initiatives, and schedule changes. This letter provides the ICOC with information regarding the next round (Round Three) of San Diego Unified School District’s (District) submission to the Career Technical Education (CTE)/ Department of General Services (DGS) grant program. This DGS grant program provides 50 percent matching funds for eligible CTE construction projects up to a maximum of $1.5 million for renovations/equipment for existing facilities and $3 million for new construction. The total allocation of funding for the program is $500 million and is one of the project categories included in the 2006 statewide school facilities bond Proposition 1D that was approved in November 2006.

The District has participated in the first two rounds of CTE grant applications, and 15 projects have received grant approval for more than $24 million in state matching funds. These projects were included in the Proposition S (Prop. S) ballot measure, and the local matching funds will come from Prop. S.

On August 4, 2009, staff submitted to the Board of Education (Board) a list of 12 proposed Career Technical Education projects for possible submission to the California Department of General Services (DGS). The Board was informed that these projects could be funded either by the General Fund, State Schools Facilities Funds (SSFF), or Prop. S revenues. The Board of Education recognized that the application did not represent a commitment to fund these projects, however, the Board recognized that without forwarding the applications, the District would lose the opportunity to participate in the program. Subsequently, the Board approved the grant submittal for all 12 projects (Attachment 1). These projects were then submitted to the California Department of Education (CDE) for ranking and preliminary approval prior to the September 18, 2009 deadline. In February 2010, the District learned that CDE deemed all projects eligible and assigned them a statewide rank. Please note that this first screening does not represent a promise to fund the project by DGS. The promise to fund these projects is made after the preliminary grants for the projects are approved by the State Allocation Board (SAB). The ranking, project cost, and estimated architectural fees are included in Attachment 2.
The California Department of General Services has subsequently notified the district that DGS will be strictly enforcing their funding rules; most importantly, they will enforce the requirement that to obtain funds, projects must be approved by the Division of the State Architect (DSA) within one calendar year after project approval. If this deadline is not met, the project will be canceled by DGS and funds will not be made available. Please note that the time required to develop drawings and obtain DSA approval often takes more than one calendar year; therefore, the District must start design development prior to official project approval. This requires the District to commit to the project prior to formal approval by the State Allocation Board (SAB).

The District will request Board guidance pertaining to Round Three of the CTE program, and if directed to proceed, will seek permission from the Board to begin design work for these projects. Further, the District will seek guidance from the Board regarding whether to fund these projects from either Prop. S funds or SSFF. It should also be noted that seven of the 12 projects involve safety issues at existing CTE facilities in the District. These safety issues will need to be resolved with or without state matching grant funds.

**Legal Analysis**

The described Career Technical Education (CTE) projects are not expressly listed in Part Two of the site-specific list of Prop. S; however, the District may use Prop. S funds for necessary upgrades as stated under the broad language in other portions of Prop. S.

A bond ballot measure is not required to describe in detail every aspect of every proposed project. (*Foothill-DeAnza Community College District v. Emerich* (2007) 158 Cal. App. 4th 11, 16-17.) Rather, it must simply list projects in general categories with descriptions that are sufficient for meaningful oversight. (*Ibid.*) “[T]he rule is that public bodies may submit bond propositions in broad and general terms. Such a body may make its order of submission just as broad, and just as narrow, or just as specific as it is willing to be bound by.” (*Monette-Shaw v. San Francisco Bd. of Supervisors, supra*, at 1221; citing *Sacramento M. U. Dist. v. All Parties, etc.* (1936) 6 Cal.2d 197, 202.) If the list defines or identifies the projects in a manner that clearly apprises the voters, the auditors, and the public oversight committees of the types of projects for which the money is intended to be used, that is sufficient. (*Foothill-DeAnza Community College District v. Emerich, supra,* at 16-17.)

Here, the following broad language permits the District to spend Prop. S funds on the listed CTE projects:

- Under Bond Project List, the ballot measure states: “The Board of Education may make changes in the Bond Project List in the future consistent with the projects specified in the proposition.” (PR-32D0-8)
- Part One under Specific Projects of the ballot states: “Unless otherwise noted the following projects are authorized to be completed at each or any of the district sites...,” including the following: “Upgrade and expand classrooms, labs, and specialized spaces for career and vocational programs.” (PR-32-D0-9)
• Furthermore, near the end of the ballot measure under Additional Projects includes, “Retrofit and build classrooms, labs and facilities to improve specialized instruction.”

Thus, the broad language in the ballot measure, as noted above, is sufficient to allow the District to provide needed upgrades for various career and technical programs at various sites. District staff should follow the same practice and procedures to advise the Board and receive necessary direction and approvals for specific projects as it has through the development of the program.

Financial analysis
Prop. S, State School Facility Funds, developer fees and property management revenues are potential sources of funding. However, current fiscal obligations preclude the use of anything other than Prop. S funds.

Sincerely,

[Signature]

Stuart B. Markey, Executive Director
Capital Improvement Bond Program

SBM:dg

Encl: Attachment 1, Attachment 2

Proposition 1D Round 3 Suggested Project Descriptions

This list was developed with site administrators, CTE teachers and CCTE staff with the safety and health of students being the top priority followed by innovative projects in potential growth industries.

1. 🚨 Construction Tech Academy at the Kearny Educational Complex, Construction Program- Safety issue - Currently the construction class is taught in a student-built bungalow which is over 30 years old and deteriorated. The building is not ADA compliant and has numerous wiring issues. This year, a student put his foot through the ramp which leads to the classroom. There is no heat in the interior and most projects are completed outside on uneven blacktop making framing very difficult. There is no shade outside so students are not protected from the sun. A new building would greatly enhance instruction in the school’s career theme.

2. 🌟 Mira Mesa High School Culinary Program- Safety issue –The facility does not have proper ventilation or a commercial grade vent/hood system for fire safety. The facility is carpeted holding mold, fungus and bacteria from moisture and food spills. The classroom does not allow for students in wheelchairs to have proper mobility. A multi-compartment sink is needed for student projects and clean up. A remodel of the existing facility will allow the instructor to teach to industry standard and will address health and safety issues.

3. 👩‍💻 Henry High School Academy of Engineering- Safety issue –The lab where students cut, drill and nail wood, metal, etc. is not visible to the main classroom and is not large enough for projects that Project Lead the Way requires. Additional power is required throughout the classroom and lab areas. This remodel would provide adequate facilities for the students in the Academy of Engineering.

4. 🎨 Mira Mesa Screen Printing and Computerized Graphic Design Program- Safety issue –The classroom does not have proper ventilation. Even though the instructor uses water-based materials, the smell in the classroom is overwhelming. This remodel will address safety issues and will provide two separate labs for the screen printing and computer graphics programs.

5. 🎬 Hoover High School Academy of Information Technology-Safety issue -This program runs in multiple classrooms where the roof leaks and sewage overflows outside. We have sustained damage to multimedia and computer equipment and it poses an unhealthy environment for students. A remodel of existing classrooms would fix the safety issues and provide a film/audio studio for its broadcast/multimedia/IT programs.
6. **School of Science and Technology at the San Diego Educational Complex, Health Science/Biomedical/Biotech/Nanotechnology Program**—Safety issue—the existing biotechnology program does not have a safety shower for students and ventilation is an issue. This remodel will allow for state of the art health science/biomedical/biotech facilities on the campus and will allow for the growth of their Project Lead the Way biomedical program.

7. **Henry High School Arts, Media and Entertainment**—Using Proposition S funding, a new performing arts facility is being built. In order to grow the school’s arts, media and entertainment program, Proposition 1D funds could be leveraged to include CTE classrooms and equipment so students can be trained in the technical aspects of performances.

8. **School of Creative and Performing Arts, Arts, Media and Entertainment Program**—the campus needs a recording/broadcast facility and a photography studio that is up to industry standard. This remodel will address these issues.

9. **Invention and Design at the Crawford Educational Complex, Sustainable Energies Program**—Incorporating the school’s engineering and automotive programs, a remodel to existing facilities will allow students to further engage in “green technology” projects.

10. **Clairemont High School Simulated Trading Floor, Academy of Business and Technology Program**—based upon university simulated trading floor programs, this new building or remodel of an existing building will allow students from Clairemont’s Academy of Business and Technology and students from business, accounting and finance programs throughout the district to participate in a real-time trading floor and compete in inter-district investment challenges. Students will be able to take financial and accounting theory studied in the classroom to real-world applications related to investments, domestic and international markets, marketing, information systems, ethics and the law related to business.

11. **University City High School, Fabrication and Design Program**—Safety issue—Ventilation issue, dust created by student projects stays in the classroom. This remodel will address the ventilation issue and will turn an outdated wood shop into a facility that can handle the different media that students use (glass, bronze, other metals), will allow students to use welding materials and will provide a state of the art production facility.

12. **Mira Mesa High School, Arts Management Program**—Safety issue—in order to grow the high school’s arts, media and entertainment program, safety issues in the current theater need to be addressed. This remodel will provide CTE classrooms and equipment so students can be trained in the technical aspects of performances.
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<thead>
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<th>School Name</th>
<th>CTE project</th>
<th>Score</th>
<th>Total Project Cost</th>
<th>Estimated State Share of the CTE Project</th>
<th>Estimated District Share</th>
<th>Estimated A&amp;E Fee</th>
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Totals    | $36,747,580  | $17,013,555  | $19,734,025  | $3,078,606  | $307,861  | $1,077,512  | $2,308,955