
VOCATIONAL FACILITIES ASSISTANCE PROGRAM GUIDELINES

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APPLIES TO

Vocational Facilities Assistance Program (VFAP)

The Vocational Facilities Assistance Program, created in H.B. 675 of the 124th General Assembly, provides state assistance to Ohio's 49 joint vocational school districts to improve the condition of their classroom facilities. The program is structured very similarly to the Classroom Facilities Assistance Program also administered by the Commission. Up to 2 percent of Commission appropriations per year may be allocated to the program.

Applicable Standards

All projects under this program must comply with the Ohio Revised Code, the Ohio School Design Manual and Commission policies.

Definition of Terms

Associate district: A school district that is a member of the Joint Vocational School District.

Basic Project Cost: The estimated budget for the design and construction of the classroom facilities, which are eligible for state assistance and included in the master facilities plan.

Commission: Ohio Facilities Construction Commission.

Facilities Assessment Report: A report outlining the estimated scope and budget for the renovation of existing educational facilities of the school district.

Full Time student: A student enrolled in an Ohio Department of Education certified career path program who receives educational programming at the JVSD and the required academic instruction at the JVSD.

High Bay: Career technical program types 5 to 7 as presented in the Ohio School Design Manual.

JVSD: Joint Vocational School District.

Locally Funded Initiative (LFI): Work that is not part of the co-funded master facilities plan but can be designed, bid and constructed concurrently with a VFAP project (funded solely by the JVSD). Work can

also be an enhancement to the materials or systems of the co-funded master facilities plan with the additional or premium cost funded by the JVSD.

Low Bay: Career technical program types 1 to 4 as presented in the Ohio School Design Manual.

Master Facilities Plan: The description of the scope and budget of the new and/or renovated facilities that will serve the future facilities of a district.

OSDM: Ohio School Design Manual.

Part Time student: A student enrolled in an Ohio Department of Education certified career path program that receives educational programming at the JVSD, but receives the required academic instructional hours at the facility of the school district, which is a member of the JVSD.

Satellite program: A career path program of the Ohio Department of Education located in the facilities of an associate district.

VFAP: Vocational Facilities Assistance Program. This program provides a Joint Vocational School District state assistance to improve existing facilities or to build new facilities under Ohio Revised Code sections 3318.40 to 3318.45.

VFAP ELPP: Vocational Facilities Assistance Expedited Local Partnership Program. This program allows Joint Vocational School Districts to establish a credit for the expenditure of local resources for major renovations or new construction under ORC section 3318.46.

Selection of Districts for Assistance

For selecting Joint Vocational School Districts (JVSDs) for funding and determining amounts of state funding for a project, the Commission uses the three-year average valuation per pupil calculated by the Ohio Department of Education for the current and two preceding fiscal years in accordance with Ohio Revised Code (ORC) section 3318.42.

The Commission annually selects JVSDs for assistance under ORC sections 3318.40 to 3318.45 in the order of the JVSDs' three-year average valuation per pupil. The JVSD with the lowest three-year average valuation per pupil is given the highest priority for assistance.

JVSDs that have previously received conditional approval of a project under ORC sections 3318.40 to 3318.45 and that conditional approval has lapsed are given priority over other JVSDs for project funding once the school district is able to demonstrate that it is able to meet the funding requirements of the program.

Facilities Assessment

1. The Commission will annually assess the classroom facility needs of the number of JVSDs that the Commission potentially could provide assistance to in a fiscal year, based on the amount set aside for that fiscal year under division (B) of ORC section 3318.40 and the order of priority prescribed in division (B) of ORC section 3318.42.

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2. The Commission will obtain the services of qualified professionals to perform on-site evaluations of each of the JVSD's existing classroom facilities. The on-site evaluations will adhere to assessment standards as defined by the Commission.
 3. The JVSD will provide any information available to assist in the identification of any areas of concern for conditions, which cannot be readily observed throughout the JVSD facilities.
 4. The scope of services provided by the assessment professional does not include invasive facilities and grounds investigation. The JVSD is advised that neither the JVSD nor the Commission has control over conditions that are hidden or otherwise unknown.
 5. The JVSD is encouraged to include the design architect, if already selected, in the review of the draft assessment report.
 6. Once the assessment report is finalized, the JVSD board must submit a resolution to the Commission accepting the assessment report, acknowledging the limitations of the assessment and approving the use of the findings outlined in the final Facilities Assessment Report for developing a master facilities plan.

Student Enrollment

For purposes of developing a master facilities plan for a JVSD, the student enrollment is calculated using the following method:

- The Commission will collect 10 years of historical enrollment for the 11th and 12th grade full-time and half-time students and one year of student enrollment by program. Joint vocational school district enrollment projections will be developed using a ten-year associate district projection.
- The students counted will include only 11th and 12th grade students enrolled in a career path technical program funded by the Ohio Department of Education. The student count for the facility is the sum of the full time and part time students in career path programs approved by the Ohio Department of Education.
- The student enrollment calculation for the JVSD will not include students from satellite career technical programs from associate districts if the Commission has funded (or intends to fund) space for those students already or students attending career technical programs in facilities other than those of the JVSD. If a JVSD and the associate district which is currently housing the satellite program each adopt school district board resolutions indicating the need to relocate the satellite program to the JVSD and indicate the approximate date of relocation of the program, the Commission may include those identified students in the enrollment.
- The Commission will differentiate the full-time students from the part-time students for appropriate allocation of square foot per student as defined in the Ohio School Design Manual.
- The Commission will differentiate students enrolled in low bay programs from students enrolled in high bay programs.

Master Facilities Plan

Using the information provided in the final assessment report and the enrollment calculation, the Commission will work with the JVSD to develop a master facilities plan. The master facilities plan will define the gross square footage and project budget required to properly house the JVSD's student population and programs and comply with section 3318.03 paragraphs (A), (C), and (D) of the Ohio Revised Code. The master facilities plan may include the renovation of existing facilities as well as additions to existing facilities or the construction of new buildings. The master facilities plan may include allowances for demolition and environmental abatement of existing classroom facilities owned by the JVSD. The Commission estimates a schedule of 18 months to complete the assessment and master-planning phase. The process may take less time to complete.

In addition, as part of the MFP approval process:

- The district should review the proposed master facilities plan with interested parties from their community. Various plan options, which satisfy the policies and guidelines of the Commission, may be considered.
- The district must explore the potential for the delivery of career technical programs by sharing the use of facilities at two-year technical schools, community colleges, and other post-secondary programs within the geographic area of the district and shall not select career technical programs for inclusion in the co-funded master facilities plan if reasonable opportunities exist for provision of the career technical program at other facilities. Districts will be required to demonstrate that they have worked with local higher education officials to maximize collaboration if the potential exists.
- The district must comply with the provisions of the Ohio Administrative Code, Rule 3301-61-02 to ensure that the career technical programs the district selects for inclusion in the master facilities plan support workforce development goals. Districts will be required to demonstrate that they have worked with local economic development entities to ensure their program offerings reflect the current and future needs of local business and industry.
- There must be a list of planned career technical programs as approved by the Ohio Department of Development.

School Board Acceptance of the Master Facilities Plan

Once the JVSD and the Commission have agreed to a final master facilities plan, and the Ohio Department of Education has confirmed compliance with Ohio Administrative Code, Rule 3301-61-02, the JVSD Board of Education must approve the plan by formal resolution.

Limitations Co-Funded Scope in the Master Facilities Plan

A. Space allocations for high bay vs. low bay programs

For students enrolled in high bay programs, a ratio of 30 students to one program will be used to determine the number of programs that will be funded in the master facilities plan. The calculation is based on dividing the number of students by 30. The resulting whole number (with

no provision for the fractional remainder) will be the number of programs co-funded in developing the master facilities plan.

For students enrolled in low bay programs, a ratio of 50 students to one program will be used for determining the number of funded low bay programs supported by the student enrollment. The calculation methodology is similar to that used for high bay programs.

B. Space allocation for full vs. part time students

For full-time students, square footage will be assigned for academic space as well as career technical space. For part-time students, square footage will be assigned for career technical space only.

C. Space Allocation for Adult Education

State law prohibits the Commission from providing assistance for any distinct part of a project that will be used:

- exclusively for an adult education program
- exclusively for operation of a driver training school for instruction leading to the issuance of a commercial driver's license under Chapter 4506 of the Revised Code
- other space not used for educational programs of the JVSD

Exemptions can be made for life safety items and basic building components necessary for complete and continuous construction or renovation of a classroom facility as determined by the Commission.

D. Satellite Programs

The Commission is prohibited by law from providing assistance under the Vocational Facilities Assistance Program to acquire classroom facilities for vocational educational instruction at a location under the control of a school district that is a member of a JVSD. Any assistance to acquire classroom facilities for vocational educational instruction at such location shall be provided to the school district that is a member of the JVSD through the Classroom Facilities Assistance Program.

E. Equipment and Furnishings

The project budget may include funding for the acquisition of vocational equipment and furnishings that would be provided to a district participating in the Classroom Facilities Assistance Program, or that would be considered integral to the facility in the basic project cost. Examples include:

- Welding booths (but not welders) in welding and Agricultural Education Programs
- Air filtration and specialized HVAC
- Kitchens: walk-in freezers, stoves, other cooking units, and dishwashers

F. Site Acquisition

While the budget contains funds intended for basic site work associated with school construction, the Commission does not co-fund the purchase of a building site. If structures not previously owned by the district must be demolished, or if significant site clearing must be accomplished to make the site useable, the school district will be responsible for 100% of the cost of such.

Determining the Percentage of Local Contribution

Each JVSD's portion of the basic project cost under ORC sections 3318.40 to 3318.45 is one percent times the percentile in which the JVSD ranks on the equity list developed by the Ohio Department of Education, except that no JVSD's portion shall be less than 25 percent or greater than 95 percent of the basic project cost. The percentile ranking of the JVSD will be determined by the Ohio Department of Education in accordance with ORC section 3318.42 (A). The percentile ranking of the JVSD will be updated annually by the Department of Education. The project fund calculation will be based on the percentile rank list in effect for the fiscal year preceding the fiscal year in which the Controlling Board approves the JVSD's project.

Work in Addition to the Co-Funded Master Facilities Plan Scope

A school district may choose to add, or in certain cases be required to include in the project, work which is not part of the master facilities plan. In such cases, the JVSD provides all the additional funding required for the design and construction of the additional work. Such scope and costs are referred to as "Locally Funded Initiatives (LFI)". The Commission will work with the JVSD to help determine which portions of its project will be considered LFI. LFI work scope and budget will be presented in a memorandum of understanding, executed between the JVSD and the Commission, for tracking this work and associated expenditures. LFI work is funded solely by the JVSD.

An LFI falls into one of four categories:

1. Additional square footage in a new facility or addition, such as board offices or additional classrooms.
2. Improvements associated with a renovation project beyond the scope of work funded by the Commission.
3. Material or scope upgrade, such as adding additional casework to a classroom, program equipment, or a special feature of the facility or need for the site.
4. Required LFI to renovate underutilized square footage.

Memorandum of Understanding for the Locally Funded Initiative

The memorandum shall specify:

1. A detailed description of the scope of the LFI.
2. The budget for the LFI and accompanying documentation detailing the proposed method of funding.

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3. The means for allocating the cost of the LFI and change orders if the LFI is integral to the co-funded project.

The memorandum may be amended by the Commission and the JVSD from time-to-time throughout the project to add or delete scope to accommodate changes in available funding or the decision of the JVSD to add or delete LFI scope.

Participation

When a JVSD is notified by the Commission that funds are available to serve the JVSD, the JVSD is required to submit to the Commission a Resolution of Intent to Participate adopted by the Board of Education. The resolution, in a form specified by the Commission, indicates the JVSD's desire to proceed with the Scope of the Project and Master Facilities Plan, summarizes the scope and budget for the project, lists the state and local shares of the basic project cost and includes an acceptance of the Facilities Assessment Report.

Conditional Approval by the Commission and Controlling Board Approval

If the Commission decides in favor of the acquisition of classroom facilities for a project under ORC sections 3318.40 to 3318.45, such project shall be conditionally approved by the Commission. Such conditional approval shall be submitted to the Controlling Board for approval. The Controlling Board shall approve or reject the Commission's determination, conditional approval, the amount of the state's portion of the basic project cost, and the amount of the state's portion of the basic project cost to be encumbered in the current fiscal biennium. In the event of approval by the Controlling Board, the Commission shall certify the conditional approval to the JVSD Board of Education and shall encumber the approved funds for the current fiscal year.

Resolution of Acceptance

After conditional approval and prior to entering into a Project Agreement between the Commission and the JVSD, the JVSD school board shall pass a Resolution to Accept the Master Facilities Plan that specifies the total project budget, the state share of the budget, and the local share of the budget.

Lapse of Conditional Approval

The conditional approval for a project shall lapse and the amount reserved and encumbered for such project shall be released unless both of the following conditions are satisfied:

1. Within one hundred twenty days following the date of certification of the conditional approval to the JVSD board, the JVSD board accepts the conditional approval by passing the resolution of acceptance and certifies to the Commission the JVSD board's plan to generate the JVSD's portion of the basic project cost, as determined under division (C) of ORC section 3318.42, and to set aside moneys for maintenance of the classroom facilities acquired under the project, as prescribed in ORC section 3318.43.
2. Within one year following the date of certification of the conditional approval to the JVSD board, the JVSD board generates the JVSD's portion of the basic project cost using any of the means described in 3318.44(a).

Funding

VFAP projects are co-funded by the local JVSD and the state. The proportion of funding by the JVSD is determined by the JVSD's equity ranking in accordance with ORC section 3318.40. A JVSD's VFAP project may contain both qualifying and non-qualifying expenditures. Non-qualifying expenditures are referred to as Locally Funded Initiatives (LFI). The Commission will work with JVSD to determine which portions, if any, of the project will be considered LFI.

JVSDs may fund their VFAP project through a variety of options that are outlined in ORC section 3318.44. They may include:

- Proceeds from the Sale of Bond
- Permanent Improvement Levy
- Local Donated Contribution as defined in ORC section 3318.084

The method of funding is a local decision but must comply with all applicable laws. For this reason, the Commission recommends that JVSDs seek the counsel of a qualified bond attorney in determining the most appropriate way to fund their VFAP project.

Prior to the release of any state monies, all local resources for the JVSD's share of the basic project cost used for VFAP must first be deposited in the Project Construction Fund required under ORC section 3318.08. JVSDs will be required to provide a full accounting of the Fund upon request by the Commission. The JVSD Board of Education shall provide the Commission a copy of any audit report received from the Auditor of State.

The state and local funds shall be spent simultaneously in proportion to the state's and the JVSD's respective portions of the basic project cost.

For audit purposes, the Commission requires evidence of the required funding. The Commission will accept a deposit statement certified by the banking institution and a Certification of Local Funds by the JVSD treasurer as acceptable evidence.

Maintenance Plan Funding

In addition to generating the amount of the JVSD's portion of the basic project cost as determined under division (C) of ORC section 3318.42, for a JVSD to receive assistance under ORC sections 3318.40 to 3318.45, the JVSD board shall set aside school district moneys for the maintenance of the classroom facilities included in the JVSD's MFP in the amount and manner prescribed in ORC section 3318.43. JVSDs that participate in state-assisted school construction projects are required to provide an amount equal to one and one-half percent of the current insurance value of the facilities acquired under the project, for a period of 23 years, for maintaining the completed school facilities. Each year, for twenty-three successive years after the commencement of a JVSD's project under ORC sections 3318.40 to 3318.45, the board of education of a JVSD shall deposit into a separate maintenance account or into the JVSD's capital and maintenance fund established under ORC section 3315.18, school district moneys dedicated to maintenance of the classroom facilities. The value shall be subject to the approval of the Ohio Facilities Construction Commission ("Commission").

The Commission will require a maintenance plan, including a proposed method of funding, for the maintenance of completed VFAP project(s).

The Project Agreement

If the conditions prescribed in ORC sections 3318.40 to 3318.45 for conditional approval are satisfied, the Commission and the JVSD board shall enter into a Project Agreement as prescribed in ORC section 3318.08 and shall proceed with the development of plans, cost estimates, designs, drawings, and specifications as prescribed in ORC section 3318.091. The VFAP Project Agreement sets forth the binding requirements of agreement between the Commission and the JVSD Board of Education, which formalize the JVSD's participation in the VFAP Program. The agreement will contain, at a minimum, the following:

- Scope of the Project
- Basic Project Cost
- State and local shares of the Basic Project Cost
- Reporting requirements
- Eligibility for State Assistance requirements
- Contract Administration requirements
- General Provisions
- Locally Funded Initiative requirements

ORC sections 3318.13, 3318.14, and 3318.16 apply to projects under ORC sections 3318.40 to 3318.45.

Transfer and disbursement of funds

Transfer and disbursement of funds shall be in accordance with ORC section 3318.12. The Ohio Facilities Construction Commission ("Commission") shall cause to be transferred to the JVSD's Project Construction Fund the necessary amounts from amounts appropriated by the general assembly and set aside for such purpose, from time to time as may be necessary to pay obligations chargeable to such fund when due. All investment earnings of a JVSD's Project Construction Fund shall be credited to the fund.

The treasurer of the JVSD board shall disburse funds from the JVSD's Project Construction Fund, including investment earnings credited to the fund, only upon the approval of the Commission or the Commission's designated representative.

Budget Adjustments

The state and the JVSD shall share in any increases in the basic project cost of the project in accordance with the proportional funding provided in the Project Agreement.

Costs in excess of those approved by the Commission under ORC section 3318.091 shall be payable only as provided in ORC sections 3318.042 and 3318.083. If, after the Ohio Facilities Construction Commission ("Commission") and a JVSD enter into a written agreement under ORC section 3318.08 for the construction of a classroom facilities project, the Commission approves an increase in the basic project cost above the amount budgeted plus any interest earned and available in the Project Construction Fund, the state and the JVSD shall share the increased cost in proportion to their respective contributions to the JVSD's Project Construction Fund.

Project Delivery

VFAP projects are jointly administered projects by the JVSD and the state. During the period from the execution of the Project Agreement until the closeout of the project, the JVSD and the state are co-owners of the project.

The JVSD and the Commission shall jointly select the appropriate method of project delivery and project team members as permitted by law consistent with Commission policies. The JVSD, with the approval of the Commission, shall competitively bid or otherwise award, execute and administer contracts for construction on the project and all other contracts as necessary, using Commission documents and forms and in compliance with applicable federal, state and local statutes, ordinances, codes and regulations.

Public school construction involves many “stakeholders” and because the failure to have consensus of direction can be costly, the Commission recommends the development of a “partnering” arrangement to facilitate the strategic planning of work processes and dispute resolution protocol.

A reasonable fee structure for design professionals, construction managers, and partnering facilitation has been included in the development of the “basic project cost.”

Advertisement for bids and the award of contracts for construction of any project under ORC sections 3318.40 to 3318.45 shall be conducted in accordance with ORC section 3318.10.

Project Design

Once the VFAP Project Agreement has been executed, and the JVSD has secured the required project funding, the JVSD may begin the project design.

New construction projects under this program must comply with the Ohio School Design Manual (OSDM). Renovation projects are required to satisfy the scope outlined in the Assessment Report as identified in the Master Facilities Plan. Renovation designs should comply, as is practical to do so, with the concepts, materials, and systems prescribed in the OSDM. For ensuring compliance with those standards, four separate design phase submittals/approvals are required for each building project: Program of Requirements (POR), Schematic Design (SD), Design Development (DD), and Construction Documents (CD). The Commission will work with a JVSD and their consultants to develop a project design schedule that will incorporate scheduled submittal dates as well as adequate review time. The JVSD Board of Education will be required to approve each phase by resolution. The Commission will review each phase for compliance with program requirements and shall approve compliant submittals. The Commission may grant conditional approval, which is contingent upon specified changes being incorporated into the next phase review submittal.

Project Closeout

The JVSD is required to develop and adopt a maintenance plan and submit the plan to the Commission for approval.

Eleven months following the completion of the construction of the facilities the architect and construction manager will conduct a “walk through” of the facilities to identify issues requiring correction by the contractors under the terms of their 12-month guarantee of work.

Following the completion of the construction of the project the Commission shall issue a Certificate of Project Completion when the following conditions have been satisfied:

- All outstanding issues are addressed and a certificate of contract completion has been issued on all contracts.
- Adoption by the JVSD school board and approval by the Commission of a maintenance plan for the facilities acquired or improved through the VFAP project.
- A final accounting and reconciliation of the Project Construction Fund agreed to by the JVSD Treasurer, the Construction Manager, and the Commission.

Liquidation of Project Construction Fund upon Completion of the Project

After the Commission issues the Certificate of Project Completion the Project Construction Fund is liquidated in accordance with ORC section 3318.12:

Any investment earnings remaining in the Project Construction Fund that are attributable to the JVSD's contribution to the fund shall be transferred to the JVSD's maintenance fund required by section 3318.43 of the ORC and the money shall be used solely for maintaining the classroom facilities included in the project.

Any investment earnings remaining in the Project Construction Fund that are attributable to the state's contribution to the fund shall be transferred to the Commission for expenditure pursuant to ORC sections 3318.01 to 3318.20 or ORC sections 3318.40 to 3318.45.

Other surplus remaining in the JVSD's Project Construction Fund after the project has been completed shall be transferred to the Commission and the JVSD board in proportion to their respective contributions to the fund.

Pursuant to appropriations of the General Assembly, any moneys transferred to the Commission under division (C)(2) or (3) of this section from a Project Construction Fund for a project under ORC sections 3318.40 to 3318.45 may be used for future expenditures for projects under ORC sections 3318.40 to 3318.45, notwithstanding the two per cent annual limit specified in division (B) of ORC section 3318.40.

Additional Assistance after VFAP Assistance

No JVSD that receives assistance under ORC sections 3318.40 to 3318.45 shall have another such project conditionally approved until the expiration of twenty years after the JVSD's prior project was conditionally approved, unless the JVSD board demonstrates to the satisfaction of the Commission that the JVSD has experienced an exceptional increase in enrollment significantly above the JVSD's design capacity under that prior project as determined by rule of the Commission.

JVSDs that Participate in Vocational Facilities Assistance Expedited Local Partnership Program

Any JVSD participating in Vocational Facilities Assistance Program (VFAP) which previously participated in the Vocational Facilities Assistance Expedited Local Partnership Program (VFAP ELPP) must comply with applicable guidelines and rules adopted by the Commission for VFAP ELPP.