

Emergency Repair Program (ERP)

Most frequently asked questions



Q: *What is the Emergency Repair Program (ERP)?*

A: The Emergency Repair Program (ERP) is both a reimbursement and grant program. ERP reimburses for the cost of repairing building systems or structural components that pose a health and safety threat to students and staff at eligible school sites. The same schools that are eligible for School Facilities Needs Assessment Grant Program (SFNAGP) funding are eligible for ERP funding. Funds will be made available annually through the Budget Act and the program will operate until \$800 million has been apportioned.

For more information of forms click on: http://www.opsc.dgs.ca.gov/SABPrograms/ERP_Main.htm
<http://www.cde.ca.gov/eo/ce/wc/>

Q: *How do I know if I am eligible to apply for reimbursement under the ERP?*

A: The school must have been identified on the list published by California Department of Education of schools that are in deciles 1 to 3 based on the 2003 Academic Performance Index, and the year of construction of the initial building(s) on the site is prior to January 1, 2000.

Q: *What projects are eligible for reimbursement?*

A: The ERP is a reimbursement program only for emergency repair or replacement projects that pose a health and safety threat to pupils and staff. Education Code Section 17592.72 lists 8 specific conditions that would be eligible for reimbursement of repair or replacement under this program. Although this list is not exhaustive, it provides insight into the nature of the projects that would be considered for funding under the ERP. ERP projects will be repairs or replacement of items in order to restore them to safely functioning state.

Q: *Do I have to wait until the end of the fiscal year to submit my applications because of the "supplement, not supplant" regulations? What is meant by "dedicating" the funds and what paperwork does the district need to have for dedicated funds?*

A: A school district may submit an application for reimbursement at any time of the year and does not need to wait until the end of its fiscal year in order to ensure compliance with the "supplement, not supplant" requirement of the ERP. Furthermore, the district does not need to have all the funds expended from the Deferred Maintenance and Routine Restricted Maintenance accounts in order to submit an ERP application.

Legislation that established the ERP (Senate Bill 6, Chapter 899, Statutes of 2004) specified that the funds available for the program shall be used to supplement, not supplant, existing funds available for maintenance of school facilities. In order to comply with this provision, a district must ensure that it meets the deposit requirements specified in Regulation Section

1859.328 and expends, encumbers or dedicates all funds available from the deposits made. The requirement to dedicate the funds implies that the district has a plan for use of the funds, in other words, the funds are set aside for a legitimate purpose.

Once the project is audited, the OPSC will be verifying that the district made the required deposits into the Deferred Maintenance and Routine Restricted Maintenance accounts. In addition, the district may be asked to provide its plan for the maintenance budgets. The OPSC does not define the format for these plans. Districts can provide the plan in a format that is already in place at the district level.

Q. *May we use district employees to perform the repairs / replacements?*

A. Yes, to the extent that it is permitted by Public Contract Code Section 20114. When reporting force account labor expenditures, the school district must identify the hourly salary of the employee along with the number of hours spent on the repair and may also include the cost of materials used in completing the project.

Q. *Is there a minimum dollar amount for a reimbursement request?*
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A. No, there is no minimum dollar amount for an ERP project. The reimbursement request should include only the costs directly related to and necessary for the eligible project thus, it is possible for the district to have to delineate between necessary costs and actual expenditures.

Q. *Do I have to (or may I) bundle my reimbursement requests by repair type, project, etc.?*

A. When applying for ERP funding, the district must identify the type of project by using one of the categories specified (sewer, water, gas, electrical, HVAC, fire/life safety) or use the type "other" for a project that does not fall into a specified category. The district may combine projects on one school site that are of the same type, for example, replacing broken windows in various locations on the site should be presented as one ERP project.

Q. *Are there any penalties that might be imposed for having a project that qualifies for ERP funds?*

A. No, all districts have critical repair and replacement projects from time to time. The ERP funding is made available to assist districts in funding these projects.



Assembly Bill 607

Changes to the Emergency Repair Program

AB 607 amended some of the status that implements the Williams v. California settlement. Governor Schwarzenegger signed the bill on September 29, 2006, the second anniversary of the Williams Settlement Legislation which made the bill effective January 1, 2007.

AB 607 converts the \$800 million Emergency Repair Program into a grant program. This means that schools are eligible to receive funds before they conduct repairs. Eligible schools will still be able to receive reimbursements if they conduct repairs before applying for funds.

The list of eligible schools will change at the beginning of 2007/2008 fiscal year to reflect the 2006 base API (deciles 1-3). The list will then be updated every three years thereafter.

The state allocation board shall establish a grant application process, grant parameters, substantial progress requirements, and a process for providing certification of the completion of projects. The State Allocation Board shall post the grant application form on its Internet Web site.

Other AB 607 Provisions

Other AB 607 Provisions include a “New Good Repair Standard”. This will establish statewide minimum “good repair” standards for school facilities and directs the OPSC to develop “a school facility inspection and evaluation instrument: to replace the Interim Evaluation Instrument. The OPSC is required to develop the new instrument and instructions for users by January 1, 2007. The instrument will include a system that will evaluate each facility on a good/fair/poor scale and provide an overall summary of the condition of facilities at each school on a scale of exemplary, good, fair, or poor. The OPSC is required to define objective criteria for determining where a school falls on this summary scale by July 1st 2007.

If you would like more information you can contact TOLL-FREE Hotline 1-877-532-2533