

OFFICE OF PUBLIC SCHOOL CONSTRUCTION  
STAKEHOLDER MEETING  
June 4, 2024

Proposed Amendments to the Facility Hardship and Seismic Mitigation Program Regulations

PURPOSE

To discuss and receive stakeholder input regarding updates to the Facility Hardship Program (FHP) and Seismic Mitigation Program (SMP) for the purposes of providing clarity, consistency, and general updates in School Facility Program (SFP) Regulation Sections 1859.82.1, and 1859.82.2, and to the *Facility Hardship Cost Estimate* (Form SAB 58-01).

DESCRIPTION

The FHP began in 1998 with the creation of the SFP. In 2006, California voters approved Proposition 1D, which provided funding to create the SMP.

The FHP provides funding assistance in cases of extraordinary circumstances that have caused an imminent health and safety threat to students and staff. Extraordinary circumstances may include but are not limited to:

The need to replace school buildings as a result of any of the following:

- a natural disaster such as a fire, flood, or earthquake,
- proximity to a major freeway, airport, electrical facility, high power transmission lines, dam, pipeline, or industrial facility,
- adverse air quality,
- structural deficiency to the school building, or,
- site conditions such as faulting, toxic soil, or liquefaction.

The need to rehabilitate school buildings, components of school buildings, or school site conditions. Examples of this may include:

- school building structural deficiencies,
- hazardous conditions such as methane, or lead,
- unsafe water supply, or,
- site conditions such as faulting, toxic soil, landslide risk, or liquefaction.

Staff has prepared proposed program regulation and Form SAB 58-01 changes for the FHP and SMP that are included as Attachments A and B. These changes are intended to build upon the amendments approved by the Board in May 2020 and improve the functionality and effectiveness of the program regulations. In many cases the language is reorganized and clarified to ensure clarity for program applicants and the Office of Public School Construction (OPSC) as administrator of the programs.

AUTHORITY

See Attachment C.

## BACKGROUND

On May 27, 2020, after three public meetings seeking stakeholder feedback, OPSC presented and the State Allocation Board (SAB) approved regulatory amendments, corresponding edits to the *Application for Funding* (Form SAB 50-04), and the establishment of a new cost estimate form called the *Facility Hardship Cost Estimate* (Form SAB 58-01). The amendments included comprehensive changes to the overall organization and structure of the regulation text, program funding, and eligibility criteria.

Through the course of processing applications received under the FHP and SMP since the 2020 program changes went into effect, OPSC has identified several areas of opportunity to provide further clarification, standardization, and improved user readability and experience of the SFP regulations governing this program.

## STAFF ANALYSIS/DISCUSSION

The following improvements to the regulatory language for the FHP and SMP are presented for consideration below in order of appearance. Proposed changes that are applicable to both sections 1859.82.1 and 82.2 are listed only one time and noted as such.

### **Summary of Changes to SFP Regulation Section 1859.61 and FHP and SMP Regulations Sections 1859.82.1 & 82.2**

#### *Section 1859.61 – Adjustments to Modernization Baseline as a result of FHP and/or SMP Funding*

The intent of SFP Regulation Section 1859.61(l) is to outline the conditions for when an adjustment to a district's modernization eligibility baseline is required as a result of receiving a New Construction Grant or Facility Hardship Square Footage Grant. For school buildings and/or classrooms that were originally included in the district's baseline eligibility and were later demolished or removed from classroom use due to health and/or safety concerns that meet the requirements of Regulation Section 1859.82.1 or 1859.82.2, except the district did not have the current enrollment to support the replacement and funding of those school buildings and/or classrooms, the regulations allow for an adjustment to the district's modernization eligibility.

As written, a school board resolution is required in two instances; however, the school board resolution required to allow this adjustment should only apply to qualifying classrooms that did not have enrollment to support the funding. Therefore, staff proposes language to state the requirements more clearly for how this adjustment will be made by reorganizing and renumbering the current language. A school board resolution is only required under the new Section 1859.61(l)(2)(B).

#### *Sections 1859.82.1 & .82.2 Add Definition for Grade Category*

When determining the number of classrooms needed to house enrollment at a school site, OPSC assesses this need on grade category basis in the same fashion SFP grants are assigned. The resulting number of classrooms needed to house pupils enrolled at the site are assigned by grade categories K-6, 7-8, 9-12, Non-Severe, and Severe, rather than by each grade level individually. Thus, staff proposes to define the term "grade category" in regulation.

The proposed regulation text includes the addition of the definition of "grade category" for the purposes of the FHP and SMP regulation sections only, which shall mean kindergarten through sixth grade (inclusive of transitional kindergarten), seventh grade through eighth grade, ninth grade through twelfth grade, Non-Severely Disabled Individuals with Exceptional Needs, and Severely Disabled Individuals with Exceptional Needs. Facilities for Non-Severely

Disabled Individuals with Exceptional Needs and Severely Disabled Individuals with Exceptional Needs receive a higher per pupil grant than K-12 pupils. Non-Severely Disabled Individuals with Exceptional Needs and Severely Disabled Individuals with Exceptional Needs students are not considered grade levels under the SFP. This added definition will better clarify that classroom capacity for Replacement applications will be determined by grade category rather than individual grade levels.

*Sections 1859.82.1 & .82.2 - Minimum Work and Required Additional Work*

The purpose of this change is to clarify that other governmental agencies, in addition to the Division of the State Architect (DSA), may require work to be completed as part of the qualifying FHP or SMP project. This work may also be included in the application for funding.

*Sections 1859.82.1 & .82.2 - Require Additional Documents for a Complete Application Submittal for Replacement Projects*

To avoid delays and enable more expeditious processing of FHP and SMP Replacement applications, the proposed regulations include two additional documents that a district must submit for a complete Approved Application.

1. A site development worksheet for projects wherein site development work was or will be performed and additional funding is being requested for site development costs.
2. A gross inventory of all school buildings located on the project site at the time of submittal of the Approved Application, such as a site diagram or floor plan, that indicates current usage/building type, grade level, and square footage of each facility.

*Section 1859.82.1 - Mitigation of Asbestos*

Current regulations allow for mitigation of asbestos when lab results demonstrate that it is currently friable. Staff has determined that additional clarifying language should be added to outline when asbestos mitigation can be funded under the FHP. The FHP is intended to cover costs for extraordinary circumstances pursuant to Education Code (EC) Section 17075.10. In addition, EC Section 17074.25 already provides that a district may use modernization grants for various purposes including “abatement of hazardous asbestos.” The inclusion of this allowance in section 17074.25 suggests that asbestos is not an extraordinary circumstance. FHP funding for asbestos abatement is limited to situations that arise when asbestos becomes friable only through extraordinary circumstances outside of routine repair, maintenance, or modernization work.

For example, the Board has funded asbestos mitigation for buildings damaged as a result of an earthquake that caused previously encapsulated asbestos to become friable. The friable asbestos was also confirmed by lab results. This type of project would be eligible for Facility Hardship funding because of the extraordinary circumstance that precipitated its friability.

Abatement of asbestos that is exposed or disturbed and becomes friable during routine modernization, repair or maintenance work, such as fire or access compliance upgrades, or flooring replacement, is an eligible use of SFP Modernization grants. This type of project would not qualify for the Facility Hardship Program.

*Sections 1859.82.1 & .82.2 - Clarify the Calculation Methodology for Base Grant Funding of Individual Building Replacement Applications*

OPSC has received funding requests recently that are changing the use of the space being replaced, had less than adequately sized facilities prior to the health and safety issue, and/or are required to build back more square footage than is provided for in SFP regulations in order to obtain DSA plan approval. OPSC saw an opportunity to incorporate language that will help to clarify how funding is calculated when some, but not all buildings on the site are being replaced.

The base grant for applications that qualify for Replacement funding to replace some but not all school buildings on a school site is based upon the Square Footage grant amount determined by the calculation methodology in SFP Regulation Sections 1859.82.1(b)(4)(B) and 1859.82.2(b)(4)(B). To more clearly explain the grant calculation process for Replacement applications, the proposed regulations include the following clarifying changes to the language detailing this grant calculation methodology:

- Add language clarifying that funding will be based upon the facility type of the school building being constructed in addition to the Square Footage of the building being replaced. This change will clarify how funding will be provided in scenarios wherein a school district is replacing the eligible school building of one Facility Type with a school building of a different Facility Type.
- Add language clarifying that funding may be provided for at least the minimum Square Footage amount allowable in the regulation chart for the applicable Facility Type if the Square Footage of the school building being replaced was less than the amount prescribed in the chart, provided that the District is constructing at least that minimum Square Footage. Making this change will ensure that the funding provided will be for a facility that is adequately sized for the Facility Type and the site's enrollment.
- Add language to provide flexibility for circumstances in which school districts are required to construct more toilet square footage than the Square Footage calculation determines as allowable for the project and site in order to obtain plan approval from DSA.

*Sections 1859.82.1 & .82.2 - Further Define Eligible Funding for Rehabilitation Applications*

Through the course of processing applications seeking Rehabilitation funding, OPSC identified the need to further outline how funding would be provided for Rehabilitation applications involving the replacement of components or unenclosed roofed structures, such as lunch shelters, shade structures, and covered walkways.

While the regulations are clear in that school districts can perform work that is beyond the health and safety scope, FHP and SMP funds are intended to be based only on costs associated with the minimum work necessary to mitigate a qualifying health and safety threat and any additional work that may be required in order to obtain required approvals from governmental entities. Staff's intent with these proposed changes is to maintain the Program's focus on funding only the minimum mitigation work outlined in the industry specialist's report submitted with the application while also allowing for flexibility in Program funding for additional costs school districts are required to incur in order to meet governmental agency requirements in the pursuit of completing the mitigation work and obtaining plan approval.

For example, a structural engineer has determined that a wooden lunch shelter has significant dry rot and structural integrity issues due to design failures, making collapse of the structure likely and, as such, threatening the health and safety of the students and staff. Due to the significant issues posed, the industry specialist has determined that the most cost effective way to mitigate the health and safety issue is to replace the wooden lunch shelter with one made of steel. In this scenario, funds associated with replacing the wooden lunch shelter with a metal lunch shelter would be deemed eligible for Rehabilitation funding because the industry specialist's report detailed how the change in material was integral in fully mitigating the health and safety threat as the combination of the wood, adverse climate conditions, and design all were contributing factors to rendering the lunch shelter at imminent risk of collapse.

However, if the district in this same scenario instead opts to replace the wooden lunch shelter with a state-of-the-art lunch shelter made with high-end materials, retractable walls, and enhanced supplemental components like HVAC units, funding for this project would not be

based on the costs involved with constructing the enhanced lunch shelter but, rather, to provide replacement of what was existing before but may include required safety upgrades such as material changes as outlined in the industry specialist's report.

In cases where the industry specialist's report outlines rehabilitation work as the resolution to mitigate the health and safety threat, the rehabilitation work outlined in the report will be used to generate the funding provided for the funding request as it would represent the minimum work needed to provide a safe structure and meet the requirements needed to obtain plan approval of the project.

#### *Sections 1859.82.2 - Supplemental Grants*

Staff determined that the following amendments were needed regarding the supplemental grants that certain applications may be eligible to request.

1. Staff proposes adding the New Construction Excessive Cost Hardship Grant for urban location, security requirements and impacted site to the list of supplemental grants qualifying SMP applications seeking Replacement funding to replace some but not all school buildings may request. The omission of this grant was an oversight when regulations were updated in 2020, and this amendment will ensure that qualifying SMP Replacement applications may receive funding to properly account for added costs presented by urban construction that these new construction-type projects may face and that are not accounted for in the base funding for SMP Replacement funding. This amendment will also ensure consistency in the supplemental grant opportunities provided to both FHP Replacement applications and SMP Replacement applications.
2. Staff proposes removing the Excessive Cost Hardship Grant for accessibility and fire code requirements for a new two-stop elevator from the list of supplemental grants that qualifying SMP Rehabilitation applications may request. This supplemental grant is duplicative. Costs for the new two-stop elevators required by DSA would already be eligible to be included in the cost estimate. If the cost benefit analysis finds the rehabilitation costs to be less than 50 percent of the replacement amount for the building, the necessary costs would be included on the Form SAB 58-01 that generates rehabilitation funding for the project.

#### *Sections 1859.82.1 & .82.2 - Eligible Costs for Inclusion in the Form SAB 58-01*

In response to stakeholder feedback provided at the stakeholder meetings held prior to the 2020 regulation changes, and through written correspondence to OPSC, staff incorporated language clarifying that funding will be provided for code compliance work if it is required by DSA to obtain plan approval of the health and safety scope. Since the enactment of the updated regulations, staff has identified an opportunity to strengthen this language while also providing flexibility for the Board to provide additional funding to cover supplemental work that school districts may be required to perform in order to obtain all needed approvals for the health and safety work. The proposed regulations include language to specifically note that Districts may include additional work beyond the minimum work needed to mitigate the qualifying health and safety threat in the Form SAB 58-01 if it is required to be completed to gain required approvals from DSA and/or other Governmental Agencies (as defined in Section 1859.2).

#### *Sections 1859.82.1 & 82.2 - Specify Concurring Agency for Rehabilitation Applications for Hazardous Materials and Waste Projects*

The proposed regulations specify that FHP Rehabilitation applications for the cleanup and/or remediation of hazardous materials and waste under the jurisdiction/oversight of the Department of Toxic Substances Control (DTSC) must obtain a letter of concurrence from DTSC. The requirement for DTSC concurrence for hazardous cleanup projects aligns with guidance in SFP Regulations for New Construction projects and ensures that the proper

authority over such work is involved in FHP Rehabilitation projects.

*Facility Hardship Cost Estimate (Form SAB 58-01) Update*

When the Form SAB 58-01 (Form) was approved, it was intended that Staff would annually publish the SAB 58-01 in a template format with updated allowances in conformance with the Current Construction Remodeling Costs publication, as needed. Staff is amending the format of the official Form SAB 58-01 to align with the order of the categories for the General Requirements Section as published in the Sierra West Publication, *Current Construction Remodeling Costs*.

Regulation Section 1859.82.1(c)(3)(C) already outlines what the Form SAB 58-01 needs to include. Subsection 1 requires all Forms SAB 58-01 to be prepared in accordance with Sierra West. This section states, "The Form SAB 58-01 must use the most current edition of the Current Construction Remodeling Costs publication by Sierra West Publishing...." Staff has confirmed with Sierra West staff that these changes to the soft cost schedule align with their publications. A summary of the proposed changes follows.

*Instructions* tab is updated to better explain the requirements of the Form and its calculations.

*Estimate Detail* tab is expanded and updated as follows:

*Part I*

- Numbered the column for "OPSC's Allowance." This assists with providing instructions and references to this section.
- Added a column for "OPSC Review Comments." Currently a column is not available for OPSC to provide an explanation for why a value was disallowed or allowed at a value different than requested.
- Access Compliance - OPSC is proposing the addition of this line to save districts time, make application processing more efficient, and ensure that funding is provided to cover the maximum accessibility work that would be required for the project. In cases where a school district qualifies for funding as a rehabilitation project, but intends to do replacement work, OPSC does not require fully approved construction plans to support the cost estimate used to generate the rehabilitation estimate used to provide funding for the project. This approach may also be used when creating a cost estimate for rehabilitation work used as part of the cost benefit analysis conducted to determine if the project is eligible for rehabilitation or replacement funding.

In lieu of requesting individual line items for Access Compliance, the district may request a 20-percent allowance to cover the costs of the maximum Access Compliance work required by DSA. This allowance is reflective of the maximum requirements in Title 24, Section 11B-202.4, Exemptions, 8.

- NOTE: The 20-percent allowance is only used for applications using conceptual or schematic drawings, typically part of the cost benefit analysis to determine if the project will receive rehabilitation or replacement funding. It does not apply to applications with DSA-approved plans showing the actual work required. The facility hardship grant may only be provided for work directly associated with the minimum mitigation of the health and safety threat, as well as any other work required to gain plan approval or to complete the project by agencies with project oversight. Delineating this work out from the other improvements being made in the same plan set can be challenging, especially for hybrid projects.

**Part II**

**Contractor Burden Costs** - This Part has been renamed from *General Requirements* to *Contractor Burden*. In consultation with Sierra West representatives and districts, OPSC received feedback that the term “Contractor Burden” would be a more accurate description. The update in terminology is to clarify that these are hard costs related to the items the contractor is required to provide for a successful project completion. The Sierra West publication allows contractor burden for the following items:

**General Conditions**- There is a two-step process for calculating this allowance, as follows:

1. “Multiplier” - Determine the applicable percentage to multiply the total by from Sierra West. The percentage is based on the scope of the project, as reflected in the total project cost reported to DSA, compared to CSI# 01.1000 000 in Sierra West. The purpose of completing this calculation is to get the allowance percentage to be commensurate with what the district is paying as part of the contract to complete the hardship work. Often FHP and SMP applications fund a portion of a comprehensive modernization project. If the percentage was based just on the OPSC allowance subtotal, it would appear that the project was smaller and therefore would generate a higher percentage allowance. This could ultimately result in significantly more contractor burden funding than actually applicable to the health and safety mitigation. Additionally, the FHP and SMP can only fund the minimum work required to mitigate the health and safety threat. Providing excess contractor burden allowances would not be in alignment with program intent.
2. Multiply the percentage determined above, by the section Construction Subtotal. This calculation will result in the eligible grant amount for General Conditions.

Example A. A project was a stand-alone Facility Hardship application where the only scope in the DSA-approved plans is the minimum mitigation work and any required ancillary work to gain plan approval and complete the project. The application qualified for an OPSC Allowance Subtotal of \$1.5 million and has a total project cost reported to DSA for the plan set of \$1.5 million. In accordance with Sierra West, the Project would qualify for a General Conditions percentage of 12%, which results in a grant of \$180,000 for General Conditions.

An example of the Sierra West publication reference can be found below:

01.1000 000	<b>GENERAL CONDITIONS:</b> <i>Note: General conditions will range from 6% of project costs for large projects to 20% of project costs for small projects. If manual labor distributables are excluded, allow for 0.9% of project cost. Congested urban areas, allow an additional 2%.</i>
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AMOUNT/SIZE	REPAIR OF FIRE DAMAGE	ALTERATIONS & ADDITIONS	UNIQUE STRUCTURE	INSTITUTIONAL STRUCTURE	COMMERCIAL STRUCTURE	PUBLIC WORKS HEAVY	HIGH RISE HOUSING	LOW RISE HOUSING	SINGLE FAMILY TRACT	SINGLE FAMILY CUSTOM	SINGLE FAMILY ARCHITECTURAL
	%	%	%	%	%	%	%	%	%	%	%
Under \$200 Thousand	20.0	20.0	18.0	16.5	15.0	15.0	15.0	15.0	15.0	15.0	20.0
\$200 to \$500 Thousand	18.0	16.0	14.0	12.0	10.0	10.0	10.0	10.0	10.0	12.0	15.0
\$500 Thousand to \$1 Million	16.0	14.0	12.0	10.0	8.0	9.0	8.0	8.0	8.0	10.0	11.0
\$1 to \$2 Million	14.0	12.0	10.0	8.0	6.5	7.0	6.5	6.5	6.5	8.0	10.0
\$2 to \$5 Million	12.0	10.0	8.0	8.0	5.5	6.5	5.5	5.5	5.5	6.5	7.5
\$5 to \$10 Million	10.0	8.0	7.0	8.0	5.0	6.0	5.0	5.0	5.0	6.0	7.0
\$10 to \$20 Million	8.0	7.0	6.0	7.5	5.2	5.5	5.0	5.0	5.0	0.0	0.0
\$20 to \$50 Million	7.0	6.5	6.0	7.0	5.0	5.0	4.5	4.5	4.5	0.0	0.0
\$50 to \$100 Million	6.5	6.0	5.5	6.5	4.5	4.7	4.5	4.5	4.2	0.0	0.0
\$100 Million and Up	6.0	5.5	5.0	6.0	4.5	4.5	4.5	4.5	0.0	0.0	0.0

Example B. A project is to mitigate a health and safety threat that qualifies for the Facility Hardship program. While completing the work to mitigate the threat, the district would also like to complete a comprehensive modernization project for the site. The application qualified for an OPSC Allowance Subtotal of \$1.5 million and has a total project cost reported to DSA for the plan set of \$100.5 million. In accordance with Sierra West, the Project would qualify for a General Conditions percentage of 5.5% based off of the total project cost of \$100.5 million.

That percentage would then be applied to the \$1.5 million OPSC Allowance Subtotal and result in a General Conditions grant of \$82,500. This approach reflects the benefits of the economies of scale from combining the facility hardship scope of work with the additional scope completed in the same plan set.

An example of the Sierra West publication reference can be found below:

01.1000 000	GENERAL CONDITIONS: <i>Note: General conditions will range from 6% of project costs for large projects to 20% of project costs for small projects. If manual labor distributables are excluded, allow for 0.9% of project cost. Congested urban areas, allow an additional 2%.</i>
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AMOUNT/SIZE	REPAIR OF FIRE DAMAGE	ALTERATIONS & ADDITIONS	UNIQUE STRUCTURE	INSTITUTIONAL STRUCTURE	COMMERCIAL STRUCTURE	PUBLIC WORKS HEAVY	HIGH RISE HOUSING	LOW RISE HOUSING	SINGLE FAMILY TRACT	SINGLE FAMILY CUSTOM	SINGLE FAMILY ARCHITECTURAL
Under \$200 Thousand	20.0	20.0	18.0	16.5	15.0	15.0	15.0	15.0	15.0	15.0	20.0
\$200 to \$500 Thousand	18.0	16.0	14.0	12.0	10.0	10.0	10.0	10.0	10.0	12.0	15.0
\$500 Thousand to \$1 Million	16.0	14.0	12.0	10.0	8.0	9.0	8.0	8.0	8.0	10.0	11.0
\$1 to \$2 Million	14.0	12.0	10.0	8.0	6.5	7.0	6.5	6.5	6.5	8.0	10.0
\$2 to \$5 Million	12.0	10.0	8.0	8.0	5.5	6.5	5.5	5.5	5.5	6.5	7.5
\$5 to \$10 Million	10.0	8.0	7.0	8.0	5.0	6.0	5.0	5.0	5.0	6.0	7.0
\$10 to \$20 Million	8.0	7.0	6.0	7.5	5.2	5.5	5.0	5.0	5.0	0.0	0.0
\$20 to \$50 Million	7.0	6.5	6.0	7.0	5.0	5.0	4.5	4.5	4.5	0.0	0.0
\$50 to \$100 Million	6.5	6.0	5.5	6.5	4.5	4.7	4.5	4.5	4.2	0.0	0.0
\$100 Million and Up	6.0	5.5	5.0	6.0	4.5	4.5	4.5	4.5	0.0	0.0	0.0

The FHP and SMP require funding be provided for the minimum work required to mitigate the threat. Providing funding for contractor burden costs disproportionate to the project, as reflected in the DSA-approved plan set, would result in over-funding of these applications beyond the minimum work to mitigate the health and safety threat, and result in less hardship funding being available to other districts in need.

*Overhead, Profit, and Bond-* Like General Conditions, there is a two-step process for calculating this allowance as follows:

1. "Multiplier" - Determine the applicable percentage from Sierra West to multiply by the total. The percentage is based on the scope of the project, as reflected in the total project cost reported to DSA, compared to CSI# 01.2000 000 in Sierra West. Like with General Conditions, the purpose of completing this calculation is to get the allowance percentage to be commensurate with the cost of the project (DSA-approved plan set).
2. Multiply the percentage by the sum of the Construction Subtotal from Part 1 and the allowance for General Conditions from Part II. This calculation will result in the eligible grant amount for Overhead, Profit and Bonds.

*Escalation-* The allowance provided is in accordance with CSI#1.300 000 and updated annually in accordance with the latest version of the Sierra West publication. To calculate this allowance, perform the following steps:

1. Sum the Construction Subtotal from Part 1 with the allowances for General Conditions and Overhead, Profit & Bond from Part II.
2. Multiply the sum by the allowance outlined in Sierra West, in accordance with Sierra West CSI#1.300 000. The amount for escalation will vary based on each project's circumstances.

If the project has been completed, the application does not qualify for Escalation. Project completion is based on the submittal of Form DSA 156, *Commencement/Completion of Work Notification* to DSA.

*Contingencies-* This is a newly provided allowance, in accordance with Sierra West CSI#1.400 000. This allowance is available to applications that are eligible to receive program funding but do not have final DSA-approved plans for the actual work being

funded. Examples of these types of applications include SMP applications that qualify for rehabilitation funding but will be replacing their school building. In these cases, a District submits schematic drawings of the seismic mitigation work they would have had to complete if the building was being repaired and retained. While the District is eligible to receive funding for the total minimum cost it would take to rehabilitate, the conceptual drawings do not include the full design, scope, or exact measurements that would be included on a DSA-approved plan set if the rehabilitation work were being completed. For this reason, the contingency allowance is extended to these applications to account for the additional work that would be outlined if the plans were final working drawings.

This allowance is also extended to FHP and SMP applications for conceptual and/or design approval since there are no working drawings for the proposed project. When these applications return to OPSC for their project funding, the contingency fee allowance will be \$0, assuming there are final working drawings for the project.

*Geographic Differences*- Sierra West includes a section for geographical differences as Section 1.500 000. However, this adjustment is not applied towards FHP and SMP projects. The Sierra West publication already defaults to the San Francisco Index at 100 percent, meaning all costs reviewed by OPSC are approved at the San Francisco rate. If OPSC were to adjust based on the actual location of the project, the vast majority of the projects funded would be decreased based on the chart shown below from the publication.

MAJOR CITIES COST RELATIONSHIP INDEX	
<b>ALABAMA</b>	
Birmingham.....	.66
Huntsville.....	.63
Mobile.....	.67
Montgomery.....	.65
<b>ALASKA</b>	
Anchorage.....	.153
Fairbanks.....	.168
<b>ALBERTA*</b>	
Calgary.....	.93
<b>ARIZONA</b>	
Phoenix.....	.70
Tucson.....	.71
<b>ARKANSAS</b>	
Little Rock.....	.61
Pine Bluff.....	.61
<b>BRITISH COLUMBIA*</b>	
Vancouver.....	.106
<b>CALIFORNIA</b>	
San Francisco.....	100
29 Palms.....	.91
Alameda.....	.96
Bakersfield.....	.97
Barstow.....	.91
Bridgeport.....	.93
China Lake.....	.88
Concord.....	.99
El Centro.....	.89
Fremont.....	.96
Fresno.....	.88
Lancaster.....	.93
Lemoore.....	.90
Lompoc.....	.89
Long Beach.....	100
Los Angeles.....	.96
Marysville.....	.91
Modesto.....	.93
Monterrey.....	.91
Oakland.....	.97
Paso Robles.....	.96
Petaluma.....	101
Redding.....	.92
Riverside.....	.98
Sacramento.....	.98
San Clemente.....	124
San Diego.....	.88
San Francisco.....	100
San Jose.....	.96
San Nicholas Island.....	127
Stockton.....	.94
Susanville.....	.88
Tracy.....	.95
Vacaville.....	.96
Yreka.....	.93
Ukiah.....	.88
Witchipec.....	110
<b>CONNECTICUT</b>	
Bridgeport.....	.83
New London.....	.85
Hartford.....	103
New Haven.....	101
Stamford.....	103
<b>DELAWARE</b>	
Dover.....	.81
Wilmington.....	.79
<b>FLORIDA</b>	
Jacksonville.....	.64
Miami.....	.65
Pensacola.....	.64
Tampa.....	.67
<b>GEORGIA</b>	
Albany.....	.67
Atlanta.....	.68
Athens.....	.61
Savannah.....	.64
<b>HAWAII</b>	
Honolulu.....	.168
Kaneohe Bay.....	.185
<b>IDAHO</b>	
Boise.....	.75
Mountain Home.....	.79
<b>ILLINOIS</b>	
Belleview.....	.76
Chicago.....	.96
Peoria.....	.80
Rock Island.....	.76
Rockford.....	.79
<b>INDIANA</b>	
Evansville.....	.87
Hammond.....	.90
Indianapolis.....	.88
South Bend.....	.87
<b>IOWA</b>	
Des Moines.....	.78
<b>KANSAS</b>	
Manhattan.....	.74
Topeka.....	.66
Wichita.....	.68
<b>KENTUCKY</b>	
Lexington.....	.64
Louisville.....	.65
<b>LOUISIANA</b>	
New Orleans.....	.69
Shreveport.....	.60
<b>MAINE</b>	
Bangor.....	.76
Portland.....	.76

Additionally, FHP and SMP projects are able to request the Excessive Cost Hardship Grant in accordance with SFP Regulation Section 1859.83(a) for projects in areas that are recognized as needing geographic adjustment in SFP regulations.

*Compounding of Allowances* - Allowances for Part II - Contractor Burden shall be compounded in the order listed in the applicable Sierra West publication. The importance of this compounding method was emphasized by the Sierra West representatives during our discussions on use of their publication.

### *Part III - Design Costs and Fees*

*Project Inspection Allowance* - The name of this allowance has been updated from “DSA Inspection Fee.” This is to help clarify that the allowance provided is for the services of a DSA-certified inspector for the duration of the project, not a fee paid to DSA. The allowance provided continues to be 1.00 percent, based on Construction Subtotal. This is only allowed if the project requires DSA approval.

*Design Cost Specialist Allowance* - The calculation remains the same, but the name of this allowance has been updated from “Design Cost Allowance.” This is to help clarify the allowance provided is for the costs of the services of a licensed design specialist to provide professional services in the design development and construction phases of a project. The allowance is not intended to cover all costs related to the design phase of a construction project. The allowance continues to be based on a sliding scale which was used in the Lease-Purchase Program and continues to be used under the SFP. In 2020, the sliding scale was adopted as part of the creation of the Form SAB 58-01. The sliding scale is referenced below Part III- Design Costs & Fees.

### NEXT STEPS

Staff is seeking stakeholder feedback on all of the above proposals to ensure that funding is provided to address any additional work required by approving governmental entities that is precipitated by the health and safety threat, to provide additional program clarity, and to maintain program integrity related to providing funding only related to minimum health and safety mitigation work.

The proposed regulation text has been included as Attachment A, while the proposed revisions to the Form SAB 58-01 and Form SAB 50-04 have been included as Attachment B and Attachment C, respectively.

Staff requests stakeholder feedback on the proposed changes and topics outlined in this item. Any stakeholder wishing to provide feedback should email Staff by end of day on June 14, 2024.

If necessary, OPSC will present at a future stakeholder meeting any revisions to the proposed SFP regulations and related forms based on today’s discussion and feedback that is received by June 14. If you would like to submit written feedback, please email your suggestions to the OPSC Communications Team at [OPSCCommunications@dgs.ca.gov](mailto:OPSCCommunications@dgs.ca.gov).

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Section 1859.61. Adjustments to the Modernization Baseline Eligibility.

The baseline eligibility for modernization as provided in Section 1859.60 for a specific site will be adjusted as follows:

- (a) Reduced by the number of pupils provided grants in a modernization SFP project or a CSFP Rehabilitation project at the specific site.
- (b) Reduced by the number of pupils housed, based on the loading standards pursuant to Education Code Section 17071.25(a)(2), in a modernization LPP project funded under the LPP pursuant to Sections 1859.14 and 1859.15.
- (c) Increased by changes in projected enrollment in subsequent enrollment reporting years.
- (d) Increased for additional facilities not previously modernized with State funds, that become 25 years old, if permanent, or 20 years old, if portable or as a result of audit findings made pursuant to Sections 1859.90, 1859.90.3 and 1859.105.
- (e) Adjusted as a result of errors or omissions by the district or by the OPSC.
- (f) Adjusted as a result of amendments to these Subgroup 5.5 Regulations that affect the eligibility.
- (g) For classroom loading standards adopted by the Board for non-severely disabled individuals with exceptional needs and severely disabled individuals with exceptional needs.
- (h) As directed by the Board due to a finding of a Material Inaccuracy pursuant to Regulation Section 1859.104.1.
- (i) Increased for facilities previously modernized with State funds, which qualify for an additional modernization apportionment pursuant to Section 1859.78.8.
- (j) Decreased for facilities that were deemed eligible for modernization pursuant to Sections 1859.60 and 1859.61(d) and subsequently replaced, or will be replaced under a signed contract for construction or acquisition of facilities, in a project funded by the district without participation from the State.
- (k) Adjusted as a result of replaced eligible portables funded with the Overcrowding Relief Grant, pursuant to Education Code Section 17079, et seq.
- (l) ~~Adjusted upon Board receipt of the local school board resolution acknowledging that the buildings have been removed from K-12 use.~~ Adjusted as a result of school buildings, as defined in Section 1859.82, and/or classrooms that have been replaced, demolished, or removed from classroom use via the New Construction Grant or the Facility Hardship Square Footage Grant pursuant to Section 1859.82.1 or Section 1859.82.2 as follows:
  - (1) ~~School Buildings~~ For school buildings and/or classrooms that receive replacement funding via the New Construction Grant or the Facility Hardship Square Footage Grant pursuant to Section 1859.82.1 or Section 1859.82.2, the building age shall be reset to the date of the Apportionment for the corresponding project.
  - (2) ~~School Buildings~~ For school buildings and/or classrooms that were originally included in the district's baseline eligibility and were later demolished or removed from classroom use due to health and/or safety concerns that meet the requirements of Regulation Section 1859.82.1 or 1859.82.2 as verified by OPSC, except the district did not have the current enrollment to support the replacement and funding of those ~~School Buildings and/or classrooms.~~ Buildings and/or classrooms removed from K-12 classroom use that remain on the school site will be identified on a list published on OPSC's website, as follows:
    - (A) For school buildings and/or classrooms that have been demolished, the building and/or classroom shall be removed from the classroom inventory that was used to establish modernization eligibility at the site.
    - (B) For school buildings and/or classrooms that have been removed from K-12 classroom use and remain on the site, upon receipt of a local school board resolution acknowledging that the school buildings and/or classrooms have been removed from K-12 classroom use, the building and/or classroom shall be identified on a list published on OPSC's website and removed from the Gross Classroom Inventory that was used to establish modernization eligibility at the site.

~~For (l)(1) the building age shall be reset to the date of the Apportionment for the corresponding project. For (l)(2) the building shall be removed from the classroom inventory used to establish modernization eligibility at the site.~~

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.51, 17071.25, 17072.15, 17072.20, 17073.15, 17074.10, 17075.10 and 17079.30, Education Code.

[...]

## ATTACHMENT A

### Section 1859.82. Facility Hardship Program and Seismic Mitigation Program.

A school district may apply for Facility Hardship, including Seismic Mitigation Program assistance in cases of extraordinary circumstances that have caused an imminent health and safety threat.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17075.10, 17075.15, 100420, 100620, 100820, 101012(a)(1) and 101122, Education Code.

#### Section 1859.82.1. Facility Hardship Program.

“School Building” for the purposes of this Section shall have the same definition as Education Code Section 17283 and shall also exclude any districtwide administrative facilities. For the purposes of this Section, “grade category” shall refer to any of the following: kindergarten (including transitional kindergarten) through sixth grade (K-6), seventh grade through eighth grade (7-8), ninth grade through twelfth grade (9-12), Non-Severely Disabled Individuals with Exceptional Needs, and Severely Disabled Individuals with Exceptional Needs.

A district is eligible for Facility Hardship funding to repair, replace, or construct School Buildings or related required components, including but not limited to water supply, electrical, and site development, that are currently causing a health and safety threat to the students and/or staff. Projects solely to replace components that have reached the end of their useful life, perform routine maintenance or repair, issues resulting from the deferment of routine maintenance or repair, lack of current code compliance, or the addition of components that were not previously existing, do not meet the qualifying criteria of the program. However, this work may be incorporated into a qualifying Facility Hardship application if it is required to be completed to gain DSA approval additional work beyond the minimum work needed to mitigate the qualifying health and safety threat may be incorporated into a qualifying Facility Hardship application if it is required to be completed to obtain required approvals from DSA and/or other Governmental Agencies.

Beginning 90 days after the effective date of this Section [November 29, 2020], Approved Applications requesting Facility Hardship Program funding shall be submitted to OPSC within 12 months of DSA approval for the scope of work mitigating the identified health and safety threat. If the project does not require DSA approval, then the Approved Application for funding must be received within the 6 months following project completion, as demonstrated by the earliest of the following: the date that the notice of completion of the project has been filed; occupancy of any portion of the project Facility; or when the School Buildings or components of the School Buildings in the project are currently in use by the district. If a district demonstrates that extreme or unusual circumstances prevented the submission of an eligible application within the applicable timeline outlined above, OPSC may allow up to an additional 6 months for submittal.

- (a) Districts may qualify for funding to replace or construct new School Buildings. Factors to be considered by the Board to determine eligibility for Facility Hardship program replacement funding may include, but are not limited to:
  - (1) Damage or loss as a result of a natural disaster such as a fire, flood, or earthquake.
  - (2) Proximity to a major freeway, airport, electrical facility, high power transmission lines, dam, pipeline, or industrial facility.
  - (3) Adverse air quality.
  - (4) Structural deficiency to the School Building, and
  - (5) Site conditions such as faulting, toxic soil, or liquefaction.
- (b) To qualify for replacement funding for School Buildings, the district must submit an Approved Application for funding and either (1) or (2) below:
  - (1) For School Buildings that are lost, destroyed, or unable to be repaired, the district must submit:
    - (A) A report from an industry specialist (a person or entity that specializes in the specific area of expertise for that

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health and safety issue) that states that the only way to mitigate the health and safety threat is to replace the Sschool Bbuilding(s).

(B) Documentation which demonstrates that the facilities in the project must be reconstructed in order to house the current enrollment of the district.

(C) If the district is requesting additional funding for site development costs and performed or will perform site development work as part of the qualifying project, a detailed cost estimate for applicable site development work pursuant to Section 1859.76 and any justification documents that support the work.

(2) For permanent Sschool Bbuilding(s) where the cost to rehabilitate the Sschool Bbuilding(s) exceeds 50 percent of the Current Replacement Cost, or for Portable Classrooms where the cost to rehabilitate exceeds the Portable Classroom Replacement Grant or Portable Toilet Replacement Grant, the district must submit:

(A) A report by an industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) that outlines the minimum work to mitigate the health and safety threat and remain in the existing Sschool Bbuilding. If the threat is due to the presence of mold, OPSC must conduct a site visit to discuss the scope of the project prior to remediation. If the remediation is done prior to a site visit, the application will be ineligible for funding. Requests for asbestos mitigation must include lab test results indicating the asbestos is currently friable, and provides the location, material, and testing methods used. Mitigation of asbestos that becomes friable in the course of school building maintenance, repairs or modernization work is not eligible for funding pursuant to Section 1859.82.1.

(B) A letter of concurrence from a gGovernmental aAgency that has jurisdiction or expertise over the field in which the health and safety threat originates. The letter must concur with the industry specialist report on both 1. and 2. below:

1. An imminent health and safety threat to student and/or staff exists.
2. The mitigation measures outlined in the industry specialist's report are the minimum measures required to mitigate the threat and allow the continued use of the Sschool Bbuilding(s).

(C) Applications must include a detailed Form SAB 58-01 that meets the following requirements:

1. The Form SAB 58-01 must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. For all materials or items listed in the most current edition of the Current Construction Remodeling and Repair Cost publication, amounts entered on the Form SAB 58-01 must use the provided unit costs. For individual materials or items that are not contained in the most current edition of the Current Construction Remodeling and Repair publication, the district must provide supporting documentation for OPSC to review the requested unit cost.
2. All requested line items shall include Construction Specifications Institute reference number (CSI #), description, F3 total unit cost amount, and quantity. Any line items that include amounts in lump-sum formats will not be reviewed or approved.
3. The work in the Form SAB 58-01 shall match the work outlined in the report provided by the industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) for the minimum work required to mitigate the health and safety threat.
4. The estimate submitted to OPSC shall be for the same scope of work reviewed and concurred to by DSA, and that is referenced in the governmental concurrence letter for the project.
5. The Form SAB 58-01 may also include any work required by DSA and other Governmental Agencies to obtain plan approval for the minimum work required to mitigate the health and safety threat.

(D) A cost/benefit analysis that demonstrates the minimum work required to mitigate the health and safety threat and remain in the Sschool Bbuilding exceeds 50 percent of the Current Replacement Cost of the existing Square Footage of the Sschool Bbuilding. The minimum work required may include work required by DSA to gain approval for the mitigation project.

(E) A gross inventory of all school buildings located on the project site, such as a site diagram or floor plan. The documentation must indicate the current usage, square footage, and facility type of all school buildings located on the project site at the time of application submittal. For all spaces used as classrooms, the current grade level must also be indicated.

~~(E)~~(F) All other documents required to complete an Approved Application for funding. This includes:

1. A completed *Application for Funding* (Form SAB 50-04).
2. The DSA Plan Approval letter for the project or documentation from DSA verifying that the project is exempt

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from their approval process.

3. CDE Plan Approval letter for the project or documentation from CDE verifying that the project is exempt from their approval process.
4. If the project is for a high school site, a letter or meeting minutes from the district's Career and Technical Education Advisory Committee (CTEAC) certifying that the district is in compliance with all career technical facility needs and assessments as outlined in Education Code, Section 17070.955.
5. If the district is requesting additional funding for site development costs and performed or will perform site development work as part of the qualifying project, a detailed cost estimate for applicable site development work pursuant to Section 1859.76 and any justification documents that support the work.
  - (3) Applications for Facility Hardship replacement funding that do not submit all documents required as part of (1) or (2) above shall be returned without review.
  - (4) If the district qualifies for funding to replace its Sschool Buildings, the district is eligible to receive funding for the project as follows:
    - (A) If the district is required to replace all Sschool Buildings on site, the district is eligible to receive funding as follows:
      1. A New Construction Grant will be provided for the lesser of 2. or 3. below.
      2. The classroom capacity determined by multiplying the number of classrooms in each grade category on the project site being replaced by:
        - a. 25 pupils for each K-6 classroom.
        - b. 27 pupils for each 7-12 classroom.
        - c. 13 pupils for each Non-Severely Disabled Individuals with Exceptional Needs classroom.
        - d. 9 pupils for each Severely Disabled Individuals with Exceptional Needs classroom.
      3. The higher of a., b., or c. below:
        - a. The CBEDS Report of the current enrollment reporting year at the existing project site.
        - b. The average CBEDS Report of the current enrollment reporting year and two immediately preceding enrollment reporting years at the existing project site.
        - c. If the site is closed, use the CBEDS Report of the last enrollment reporting year in which the site was open.
      4. Additional funding may be provided, as applicable, for:
        - a. ~~F~~ire ~~C~~ode ~~R~~requirements pursuant to Section 1859.71.2,
        - b. therapy room pursuant to Section 1859.72,
        - c. multilevel construction pursuant to Section 1859.73,
        - d. project assistance pursuant to Section 1859.73.1.
        - e. replacement with multistory construction pursuant to Section 1859.73.2,
        - f. site acquisition pursuant to Sections 1859.74, 1859.74.5, and 1859.75,
        - g. Hazardous waste removal pursuant to Sections 1859.74.2, 1859.74.3, and 1859.74.4,
        - h. Applicable site development costs pursuant to Section 1859.76, and
        - i. New Construction Excessive Cost Hardship Grant(s) for geographic location pursuant to Section 1859.83(a),
        - j. New Construction Excessive Cost Hardship Grant(s) for small size projects pursuant to Section 1859.83(b),
        - k. New Construction Excessive Cost Hardship Grant(s) for new school projects pursuant to Section 1859.83(c), and
        - l. New Construction Excessive Cost Hardship Grant(s) for urban location, security requirements and impacted site pursuant to Section 1859.83(d).
      - (B) If the district qualifies to replace some, but not all permanent Sschool Building(s) on the project site, ~~funding will be based on the Square Footage of the School Buildings replaced and is capped by the lesser of the amount provided in accordance to the chart below and the Square Footage constructed for each category justified by enrollment at the project site as follows~~ the district is eligible to receive a grant based on the total eligible Square Footage of permanent school buildings replaced determined as follows:
        1. ~~The~~ Determine the enrollment at the project site, is determined by using the higher of a., b., or c. below:
          - a. The CBEDS Report of the current enrollment reporting year at the existing project site.
          - b. The average CBEDS Report of the current enrollment reporting year and two immediately preceding enrollment reporting years at the existing project site.
          - c. If the site is closed, use the CBEDS Report of the last enrollment reporting year in which the site was open.

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2. Using the enrollment determined in 1. any permanent replacement Square Footage provided will be calculated in accordance to a., b., c., below and the chart below: Determine the total eligible Square Footage of the school building(s) being replaced using the enrollment determined in 1. for each facility type in the chart and limited by a., b. and c. below. The total eligible Square Footage is capped by the lesser of the amount provided for each facility type in the chart below and the actual Square Footage constructed for each facility type.
- If the actual square footage being constructed in the replacement project is less than the amount allowable in the chart for each facility type, the replacement Square Footage shall be limited to the actual square footage constructed.
  - Non-specialized classroom space classrooms provided is are limited by the enrollment determined in 1. rounded up to the nearest whole classroom based on 1859.82.1(b)(4)(A)2., and then reduced for any classroom space available at the site to house the pupils at the site.
  - Classrooms with specialized design such as auto shop, metal shop, music rooms, consumer home economic laboratories, industrial technology laboratories, or science laboratories will qualify for funding if used for its specialized purpose in the current enrollment reporting year or immediately preceding enrollment reporting year. Additionally, these spaces will not count as available capacity for purposes of providing funding in this section when calculating space available to house displaced pupils.
  - Any space not in the chart below will be provided based on the Square Footage replaced. This may include, but is not limited to, janitor's closets, hallways, workrooms, and vestibules.
  - If the Square Footage of the school building(s) being replaced is less than the minimum amount allowable in the chart for each facility type, the replacement Square Footage shall be the lesser of the minimum amount allowable in the chart for the facility type and the actual Square Footage being constructed for the facility type in the replacement project.
  - If a district submits documentation that demonstrates that in order to obtain plan approval from DSA the district was required to construct more Toilet Square Footage than the Square Footage amount determined to be allowable for funding pursuant to the calculation methodology outlined in (B) above, funding may be provided for the Toilet Square Footage required to be constructed that is beyond the amount calculated in accordance with (B) above.

Facility Type	Elementary School Pupils	Middle School Pupils	High School Pupils
Multi-Purpose (includes food service)	5.3 sq. ft. per pupil minimum 4,000 sq. ft.	5.3 sq. ft. per pupil minimum 5,000 sq. ft.	6.3 sq. ft. per pupil minimum 8,200 sq. ft.
Toilet	3 sq. ft. per pupil minimum 300 sq. ft.	4 sq. ft. per pupil minimum 300 sq. ft.	5 sq. ft. per pupil minimum 300 sq. ft.
Gymnasium (includes shower/locker area)	N/A	12.9 sq. ft. per pupil minimum 6,828 sq. ft. maximum 16,000 sq. ft.	15.3 sq. ft. per pupil minimum 8,380 sq. ft. maximum 18,000 sq. ft.
School Administration	3 sq. ft. per pupil minimum 600 sq. ft.	3 sq. ft. per pupil minimum 600 sq. ft.	4 sq. ft. per pupil minimum 800 sq. ft.
Library/Media Center	2.3 sq. ft. per pupil plus 600 sq. ft., minimum 960 sq. ft.	3.3 sq. ft. per pupil plus 600 sq. ft. minimum 960 sq. ft.	4.3 sq. ft. per pupil plus 600 sq. ft. minimum 960 sq. ft.
Kindergarten Classrooms (including Transitional Kindergarten)	1,350 sq. ft. for each replacement classroom.	NA	NA
Classrooms (1 <sup>st</sup> -12 <sup>th</sup> grade)	960 sq. ft. for each replacement classroom	960 sq. ft. for each replacement classroom	960 sq. ft. for each replacement classroom
Computer instructional support area, Industrial and Technology/Education Laboratory	960 sq. ft. for each replacement classroom.	960 sq. ft. for each replacement classroom.	960 sq. ft. for each replacement classroom.

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Laboratory Classrooms (including science and consumer home economics. (Does not include Industrial and Technology/Education Laboratory)	1,300 sq. ft. for each replacement classroom.	1,300 sq. ft. for each replacement classroom.	1,300 sq. ft. for each replacement classroom.
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- g. Beginning August 31, 2020, the resulting Square Footage amount(s) shall be multiplied by \$204 per square foot for all non-Toilet Facilities and by \$366 per square foot for Toilet Facilities (includes shower/locker area and physical therapy area for Individuals with Exceptional Needs). The amounts shown will be adjusted in the manner prescribed in Section 1859.71.
3. Additional funding may be provided, as applicable, for:
- a. therapy room pursuant to Section 1859.72,
  - b. multilevel construction pursuant to Section 1859.73,
  - c. project assistance pursuant to Section 1859.73.1.
  - d. replacement with multistory construction pursuant to Section 1859.73.2,
  - e. site acquisition pursuant to Section 1859.74,
  - f. Hazardous waste removal pursuant to Sections 1859.74.2, 1859.74.3 and 1859.74.4,
  - g. Applicable site development costs pursuant to Section 1859.76, and
  - h. New Construction Excessive Cost Hardship Grant(s) for geographic location pursuant to Section 1859.83(a),
  - i. New Construction Excessive Cost Hardship Grant(s) for small size Projects pursuant to Section 1859.83(b), and
  - j. New Construction Excessive Cost Hardship Grant(s) urban location, security requirements and impacted site pursuant to Section 1859.83(d).
- (C) Using the enrollment determined in (b)(4)(B)1., any Portable Classroom replacement funding will be calculated using the Portable Replacement Grant. Any portable toilet facilities provided will be calculated using the Portable Toilet Replacement Grant. The total Portable Classroom or portable toilet Square Footage eligible for replacement will be based on the enrollment determined in (b)(4)(B)1 and the chart above. Any space not in the chart above will be provided based on the Square Footage replaced. This may include, but is not limited to, janitor's closets, hallways, workrooms, and vestibules. Funding for the replacement of Portable Classroom Square Footage will be calculated using the Portable Replacement Grant. Funding for replacement of portable toilet Square Footage will be calculated using the Portable Toilet Replacement Grant.
1. Additional funding may be provided, as applicable, for:
    - a. Fire pursuant to Section 1859.71.2,
    - b. therapy room pursuant to Section 1859.72,
    - c. project assistance pursuant to Section 1859.73.1.
    - d. site acquisition pursuant to Section 1859.74,
    - e. Hazardous waste removal pursuant to Sections 1859.74.2, 1859.74.3 and 1859.74.4,
    - f. Applicable site development costs pursuant to Section 1859.76, and
    - g. Excessive Cost Hardship Grant(s) for geographic location pursuant to Section 1859.83(a),
    - h. New Construction Excessive Cost Hardship Grant(s) for small size projects pursuant to Section 1859.83(b), and
    - i. Excessive Cost Hardship Grant(s) urban location, security requirements and impacted site pursuant to Section 1859.83(d).
  - (D) If the district qualifies for replacement funding, the funding may be used to rehabilitate the facility as long as the qualifying health and safety threat is fully mitigated. If replacement funding is used for rehabilitation work, the district may request the following supplemental grants, as applicable, for:
    1. Fire code requirements pursuant to Section 1859.71.2 if the funding is based on a per-pupil basis pursuant to Section 1859.82.1(b)(4)(A),
    2. Therapy room pursuant to Section 1859.72,
    3. Project assistance pursuant to Section 1859.73.1,
    4. Excessive Cost Hardship Grant(s) for geographic location pursuant to Section 1859.83(a),
    5. New Construction Excessive Cost Hardship Grant(s) for small size projects pursuant to Section 1859.83(b), and

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6. Excessive Cost Hardship Grant for urban location, security requirements and impacted site pursuant to Section 1859.83(d).
- (c) Districts may qualify for funding to rehabilitate their Sschool Bbuildings, components of Sschool Bbuildings, unenclosed roofed structures used for school purposes, or school site conditions. Factors to be considered by the Board may include (1) or (2) below:
  - (1) School Bbuildings where the minimum cost to mitigate the health and safety threat and remain in the Sschool Bbuilding is 50 percent or less of the Current Replacement Cost.
  - (2) Components of the Sschool Bbuildings, unenclosed roofed structures used for school purposes, or school sites site conditions that are causing a health and safety threat to students and/or staff. Health and safety threats that may qualify include, but are not limited to:
    - (A) School Bbuilding structural deficiency.
    - (B) Hazardous conditions such as methane, lead, or asbestos mitigation.
    - (C) Unsafe water supply.
    - (D) Site conditions such as faulting, toxic soil, landslide risk, or liquefaction.
  - (3) To qualify for Facility Hardship rehabilitation funding for Sschool Bbuildings, or components of Sschool Bbuilding(s), unenclosed roofed structures used for school use, or school site conditions, the district must submit an Approved Application for funding and all documents outlined below. Applications that do not meet the requirements below shall be returned without review.
    - (A) A report by an industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) that outlines the minimum work to mitigate the health and safety threat ~~and remain in the existing School Building~~. If the application is for an existing school building(s), the report must also outline the minimum work to allow the continued use of the school building(s). If the application is for a component of a school building(s) or an unenclosed roofed structure used for school purposes, the report must either outline the minimum work to allow the continued use of the component or unenclosed roofed structure or the minimum work to replace the component or unenclosed roofed structure with a component or structure of like-kind with only the minimum required safety improvements needed to obtain DSA approval. If the threat is due to the presence of mold, OPSC must conduct a site visit to view the damage prior to remediation. If the remediation is done prior to a site visit, the application will be ineligible for funding. Requests for asbestos mitigation must include lab test results indicating the asbestos is currently friable, and provides the location, material, and testing methods used Mitigation of asbestos that becomes friable in the course of school building maintenance, repairs or a modernization project is not eligible for funding under Section 1859.82.
    - (B) A letter of concurrence from a gGovernmental aAgency that has jurisdiction or expertise over the field in which the health and safety threat originates. The letter must concur with the industry specialist's report on both 1. and 2. below:
      1. An imminent health and safety threat to students and/or staff exists.
      2. The mitigation measures outlined in the industry specialist's report are the minimum measures required to mitigate the threat and as applicable, either allow the continued use of the Sschool Bbuilding(s), or component, unenclosed roofed structure or replace the component or unenclosed structure with a component or unenclosed roofed structure of like-kind with required safety improvements. If the application is for the cleanup and/or remediation of hazardous materials and waste, the governmental concurrence letter must be from the Department of Toxic Substances Control.
    - (C) Applications must include a detailed Form SAB 58-01 that meets the following requirements:
      1. The Form SAB 58-01 must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. For all materials or items listed in the most current edition of the Current Construction Remodeling and Repair Cost publication, amounts entered on the Form SAB 58-01 must use the provided unit costs. For individual materials or items that are not contained in the most current edition of the Current Construction Remodeling and Repair publication, the district must provide supporting documentation for OPSC to review the requested unit cost.
      2. All requested line items shall include Construction Specifications Institute reference number (CSI #), description, F3 total unit cost amount, and quantity. Any line items that include amounts in lump-sum formats will not be reviewed and will be disallowed.
      3. The work in the Form SAB 58-01 shall match the work outlined in the report provided by the industry specialist

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(a person or entity that specializes in the specific area of expertise for that health and safety issue) for the minimum work required to mitigate the health and safety threat.

4. If the project requires DSA plan approval, the Form SAB 58-01 submitted to OPSC shall be for the same scope of work reviewed and concurred to by DSA, and that is referenced in the governmental concurrence letter for the project.
5. The Form SAB 58-01 may also include any associated work required by DSA and other Governmental Agencies to obtain approval for the minimum work required to mitigate ~~as a result of the mitigation of the health and safety threat.~~
6. If the minimum work required to mitigate the health and safety threat is the replacement of unenclosed roofed structures used for school purposes, funding shall be provided for costs associated with replacing the unenclosed structure in like-kind with required safety improvements to obtain DSA approval.
- (D) Facility Hardship applications for ~~S~~school ~~B~~uildings must also include a cost/benefit analysis. The cost/benefit analysis shall be completed based on the type of the project as outlined below:
  1. For permanent buildings, the district must demonstrate the minimum work required to mitigate the health and safety threat and remain in the ~~S~~school ~~B~~uildings is less than 50 percent of the Current Replacement Cost of the ~~S~~school ~~B~~uilding. The minimum work required may include work required by Division of the State Architect to gain approval for the mitigation project.
  2. For ~~P~~portable ~~S~~school ~~B~~uildings, the district must demonstrate the minimum work required to mitigate the health and safety threat and remain in the portable building is less than the Portable Classroom Replacement Grant. The minimum work required may also include any associated work required by DSA as a result of the mitigation of the health and safety threat.
  3. Applications that are for necessary components of a ~~site or~~ ~~S~~school ~~B~~uilding or school site condition, such as hazardous water supply, methane mitigation, faulting, liquefaction, landslide potential, friable asbestos, or unenclosed roofed structures used for school purposes do not require a Cost Benefit Analysis to be submitted.
- (E) All other documents required to complete an Approved Application for funding. This includes:
  1. A completed *Application for Funding* (Form SAB 50-04).
  2. The DSA Plan Approval letter for the project or documentation from DSA verifying that the project is exempt from their approval process.
  3. CDE Plan Approval letter for the project or documentation from CDE verifying that the project is exempt from their approval process.
  4. If the project is for a high school site, a letter or meeting minutes from the district's Career and Technical Education Advisory Committee (CTEAC) certifying that the district is in compliance with all career technical facility needs and assessments as outlined in Education Code Section 17070.955.
- (4) If the district qualifies for funding ~~to rehabilitate or repair its School Buildings pursuant to 1859.82.1(c)~~, the district is eligible to receive funding for the project as follows:
  - (A) Rehabilitation Costs provided shall be 60 percent of the eligible costs in the Form SAB 58-01 required in Section 1859.82.1(c)(3)(C) that has been reviewed and approved by the OPSC and approved by the Board.
  - (B) If the district qualifies for rehabilitation funding, the funding may be used towards the replacement of the ~~facility~~ school building as long as the qualifying health and safety threat is fully mitigated.
  - (C) Applicable supplemental grants may be provided for the following:
    1. project assistance pursuant to Section 1859.73.1.
    2. geographic percentage factor pursuant to 1859.83(a)
  - (d) Any grants provided in accordance to (b) or (c) above shall be adjusted as follows:
    - (1) For projects funded in accordance to (b) above:
      - (A) Reduced for any space deemed available by the Board in the district, HSAA, or Super HSAA that could be used to house some or all of the displaced pupils in the project,
      - (B) Reduced by 50 percent of any insurance proceeds collectable by the district for the project. Any insurance proceeds collected after Apportionment shall be reported to OPSC and the Apportionment will be amended accordingly.
      - (C) Reduced by 50 percent of the net proceeds available from the disposition of the property and/or facilities in the project.

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- (2) For projects funded in accordance to (c) above:
  - (A) 60 percent of any insurance proceeds collectable by the district for the project.
  - (B) 60 percent of the net proceeds available from the disposition of any displaced facilities in the project.
  - (e) Adjustments to School Facility Program per-pupil grants.
- (1) The district's New Construction Eligibility will be adjusted for any net increase in classroom capacity in the project pursuant to Section 1859.51(i).
- (2) The baseline eligibility for modernization as provided in Section 1859.60 will be adjusted for any funding received in accordance to (b) above. The age of the classroom and square footage in the project shall be reset to the date of the Apportionment for the project.
- (f) Districts that qualify for Financial Hardship assistance may file an application for design funding, site funding, and determination of program eligibility in advance of construction funding.
- (1) To request advanced funding for design for eligible projects, the district must submit an *Application for Funding* (Form SAB 50-04) indicating the request for design funding and all documents listed in Section 1859.82.1(c)(3)(A) through Section 1859.82.1(c)(3)(D)3.
- (2) Advanced funding for design shall be provided based on the eligible project type as follows:
  - (A) For projects receiving funding for advanced design for the replacement of all ~~S~~school ~~B~~uildings on the project site pursuant to Section 1859.82.1(b)(4)(A), the Board will apportion an amount not to exceed 40 percent of the New Construction Grant less any district funds available for the project pursuant to Section 1859.81(a).
  - (B) For projects receiving funding for advanced design for at least one but not all ~~S~~school ~~B~~uildings on the project site pursuant to Section 1859.82.1(b)(4)(B), the Board will apportion an amount not to exceed 40 percent of the Facility Hardship Square Footage Grant less any district funds available for the project pursuant to Section 1859.81(a).
  - (C) For projects receiving funding for advanced design for Rehabilitation Costs pursuant to Section 1859.82.1(c)(4)(A), the Board will apportion an amount not to exceed 25 percent of the Rehabilitation Costs determined pursuant to Section 1859.82.1(c)(4)(A) less any district funds available for the project pursuant to Section 1859.81(a).
- (3) Advanced funding for site shall be provided pursuant to 1859.82.1(b)(4)(A)4. The district is eligible for advanced funding for site acquisition as calculated pursuant to 1859.81.1.
- (4) The amount apportioned for advanced design is an estimate of the funds needed for design, engineering, and other pre-construction project costs. Qualifying districts may request a separate Apportionment for the design and for site acquisition for the same facility hardship project.
- (5) The district is required to submit an Approved Application for funding and an updated Form SAB 58-01 for projects funded in accordance to 1859.82.1(c) or site development worksheet for projects funded in accordance to 1859.82.1(b), that reflects the final approved drawings for the project within:
  - (A) 18 months from the date of Apportionment if the project scope will be for repair or replacement on the same site.
  - (B) 24 months from the date of Apportionment if the project scope is for the replacement of ~~S~~school ~~B~~uilding(s) which will be located on a replacement site.
- (6) If the district does not submit the Approved Application for funding within the timelines required by Section (2) above, the application will be reduced to eligible costs incurred.
- (7) Upon receipt of the Approved Application, the application will be reviewed for conformance with all program laws and regulations.
- (8) Any funding provided in Section 1859.82.1 shall be offset by any funding previously provided for the project.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17075.10, 17075.15, 100420, 100620, 100820, 101012 and 101122, Education Code.

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### Section 1859.82.2. Seismic Mitigation Program.

“School Building” for the purposes of this Section shall have the same definition as Education Code Section 17283 and shall also exclude any districtwide administrative facilities. For the purposes of this Section, “grade category” shall mean kindergarten (including transitional kindergarten) through sixth grade (K-6), seventh grade through eighth grade (7-8), ninth grade through twelfth grade (9-12), Non-Severely Disabled Individuals with Exceptional Needs, and Severely Disabled Individuals with Exceptional Needs. “Facility type,” for the purposes of this section, refers to the types of facilities listed in the chart below.

A school district is eligible for funding to repair, reconstruct, or replace the Most Vulnerable Category 2 Buildings which were originally constructed to be used as School Facilities and pose an unacceptable risk of injury to its occupants in the event of seismic activity. Program eligibility is determined by the DSA while determination of grant funding is determined by the Board based on the following criteria.

Notwithstanding Sections 1859.93 and 1859.93.1, all applications for the seismic mitigation of the Most Vulnerable Category 2 Buildings shall be funded in the order of receipt of an Approved Application for funding. Any grants provided for the purpose of this section shall be provided as a new construction project and allocated on a 50 percent state share basis.

- (a) Seismic mitigation projects must meet all of the following requirements:
- (1) The construction contract was executed on or after May 20, 2006;
  - (2) The project funding provided shall be for the minimum work necessary to obtain DSA approval for the work to mitigate the structural deficiencies that pose an unacceptable risk of injury to its occupants in a seismic event;
  - (3) The School Building(s) is designed for occupancy by students and staff; and
  - (4) The DSA concurs with a report by a structural engineer, which identifies structural deficiencies that pose an unacceptable risk of injury to its occupants in a seismic event. The structural engineers report shall conform to the guidelines prepared by the DSA, in accordance with Education Code Section 17310.

If the unacceptable risk of injury is due to the presence of faulting, liquefaction or landslide, these hazards must be documented by a geological hazards report prepared by an engineering geologist in accordance with California Building Code, Part 2, Chapter 18, Section 1803A and with concurrence of the California Geological Survey.

- (b) To qualify for replacement funding for School Building(s), the district must submit an Approved Application for funding based on their specific circumstances in accordance to either (1) or (2) below:
- (1) For School Building(s) that are lost, destroyed, or unable to be repaired the district must submit:
    - (A) A report from a licensed design professional (a design professional licensed by the appropriate State of California oversight authority) identifying the School Building(s) that are the Most Vulnerable Category 2 Building(s) and;
    - (B) DSA letter(s) of concurrence to the findings in the report required in (b)(1)(A);
    - (C) If the collapse potential is due to faulting, liquefaction, or landslide, or if it is otherwise required by DSA for project approval, the district must submit 1. and 2. below:
      1. A geological hazards report prepared by an engineering geologist indicating the potential for building displacement and recommended site improvements to mitigate the hazard
      2. Concurrence to the report from the California Geological Survey.
    - (D) Documentation which demonstrates that the facilities in the project must be reconstructed in order to house the current enrollment of the District.
    - (E) If the district is requesting additional funding for site development costs and performed or will perform site development work as part of the qualifying project, a detailed cost estimate for applicable site development work pursuant to Section 1859.76 and any justification documents that will support the work.
  - (2) For School Buildings with interior square footage to be mitigated, the district must submit:
    - (A) A report from a licensed design professional (a design professional licensed by the appropriate State of California oversight authority) identifying the structural deficiencies that pose an unacceptable risk of injury to its

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occupants in a seismic event and the minimum ~~mitigation~~ work necessary to obtain DSA approval of the seismic mitigation work.

- (B) DSA letter(s) of concurrence to the report.
- (C) If the collapse potential is due to faulting, liquefaction, or landslide, or if it is otherwise required by DSA for project approval the district must submit 1. and 2. below:
  - 1. A geological hazards report prepared by an engineering geologist indicating the potential for building displacement and recommended site improvements to mitigate the hazard
  - 2. Concurrence to the report from the California Geological Survey.
- (D) Documentation that demonstrates that the facilities in the project must be reconstructed in order to house the current enrollment of the ~~district~~ project site.
- (E) A detailed Form SAB 58-01 that meets the following requirements:
  - 1. The Form SAB 58-01 must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. For all materials or items listed in the most current edition of the Current Construction Remodeling and Repair Cost publication, amounts entered on the Form SAB 58-01 must use the provided unit costs. For individual materials or items that are not contained in the most current edition of the Current Construction Remodeling and Repair publication, the district must provide supporting documentation for OPSC to review the requested unit cost.
  - 2. All requested line items shall include Construction Specifications Institute reference number (CSI #), description, quantity, unit, cost per unit, and District's request. Any line items that include amounts in lump-sum formats will not be reviewed or approved.
  - 3. The work in the Form SAB 58-01 shall match the work outlined in the report provided by the industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) for the minimum work that would be required to mitigate the seismic threat if the ~~S~~school ~~B~~building(s) were to be rehabilitated instead of replaced.
  - 4. The Form SAB 58-01 may also include any ancillary work required by DSA and other governmental entities to obtain plan approval for the minimum work required to mitigate the seismic threat.
- (F) A cost/benefit analysis that demonstrates that the minimum work to mitigate the seismic threat and remain in the ~~S~~school ~~B~~building(s) exceeds 50 percent of the Current Replacement Cost.
- (G) A gross inventory of all school buildings located on the project site, such as a site diagram or floor plan. The documentation must indicate the current usage, square footage, and facility type of all school buildings located on the project site at the time of application submittal. For all spaces used as classrooms, the current grade level must also be indicated.
- ~~(G)~~(H) All other documents required to complete an Approved Application for funding. This includes:
  - 1. A completed *Application For Funding* (Form SAB 50-04).
  - 2. The DSA Plan Approval letter for the project or documentation from DSA verifying that the project is exempt from their approval process.
  - 3. CDE Plan Approval letter for the project or documentation from CDE verifying that the project is exempt from their approval process.
  - 4. If the project is for a high school site, a letter or meeting minutes from the district's Career and Technical Education Advisory Committee (CTEAC) certifying that the district is in compliance with all career technical facility needs and assessments as outlined in Education Code, Section 17070.955.
  - 5. If the district is requesting additional funding for site development costs and has performed or will perform site development work as part of the qualifying project, a detailed cost estimate for applicable site development work pursuant to Section 1859.76 and any justification documents that support the work.
- (3) Applications for seismic mitigation replacement funding that do not meet the requirements of (1) or (2) above shall be returned without review.
- (4) If the district qualifies for Replacement funding in accordance to (a)(1) or (a)(2) above, the district is eligible to receive funding for the project as follows:
  - (A) If the district is required to replace the entire site and relocate to a new site, the district is eligible to receive funding as follows:
    - 1. A New Construction Grant will be provided for the lesser of 2. or 3. below.
    - 2. The classroom capacity determined by multiplying the number of classrooms in each grade category on the

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project site being replaced by:

- a. 25 pupils for each K-6 classroom.
- b. 27 pupils for each 7-12 classroom.
- c. 13 pupils for each Non-Severely Disabled Individuals with Exceptional Needs classroom.
- d. 9 pupils for each Severely Disabled Individuals with Exceptional Needs classroom.
3. The higher of a., b., or c. below:
  - a. The CBEDS Report of the current enrollment reporting year at the existing project site.
  - b. The average CBEDS Report of the current enrollment reporting year and two immediately preceding enrollment reporting years at the existing project site.
  - c. If the site is closed, use the CBEDS Report of the last enrollment reporting year in which the site was open.
4. Additional funding may be provided, as applicable, for:
  - a. Fire code requirements pursuant to Section 1859.71.2,
  - b. therapy room pursuant to Section 1859.72,
  - c. multilevel construction pursuant to Section 1859.73,
  - d. project assistance pursuant to Section 1859.73.1.
  - e. replacement with multistory construction pursuant to Section 1859.73.2,
  - f. site acquisition pursuant to Sections 1859.74, 1859.74.5 and 1859.75,
  - g. Hazardous waste removal pursuant to Sections 1859.74.2, 1859.74.3 and 1859.74.4,
  - h. Applicable site development costs pursuant to Section 1859.76, and
  - i. New construction Excessive Cost Hardship Grant for geographic location pursuant to Section 1859.83(a),
  - j. New construction Excessive Cost Hardship Grant for small size projects pursuant to Section 1859.83(b),
  - k. New construction Excessive Cost Hardship Grant for new school projects pursuant to Section 1859.83(c),
  - l. New construction Excessive Cost Hardship Grant urban location, security requirements and impacted site pursuant to Section 1859.83(d).
- (B) If the district qualifies to replace some, but not all permanent Sschool Bbuilding(s) on the project site, ~~funding will be based on the Square Footage of the School Buildings replaced and is capped by the lesser of the amount provided in accordance to the chart below and the Square Footage constructed for each category justified by enrollment at the project site as follows~~ the district is eligible to receive a grant based on the total eligible Square Footage of permanent school buildings replaced determined follows:
  1. ~~The Determine the enrollment at the project site, is determined by using the higher of a., b., or c. below:~~
    - a. The CBEDS Report of the current enrollment reporting year at the existing project site.
    - b. The average CBEDS Report of the current enrollment reporting year and two immediately preceding enrollment reporting years at the existing project site.
    - c. If the site is closed, use the CBEDS Report of the last enrollment reporting year in which the site was open.
  2. ~~Using the enrollment determined in 1. any permanent replacement Square Footage provided will be calculated in accordance to a., b., c., below and the chart below:~~ Determine the total eligible Square Footage of the school building(s) being replaced using the enrollment determined in 1. for each facility type in the chart and limited by a., b. and c. below. The total eligible Square Footage is capped by the lesser of the amount provided for each facility type in the chart below and the actual Square Footage constructed for each facility type.
    - a. ~~Non-specialized classroom space classrooms provided is are~~ are limited by the enrollment determined in Section 1859.82.2(b)(4)(B)1. rounded up to the nearest whole classroom based on Section 1859.82.2(b)(4)(A)2., and reduced for any space available to house the displaced pupils.
    - b. Classrooms with specialized design such as auto shop, metal shop, music rooms, consumer home economic laboratories, industrial technology laboratories, or science laboratories will qualify for funding if used for its specialized purpose in the current enrollment reporting year or immediately preceding enrollment reporting year. Additionally, these spaces will not count as available capacity for purposes of providing funding in this section when calculating space available to house displaced pupils.
    - c. Any space not in the chart below will be provided based on the Square Footage replaced. This may include but is not limited to janitor's closets, hallways, workrooms, and vestibules.
    - d. If the Square Footage of the school buildings being replaced is less than the minimum amount allowable in the chart for each facility type, the replacement Square Footage shall be the lesser of the minimum amount allowable in the chart for

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the facility type and the actual Square Footage being constructed for the facility type in the replacement project.

- e. If a district submits documentation that demonstrates that in order to obtain plan approval from DSA the district was required to construct more Toilet Facilities Square Footage than the Square Footage amount determined to be allowable for funding pursuant to the calculation methodology outlined in (B) above, funding may be provided for the Toilet Facilities Square Footage required to be constructed that is beyond the amount calculated in accordance with (B) above.

<b>Facility Type</b>	<b>Elementary School Pupils</b>	<b>Middle School Pupils</b>	<b>High School Pupils</b>
Multi-Purpose (includes food service)	5.3 sq. ft. per pupil minimum 4,000 sq. ft.	5.3 sq. ft. per pupil minimum 5,000 sq. ft.	6.3 sq. ft. per pupil minimum 8,200 sq. ft.
Toilet	3 sq. ft. per pupil minimum 300 sq. ft.	4 sq. ft. per pupil minimum 300 sq. ft.	5 sq. ft. per pupil minimum 300 sq. ft.
Gymnasium (includes shower/locker area)	N/A	12.9 sq. ft. per pupil minimum 6,828 sq. ft. maximum 16,000 sq. ft.	15.3 sq. ft. per pupil minimum 8,380 sq. ft. maximum 18,000 sq. ft.
School Administration	3 sq. ft. per pupil minimum 600 sq. ft.	3 sq. ft. per pupil minimum 600 sq. ft.	4 sq. ft. per pupil minimum 800 sq. ft.
Library/Media Center	2.3 sq. ft. per pupil plus 600 sq. ft., minimum 960 sq. ft.	3.3 sq. ft. per pupil plus 600 sq. ft. minimum 960 sq. ft.	4.3 sq. ft. per pupil plus 600 sq. ft. minimum 960 sq. ft.
Kindergarten Classrooms (including Transitional Kindergarten)	1,350 sq. ft. for each replacement classroom.	NA	NA
Classrooms (1 <sup>st</sup> -12 <sup>th</sup> grade)	960 sq. ft. for each replacement classroom	960 sq. ft. for each replacement classroom	960 sq. ft. for each replacement classroom
Computer instructional support area and Industrial and Technology/Education Laboratory	960 sq. ft. for each replacement classroom.	960 sq. ft. for each replacement classroom.	960 sq. ft. for each replacement classroom.
Laboratory Classrooms (including science and consumer home economics)	1,300 sq. ft. for each replacement classroom.	1,300 sq. ft. for each replacement classroom.	1,300 sq. ft. for each replacement classroom.

- f. Beginning August 31, 2020, the resulting Square Footage amount(s) shall be multiplied by \$204 per square foot for all non-Toilet Facilities and by \$366 per square foot for Toilet Facilities (includes shower/locker area and physical therapy area for Individuals with Exceptional Needs).
3. Additional funding may be provided, as applicable, for:
- therapy room pursuant to Section 1859.72,
  - multilevel construction pursuant to Section 1859.73,
  - project assistance pursuant to Section 1859.73.1.
  - replacement with multistory construction pursuant to Section 1859.73.2,
  - site acquisition pursuant to Section 1859.74,
  - Hazardous waste removal pursuant to Sections 1859.74.2, 1859.74.3 and 1859.74.4,
  - Applicable site development costs pursuant to Section 1859.76, and
  - Excessive Cost Hardship Grant for geographic location pursuant to Section 1859.83(a), and
  - Excessive Cost Hardship Grant for small size projects pursuant to Section 1859.83(b), and
  - Excessive Cost Hardship Grant(s) urban location, security requirements and impacted site pursuant to Section 1859.83(d).
- (C) If the district qualifies for replacement funding, the funding may be used to rehabilitate the facility as long as the seismic hazard is fully mitigated. If replacement funding is used for rehabilitation work, the district may request the following supplemental grants, as applicable, for:

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1. Fire code requirements pursuant to Section 1859.71.2 if the funding is based on a per-pupil basis pursuant to Section 1859.82.2(b)(4)(A),
  2. Therapy room pursuant to Section 1859.72,
  3. Project assistance pursuant to Section 1859.73.1,
  4. Excessive Cost Hardship Grant for geographic location pursuant to Section 1859.83(a),
  5. Excessive Cost Hardship Grant for small size projects pursuant to Section 1859.83(b), and
  6. Excessive Cost Hardship Grant for urban location, security requirements and impacted site pursuant to Section 1859.83(d).
- (c) Districts may qualify for seismic mitigation funding to rehabilitate their ~~S~~school ~~B~~building(s), unenclosed roofed structures used for school purposes including but not limited to lunch shelters and covered walkways, exterior-square footage of School Buildings, or site conditions. Factors to be considered by the Board may include (1) or (2) below:
- (1) School ~~B~~building where the minimum cost to rehabilitate and remain in the ~~S~~school ~~B~~building is 50 percent or less of the Current Replacement Cost.
  - (2) ~~Square footage of the Most Vulnerable Category 2 School Buildings,~~ Unenclosed roofed structures used for school purposes including, but not limited to covered walkways, and lunch shelters that need repair or replacement to mitigate a collapse potential in the event of seismic activity as confirmed by the DSA.
  - (3) To qualify for seismic mitigation rehabilitation funding, the district must submit an Approved Application for funding as well as all documents outlined below. Applications that do not meet these requirements will be returned without review.
- (A) A report from a licensed design professional (a design professional licensed by the appropriate State of California oversight authority) identifying the structural deficiencies that pose an unacceptable risk of injury to its occupants in a seismic event and the minimum ~~mitigation work~~ necessary to obtain DSA approval for the seismic mitigation work. If the application is for an unenclosed roofed structure used for school purposes, the report must either outline the minimum work to allow the continued use of the unenclosed roofed structure or the minimum work to replace the unenclosed roofed structure with a structure of like-kind with only the minimum required safety improvements needed to obtain plan approval.
- (B) DSA letter(s) that concur to the findings and minimum mitigation work outlined in the report required by (b)(1)(A).
- (C) If the collapse potential is due to faulting, liquefaction, or landslide, or if it is otherwise required by DSA for project approval, the district must submit 1. and 2. below:
1. A geological hazards report prepared by an engineering geologist in accordance with California Building Code, Part 2, Chapter 18, Section 1803A and with the concurrence of the California Geological Survey.
  2. Concurrence to the report in 1. from the California Geological Survey.
- (D) A detailed Form SAB 58-01 that meets the following requirements:
1. The Form SAB 58-01 must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. For all materials or items listed in the most current edition of the Current Construction Remodeling and Repair Cost publication, amounts entered on the Form SAB 58-01 must use the provided unit costs. For individual materials or items that are not contained in the most current edition of the Current Construction Remodeling and Repair publication, the district must provide supporting documentation for OPSC to review the requested unit cost.
  2. All requested line items shall include Construction Specifications Institute reference number (CSI #), description, quantity, unit, cost per unit, and District's request. Any line items that include amounts in lump-sum formats will not be reviewed or approved.
  3. The work in the Form SAB 58-01 shall match the work outlined in the report provided by the industry specialist (a person or entity that specializes in the area of expertise for that health and safety issue) for the minimum work required to mitigate the seismic threat. The Form SAB 58-01 submitted to OPSC shall be for the same scope of work reviewed and concurred to by DSA, and that is referenced in the governmental concurrence letter for the project.
  4. The Form SAB 58-01 may also include any ancillary work required by DSA and other governmental entities to obtain required plan approval for the minimum work required to mitigate the seismic threat.
  5. If the minimum work required to mitigate the seismic threat is the replacement of an unenclosed roofed structure(s) used for school purposes including but not limited to lunch shelters and covered walkways,

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funding shall be provided for costs associated with replacing the unenclosed roofed structure(s) in like-kind with required safety improvements.

- (E) A cost/benefit analysis that demonstrates that the minimum work to mitigate the seismic threat and remain in the ~~S~~school ~~B~~building(s) is less than 50 percent of the Current Replacement Cost.
- (F) All other documents required to complete an Approved Application for funding. This includes:
  - 1. A completed *Application For Funding* (Form SAB 50-04).
  - 2. The DSA Plan Approval letter for the project or documentation from DSA verifying that the project is exempt from their approval process.
  - 3. CDE Plan Approval letter for the project or documentation from CDE verifying that the project is exempt from their approval process.
  - 4. If the project is for a high school site, a letter or meeting minutes from the district's Career and Technical Education Advisory Committee (CTEAC) certifying that the district is in compliance with all career technical facility needs and assessments as outlined in Education Code Section 17070.955.
- (4) If the district qualifies for seismic mitigation rehabilitation funding ~~to repair their permanent School Buildings~~, the district is eligible to receive funding for the project as follows:
  - (A) The Seismic Rehabilitation Grant based on 50 percent of the eligible costs in the Form SAB 58-01 required in Section 1859.82.2(c)(3)(D) that have been reviewed by OPSC and approved by the Board.
  - (B) If the district qualifies for rehabilitation funding, the funding may be used towards the replacement of the facility as long as the qualifying seismic threat is fully mitigated.
  - (C) Applicable supplemental grants may be provided for the following:
    - 1. project assistance pursuant to Section 1859.73.1., and
    - 2. Excessive Cost Hardship Grant for geographic location pursuant to Section 1859.83(a), ~~and~~
    - 3. ~~Excessive Cost Hardship Grant for accessibility and fire code requirements in accordance with Section 1859.83(e)(3).~~
  - (d) Any grants provided in accordance to (b) or (c) above shall be adjusted as follows:
    - (1) For projects funded in accordance to (b) above:
      - (A) Reduced for any space deemed available by the Board in the district, HSAA, or Super HSAA that could be used to house some or all of the displaced pupils in the project,
      - (B) Reduced by 50 percent of any insurance proceeds collected by the district for the project. Any insurance proceeds collected after Apportionment shall be reported to OPSC and the Apportionment will be amended accordingly.
      - (C) Reduced by 50 percent of the net proceeds available from the disposition of the property and/or facilities in the project.
    - (2) For projects funded in accordance to (c) above:
      - (A) 50 percent of any insurance proceeds collectable by the district for the project.
      - (B) 50 percent of the net proceeds available from the disposition of any displaced facilities in the project.
  - (e) Adjustments to School Facility Program per-pupil grants.
    - (1) The district's New Construction Eligibility will be adjusted for any net increase in classroom capacity in the project pursuant to Section 1859.51(i).
    - (2) The baseline eligibility for modernization as provided in Section 1859.60 will be adjusted for any funding received in accordance to (b) above. The age of the classroom and Square Footage in the project shall be reset to the date of the Apportionment for the project.
  - (f) Districts that qualify for Financial Hardship assistance may file an application for design funding, site funding, and determination of program eligibility in advance of construction funding.
    - (1) To request advanced funding for design for eligible projects, the district must submit an *Application for Funding* (Form SAB 50-04) indicating the request for design funding and all documents listed in Section 1859.82.2(c)(3)(A) through Section 1859.82.2(c)(3)(E).
    - (2) Advanced funding for design shall be provided based on the eligible project type as follows:
      - (A) For projects receiving funding for advanced design for the replacement of all ~~S~~school ~~B~~building(s) on the project site, pursuant to Section 1859.82.2(b)(4)(A), the Board will apportion an amount not to exceed 40 percent of the New Construction Grant less any district funds available for the project pursuant to Section 1859.81(a).

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- (B) For projects receiving funding for advanced design for at least one but not all School Buildings on the project site pursuant to Section 1859.82.2(b)(4)(B), the Board will apportion an amount not to exceed 40 percent of the Facility Hardship Square Footage Grant less any district funds available for the project pursuant to Section 1859.81(a).
- (C) For projects receiving funding for advanced design for a Seismic Rehabilitation Grant pursuant to Section 1859.82.2(c), the Board will apportion an amount not to exceed 25 percent of the costs determined pursuant to Section 1859.82.2(c)(4)(A) less any district funds available for the project pursuant to Section 1859.81(a).
- (3) Advanced funding for site shall be provided pursuant to Section 1859.82.2(b)(4)(A)4. The district is eligible for advanced funding for site acquisition as calculated pursuant to Section 1859.81.1.
- (4) The amount apportioned for advanced design is an estimate of the funds needed for design, engineering, and other pre-construction project costs. Qualifying districts may request a separate Apportionment for the design and for site acquisition for the same seismic mitigation project.
- (5) The district is required to submit an Approved Application for funding and an updated Form SAB 58-01 for projects funded in accordance with Section 1859.82.2(c) or site development worksheet for projects funded in accordance with Section 1859.82.2(b), that reflects the final approved drawings for the project within:
  - (A) 18 months from the date of Apportionment if the project scope will be for repair or replacement on the same site.
  - (B) 24 months from the date of Apportionment if the project scope is for the replacement of School Building(s) which will be located on a replacement site.
- (6) If the district does not submit the Approved Application for funding within the timelines required by Section (2) above, the application will be reduced to eligible costs incurred.
- (7) Upon receipt of the Approved Application, the application will be reviewed for conformance with all program laws and regulations.
- (8) Any funding provided in Section 1859.82.2 shall be offset by any advanced design funding previously provided for the project pursuant to Section 1859.82.2(f)(2).

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17075.10, 17075.15, 101012(a)(1) and 101122, Education Code.

### Section 1859.82.3. Facility Hardship Program and Seismic Mitigation Program Conceptual Approvals.

A district may request approval from the Board to determine eligibility for facility hardship or seismic mitigation programs in advance of project funding. Board approval does not constitute a reservation of bond authority. Board approval only confirms the district meets the criteria in Section 1859.82.

- (a) To request conceptual approval for facility hardship projects, the district must submit an *Application For Funding* (Form SAB 50-04) indicating the request for conceptual approval and all documents listed below:
  - (1) For replacement projects, all of the documents listed in Section 1859.82.1(b)(2)(A) through Section 1859.82.1(b)(2)(D).
  - (2) For rehabilitation projects, all of the documents listed in Section 1859.82.1(c)(3)(A) through Section 1859.82.1(c)(3)(D)3.
- (b) To request conceptual approval for seismic mitigation projects, the district must submit an *Application For Funding* (Form SAB 50-04) indicating the request for conceptual approval and all documents listed below:
  - (1) For replacement projects, all of the documents listed in Section 1859.82.2(b)(2)(A) through Section 1859.82.2(b)(2)(F).
  - (2) For rehabilitation projects, all of the documents listed in Section 1859.82.2(c)(3)(A) through Section 1859.82.2(c)(3)(E).

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17075.10, 17075.15, 100420, 100620, 100820, 101012(a)(1) and 101122, Education Code.

### Section 1859.83. Excessive Cost Hardship Grant.

## ATTACHMENT A

In addition to any other funding authorized by these Regulations, a district is eligible for funding as a result of unusual circumstances that created excessive project costs beyond the control of the district. The Excessive Cost Hardship Grant shall be based on any of the following:

(a) Excessive Cost due to Geographic Location.

A district with a project that is located in a geographic area designated in the Geographic Percentage Chart below is eligible for the sum of the Excessive Cost Hardship Grant(s) determined by multiplying the indicated percentage factor shown in the Geographic Percentage Chart below by each of the following amounts:

- (1) The New Construction Grant and the Modernization Grant.
- (2) The funding provided by Sections 1859.71.2, 1859.71.3, 1859.72, 1859.73, 1859.73.2, 1859.76(d)(1) and (2), 1859.78.4, 1859.78.5, 1859.82.1, 1859.82.2, 1859.83(b), (c), (d) and (e) and 1859.125(a)(1) through (a)(2).

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 OFFICE OF PUBLIC SCHOOL CONSTRUCTION

## INSTRUCTIONS

The Form SAB 58-01 is to be used for the purposes of generating and submitting the cost estimate required for eligible Facility Hardship or Seismic Mitigation projects pursuant to SFP Regulation Section 1859.82.1(b)(2)(C), 1859.82.1(c)(3)(C), and 1859.82.2(c)(3)(D).

Refer to the most current published edition of the Current Construction Remodeling Costs publication by Sierra West Publishing, F3 unit costs, for data needed to complete this form. Throughout these instructions, all references to "Sierra West" indicate this publication.

All lines in Part I must be broken out to individual items or materials. Do not enter line item requests in a lump sum format. Line item requests in lump sum format may not be eligible for funding.

## PART 1 – Line-Item Requests

**For each line-item request, complete the following:**

1. **CSI #** - Enter the Construction Specifications Institute number (CSI #) corresponding to the item or material included in
2. **Description** - Enter the description corresponding to the item or material as it appears in Sierra West.
3. **Quantity** - Enter the numeric quantity of the item or material used as indicated in the project plans approved by the
4. **Unit** - Enter the unit of measure for the specified material or item as it appears in Sierra West.
5. **Cost/Unit** - Enter the total unit cost, or cost per unit, as it is listed in the F3 column in Sierra West. Do not add installation cost as this has been included in the total unit cost amount.
6. **District's Request** - Enter the product of the Quantity and Cost/Unit column.
7. **OPSC's Allowance** - Leave blank. This section will be completed by OPSC upon review of the application.
8. **Comments** - The district may optionally indicate any relevant plan page numbers or reference information to assist the plan reviewer in the comments column.
9. **OPSC Review Comments** - Leave blank. This section will be completed by OPSC upon review of the application.
10. **Title 24 Max Requirement** - In lieu of requesting individual line items for Access Compliance, the district may request a 20% allowance to cover the costs of the maximum Access Compliance work required by the Division of the State Architect. This allowance is reflective of the maximum requirements in Title 24, Section 11B-202.4, Exemptions, 8.

**PART II – Contractor Burden**

For the purposes of Part II of this form, refer to the table below to determine the applicable construction classification to use when referencing the most current published edition of Sierra West.

OPSC Project Type	Sierra West Construction Classification
Facility Hardship rehabilitation for Fire and/or Water Damage	“Repair of Fire Damage”
Facility Hardship rehabilitation of historical structures	“Unique Structures”
All other Facility Hardship rehabilitation projects	“Alterations and Additions”
Seismic Mitigation rehabilitation	“Alterations and Additions”

**General Conditions and General Requirements** - Using the total project cost as reported to DSA and the applicable OPSC project type listed above, enter the percentage as indicated in the General Conditions table in Sierra West (CSI# 01.1000 000).

**Overhead, Profit & Bonds** - Using the total project cost as reported to DSA, enter the applicable percentage as indicated in the “Bonds” section in Sierra West (CSI# 01.2000 000).

**Escalation** - If the project has not been completed at the time of application submittal, enter the percentage listed for the current year, as indicated in the “Escalation” section of Sierra West (CSI# 01.3000 000).

**Contingencies** - Based on OPSC's Allowance Subtotal and based upon CSI# 01.4000 000 Schematic Plans in Sierra West. Sierra West provides an allowance of "0%" when funding is based on work with full DSA approved plans.

**PART III – Design Cost Allowances**

**DSA Inspection Fee** - For projects that require DSA plan approval, enter 1%. For projects that do not require DSA plan approval, enter 0%.

**Industry Specialist’s Report Costs** - For rehabilitation projects enter the greater of \$10,000 or 1% of the OPSC Allowance Subtotal. For replacement projects, enter 0%.

**Construction Testing Allowance** - For rehabilitation projects that require specialized testing and inspection of materials during construction such as soil tests, foundation tests, exploratory borings, and similar testing prior to construction, enter 1%. The District must submit written verification of the specialized testing required for the scope of work. For all other projects, enter 0%.

**Design Specialist Cost Allowance** - Based on the Construction Subtotal (Part II), the allowance for the Design Specialist will be automatically calculated using the Design Specialist Cost Allowance sliding scale at the end of the estimate. Alternatively, the District may manually enter the cost allowance based on this scale.

ATTACHMENT B

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**CDE Plan Review Fee** - Allowance is for the proportionate amount of fees charged by the California Department of Education, as required by law, for the hardship portion of the project. The allowance provided will be 0.07% of the OPSC Allowed Construction Subtotal as published on CDE's website:

<https://www.cde.ca.gov/ls/fa/sf/forms.asp>

**DSA Plan Review Fee** - Allowance is for the proportionate amount of fees charged by the Department of the State Architect, as required by law, for the hardship portion of the project. Based on the product of the OPSC Allowed Construction Subtotal applied to the DSA Project Fee Calculator:

<https://www.apps2.dgs.ca.gov/dsa/tracker/FeeCalculator.aspx>



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School District:	Application Number:
School Name:	DSA Number:
County:	

**PART II - Contractor Burden**

1. CSI #	2. Description	Multiplier	Allowance	Calculation Detail
1.100 000	<b>General Conditions (insert percentage)</b> Broad categories covered by General Conditions include: <ul style="list-style-type: none"> <li>• Mobilization,</li> <li>• Non-distributable labor and supervision,</li> <li>• Permits, licenses &amp; fees,</li> <li>• Temporary utilities, structures, and fencing</li> <li>• Material handling equipment, trucks, safety, fuel, scaffolding,</li> <li>• Non-manual labor, benefits, payroll tax, workers compensation insurance</li> <li>• Insurances, comprehensive, builders risk.</li> </ul>	0.00%	\$ -	The multiplier is the percentage allowed based on the total project cost reported to DSA and the chart in the Current Construction Remodeling Costs Publication, in Section 01.1000 000. That percentage is representative of the economies of scale for the overall scope of the project, and is then applied to the OPSC Allowance Subtotal to arrive at the allowance.  The following application types should use the corresponding Sierra West allowance category: <ul style="list-style-type: none"> <li>• Facility Hardship Rehabilitation (Fire and/or Water Damage) – “Repair of Fire Damage”</li> <li>• Facility Hardship Rehabilitation (historical structures) – “Unique Structures”</li> <li>• Facility Hardship Rehabilitation (all others) – “Alterations &amp; Additions”</li> <li>• Seismic Mitigation Program Rehabilitation – “Alterations &amp; Additions”</li> </ul>
1.200 000	<b>Overhead, Profit, and Bonds (insert percentage)</b> Broad categories covered by overhead include: rent, utilities, legal, accounting, estimating, travel, general insurance, taxes, marketing, advertising, computers, etc. and are distinctly not related to the physical construction of the project.	0.00%	\$ -	The multiplier is the percentage allowed based on the total project cost reported to DSA and the chart in the Current Construction Remodeling Costs Publication, Section 01.2000 000. That percentage is representative of the economies of scale of the overall scope of the project which is then applied to the sum of the OPSC Allowance Subtotal plus the General Conditions allowance, to arrive at the allowance.
1.300 000	<b>Escalation (insert current year percentage)</b> This allowance provides for the general adjustment in construction costs over the duration of an estimating year.	0.00%	\$ -	If the project has not been completed at the time of application submittal, the multiplier is the percentage listed for the current year, as indicated in the “Escalation” section of Sierra West (CSI# 01.3000 000). That percentage is then applied to the sum of the OPSC Allowance subtotal, plus the General Conditions Allowance, and the Overhead Profit & Bond Allowance. If the project is already complete, enter “\$0”.
1.400 000	<b>Contingencies (insert percentage or “0”)</b> Contingencies are provided for projects when the work in this form is represented in schematic drawings rather than DSA approved plans. Typically this only applies to Cost Benefit Analysis completed for Seismic Mitigation Program replacement applications or requests for Conceptual Approval. <b>Note:</b> Sierra West Current Construction Cost publication provides an allowance of “0%” when funding is based on work with full DSA approved plans.	0.00%	\$ -	The multiplier is the percentage based on the Construction Classification and the Stage of Design outlined in the chart in the Current Construction Remodeling Costs Publication, in Section 1.4000 000. That percentage is then applied to the sum of the OPSC Allowance subtotal plus the allowance for General Conditions, Overhead Profit & Bond, and Escalation. Note: Applications with funding based on plans with final DSA approval are ineligible for contingencies.
<b>Part II- Construction Subtotal</b>			\$ -	Sum of Part I and Part II.

**PART III- Design Costs & Fees**

Design Costs	Multiplier	Allowance	Calculation Detail
<b>Project Inspection Allowance</b>	1.00%	-	Allowance provided for the services of a DSA certified inspector for the duration of the project. The allowance provided is 1.00%, based on Construction Subtotal. Only allowed if project required DSA approval.
<b>Industry Specialist Report</b>	\$10,000 or 1.00%	10,000	Allowance provided for the services of an Industry Specialist to completing the required report. The allowance provided is the greater of either the Construction Subtotal multiplied by 1%, or \$10,000 .
<b>Construction Testing Allowance</b>	1.00%	-	For rehabilitation projects that require specialized testing and inspection of materials during construction such as soil tests, foundation tests, exploratory borings, and similar testing prior to construction, enter 1%. The District must submit written verification of the specialized testing required for the scope of work. For all other projects, enter 0%. The allowance is the applicable percentage multiplied by the Construction Subtotal.
<b>Design Specialist Cost Allowance</b> *See Sliding Scale, below.	Sliding Scale	-	Based on Construction Subtotal, using the Design Cost Allowance chart below.
<b>CDE Plan Review Fee</b>	0.07%	-	Allowance is for the proportionate amount of fees charged by the California Department of Education, as required by law, for the hardship portion of the project. The allowance provided will be CDE’s fee calculation applied to the Construction Subtotal.
<b>DSA Plan Review Fee</b>	DSA Project Fee Calculator	-	Allowance is for the proportionate amount of fees charged by the Department of the State Architect, as required by law, for the hardship portion of the project. Based on the product of the Construction Subtotal applied to the DSA Project Fee Calculator: <a href="https://www.apps2.dgs.ca.gov/dsa/tracker/FeeCalculator.aspx">https://www.apps2.dgs.ca.gov/dsa/tracker/FeeCalculator.aspx</a> .
<b>Part III- OPSC Approved Total Project Cost:</b>		<b>10,000</b>	Sum of Part II and Part III

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School District:	Application Number:
School Name:	DSA Number:
County:	

**For Reference:**

Design Specialist Cost Allowance Sliding Scale	Multiplier	Allowance
Construction Subtotal (from above):		\$ -
First \$500,000	12.00%	\$ -
next \$500,000	11.50%	\$ -
next \$1 million	11.00%	\$ -
next \$4 million	10.00%	\$ -
next \$4 million	9.00%	\$ -
Beyond	8.00%	\$ -
<b>Design Cost Allowance:</b>		\$ -

I certify, as the District Representative, that the information reported on this form is true and correct and that:

- I am designated as an authorized district representative by the governing board of the district; and,
- under penalty of perjury, under the laws of the State of California, the foregoing statements are true and correct to the best of my knowledge and belief; and,
- this form is an exact duplicate (verbatim) of the form provided by Office of Public School Construction. No variations of this form may be used.

Name of District Representative (Print):	Phone Number:
Signature of District Representative:	Date:

## ATTACHMENT C

### AUTHORITY

#### Education Code Section 17074.25

(a) A modernization apportionment may be used for an improvement to extend the useful life of, or to enhance the physical environment of, the school. The improvement may only include the cost of design, engineering, testing, inspection, plan checking, construction management, demolition, construction, the replacement of portable classrooms, necessary utility costs, utility connection and other fees, the purchase and installation of air-conditioning equipment and insulation materials and related costs, furniture and equipment, including telecommunication equipment to increase school security, fire safety improvements, playground safety improvements, the identification, assessment, or abatement of hazardous asbestos, seismic safety improvements, and the upgrading of electrical systems or the wiring or cabling of classrooms in order to accommodate educational technology. A modernization grant may not be used for costs associated with acquisition and development of real property or for routine maintenance and repair.

(b) A modernization apportionment may also be used for the cost of designs and materials that promote the efficient use of energy and water, the maximum use of natural lighting 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 other characteristics of high-performance schools.

(c) (1) A modernization apportionment may be used to limit pupil exposure to harmful air pollutants by updating air filtration systems.

(2) (A) This subdivision is declaratory of existing law.

(B) It is the intent of the Legislature in enacting the act amending this section in the 2017–18 Regular Session to encourage school districts to add air filtration systems to applications for modernization apportionments when air pollution occasionally or regularly exceeds levels known to be harmful to public health.

*(Amended by Stats. 2018, Ch. 714, Sec. 1. (AB 2453) Effective January 1, 2019.)*

#### Education Code Section 17075.10.

(a) A school district may apply for hardship assistance in cases of extraordinary circumstances. Extraordinary circumstances may include, but are not limited to, the need to repair, reconstruct, or replace the most vulnerable school facilities that are identified as a Category 2 building, as defined in the report submitted pursuant to Section 17317, determined by the department to pose an unacceptable risk of injury to its occupants in the event of a seismic event.

(b) A school district applying for hardship state funding under this article shall comply with either paragraph (1) or (2).

(1) Demonstrate both of the following:

(A) That due to extreme financial, disaster-related, or other hardship the school district has unmet need for pupil housing.

(B) That the school district is not financially capable of providing the matching funds otherwise required for state participation, that the district has made all reasonable efforts to impose all levels of local debt capacity and development fees, and that the school district is, therefore, unable to participate in the program pursuant to this chapter except as set forth in this article.

(2) Demonstrate that due to unusual circumstances that are beyond the control of the district, excessive costs need to be incurred in the construction of school facilities. Funds for the purpose of seismic mitigation work or facility replacement pursuant to this section

## ATTACHMENT C

### AUTHORITY

shall be allocated by the board on a 50-percent state share basis from funds reserved for that purpose in any bond approved by the voters after January 1, 2006. If the board determines that the seismic mitigation work of a school building would require funding that is greater than 50 percent of the funds required to construct a new facility, the school district shall be eligible for funding to construct a new facility under this chapter.

(c) The board shall review the increased costs that may be uniquely associated with urban construction and shall adjust the per-pupil grant for new construction or modernization hardship applications as necessary to accommodate those costs. The board shall adopt regulations setting forth the standards, methodology, and a schedule of allowable adjustments, for the urban adjustment factor established pursuant to this subdivision.

*(Amended by Stats. 2008, Ch. 179, Sec. 41. Effective January 1, 2009.)*