

OFFICE OF PUBLIC SCHOOL CONSTRUCTION
STAKEHOLDER MEETING
April 3, 2025

IMPLEMENTATION OF PROPOSITION 2 FOR THE SCHOOL FACILITY PROGRAM

PURPOSE

The purpose of this meeting is to continue discussion with stakeholders on the implementation of the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2) and to discuss and collect feedback on proposed amendments to the School Facility Program (SFP) Regulations for the following topics:

- 75 Year-Old Building Supplemental Grant (Attachment A5)
- Supplemental Grants for Minimum Essential Facilities (Attachment A10)
- Transitional Kindergarten Supplemental Grant (Attachment A11)

BACKGROUND

Proposition 2

Proposition 2 was approved by a majority of California's voters on November 5, 2024. To implement its provisions, existing SFP Regulations must be updated to align with the new statutory provisions.

OPSC is requesting stakeholder feedback regarding these changes. Each of the topics listed within the Purpose section of this report is broken out into its own attachments for stakeholder reference.

AUTHORITY

See Attachments A5a, A10a, and A11a.

SUMMARY AND NEXT STEPS

Attached is a series of topics related to the 75 Year-Old Building Supplemental Grant, Supplemental Grant for Minimum Essential Facilities, and Transitional Kindergarten Supplemental Grant. Stakeholder feedback for these topics received from the January 30, 2025 and February 13, 2025 meetings may be found on Attachment B.

Staff will review any feedback obtained in today's meeting and anything received through close of business on Friday, April 18, 2025 and will address those suggestions in the next public meeting on the corresponding topic.

To submit written feedback after today's meeting, please email your suggestions to the OPSC Communications Team at OPSCCommunications@dgs.ca.gov.



February 14, 2025

Communications Team
Office of Public School Construction
707 Third St, 6th Floor
West Sacramento, CA 95605

RE: FEEDBACK ON TOPICS PRESENTED DURING JANUARY 30, 2025 STAKEHOLDER MEETING FOR IMPLEMENTATION OF PROPOSITION 2 FOR THE SCHOOL FACILITY PROGRAM

To Whom it May Concern:

Hancock Park & DeLong, Inc. appreciates the opportunity to provide feedback regarding the topics presented during the first Proposition 2 Implementation meeting held on January 30, 2025. Below is a summary of our comments and concerns:

- **Topic 1 – Financial Hardship**
 - For the proposed regulation section 1859.81.(i)(6)c., we request the ability for school districts to include an estimated or “up to” maximum amount of anticipated funding that will be borrowed or transferred, rather than an exact amount of funding. It is often difficult to determine the exact amount of funding that will be required for inter-fund borrowing, so a maximum anticipated amount would provide much-needed flexibility.

- **Topic 2 – Modernization Eligibility for Schools Located on Military Installations and New Construction Eligibility for Small School Districts**
 - For the adjustments to New Construction eligibility, we request the flexibility for school districts to submit current fiscal year enrollment information beginning in September of each year, rather than being required to utilize the prior year’s enrollment data. Those districts who have begun school and are aware of increased enrollment should have the ability to capture and use the increased enrollment data to support their projections and applications.

- **Topic 3 – Eligible Expenditures – n/a**

- **Topic 4 – School Facility Program (SFP) Matching Share**
 - We request clarification on the calculation of the SFP grant amounts when the matching share changes. It is unclear based on a reading of the proposed regulations whether the total project (State + district share) is staying the same or going down, if for example, the matching share goes down to 35 percent for a modernization project. Please see the below examples of a ‘standard’ 60%/40% project and the

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two options for a project with an adjusted matching share. Under Option 1, the total project amount stays the same, with the state share going up and the matching share going down- it seems that this would necessitate a change in the actual pupil grants. Under Option 2, the state share would stay the same but the matching share goes down further than Option 1. This option would result in less funding for financial hardship districts.

As a 60%/40% project, with ~100 K-6 pupil grants (calculations are simplified/ rounded down):

State=	\$600,000
District=	\$400,000
Total project=	\$1,000,000

Option 1: As a 65%/35% project:

State=	\$650,000
District=	\$350,000
Total project=	\$1,000,000

Option 2: As a 65%/35% project:

State=	\$600,000
District=	\$323,077
Total project=	\$923,077

- **Topic 5 – 75-Year Old Building Supplemental Grant**

- For replaced square footage, we request the ability for school districts to increase the square footage of any replaced classroom spaces to meet minimum space requirements under Title 5 for current classrooms. Districts should have the ability meet current Title 5 requirements and not be held to standards from over 75 years ago.

Please let us know if you have any questions or would like additional information regarding these topics. We look forward to continuing conversations as these topics progress with development.

Sincerely,

Jessica Love
Hancock Park & DeLong

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February 14, 2025

Rebecca Kirk, Executive Director
Office of Public School Construction
Department of General Services
707 Third St
West Sacramento, CA 95605

Re: Proposition 2 Implementation Stakeholder Meeting #1

Dear Ms. Kirk,

On behalf of the Los Angeles Unified School District (Los Angeles Unified), we appreciate OPSC's Proposition 2 stakeholder engagement and welcome the opportunity to provide input on the proposed amendments to the School Facility Program in response to Proposition 2.

The comments and recommendations provided below correspond to the topics raised and materials provided for the January 30, 2025, Implementation Stakeholder Meeting #1.

Topic #2 - Modernization eligibility for Schools Located on Military Installations and New Construction Eligibility for Small School Districts (Attachment A2)

- *Eligibility Determination (Form 50-03)*: Clarify that the "year" being requested for the CBEDS enrollment data, refers to a "school year" rather than a "calendar year."
- *Eligibility Determination (Form 50-03)*: The language on lines 2 and 3 in the Option B section regarding military schools should also be included on lines 2 and 3 in the Option A section.

Topic #3 – Eligible Expenditures (Attachment A3)

- *Grant Agreement Form, Items 5.q and 5.r:* The proposed grant agreement does not explicitly state whether lead testing following a remediation project is an eligible expenditure or whether lead testing prior to any remediation efforts is eligible. We believe language is necessary to clarify that these are both eligible expenditures.
- *Grant Agreement Form Items 5.q. and 5.r.:* Both items directly reference EC 17074.25(a)(2)(C) and should be combined for clarity.
- *Grant Agreement Form Items 5.u.:* As the supplemental grant for expansion or construction of a gymnasium, multipurpose room, library, or school kitchen will be discussed in greater detail at a future stakeholder meeting, we propose that discussion and implementation of any related grant-agreement language be deferred until that meeting.
- *Grant Agreement Form Item 5.w.:* As EC 17077.35 and 17073.16 will be discussed in greater detail at a future stakeholder meeting, we propose that implementation of any grant-agreement language related to Energy Efficiency changes be deferred until that meeting.
- *Grant Agreement Form Items 3.p, 3.s, 5.n, 5.t, and 5.v.:* Clarify whether design costs are considered eligible expenses for broadband infrastructure, healthcare and mental health facilities, kitchens, transitional kindergarten classrooms, and preschool program facilities.

Topic #4 – School Facility Program (SFP) Matching Share (Attachment A4)

- *New Construction Funding Process & New Construction District Matching Share Requirement:* EC Section 17072.30(a) which is cited as an authority for 2 CCR 1859.77.1, conflicts with the new Proposition 2 matching share guidance for new construction grants. The EC states that before state funds will be released, a school district must meet certain provisions, including making a certification that the required matching funds “in an amount at least equal to the proposed apportionment” be expended or deposited in the county fund, or will be expended by project completion. Due to the Proposition 2 updates to this EC section, it is no longer possible to have a matching share that is equal to an apportionment unless a school district is determined to have a score of less than six points pursuant to Section 17070.59. Clarification is needed on how to address this conflict.
- *Points for Local Matching Share Determination:* The proposed regulations for 2 CCR 1859.70.5(a) suggest the points for a district’s bonding capacity, unduplicated pupil counts, and pupil enrollment of 200 pupils or fewer, be calculated when OPSC provides notification of application processing. Los Angeles Unified recommends that the points for the local matching share be calculated at the time of processing for the New Construction program and be calculated at the time of application submission for the Modernization program. Per 2 CCR 1859.51(e), for new construction funding requests, a district must submit an eligibility update at the time of processing. This eligibility update directly impacts the funding request by potentially reducing or changing the number of pupil grants available for use in the funding request.

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Accordingly, other calculations that directly impact the funding request—such as the matching share—should also be determined at that time to provide a consistent approach to determining the apportionment. Conversely, for modernization funding requests, eligibility is determined at the time of application submission. The matching share should also be determined at that time, to provide a consistent approach to determining the apportionment.

- *Local Matching Share Determination* (Form SAB 50-04,): Section 22 discusses how to calculate the matching share, and includes steps to calculate a district's enrollment as "pursuant to the Form SAB 50-01 instructions for reporting enrollment data." However, the suggested SAB 50-04 language fails to include all the 50-01's instructions and specifically excludes enrollment accounted for in Part C (Continuation High School Pupils) and Part D (Special Day Class Pupils). We recommend that Part C and Part D be added to the SAB 50-04 language.
- *Gross Bonding Capacity*: The calculation of a district's gross bonding capacity relies on the district's assessed value, which, per EC 17070.54(c)(6), must be verified by the 'appropriate local government entity that collects and maintains this information.' However, this data is not publicly available and is often sourced from non-governmental entities. Los Angeles Unified requests consideration of alternative sources for verification.

Topic #5 – 75-Year-Old Building Supplemental Grant (Attachment A5)

- *Building Specific – Eligible Project Scope*: Los Angeles Unified does not agree with OPSC's interpretation of EC 17073.15 and 17074.10(f). According to EC 17074.10(f), portables eligible for a second modernization funding must be replaced unless the district can "document that modernizing the portable classroom is a better use of public resources". This wording indicates that portables are not necessarily "replaced through the second round of modernization funding," therefore the grant to replace 75-year-old buildings should not be limited to the replacement of permanent buildings and instead also include portable buildings.
- Los Angeles Unified requests that districts not be limited to like-kind square footage restrictions in certain situations when a replacement building requires additional square footage due to code requirements or functional mandates. Some examples of when additional square footage should be allowed are:
 - If classrooms in a 75-year-old building are too small and need to be brought up to 960sf to be compliant with Title 5 general classroom size guidelines, there will be a size increase when comparing the demolished square footage to the replacement square footage. This additional square footage should be eligible and allowable to receive funding.
 - If a district demolishes buildings (permanent or portables) with the intent to replace and consolidate those spaces under one roof, the replacement building will necessarily include hallways, restrooms, or outdoor corridors that were not included in the demolished buildings. This would create additional square footage that would be necessary to receive design approval, and to functionally use the building. This additional square footage should be eligible and allowable to receive funding.

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- *Requesting 50-year-old Utilities Within the Project:* OPSC states that “...the 50-year-old utility grant should not be provided for a 75-year-old building that is being replaced as the new construction grant being provided already accounts for these costs”. Los Angeles Unified believes this is a misreading of EC 17072.35, which says that the new construction grant (not specifically the new construction *pupil* grant) provides for these costs. The new construction grant accomplishes this through the site-development/utilities additional grant permitted in section 5.f of Form SAB 50-04 and 2 CCR 1859.76. A similar utility grant should therefore also be available as part of the grant to replace a 75-year-old building.
- *Required Cost-Benefit Analysis to Determine Funding Eligibility:* OPSC suggests that a district will need to provide a unit cost amount that conforms to the Sierra West Current Construction Costs Remodeling Repair (Modernization) book at F1 level of difficulty. However, 2 CCR section 1859.82.1 (Facility Hardship Program) prescribes the use of that same book at an F3 level, and although not memorialized in section 1859.82.2 (Seismic Mitigation Program), OPSC allows the usage of the same book at an F3 level for that program. Los Angeles Unified recommends consistent usage of the Sierra West publication across all SFP programs and recommends that F3 level be used for the purpose of preparing the cost benefit analysis for this supplemental grant.
- *Cost Benefit Analysis (Table 1):* In preparing the modernization estimate, Table 1 indicates that the existing square footage must be determined using DSA plans (“Verify from DSA plans”). However, the original DSA plans may no longer be available and/or the building may have been constructed before DSA was established. In such cases, Los Angeles Unified recommends SP1A diagrams, or other similar type of documentation, be acceptable for determining square footage (as has been permitted for other funding requests in the Modernization and Seismic Mitigation programs).
- *Cost Benefit Analysis:* Los Angeles Unified proposes that OPSC allow districts to base their cost-benefit-analysis-modernization-estimate on conceptual drawings, or schematic drawings as is similarly permitted in the Seismic Modernization Program. A modernization estimate based on DSA-approved modernization plans would be unduly expensive and time-consuming.
- *Build Back of Demolished Classrooms and/or Ancillary Space:* OPSC proposes calculating this supplemental grant based on the original snapshot of a building rather than its current configuration. However, Los Angeles Unified recommends that funding be based on the building’s current usage, consistent with the approach used in the Seismic Mitigation Program and aligned with EC 17071.25(a). This section specifies that a district’s existing school building capacity is determined at the time of initial application, reflecting current usage rather than a past snapshot that may no longer be relevant. If EC 17071.25 is to guide the funding calculation, its full context should be considered. Basing the grant on the conditions at the time of application provides a more accurate and equitable representation of current classroom utilization. Therefore, Los Angeles Unified urges OPSC to adopt a funding methodology that reflects current building usage, aligns with the functional requirements of the replacement building’s design, and remains consistent with the Seismic Mitigation Program approach and the language of EC 17071.25(a).

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If you have any questions regarding these comments, please contact Sasha Horwitz, Legislative Advocate: Sasha.Horwitz@lausd.net or (916) 443-4405.

Sincerely,

A handwritten signature in black ink, appearing to read "Sasha Horwitz", with a stylized flourish at the end.

Sasha Horwitz
Legislative Advocate
Los Angeles Unified School District

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February 28, 2025

Communications Team
Office of Public School Construction (OPSC)
707 Third St, 4th Floor
West Sacramento, CA 95605

RE: FEEDBACK ON TOPICS PRESENTED DURING FEBRUARY 13, 2025 STAKEHOLDER MEETING FOR IMPLEMENTATION OF PROPOSITION 2 FOR THE SCHOOL FACILITY PROGRAM

To Whom it May Concern:

Hancock Park & DeLong, Inc. appreciates the opportunity to continue providing feedback regarding the topics presented during the second Proposition 2 Implementation meeting held on February 13, 2025. Below is a summary of our comments and concerns:

• **Topic 6 – Interim Housing and Natural Disaster Assistance**

- We appreciate OPSC recognizing that the costs for interim housing assistance reimbursement may create barriers for some school districts. Is it possible to create a standard classroom-based emergency interim housing grant, similar to a design grant or a preliminary grant, that could be adjusted for a construction or “final” apportionment after additional information is provided and other government or insurance assistance is considered?

• **Topic 7 – Five-Year Master Plan**

- We encourage OPSC to reconsider the costs of developing a facility master plan (FMP) as an eligible project expenditure. The costs to prepare a master plan range from tens of thousands of dollars to several hundreds of thousands of dollars. There does not appear to be a mechanism to provide funding for the preparation of an FMP, so to also disallow the expense as an allowable project expenditure creates an even larger hurdle for school districts and could be characterized as an unfunded mandate for participation in the School Facility Program (SFP).
- We encourage OPSC to consider allowing an FMP to be valid for a full five years after school district board approval and then allowing 5-year updates to the FMP thereafter. A well-developed FMP can take anywhere from a few months up to a year (or beyond) for a district to prepare, and often includes significant community and stakeholder input, so requiring a school district to update the FMP annually is overly burdensome and unnecessary. Furthermore, small school districts are less likely to have the funding, staff or resources necessary to prepare annual updates, which will likely limit their ability to participate in the SFP if this becomes a requirement.

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- **Topic 8 – Small Size School District Program**

- We request that OPSC provide clarification on how pupils are to be counted for the Small Size School District program, within the *Enrollment Certification/ Projection* (SAB Form 50-01) instructions. The instructions seem to have conflicting direction on when to include enrollment if students are both “receiving non-classroom-based instruction” and “attending independent study”. Many (or most) independent study programs do not have students attending physical classrooms 100 percent of the school day, and are considered “non-classroom-based”, however they do still have the need for a certain number of classrooms.
- For certain small-to-medium sized districts, including the below charter school students may mean the difference between being above or below the 2,500 pupil cut-off to be a small school district:
SAB Form 50-01 instructions – Include: “Students receiving Classroom-Based Instruction in Charter Schools located within the district boundaries and are enrolled in the same grade levels or type served by the district regardless if the district chartered the school.” This may be a rare occurrence, but it would be unfortunate if a district was not able to participate in the program due to a factor that is largely out of their control.

- **Topic 9 – Energy Efficiency Supplemental Grant**

- No comments

- **Topic 10 – Supplemental Grants for Minimum Essential Facilities**

- No comments

- **Topic 11 – Transitional Kindergarten (TK) Supplemental Grant**

- We request that districts be able to utilize contracts signed *prior to* July 3, 2024 to justify projects under this program. This program is essentially taking the place of the CA Preschool, Transitional Kindergarten, Full Day Kindergarten Facilities Grant Program (CAPSTKFDKFGP), with the same intent, and we believe that districts who anticipated being able to participate in the CAPSTKFDKFGP should not be excluded from requesting the TK supplemental grant.

Please let us know if you have any questions or would like additional information regarding these topics. We look forward to continuing conversations as these topics progress with development.

Sincerely,

Jessica Love
Hancock Park & DeLong



TRANE

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TECHNOLOGIES

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Office of Public School Construction
Proposition 2 Stakeholder Meeting Public Comment
Attn.: Brian LaPask, Chief, Program Services

Brian,

We would like to thank you and your team for hosting these meetings and providing a forum for public comment.

Item 1:

REVISIONS TO THE SUPPLEMENTAL GRANT FOR ENERGY EFFICIENCY

Our understanding is that there are two options for discussion.

Option 1: ...maintain the existing energy efficiency grant sliding scale calculation. This is a well-established program and has its merits.

Option 2: A streamlined approach. Please confirm that DSA will be providing compliance oversight and provide a real-world example project using both Options 1& 2 for a comparison. We request the following bridging technologies be included in the “Energy Efficiency Components” as listed in the amended EC 17077.35 (b).

- HVAC - Thermal Energy Storage.
- Electric Hybrid Heat Pumps with Natural Gas Auxiliary Heating.

Item 2:

PROPOSED AMENDMENTS TO THE SCHOOL FACILITY PROGRAM FOR THE CREATION OF A SMALL SIZE SCHOOL DISTRICT PROGRAM

As per EC 17078.47 (a-d) & 10078.48 (a-d)

We believe that all the requirements as stated in the above listed EC Sections can be addressed with an AI tool. Due to the technical nature and importance of this section we recommend the creation of a stakeholder’s task force for further input and parameter development.

Please clarify the certification process for *private construction consultants* and maintaining an up-to-date list of certified consultants for use by priority school districts, as per EC 17078.47 (d).

Item 3:

PROPOSED REGULATORY AMENDMENTS FOR MINIMUM ESSENTIAL FACILITIES MODERNIZATION SUPPLEMENTAL GRANT

Include indoor school gardens that supply fruits and or vegetables to the districts’ kitchens in the proposed minimum Essential Facilities Supplemental Grant.

Tim Sisson, LEED AP
Director of Educational Facilities Development
Trane Technologies
Mobile: 916-439-0086



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February 28, 2025

Rebecca Kirk, Executive Director
Office of Public School Construction
Department of General Services
707 Third St
West Sacramento, CA 95605

Re: Proposition 2 Implementation Stakeholder Meeting #2

Dear Ms. Kirk,

On behalf of the Los Angeles Unified School District (Los Angeles Unified), we appreciate OPSC's Proposition 2 stakeholder engagement and welcome the opportunity to provide input on the proposed amendments to the School Facility Program in response to Proposition 2.

The comments and recommendations provided below correspond to the topics raised and materials provided for the February 13, 2025, Implementation Stakeholder Meeting #2.

Topic #6 – Interim Housing and Natural Disaster Assistance (Attachment A6)

The issue of interim housing assistance following a natural disaster raises several important considerations regarding eligibility, funding mechanisms, and regulatory clarifications.

Classroom Inventory Adjustments for Disaster-Related Replacements

In reference to Education Code section 17075.20(d)(2), OPSC states that any classroom portable purchased under section 17075.20(a) must be included in a district's classroom inventory, either when establishing new construction eligibility or through an adjustment if eligibility has already been established. However, clarification is needed to specify that when a portable is acquired

ATTACHMENT B

solely to replace a classroom destroyed in a natural disaster, it should not be added to the inventory, as it does not constitute an increase in capacity.

Charter School Eligibility for Interim Housing Assistance

There is ambiguity in the eligibility criteria for charter schools seeking interim housing assistance. While OPSC's analysis on page 6 concludes that charter schools cannot apply directly, a school district may apply on behalf of a charter school occupying district-owned facilities. However, Education Code section 17075.20(a) does not explicitly exclude charter schools on non-district-owned sites. Clarification is needed to determine whether a school district can apply on behalf of a charter school located on a non-district-owned site or if such schools are entirely ineligible for assistance.

Funding Challenges and Timing of Assistance

Timely access to interim housing assistance funding is critical, as schools need to accommodate displaced students immediately following a disaster. Waiting for reimbursement may present financial hardships. One proposed solution is for districts to submit a verified quote for the minimum amount needed and later reconcile any excess once insurance or other public assistance funds are received.

Los Angeles Unified recommends an upfront apportionment based on verified quotes, allowing districts to receive full funding at the outset. Since disasters are unplanned events, many districts lack the immediate resources to cover a matching share. Providing 100% of the verified quote upfront ensures districts can address their needs without delay. Once insurance and public assistance funding is secured, a true-up process would reconcile actual expenses, with any excess funds returned to the State.

Additionally, clarification is needed regarding the timing of state and local funds. If immediate access is not available, a clear timeline should be established to ensure school districts can plan accordingly.

In summary, regulatory clarification, eligibility adjustments, and a shift toward upfront funding mechanisms would improve the effectiveness of interim housing assistance, ensuring that schools can respond swiftly to natural disasters while maintaining financial accountability.

Topic #7 – Five-Year Master Plan (Attachment A7)

Master Plan Updates and Timing:

In response to OPSC's request for stakeholder feedback, Los Angeles Unified recommends the following:

- Updates or addendums to a district's master plan should be required no more than once every five years, with the five-year period beginning on the date of the district governing board's approval. The plan's duration should be determined solely based on this approval date.
- Any updates or addendums must receive formal approval from the district's governing board.

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Eligibility Determination and Funding Considerations:

Education Code (EC) 17070.54(b) requires that a facilities master plan include information on a district's eligibility for state bond funding. However, clarification is needed regarding the time period this eligibility should represent and whether second-round funding must be included.

To address these concerns, Los Angeles Unified recommends the following:

- Eligibility should be determined within one calendar year of the governing board's approval of the master plan. Second-round funding should be excluded unless its methodology and application are fully finalized.
- Regulations should explicitly state that a master plan's eligibility calculations are based on the original site snapshots used to establish baseline eligibility, rather than the building inventory submitted as part of the master plan.
- Regulations should clarify that if a district uses SAB forms to estimate eligibility, these forms serve solely as a calculation tool and will not be processed as official submissions.

Master Plan and Closeout Audits:

Los Angeles Unified requests clarification on which version of the master plan is required at the time of the closeout audit—whether it should be the version submitted as part of the application or an updated version. Clear guidance on this requirement will help ensure consistency and compliance across districts.

Additionally, we recommend the development of a standardized master plan certification checklist to help districts document key information and certify the plan's completeness. This checklist would provide a clear framework for compliance, streamline the review process, and reduce administrative uncertainties.

Stakeholder Engagement and Master Plan Cost Reimbursement:

Los Angeles Unified recommends that stakeholders be given the opportunity to provide input on the guidelines and standards for school site inventories, which will be discussed between OPSC and CDE. Ensuring stakeholder involvement will help create clear, practical, and equitable standards that reflect the needs of all districts.

Additionally, the cost of developing a facilities master plan has been discussed, with OPSC indicating it may be classified as an operational expense. Los Angeles Unified recommends revisiting this classification to determine whether master plan development qualifies as an eligible expenditure, allowing districts to receive appropriate funding support for this mandated documentation.

"Current" Assessed Value (EC 17070.54(c)(6))

Los Angeles Unified seeks clarification on what qualifies as "current" assessed value and whether entities other than governmental agencies may be considered appropriate for verification purposes.

ATTACHMENT B

"Modernization" (EC 17070.54(d))

Los Angeles Unified requests a clear and comprehensive definition of "modernization" beyond what is outlined in EC 17070.15 to ensure consistency in its application.

Year of Construction and Modernization (EC 17070.54(d))

Los Angeles Unified seeks clarification on how the year of construction and modernization should be determined—whether based on the year construction commenced, the year it was completed, or the year DSA plans were approved. Additionally, we request guidance on the appropriate date to use for non-DSA projects if a DSA approval date is recommended for determining the "last modernized" date. Lastly, we recommend that regulations explicitly state that this data will not be used to determine modernization eligibility.

Topic #9 – Energy Efficiency Supplemental Grant (Attachment A9)

Requesting the Supplemental Grant: Options 1 and 2

Under both options presented, OPSC has stated that the DSA Tracker "Type of Program" must match the SFP funding category being requested. However, it remains unclear how DSA and SFP will interpret a district's application for like-kind replacement when filed under SFP Modernization funding, despite the actual work involving new building construction. Los Angeles Unified requests further clarification on how DSA will evaluate and assign the Title 24 Energy Requirement program in such cases. If DSA's classification does not align with SFP's funding definitions, we recommend that this mandate be reconsidered or removed to prevent unnecessary funding complications for districts.

If a tiered approach is selected, the thresholds outlined in OPSC's Option 1 would need to be revised. The recent revision to EC 17077.35 does not establish a minimum threshold for grant eligibility—it simply requires that the proposed building exceed nonresidential building energy-efficiency standards without specifying by how much. Given this, any tiered approach should align with the intent of the statute and avoid imposing arbitrary thresholds that are not legally required. Additionally, if a tiered approach is implemented, Los Angeles Unified requests calculation examples to clarify how the grant amount would be determined under each tier.

Los Angeles Unified recommends adopting Option 2, as it provides a simplified and streamlined approach. However, there are inconsistencies regarding how DSA would confirm a project exceeds Title 24 energy requirements. OPSC has indicated that the appropriate DSA Project Tracker checkbox would be selected to confirm compliance, but it would not display a percentage. This, in turn, would trigger the need for additional documentation, such as the "DSA Energy Compliance Review Verification Form", to prove that Title 24 standards were exceeded. If no minimum percentage exceedance is required, then the DSA Project Tracker should not need to display a percentage, nor should additional documentation be necessary. Additionally, if the DSA Energy Compliance Review Verification Form is to be required, it should be made available for review before it is incorporated into the process. Los Angeles Unified recommends addressing and clarifying these points before finalizing the selection and implementation of either option.

Topic #10 – Supplemental Grants for Minimum Essential Facilities (MEF) (Attachment A10)

Los Angeles Unified appreciates the ability to consider multiple funding options for the calculation of the supplemental grant for MEFs. Los Angeles Unified staff has performed an initial analysis based on the proposed options but is not prepared to make a recommendation without additional information from OPSC demonstrating how the calculation examples would compare. Therefore, we request that the next stakeholder materials include examples to facilitate comparison of the different funding options, including Use of Grants, Option 1, and Option 2.

Additionally, while the Use of Grants provision (2 CCR 1859.77.3) specifies that current CBEDS data be used to calculate the pupil amount requested, Los Angeles Unified recommends allowing the option to use a three-year average of CBEDS, similar to the flexibility provided under 2 CCR 1859.82.1 and 1859.82.2.

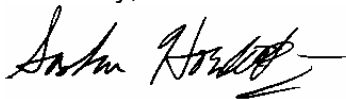
Lastly, we request clarification on the calculation of fundable toilet square footage, specifically whether a site-wide analysis will be conducted to determine if an existing site already meets the required toilet square footage for current enrollment.

Topic #11 – Transitional Kindergarten Classrooms Supplemental Grant (Attachment A11)

Los Angeles Unified appreciates the ability to consider multiple funding options for the calculation of the supplemental grant for Transitional Kindergarten Classrooms. Los Angeles Unified staff has performed an initial analysis based on the proposed options but is not prepared to make a recommendation without additional information from OPSC demonstrating how the calculation examples would compare to one another. Therefore, we request that the next stakeholder materials include examples to facilitate comparison of the different funding options.

If you have any questions regarding these comments, please contact Sasha Horwitz, Legislative Advocate: Sasha.Horwitz@lausd.net or (916) 443-4405.

Sincerely,



Sasha Horwitz
Legislative Advocate
Los Angeles Unified School District

ATTACHMENT A5

OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING April 3, 2025

PROPOSED REGULATIONS TO IMPLEMENT A MODERNIZATION GRANT FOR 75 YEARS OR OLDER BUILDINGS

PURPOSE

To review questions and input received at and since the January 30, 2025, stakeholder meeting and to continue discussion regarding program changes and statutory amendments to the School Facility Program (SFP) resulting from California's voter-approved Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety, and Safety Bond Act of 2024 (Proposition 2).

AUTHORITY

See Attachment A5a.

BACKGROUND

The Office of Public School Construction (OPSC) held a public meeting on January 30, 2025, to discuss proposed criteria for determining the eligibility and funding for a modernization grant for buildings at least 75 years old, and to receive stakeholder input. Questions that require further discussion or that were received after the meeting are addressed in this item.

The full text of the stakeholder meeting item may be found here: [January 30, 2025 OPSC Proposition 2 Stakeholder Meeting #1 - Item](#)

The recording of the January 30, 2025 Stakeholder Meeting is available at the link below. It includes feedback that OPSC was able to respond to at the time of the meeting that did not impact the proposed regulations: [January 30, 2025 OPSC Proposition 2 Stakeholder Meeting #1 - Recording](#)

STAFF ANALYSIS/DISCUSSION

Stakeholder Feedback

Staff would like to thank stakeholders who were able to view, attend, or participate in this meeting and also those who provided valuable feedback either at the meeting or through written correspondence to OPSC. Below is a summary of stakeholder feedback received as a result of the January 30, 2025 meeting:

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
<p>1. Does the 75-years-or-older grant replace the 50-years-or-older grant?</p>	<p>1. The 75-years-or-older grant does not replace the 50-years-or-older grant. This grant can be used in lieu of the 50-years-or-older grant, as its purpose is to demolish 75-years-or-older area and replace it with newly constructed facility space.</p>
<p>2. If a 75-year-old building is housing 6 TK/K classes that are each 960 sq. ft, how will the total costs for increased square footage be covered if replacing the building includes incorporating the new regulations for 1350 sq. ft and toilets?</p>	<p>2. Proposed program regulations have been drafted to allow for the increase in square footage of the reconstructed 75-years-or-older building(s) due to Title 5 requirements. Both the existing and replacement buildings may contain non-classroom, or ancillary space. The calculation to determine the number of grants being awarded for the project will include both the classroom and non-classroom space, resulting in grants provided at a level that will be proportionate to all of the space being replaced. There is an example of this type of calculation in the stakeholder item from January 30, 2025, for calculating projects with both ancillary and classroom space.</p>
<p>3. Will a building's age be determined by the original construction date?</p>	<p>3. For the purposes of 75-years-or-older grant funding, for permanent facilities, OPSC will determine the building's age starting from the Division of the State Architect (DSA) approval date of its construction, plus an additional 12 months. For portable facilities, the building's age will be based on the DSA approval date of when it was placed on the site, plus an additional 12 months.</p>
<p>4. If the building's date is reliant on the previous modernization date, then what is the feasibility analysis for?</p>	<p>4. The cost-benefit analysis is required for all funding applications requesting this grant pursuant to Education Code (EC) 17074.265(a)2.</p>

STAFF ANALYSIS/DISCUSSION (cont.)

<p>5. A school district has a site that was built in the 1930/40's and the District needs to update the site but cannot expand on the current site. Temporary Housing is also not possible, but there is a nearby site on which it would be more cost effective to build the new school. Would the District be able to use 75-years-old grants to accomplish this?</p>	<p>5. SFP Regulation Section 1859.79.2 indicates that "modernization funding, with the exception of savings, is limited to expenditure on the specific site where the modernization grant eligibility was generated." EC 17074.25 also specifies that "a modernization apportionment may be used for an improvement to extend the useful life of, or to enhance the physical environment of, the school." Both references indicate that the funding provided through the SFP must be used to replace and construct on the same site the 75-years-or-older building is located.</p> <p>Therefore, the replacement building must be on the same site that has the existing 75-years-or-older building.</p>
<p>6. If a district demolishes buildings (permanent or portables) with the intent to replace and consolidate those spaces under one roof, the replacement building will necessarily include hallways, restrooms, or outdoor corridors that were not included in the demolished buildings. This would create additional square footage that would be necessary to receive design approval, and to functionally use the building. This additional square footage should be eligible and allowable to receive funding.</p>	<p>6. As part of the base grant, replacing demolished square footage in like-kind is permitted. For square footage that goes beyond what was part of the original building, OPSC proposes that such excess square footage due to Title 5 will not be eligible for additional 75-years-or-older funding and will be locally funded. However, the district may account for this additional square footage as an eligible expenditure and include it within the project scope.</p> <p>For like-kind replacement of a Minimum Essential Facility (MEF), where there is an increase in square footage due to Title 5 requirements, the district can augment their request to include the MEF supplemental grant available in Proposition 2 if they meet the qualifications to receive the MEF grant.</p>

STAFF ANALYSIS/DISCUSSION (cont.)

<p>7. EC 17072.35 says that the new construction grant (not specifically the new construction <i>pupil</i> grant) provides for 75-year-old building replacement. The new construction grant accomplishes this through the site-development/utilities additional grant permitted in section 5.f of the Form SAB 50-04 and 2 California Code of Regulations (CCR) 1859.76. A similar utility grant should therefore also be available as part of the grant to replace a 75-year-old building.</p>	<p>7. OPSC is proposing that a district may also request Site Development (utilities only) for the replacement of a 75-years-or-older building, provided that the grant was not included in a prior funding application for a 50 years or older building. This aligns with how site development grants are provided for other modernization projects, and 50-years-or-older building grants per SFP Regulation Section 1859.78.7.</p>
<p>8. OPSC suggests that a district will need to provide a unit cost amount that conforms to the Sierra West Current Construction Costs Remodeling Repair (Modernization) book at F1 level of difficulty. However, 2 CCR section 1859.82.1 (Facility Hardship Program) prescribes the use of that same book at an F3 level, and although not memorialized in Section 1859.82.2 (Seismic Mitigation Program), OPSC allows the usage of the same book at an F3 level for that program. We recommend consistent usage of the Sierra West publication across all SFP programs and recommend that the F3 level be used for the purpose of preparing the cost-benefit analysis for this supplemental grant.</p>	<p>8. OPSC will maintain consistency by applying the Sierra West Current Construction Costs for 75-years-or-older projects. The F3 level is specifically designed for Facility Hardship projects addressing imminent health and safety threats to students and/or staff where repair work is more difficult to perform, and productivity levels are diminished.</p>

STAFF ANALYSIS/DISCUSSION (cont.)

<p>9. In preparing the modernization estimate, Table 1 indicates that the existing square footage must be determined using DSA plans (“Verify from DSA plans”). However, the original DSA plans may no longer be available and/or the building may have been constructed before DSA was established. SP1A diagrams are recommended, or other similar type of documentation, to be acceptable for determining square footage (as has been permitted for other funding requests in the Modernization and Seismic Mitigation programs). Can the District base their cost-benefit analysis/modernization estimate on conceptual drawings, or schematic drawings as is similarly permitted in the Seismic Mitigation Program? A modernization estimate based on DSA-approved modernization plans would be unduly expensive and time-consuming.</p>	<p>9. OPSC acknowledges that, in some cases, original DSA plans may be unavailable. As a solution, districts are permitted to create and submit "as-use plans" (i.e. conceptual drawings or schematic drawings) as evidence of the original site layout. Because these plans will be acceptable documentation for the original building, a district may use those plans to create the cost-benefit analysis in lieu of DSA-approved plans.</p>
<p>10. The District recommends funding be based on the building’s current usage, consistent with the approach used in the Seismic Mitigation Program and aligned with EC 17071.25(a). This section specifies that a district’s existing school building capacity is determined at the time of initial application, reflecting current usage rather than a past snapshot that may no longer be relevant. If EC 17071.25 is to guide the funding calculation, its full context should be considered. Basing the grant on the conditions at the time of application provides a more accurate and equitable representation of current classroom utilization. Therefore, we urge OPSC to adopt a funding methodology that reflects current building usage, aligns with the</p>	<p>10. OPSC has taken into consideration the similar approach that is used in the Seismic Mitigation Program, which views the building per its current usage, rather than what was captured in the snapshot.</p>

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<p>10. (cont.) functional requirements of the replacement building’s design and remains consistent with the Seismic Mitigation Program approach and the language of EC 17071.25(a).</p>	
<p>11. According to EC 17074.10(f), portables eligible for a second modernization funding must be replaced unless the district can “document that modernizing the portable classroom is a better use of public resources.” This wording indicates that portables are not necessarily “replaced through the second round of modernization funding,” and therefore the grant to replace 75-year-old buildings should not be limited to the replacement of permanent buildings and instead also include portable buildings.</p>	<p>11. As the statute does not indicate a specific type of building (i.e. portable or permanent), a district may choose to demolish and replace a portable building using 75-years-or-older funding.</p>

Additional Clarification: Pupil Grants Request

Upon further review, staff has determined that the 75-years-or-older pupil grants that are being requested must be commensurate with SFP modernization grants that are available. Similar to the grant for 50-years-or-older buildings, pupil grants provided to districts for the replacement of 75-years-or-older buildings will be considered a “subset” of the site’s total eligibility. Therefore, the 75-years-or-older pupil grants requested may not exceed the cumulative grant request in Section 2.a. on the *Application for Funding* (Form SAB 50-04). In summation, the 75-years-or-older pupil grants being requested must also be subject to the modernization eligibility that is available and the requirements of SFP Regulation Section 1859.79.3.

Pupil Grant Funding Model

Staff is presenting the following pupil grant funding model to show how the 75-years-or-older *base grant* is calculated from the annual new construction per pupil grants.

While the base grant under new construction is calculated on a 50/50 state/district share basis, the 75-years-or-older supplemental grant is going

STAFF ANALYSIS/DISCUSSION (cont.)

to be processed under the modernization program on a 60/40 basis (see Table 1). The following example (see Table 2) shows how the funding model will be determined for classrooms demolished and replaced that have become 75 years or older.

Base Grant Conversion from New Construction to Modernization (Table 1):

Grade Level	New Construction Per Pupil Grant	60/40 Adjusted New Construction Per Pupil Grant
Over 75 Years Old - Elementary	\$15,847	\$19,016
Over 75 Years Old - Middle	\$16,761	\$20,113
Over 75 Years Old - High	\$21,327	\$25,592
Over 75 Years Old - Special Day Class – Severe	\$44,531	\$53,437
Over 75 Years Old - Special Day Class – Non-Severe	\$29,782	\$35,738

Example – Based on a 60/40 calculation of New Construction Grant (Table 2):

Modernization 75 Years or Older Grant	Calculation	Grant Amount
75 Years or Older Base Grant*	50 pupil grants X \$19,016 13 pupil grants X \$35,738	\$950,800 \$464,594
	Total State Share (60%)	\$1,415,394
	Total District Share (40%)	\$943,596
	Total Project Cost	\$2,358,990

*Example is for an application requesting 75-Years-or-Older funding for 2 K-6 Classrooms and 1 Special Day Class (SDC) Non-Severe Classroom

Proposed New Regulations and Regulatory Amendments

In congruence with the stakeholder meeting presentation on January 30, 2025, and the questions proposed both during and afterwards, staff is proposing a new regulation section for 75-years-or-older funding and has identified proposed regulatory amendments to implement the statutory changes to the program eligibility and funding criteria. The new and updated proposed regulatory amendments are on Attachment A5b.

STAFF ANALYSIS/DISCUSSION (cont.)

Staff proposes the following new regulation section for the 75-years-or-older grants:

- SFP Regulation Section 1859.78.65 Modernization Grant for 75-years-or-older facilities. This regulation section will define the parameters in which a project that demolished and replaced a building that has reached an age of 75-years-or-older will be approved for funding. Specific to the statute, these projects are required to include a cost-benefit analysis showing the cost estimate to rehabilitate the building will be at least 50 percent of the Total Replacement Cost. Any excess square footages will fall under the guidelines of SFP Regulation Section 1859.79.2.

Staff updated the following amendments to the SFP Regulations that are impacted by the new statute:

- SFP Regulation Section 1859.61 will be amended to include a new adjustment type (m) for 75-years-or-older spaces that will be funded using the new construction pupil grant amount. This adjustment is intended to account for the facilities being demolished and replaced by the new building.
- SFP Regulation Section 1859.78.7 will be amended to allow for site development (utilities) funding for applications with a scope of the work for demolishing and replacing buildings that are 75 years or older.
- SFP Regulation Section 1859.79.2(a)(2) will be revised to incorporate provisions for increased square footage in alignment with Title 5. Because SFP regulations do not permit an increase in square footage for modernization projects, this amendment will include regulation language to address the Title 5 requirements for specific minimum dimensions for classrooms, ancillary spaces, etc.
- The Form SAB 50-04 will be updated to include sections specifically for 75-years-or-older funding. The General Information Section will be revised to incorporate details under #7, addressing 75-years-or-older apportionments and hybrid projects that include 75-years-or-older work within the scope of the project. The instructions for Section 2 "Type of Project," will also be

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modified by adding a new “2.d.” to address requests for 75-years-or-older funding. Districts will be required to specify the number of classrooms and/or square footage being demolished and reconstructed, as well as the number of pupil requests per grade level.

- On the Form SAB 50-04, Section 2 will include the new 2.d. for the 75-years-or-older grant request. Section 6 (d) for “Modernization Additional Grant Request” will be amended to allow a district to request an additional grant for site development utility costs necessary for the replacement of a 75-years-or-older building. Subsequent lettering has been amended to account for the inclusion of this new section. See Attachment A5c for the proposed amendments to the Form SAB 50-04.

Updates since the first stakeholder meeting are highlighted in yellow in the proposed regulations attachment (Attachment A5b) and the Form SAB 50-04 (Attachment A5c).

AUTHORITY**Education Code (EC) Section 17071.25. Existing School Building Capacity**Link: [EC Section 17071.25](#)**EC Section 17072.35.**Link: [EC Section 17072.35](#)**EC Section 17074.10. Modernization Apportionment**Link: [EC Section 17074.10](#)**EC Section 17074.25. Modernization Apportionment**Link: [EC Section 17074.25](#)**EC Section 17074.265. Modernization Apportionment**Link: [EC Section 17074.265](#)**School Facility Program (SFP) Regulation Section 1859.78.7. Modernization Additional Grant for Site Development Necessary for 50 Years or Older Permanent Buildings.**

In addition to any other funding authorized by these Regulations, the Board shall provide funding for upgrading existing site development (utilities) work as necessary for the modernization of 50 years or older permanent buildings equal to the lesser of (a) or (b):

(a) 60 percent of the costs necessary to upgrade utility service to 50 year or older permanent building(s) on the site as follows:

(1) Water: Replacement or repair of main water service line(s) between the utility company connection and to five feet of the 50 years or older building(s) on the site, connection fees if applicable, meter (if not provided by the serving utility), and replacement or repair of a domestic water appurtenances (i.e., well, pump, tank) as needed for the proper operation of the system.

(2) Sewage: Replacement or repair of main sewer line between the utility company connection and to five feet of the 50 years or older building(s) on the site and connection fees, if applicable. Replacement or repair of sewage appurtenances (i.e., treatment/disposal system) as needed for the proper operation of the system and a main disposal line from the treatment system to five feet of the 50 years or older building(s) on the site.

(3) Gas: Replacement or repair of main gas service line between the utility company connection and to five feet of the 50 years or older building(s) on the site, connection fee (if applicable), meter (if not provided by serving utility) or replacement or repair of gas service appurtenances (i.e., liquefied petroleum system and tank) as needed for proper operation of the system and a new main

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supply line from the tank to five feet of the 50 years or older building(s) on the site.

(4) Electric: Replacement or repair of electrical service between the utility company connection and the building main switchboard. Primary electric service runs between the utility company's point of connection and the transformer. Secondary electric service runs between the transformer and the main switchboard. Connection fee, transformer pads and protective devices (i.e., bollards) as required by the utility company.

(5) Communication systems (i.e., cable television and telephone): Replacement or repair of service between the utility company connection and the nearest distribution center.

(b) Twenty percent of the funding authorized by Section 1859.78.6.

The district must submit a detailed cost estimate and appropriate DSA approved plans with Form SAB 50-04 for all requests for the site development work. The cost estimate must include appropriate justification documents that indicate the work is necessary to complete the modernization of the 50 years or older building(s) that will be modernized as part of the project.

The Board will approve reasonable and appropriate site development (utilities) work that meets common engineering practices and industry standards and are consistent with the specific site conditions, if the site development costs are consistent with the most current edition of the Remodeling Repair Construction Costs publication by the Sierra West Group. The design professional must certify that the site development (utilities) work does not exceed the minimum requirements to develop the site to meet educational needs and/or standards. Utility service(s) cost shall be prorated, if necessary, for any excess capacity not needed to service the 50 year or older permanent building(s).

SFP Regulation Section 1859.79.2. Use of Modernization Grant Funds.

The Modernization Grant plus any other funds provided by these Regulations shall be expended as set forth in Education Code Sections 17074.25, 17074.10(f) and 17070.15(i) and may also be utilized for other purposes as set forth in Education Code Section 100420(c), and Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014. Modernization funding may also be used for the costs incurred by the district directly or through a contract with a third party provider for the initiation and enforcement of a LCP.

Modernization funding, with the exception of savings, is limited to expenditure on the specific site where the modernization grant eligibility was generated. The grant may not be used for the following:

New building area with the exception of the following:

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(1) Replacement building area of like kind. Additional classrooms constructed within the replacement area will reduce the new construction baseline eligibility for the district.

(2) Building area required by the federal Americans with Disabilities Act (ADA) or by the Division of the State Architect's (DSA) handicapped access requirements.

(b) New site development items with the exception of:

(1) Replacement, repair or additions to existing site development.

(2) Site development items required by the federal ADA Act or by the DSA's handicapped access requirements.

(c) the evaluation and removal of hazardous or solid waste and/or hazardous substances when the Department of Toxic Substance Control has determined that the site contains dangerous levels of a hazardous substance, hazardous waste, or both that exceed ten percent of the combined adjusted grant and the district matching share for the project.

(d) Leased facilities not owned by another district or a county superintendent. Modernization Grant funds may be used on any school facilities on the site, with the exception of portable classroom facilities eligible for an additional apportionment pursuant to Education Code Sections 17073.15 and 17074.10(f) and as defined in Section 1859.78.8. If the classroom facilities on the site include areas that are currently ineligible for modernization, it will not disqualify those facilities from future modernization funding.

SFP Regulation Section 1859.79.3. Minimal Requests for Modernization Grant Funds.

(a) With the exception of Approved Applications that meet the requirements of Section 1859.107(a), districts seeking a Modernization Grant must submit Form SAB 50-04 for any one of the following:

(1) at least 52 Non-Severe grants, or

(2) at least 36 Severe grants, or

(3) at least 101 grants, or

(4) the remaining modernization eligibility at the school site if less than the grants in (1), (2), or (3).

(b) Form SAB 50-04 requesting Modernization Grant funds that do not meet the above criteria will not be accepted by the SAB.

SFP Regulation Section 1859.82.1 (2)(D) 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.

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A district is eligible for Facility Hardship funding to repair, replace, or construct School Buildings or related required components 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.

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 health and safety issue) that states that the

AUTHORITY (cont.)

only way to mitigate the health and safety threat is to replace the School Building(s).

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

(2) For permanent School Buildings where the cost to rehabilitate the School Building(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 School Building. 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.

(B) A letter of concurrence from a governmental agency 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 School Building(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.

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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 to obtain plan approval.

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

...

SFP Regulation 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.

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.

...

PROPOSED REGULATIONS

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, as follows:
 - (1) 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
 - (2) 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.
- (m) 75 years or older buildings that receive replacement funding, pursuant to Education Code Section 17074.265.

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.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.35 and 17072.12, Education Code.

Section 1859.78.7. Modernization Additional Grant for Site Development Necessary for 50 Years or Older Permanent Buildings and 75 Years Or Older Buildings.

In addition to any other funding authorized by these Regulations, the Board shall provide, funding for upgrading existing site development (utilities) work as necessary for the modernization of 50 years or older permanent buildings, or buildings replaced pursuant to Section 1859.78.65 for the replacement of a building that has reached 75 years or older, equal to the lesser of (a) or (b):

- (a) 60 percent of the costs necessary to upgrade utility service to 50 year or older permanent building(s), or 75 years or older building(s), on the site as follows:
 - (1) Water: Replacement or repair of main water service line(s) between the utility company connection and to five feet of the 50 years or older building(s), or 75 years or older building(s), on the site, connection fees if applicable, meter (if not provided by the serving utility), and replacement or repair of a domestic water appurtenances (i.e., well, pump, tank) as needed for the proper operation of the system.
 - (2) Sewage: Replacement or repair of main sewer line between the utility company connection and to five feet of the 50 years or older building(s), or 75 years or older building(s), on the site and connection fees, if applicable. Replacement or repair of sewage appurtenances (i.e., treatment/disposal system) as needed for the proper operation of the system and a main disposal line from the treatment system to five feet of the 50 years or older building(s) on the site.
 - (3) Gas: Replacement or repair of main gas service line between the utility company connection and to five feet of the 50 years or older building(s), or 75 years or older building(s), on the site, connection fee (if applicable), meter (if not provided by serving utility) or replacement or repair of gas service appurtenances (i.e., liquefied petroleum system and tank) as needed for proper operation of the system and a new main supply line from the tank to five feet of the 50 years or older building(s) on the site.
 - (4) Electric: Replacement or repair of electrical service between the utility company connection and the building main switchboard. Primary electric service runs between the utility company's point of connection and the transformer. Secondary electric service runs between the transformer and the main switchboard. Connection fee, transformer pads and protective devices (i.e., bollards) as required by the utility company.
 - (5) Communication systems (i.e., cable television and telephone): Replacement or repair of service between the utility company connection and the nearest distribution center.
- (b) Twenty percent of the funding authorized by Section 1859.78.6.

The district must submit a detailed cost estimate and appropriate DSA approved plans with Form SAB 50-04 for all requests for the site development work. The cost estimate must include appropriate justification documents that indicate the work is necessary to complete the modernization of the 50 years or older building(s) that will be modernized as part of the project.

The Board will approve reasonable and appropriate site development (utilities) work that meets common engineering practices and industry standards and are consistent with the specific site conditions, if the site development costs are consistent with the most current edition of the Remodeling Repair Construction Costs publication by the Sierra West Group. The design professional must certify that the site development (utilities) work does not exceed the minimum requirements to develop the site to meet educational needs and/or standards.

Utility service(s) cost shall be prorated, if necessary, for any excess capacity not needed to service the 50 year or older permanent building(s).

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17074.26, Education Code.

Reference: Sections 17074.10 and 17073.15, Education Code.

Section 1859.78.65 Modernization Grant for 75 Years or Older Facilities

- (a) In lieu of the funding provided by Subdivision (a) of Education Code Section 17074.10 and Section 1859.78.3, the Board shall provide the amounts as follows:
- (1) Classroom space will be replaced with per-pupil grants using the calculation of existing school capacity in Section 1859.35, based on the New Construction Grant provided under Education Code 17072.10.
 - (2) Ancillary space will be replaced on a per-square-foot basis for the enclosed space at the following amounts, and shall be adjusted in the manner prescribed in Section 1859.71:
 - (A) \$260 for permanent non-toilet area in permanent buildings.
 - (B) \$466 for toilet area in permanent buildings.
 - (C) \$58 for non-toilet area in portable buildings.
 - (D) \$151 for toilet area in portable buildings.
- (b) To receive 75 years or older funding, all of the following must be met:
- (1) The existing permanent or portable building must be at least 75 years or older.
 - (2) The existing permanent or portable building must be demolished before the Notice of Completion of the project.
 - (3) The existing permanent or portable building must be replaced at the same site. Excess square footage required as part of Title 5 requirements needed to obtain plan approval are permissible per Regulation Section 1859.79.2
 - (4) A cost benefit analysis shall be submitted showing that the cost to rehabilitate the Permanent or Portable Schools Building(s) exceeds 50 percent of the Total Replacement Cost. The cost estimate showing rehabilitation costs must provide unit-cost amounts that conform to the Sierra West Current Construction Costs.
 - (5) For a project to qualify for reimbursements for 75 years or older funding, in addition to meeting SFP Regulation Section 1859.79.1, the building was replaced using only local funds and was 75 years or older at the time it was replaced.

For purposes of determining the age of the building, the 75 years or older period shall begin 12 months after the original plans for the construction of the building were approved by the DSA.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17074.265, Education Code.

Section 1859.79.2. Use of Modernization Grant Funds.

The Modernization Grant plus any other funds provided by these Regulations shall be expended as set forth in Education Code Sections 17074.25, 17074.10(f) and 17070.15(i) and may also be utilized for other purposes as set forth in Education Code Section 100420(c), and Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014. Modernization funding may also be used for the costs incurred by the district directly or through a contract with a third party provider for the initiation and enforcement of a LCP. Modernization funding, with the exception of savings, is limited to expenditure on the specific site where the modernization grant eligibility was generated. The grant may not be used for the following:

(a) New building area with the exception of the following:

(1) Replacement building area of like kind. Additional classrooms constructed within the replacement area will reduce the new construction baseline eligibility for the district.

(2) Replacement of existing buildings that are at least 75 years or older, pursuant to 1859.78.65, with increased area needed to meet the minimum California Department of Education Title 5 requirements. Additional classrooms constructed within the replacement area will reduce the new construction baseline eligibility for the district.

~~(2)~~(3) Building area required by the federal Americans with Disabilities Act (ADA) or by the Division of the State Architect's (DSA) handicapped access requirements.

(4) A new or expanded Minimum Essential Facility receiving funding pursuant to Section 1859.77.5

(5) New construction or retrofit transitional kindergarten classrooms receiving funding pursuant to Section 1859.77.6

(b) New site development items with the exception of:

(1) Replacement, repair or additions to existing site development.

(2) Site development items required by the federal ADA Act or by the DSA's handicapped access requirements.

(3) A new or expanded Minimum Essential Facility receiving funding pursuant to Section 1859.77.5

(4) New construction or retrofit transitional kindergarten classrooms receiving funding pursuant to Section 1859.77.6

(c) the evaluation and removal of hazardous or solid waste and/or hazardous substances when the Department of Toxic Substance Control has determined that the site contains dangerous levels of a hazardous substance, hazardous waste, or both that exceed ten percent of the combined adjusted grant and the district matching share for the project.

(d) Leased facilities not owned by another district or a county superintendent.

Modernization Grant funds may be used on any school facilities on the site, with the exception of portable classroom facilities eligible for an additional apportionment pursuant to Education Code Sections 17073.15 and 17074.10(f) and as defined in Section 1859.78.8. If the classroom facilities on the site include areas that are currently ineligible

for modernization, it will not disqualify those facilities from future modernization funding.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.15, **17073.16**, 17074.25 and 100420(c), Education Code, and Section 1771.3 in effect on January 1, 2012 through June 19, 2014, Labor Code.

GENERAL INFORMATION

If this application is submitted when there is Insufficient Bond Authority, as defined in Regulation Section 1859.2, the School District must adopt and submit a school board resolution, pursuant to Regulation Section 1859.95.1. For information regarding remaining bond authority, contact the Office of Public School Construction (OPSC) prior to submittal of this application.

If not previously submitted, a district may file an application for modernization funding by use of this form concurrently with a determination of or an adjustment to the district's modernization eligibility. The district must submit a determination of or an adjustment to the district's new construction baseline eligibility upon request, as described in Regulation Sections 1859.51 or 1859.70, as applicable. The Board will only provide new construction funding if this form is submitted prior to the date of occupancy of any classrooms included in the construction contract. If the district has a pending reorganization election that will result in the loss of eligibility for the proposed project, the district must submit an adjustment to the district's new construction baseline eligibility as required in Section 1859.51 upon request. This may be accomplished by completion and submittal of Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 for the current enrollment year. Failure to submit the requested Forms may result in OPSC returning the funding application to the district unprocessed.

For purposes of Education Code Section 17073.25, the California Department of Education (CDE) is permitted to file modernization applications on behalf of the California Schools for the Deaf and Blind.

Requests for funding may be made as follows:

1. A separate apportionment for site acquisition for a new construction project for environmental hardship pursuant to Section 1859.75.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
 - Contingent site approval letter from the CDE.
 - Preliminary appraisal of property.
 - Approval letter from the Department of Toxic Substances Control.
2. A separate apportionment for site acquisition and/or design costs for a new construction project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. Districts may apply for a separate apportionment for the design and for site acquisition on the same project. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
 - Contingent site approval letter from the CDE (site apportionment only).
 - Preliminary appraisal of property (site apportionment only).
3. A separate apportionment for district-owned site acquisition cost pursuant to Section 1859.81.2. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
 - Site approval letter from the CDE.
 - Appraisal of district-owned site.
 - Cost benefit analysis as prescribed in Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
4. A separate apportionment for design cost for a modernization project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. For purposes of this apportionment, the following documents must be submitted with this form (if not previously submitted):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03.
 - Site/plan approval letter from the CDE.
 - Appraisal of property if requesting site acquisition funds.
 - Plans and specifications (P&S) for the project that were approved by the DSA. Submittal of plans may be on CD-ROM or "Zip Drive" readable in AutoCAD 14. The specifications may be provided on a diskette that is IBM compatible.
 - Cost estimate of proposed site development, if requesting site development funding.
 - If this request is pursuant to Section 1859.77.2 and the district's housing plan is other than those listed in the certification section of this form, a copy of the school board resolution and the approved housing plan.
 - If the site apportionment is requested pursuant to Regulation Section 1859.74.5, a cost benefit analysis as prescribed in Regulation Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
 - If this request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, a justification of how the project relieves overcrowding, including but not limited to, the elimination of the use of Concept 6 calendars, four track year-round calendars, or bussing in excess of 40 minutes.
 - Written confirmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.
5. A New Construction Adjusted Grant pursuant to Section 1859.70 or 1859.180. If the funding request includes site acquisition, the proposed site must either be owned by the district, in escrow, or the district has filed condemnation proceedings and received an order of possession of the site. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03.
 - Site/plan approval letter from the CDE.
 - Appraisal of property if requesting site acquisition funds.
 - Plans and specifications (P&S) for the project that were approved by the DSA. Submittal of plans may be on CD-ROM or "Zip Drive" readable in AutoCAD 14. The specifications may be provided on a diskette that is IBM compatible.
 - Cost estimate of proposed site development, if requesting site development funding.
 - If this request is pursuant to Section 1859.77.2 and the district's housing plan is other than those listed in the certification section of this form, a copy of the school board resolution and the approved housing plan.
 - If the site apportionment is requested pursuant to Regulation Section 1859.74.5, a cost benefit analysis as prescribed in Regulation Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
 - If this request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, a justification of how the project relieves overcrowding, including but not limited to, the elimination of the use of Concept 6 calendars, four track year-round calendars, or bussing in excess of 40 minutes.
 - Written confirmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.
6. For purposes of the Overcrowding Relief Grant (ORG), districts must submit the Overcrowding Relief Grant District-Wide Eligibility Determination (Form SAB 50-11) prior to the submittal of this funding application. In addition, districts must have had the CDE deem the site eligible for the ORG (pursuant to Section 1859.181) prior to the submittal of this application. For purposes of this apportionment, the following documents must be submitted with this form as well as the documents listed in section 5 above:
 - Overcrowding Relief Grant Eligibility Determination Form approved by the CDE.
 - Copies of the supporting documentation provided to the CDE when determining the density of the site, including the site diagram.

The district is not required to submit its current CBEDS enrollment data.
7. Modernization Adjusted Grant pursuant to Section 1859.70. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-03 (if not previously submitted).
 - P&S for the project that were approved by the DSA.
 - If the request includes funding for accessibility and fire code requirement pursuant to Section 1859.83(f), the DSA approved list of the minimum accessibility work required and a detailed cost estimate for the work in the plans.

- DSA approval letter for elevator to meet handicapped compliance, if funding is requested.
 - Cost estimate of the proposed site development necessary for the Reconfiguration of an existing high school.
 - Plan approval letter from the CDE.
 - Districtwide enrollment data on Form SAB 50-01 when requesting project assistance (if not previously submitted).
 - If the request includes funding for 50 year old permanent buildings pursuant to Section 1859.78.6, a site diagram identifying all buildings to be modernized in the project. The diagram must specify those buildings that are at least 50 years old.
 - Written confirmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.
 - **For 75 years old Apportionments per Section 1859.78.65. This apportionment is available for projects that only demolished existing 75 years old facilities and construct in eligible like kind replacement. In addition to submitting the same required paperwork as outlined above for a modernization adjustment grant, the following will need to be submitted:**
 - **An estimate to show the cost of what the modernization of the 75 years old facilities would be.**
 - **A cost benefit analysis, per SFP Regulation Section 1859.78.65.**
 - **A copy of the demolition plans that indicate which 75 year old facilities are being demolished.**
 - **For hybrid projects that include a 75 years old apportionment and regular and/or 50 years old apportionment. In addition to submitting required paperwork as outlined above for a modernization adjustment grant and required paperwork for 75 year old apportionment, the following will need to be submitted:**
 - **A cost estimate clearly delineating between the work associated with the 75 years old demolition and replacement, other eligible modernization, and, if applicable, locally funded work.**
8. Final Charter School Apportionment for Charter School Facilities Rehabilitation pursuant to Section 1859.167.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
- P&S for the project that were approved by DSA.
 - If the request includes funding for accessibility and fire code requirement pursuant to Section 1859.167.3(d), the DSA approved list of the minimum accessibility work required and a detailed cost estimate for the work in the plans.
 - DSA approval letter for elevator to meet handicapped compliance, if funding is requested.
 - High performance incentive (HPI) scorecard from DSA.
 - Plan approval letter from the CDE.
 - Construction cost estimate signed by the architect of record or design professional.
 - Determination of financial soundness from the California School Finance Authority (CSFA).
 - Written confirmation from the applicant's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.
9. If the application includes a request for Financial Hardship, the district must

comply with the requirements of Section 1859.81.

- If the application is submitted when there is Insufficient Bond Authority, as defined in Section 1859.2, the district must adopt a school board resolution pursuant to Section 1859.95.1(b).

If the district is requesting New Construction funding after the initial baseline eligibility was approved by the Board and the district's current CBEDS enrollment reporting year is later than the enrollment reporting year used to determine the district's baseline eligibility or adjusted eligibility, the district must complete a new Form SAB 50-01 based on the current year CBEDS enrollment data, and submit it to the OPSC with this form. In addition, if the district's request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, the district must update the Alternative Enrollment Projection to correspond with the CBEDS enrollment data for the current year. A small district with 2,500 or less enrollment as defined in Section 1859.2 will not have its eligibility reduced for a period of three years from the date the district's baseline eligibility was approved by the Board as a result of reduction in projected enrollment.

For a list of the documents that must be submitted in order for the OPSC to deem a funding request for new construction or modernization complete and ready for OPSC processing, consult the SFP handbook and other information located on the OPSC Web site at www.dgs.ca.gov/opsc.

For purposes of completing this form for a Final Charter School Apportionment, a charter school shall be treated as a school district.

SPECIFIC INSTRUCTIONS

The district must assign a Project Tracking Number (PTN) to this project. The same PTN is used by the OPSC, the DSA and the CDE for all project applications submitted to those agencies to track a particular project through the entire state application review process. If the district has already assigned a PTN to this project by prior submittal of the P&S to either the DSA or the CDE for approval, use that PTN for this application submittal. If no PTN has been previously assigned for this project, a PTN may be obtained from the OPSC Web site at www.dgs.ca.gov/opsc "PT Number Generator."

1. Type of Application

Check the appropriate box that indicates the type of School Facility Program (SFP) grant the district is requesting for purposes of new construction, modernization, a separate design and/or site apportionment, site apportionment as an environmental hardship or New Construction (Final Apportionment). If the application is for the modernization of school facilities and includes facilities that are eligible for an additional apportionment pursuant to Section 1859.78.8, include a site diagram with this application that specifies the age of each facility eligible for modernization. The diagram should also indicate the date of its original DSA plan approval and the date the facility received its prior modernization apportionment. If known include the project modernization number on the diagram. If the application is for modernization of a California School for the Deaf or Blind, the CDE shall check the box identified as Modernization of California Schools for the Deaf/Blind. If the request is for a separate design apportionment, the CDE shall check the appropriate box. If the eligibility for this project was established as a result of a health and safety threat pursuant to Section 1859.82.1, or a seismic replacement or seismic rehabilitation for the Most Vulnerable Category 2 Buildings pursuant to Section 1859.82.2, and/or the request is for a conceptual approval for a Facility Hardship application pursuant to Section 1859.82.3(a) or a Seismic Mitigation Program application pursuant to Section 1859.82.3(b), check the appropriate box(es).

If this request is for an addition to an existing site and advance funding for the **37**

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evaluation and RA costs, check the appropriate box and refer to Section 1859.74.4.

If this request is for an Overcrowding Relief Grant, check the New Construction (Overcrowding Relief Grant) box.

If this request is to convert a Preliminary Apportionment or a Preliminary Charter School Apportionment to a Final Apportionment, check the New Construction Final Apportionment, New Construction Final Charter School Apportionment or the Rehabilitation Final Charter School Apportionment box, as appropriate.

If the district is requesting a separate site and/or design apportionment, complete boxes 2a, 3, 4, the site acquisition data in box 5 (d and e), and boxes 13, 14, 15, 16, and 24 only.

2. Type of Project

- a. Select the type of project that best represents this application request and enter the total number of pupils assigned to the project for each grade group. Include pupils to be housed in a new or replacement school authorized by Section 1859.82 (a). The amount entered cannot exceed the district's baseline eligibility determined on Form SAB 50-03 and will be the basis for the amount of the new construction or modernization grants provided for the project.

If this request is for a Final Apportionment, the pupils assigned to the project must be at least 75 percent, but not more than 100 percent, of the pupils that received the Preliminary Apportionment. Refer to Section 1859.147.

For ORG projects, the amount entered cannot exceed the Overcrowding Relief Pupil Eligibility (pursuant to Section 1859.182 and 1859.183) as reflected in the total number of eligible pupils determined by the Form SAB 50-11 or the CDE Overcrowding Relief Grant Eligibility Determination form.

For Charter School Facilities Program Rehabilitation, leave the number of pupils blank.

- b. Check the box if the project is eligible for funding for 50 year or older permanent buildings and report, at the option of the district:
- The total number of eligible classrooms or the total eligible square footage building area at the site. Refer to Section 1859.78.6(b)(1)(A) or (b)(2)(A).
 - The total number of permanent classrooms or the total permanent square footage building area that is at least 50 years old and not been previously modernized with state funds. Refer to Section 1859.78.6(b)(1)(B) or (b)(2)(B).
 - Enter the greater percentage as calculated under Regulation Section 1859.78.6(b)(1)(C) or Regulation Section 1859.78.6(b)(2)(C).
 - If this project includes eligible 50 year or older pupil grants, enter the appropriate number assigned to the project for each grade group. The number of pupils entered cannot exceed the cumulative number of 50 year or older permanent buildings pupil grants requested for all modernization funding applications for the site as determined by using the percentage factor above.
- c. If this request includes pupil grants generated by an Alternative Enrollment Projection Method, enter the number of pupils by grade level.

d. Check the box if the project is eligible for funding for 75 year or older buildings and report the following, if applicable:

- The total number of eligible classrooms or the total eligible square footage building area being demolished. Refer to Section 1859.78.65(a)(1)(2).
- The total number of eligible classrooms or the total eligible square footage building area being constructed. Refer to Section 1859.78.65(a)(1)(2).
- Enter the appropriate number assigned to the project for each grade group. The number of pupils entered cannot exceed the cumulative number of 50 year or older permanent buildings pupil grants requested for all modernization funding applications for the site as determined by using the percentage factor above.

e.d. Indicate if this request is for funding of a 6–8 school and/or an Alternative Education School

f.e. Check the applicable box if the district is requesting additional pupil grants assigned to the project that exceed the capacity of the project or if the pupils assigned represent eligibility determined at another grade level and check the appropriate box to indicate under which regulation the district is applying. The pupil capacity of the project may be determined by multiplying the classrooms reported in box 3 by 25 for K–6; 27 for 7–8, 9–12 grades; 13 for non-severe and 9 for severe.

g.f. Enter the square footage of the non-toilet area and toilet area contained in the Charter School Facilities Program Rehabilitation project.

h.g. Indicate the site scenario that best represents the project request.

i.h. For ORG projects, the district must provide the following information in the space provided:

- Name of the eligible school site(s) where portables will be replaced in this project
- Number of portables being replaced at each school site
- Number of site specific eligible pupils being requested for this project for each school site. The total number of site specific eligible pupils assigned to this project must equal the total number of pupils in Section 2a.

3. Number of Classrooms

Enter the:

- Number of classrooms as shown on the plans and specifications (P&S). If there was demolition at the site, report the net increase in the number of classrooms showing in the P&S.
- Master plan site size, as recommended by the California Department of Education.
- Recommended site size, as determined by the California Department of Education.
- Existing Useable Acres already owned at that location (if any).
- Proposed Useable Acres that was/will be purchased as part of the application (if any).

4. Financial Hardship Request

Check the appropriate box(es) if the district is requesting financial hardship assistance because it is unable to meet its matching share requirement.

- If the application includes a request for Financial Hardship, the district must comply with the requirements of Section 1859.81.
- If there is Insufficient Bond Authority for the type of application, check the second box and attach a school board resolution pursuant to Section 1859.95.1(b).

5. New Construction Additional Grant Request

Check the appropriate box(es) if the district requests an augmentation to the new construction grant for "additional" grants for the items listed. Refer to Sections 1859.72 through 1859.76 for eligibility criteria. Enter the:

- Therapy area in square feet as provided in Section 1859.72.
- Multilevel classrooms in the P&S pursuant to Section 1859.73.
- Check the box if the district is requesting project assistance pursuant to Section 1859.73.1. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- If the project the district is requesting SFP funding for does not require an RA, refer to Section 1859.74. If a RA is required on a site that is not leased or an addition to an existing site, refer to Section 1859.74.2. If RAs are required on a leased site or an addition to an existing site, refer to Sections 1859.74.3 or 1859.74.4, respectively. The limitation of 50 percent may be exceeded when unforeseen circumstances exist, the CDE determines that the site is the best available site, and substantiation that the costs are the minimum required to complete the evaluation and RA.

require an RA, refer to Section 1859.74. If a RA is required on a site that is not leased or an addition to an existing site, refer to Section 1859.74.2. If RAs are required on a leased site or an addition to an existing site, refer to Sections 1859.74.3 or 1859.74.4, respectively. The limitation of 50 percent may be exceeded when unforeseen circumstances exist, the CDE determines that the site is the best available site, and substantiation that the costs are the minimum required to complete the evaluation and RA.

- Name of the eligible school site(s) where portables will be replaced in this project
- Number of portables being replaced at each school site
- Number of site specific eligible pupils being requested for this project for each school site. The total number of site specific eligible pupils assigned to this project must equal the total number of pupils in Section 2a.

Enter 50 percent of the actual cost.

- Enter 50 percent of the appraised value of the site. If the request is made pursuant to Regulation Section 1859.74.5, enter 50 percent of the appraised value.
- Enter 50 percent of the allowable relocation cost.
- Enter two percent of the lesser of the actual cost or appraised value of the site (minimum \$25,000).
- Enter 50 percent of the Department of Toxic Substances Control (DTSC) fee for review and approval of the phase one environmental site assessment and preliminary endangerment assessment reports. Refer to Sections 1859.74, 1859.74.1, 1859.74.5, 1859.75, 1859.75.1 and 1859.81.1.

A project that received site acquisition funds under the Lease-Purchase Program (LPP) as a priority two project is not eligible for site acquisition funds under the SFP. A district-owned site acquired with LPP, SFP or Proposition 1A funds is not eligible for funding under Regulation Section 1859.74.5.

- Enter 50 percent of the amount allowable for hazardous materials/waste removal and/or remediation for the site acquired pursuant to Sections 1859.74.2, 1859.74.3, 1859.74.4, 1859.75.1 or 1859.81.1. If an RA is required, check the box.
- Enter 50 percent of eligible service-site development, off-site development including pedestrian safety paths and utilities costs allowed pursuant to Section 1859.76. Attach cost estimates of the proposed site development work which shall be supported and justified in the P&S. All cost estimates shall reflect 100 percent of the proposed work.

Check the box if the district is requesting an Additional Grant for General Site Development pursuant to Section 1859.76

- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.71.3, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.71.3(a)(3).
- Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.71.2.
- If the district is requesting an Additional Grant for High Performance Incentive pursuant to Section 1859.70.4, enter the number of high performance points as prescribed in Section 1859.71.6 or 1859.77.4, as appropriate, subject to Education Code Section 17070.965.

6. Modernization Additional Grant Request

- Check the box if the district is requesting project assistance allowance pursuant to Section 1859.78.2. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.78.5(a)(3).
- Check the box if the district requests an additional grant for site development utility cost necessary for the modernization of 50 years or older permanent building(s). Enter 60 percent of the eligible costs allowable pursuant to Section 1859.78.7(a).
- Check the box if the district requests an additional grant for site development utility cost necessary for the replacement of a 75 years or older building, if not already provided under the provisions pursuant to Section 1859.78.7(a). Enter 60 percent of the eligible costs allowable.

e.d. Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.78.4.

f.e. If the district is requesting an Additional Grant for High Performance Incentive pursuant to Section 1859.70.4, enter the number of high performance points as prescribed in Section 1859.77.4, subject to Education Code Section 17070.965.

7. Excessive Cost Hardship Request

Check the appropriate box to request an augmentation to the New Construction or Modernization Grants for an excessive cost hardship for the items listed. Refer to

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Section 1859.83 for eligibility criteria. Requests for excessive cost grants for accessibility requirements are allowed only if required by the Division of the State Architect (DSA). At the district's option, the district may request three percent of the modernization base grant or enter the amount calculated pursuant to Regulation Section 1859.83(f). Attach a copy of the DSA approved list that shows the minimum work necessary for accessibility requirements.

report this information may delay the processing of the application by the OPSC.

8. Charter School Facilities Program Rehabilitation – Additional Grant and Excessive Cost Hardship Request**Additional Grant Request**

- a. If the applicant is requesting an Additional Grant for High Performance Incentive pursuant to Section 1859.77.4, enter the number of high performance points as prescribed in Section 1859.77.4.

Excessive Cost Hardship Request

Check the appropriate box to request an augmentation to the Charter School Facilities Program Rehabilitation grants for an excessive cost hardship for the items listed. Refer to Section 1859.167.4 for eligibility criteria.

- b. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant due to Geographic Location pursuant to Section 1859.167.3(a).
- c. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant for a small size project pursuant to Section 1859.167.3(b).
- d. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant due to Urban Location, Security Requirements, and Impacted Site pursuant to Section 1859.167.3(c).
- e. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant due to accessibility and fire code requirements pursuant to Section 1859.167.3(d). Requests for excessive cost grants for accessibility requirements are allowed only if required by the Division of the State Architect (DSA). At

the applicant's option, the applicant may request three percent of the Charter School Facilities Program Rehabilitation Grant or enter 50 percent of the amount calculated pursuant to Regulation Section 1859.167.3(d)(2). Attach a copy of the DSA approved list that shows the minimum work necessary for accessibility requirements.

9. Project Priority Funding Order

Enter the priority order of this project in relation to other new construction applications submitted by the district on the same date. If applications are not received on the same date, the OPSC will assign a higher district priority to the application received first. Check the box(es) if the project meets the criteria outlined in Section 1859.92(c)(3),(4) and (6), as appropriate. This information is needed for purposes of priority points.

10. Excessive Cost Hardship Request

Check the appropriate box to request an augmentation to the New Construction or Modernization Grants for an excessive cost hardship for the items listed. Refer to Section 1859.83 for eligibility criteria. Requests for excessive cost grants for accessibility requirements are allowed only if required by the Division of the State Architect (DSA). At the district's option, the district may request three percent of the modernization base grant or enter the amount calculated pursuant to Regulation Section 1859.83(f).

If the request is for the excessive cost grant for a new Alternative Education school pursuant to Section 1859.83(c)(2) and the district wishes to request less than the maximum allowance, please submit a letter along with application indicating the desired amount.

Attach a copy of the DSA approved list that shows the minimum work necessary for accessibility requirements.

If the request is for the excessive cost grant for a new Alternative Education school pursuant to Section 1859.83(c)(2) and the district wishes to request less than the maximum allowance, please submit a letter along with application indicating the desired amount.

11. Prior Approval Under the LPP

If the project the district is requesting SFP grants for received a Phase P, S, or C approval under the LPP, report the application number of that project, regardless if the project actually received funding or was included on an "unfunded" list. Failure to report this information may delay the processing of the application by the OPSC.

12. Prior Apportionment Under the SFP

If the project received a separate apportionment under the SFP for either site and/or design, or site environmental hardship, enter the application number of the project. Failure to report this information may delay the processing of the application by the OPSC.

13. Preliminary Apportionment to a Final Apportionment

If this request is to convert a Preliminary Apportionment to a Final Apportionment, enter the application number of the Preliminary Apportionment. Failure to

14. Alternative Developer Fee

The district must report certain alternative fees collected pursuant to Government Code Section 65995.7, as of the date of application submittal to the OPSC. Refer to Section 1859.77 for details. Districts are advised that the OPSC may perform an audit of the developer fees collected prior to application approval by the Board.

15. Adjustment to New Construction Baseline Eligibility

Pursuant to Section 1859.51 certain adjustments to the district's new construction baseline eligibility must be made each time a district submits Form SAB 50-04, to the OPSC for SFP new construction or modernization grants. These adjustments are made by the OPSC based on information reported by the district on this form.

- a. Report all classroom(s) provided after the district submitted its request for determination of its new construction baseline eligibility for the grades shown, or indicate N/A if there are none. Refer to Section 1859.51(i).

In the additional classroom column, indicate the number of additional net classrooms provided if not previously reported.

In the replacement classroom column, indicate the number of classrooms that were included in the determination of the district's new construction eligibility pursuant to Education Code Section 17071.75 but replaced in a locally funded project.

Enter the date the initial construction contract was signed for additional or replacement classrooms.

16. Pending Reorganization Election

Complete only for new construction projects. Indicate if there is a pending reorganization election that will result in a loss of eligibility for this project. If the answer is "yes", the district must complete Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03, to adjust the district's new construction baseline eligibility as a result of the reorganization and submit them with this form.

17. Joint-Use Facility/Leased Property

Check the box if:

- a. The facilities to be constructed/modernized as part of this project will be for joint use by other governmental agencies.
- b. The new construction or modernization grants will be used for facilities located or to be located on leased property.

18. Project Progress Dates

- a. Enter the date(s) the construction contract(s) was awarded for this project(s). If a construction contract has not been executed, enter N/A. (If the space provided is not sufficient for all applicable contract dates, please list all dates on a separate attachment to this form.)
- b. Enter the issue date(s) for the Notice to Proceed for the construction phase of the project, or enter N/A if a Notice to Proceed has not been issued.
- c. If a construction contract was awarded prior to January 1, 2012, check the appropriate box to indicate whether or not the district has initiated and enforced a Labor Compliance Program (LCP) approved by the Department of Industrial Relations (DIR) pursuant to Labor Code Section 1771.7 for this project.

19. Prevailing Wage Monitoring and Enforcement Costs

If the construction contract(s) for this project was awarded on January 1, 2012 through June 19, 2014, check the appropriate box to indicate which of the

following methods was or is being used to meet the requirement for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014:

- DIR Public Works administration and enforcement
- A DIR-approved internal LCP
- A collective bargaining agreement that meets the criteria set forth in Labor Code Section 1771.3(b)(3) in effect on January 1, 2012 through June 19, 2014.

20. Construction Delivery Method

Check the box that best represents the construction delivery method that the district has or will use for this project, if known.

21. Career Technical Education Funds Request

Indicate if Career Technical Education (CTE) funds will be requested for classroom(s) included in the plans and specifications for this project pursuant to Section 1859.193. If "Yes", enter the number of CTE classroom(s) shown on the P&S.

22. Overcrowding Relief Grant Narrative

The district must either provide an explanation in the space provided or attach a letter signed by the district representative detailing how this project will relieve overcrowding.

23. Architect of Record or Licensed Architect Certification

The architect of record or the licensed architect must complete this section.

24. Architect of Record or Design Professional Certification

The architect of record or the appropriate design professional must complete this section.

25. Certification

The district representative must complete this section. For additional information regarding district certifications, refer to the SFP handbook located on the OPSC web site at www.dgs.ca.gov/opsc.

**APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM**

The school district named below applies to the State Allocation Board via the Office of Public School Construction for a grant under the provisions of Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et seq., of the Education Code and the Regulations thereto.

SCHOOL DISTRICT		APPLICATION NUMBER
SCHOOL NAME		PROJECT TRACKING NUMBER
COUNTY	DISTRICT REPRESENTATIVE'S E-MAIL ADDRESS	HIGH SCHOOL ATTENDANCE AREA (HSAA) OR SUPER HSAA (IF APPLICABLE)

1. Type of Application—Check Only One

- New Construction
- New Construction (Final Apportionment)
- New Construction (Final Charter School Apportionment)
- New Construction (Overcrowding Relief Grant)
- Rehabilitation (Final Charter School Apportionment)
- Modernization
- Modernization of California Schools for Deaf/Blind
- Facility Hardship [Section 1859.82.1]
 - Conceptual Approval [Section 1859.82.3(a)]
 - Replacement Site
 - Replacement School Building(s):
Toilets (sq. ft.) _____
Other (sq. ft.) _____
- Rehabilitation Costs: \$ _____
- Seismic Mitigation [Section 1859.82.2]
 - Conceptual Approval [Section 1859.82.3(b)]
 - Replacement Site
 - Replacement School Building(s):
Toilets (sq. ft.) _____
Other (sq. ft.) _____
- Seismic Rehabilitation Grant: \$ _____

Separate Apportionment

- Site Only—New Construction [Section 1859.81.1]
- Site Only (District owned)—New Construction [Section 1859.81.2]
- Site Only—Environmental Hardship [Section 1859.75.1]
- Design Only—New Construction [Section 1859.81.1]
- Design Only—New Construction with High Performance
- Design Only—Modernization
- Design Only—Modernization with High Performance
- Design Only—Modernization of California Schools for Deaf/Blind
- Design Only—Facility Hardship [Section 1859.82.1]
- Design Only—Seismic Mitigation [Section 1859.82.2] Advance Funding for Evaluation and RA
-

a. 50 Years or Older Building Funding (Modernization Only)

Total Eligible Classrooms/Square Footage: _____
 Classroom/Square Footage at Least 50 Years Old: _____
 Ratio of 50 Years Old Classrooms/Square Footage: _____ %
 From 2a above, how many are 50 Year or Older Pupil Grants?

K-6: _____
 7-8: _____ Non-Severe: _____
 9-12: _____ Severe: _____

c. Included in 2a above, how many pupils are generated by the Alternative Enrollment Projection? (New Construction Only)

K-6: _____
 7-8: _____ Non-Severe: _____
 9-12: _____ Severe: _____

d. If the request is to replace 75 years old Facilities (Modernization only)

Number of existing classrooms being demolished _____
 The total square footage of non-classroom space being demolished _____
 The number of classrooms being constructed _____
 The total square footage of non-classroom space being constructed _____

From 2a above, how many are 75 Year or Older Pupil Grants?

K-6: _____
 7-8: _____ Non-Severe: _____
 9-12: _____ Severe: _____

d.e. Is this a 6-8 school? Yes No

If you answered yes, how many K-6 pupils reported above are sixth graders? _____

Is this an Alternative Education School? Yes No

e.f. Is this a use of grant request pursuant to Section 1859.77.2? Yes No

Is this request pursuant to Section 1859.77.2(c)? Yes No

If yes, enter date of successful bond election _____

Is this a use of grant request pursuant to Section 1859.77.3? Yes No

Is this request pursuant to Section 1859.77.3(c)? Yes No

If yes, enter date of successful bond election: _____

f.g. Charter School Facilities Program Rehabilitation Request:

Toilets (sq. ft.) _____
 Other (sq. ft.) _____

2. Type of Project

- a. Elementary School
- Middle School
- High School

Total Pupils Assigned:

K-6: _____
 7-8: _____
 9-12: _____
 Non-Severe: _____
 Severe: _____

**APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM**

SAB 50-04 (REV 05/20)

g.h. Project to be located on:

- Leased Site
- New Site
- Existing Site with Additional Acreage Acquired
- Existing Site with No Additional Acreage Acquired

h.i. ORG Projects Only

NAME OF ELIGIBLE SCHOOL SITE(S)	NUMBER OF PORTABLES BEING REPLACED	NUMBER OF SITE SPECIFIC ELIGIBLE PUPILS BEING REQUESTED
Total		

**APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM**

3. Number of Classrooms: _____

Master Plan Acreage Site Size (Useable): _____
Recommended Site Size (Useable): _____
Existing Acres (Useable): _____
Proposed Acres (Useable): _____

4. Type of Financial Hardship Request

Submittal pending OPSC approval pursuant to Section 1859.81(h)
 Submittal with school board resolution, pursuant to Section 1859.95.1
(Insufficient Bond Authority)

5. New Construction Additional Grant Request—New Construction Only

a. Therapy: Toilets (sq. ft.) _____
Other (sq. ft.) _____
b. Multilevel Construction (CRS): _____
c. Project Assistance
d. Site Acquisition:
• 50 percent Actual Cost: \$ _____
• 50 percent Appraised Value: \$ _____
• 50 percent Relocation Cost: \$ _____
• 2 percent (min. \$25,000): \$ _____
• 50 percent DTSC Fee: \$ _____
e. 50 percent hazardous waste removal: \$ _____
 Response Action (RA)
f. Site Development
 50 percent Service-Site: \$ _____
 50 percent Off-Site: \$ _____
 50 percent Utilities: \$ _____
 General Site
g. Energy Efficiency: _____ %
h. Automatic Fire Detection/Alarm System
 Automatic Sprinkler System
i. High Performance Incentive (Indicate Points): _____

6. Modernization Additional Grant Request

a. Project Assistance
b. Energy Efficiency: _____ %
c. Site Development—60 percent utilities: \$ _____
d. Site Development ---75 year old utilities: \$ _____
e. Automatic Fire Detection/Alarm System
f. High Performance Incentive (Indicate Points): _____

7. Excessive Cost Hardship Request

New Construction Only
 Geographic Percent Factor: _____ %
 New School Project [Section 1859.83(c)(1)]
 New School Project [Section 1859.83(c)(2)]
 Small Size Project
 Urban/Security/Impacted Site;
If a new site, \$ _____ per Useable Acre [Section 1859.83(d)(2)(C)]

Modernization Only

Geographic Percent Factor: _____ %
 Small Size Project
 Urban/Security/Impacted site
 Accessibility/Fire Code
 3 percent of base grant; or,
 60 percent of minimum work \$ _____
 Number of 2-Stop Elevators: _____
 Number of Additional Stops: _____

8. Charter School Facilities Program Rehabilitation Additional Grant and Excessive Cost Hardship Request

Additional Grant Request

a. High Performance Incentive (Indicate Points): _____

Excessive Cost Hardship Request

b. Geographic Percent Factor: _____ %
c. Small Size Project
d. Urban/Security/Impacted site
e. Accessibility/Fire Code
 3 percent of base grant; or,
 50 percent of minimum work \$ _____
 Number of 2-Stop Elevators: _____
 Number of Additional Stops: _____

9. Project Priority Funding Order—New Construction Only

Priority order of this application in relation to other new construction applications submitted by the district at the same time: # _____
Project meets:
 Density requirement pursuant to Section 1859.92(c)(3).
 Stock plans requirement pursuant to Section 1859.92(c)(4).
 Energy efficiency requirement pursuant to Section 1859.92(c)(6).

10. Prior Approval Under the LPP

New Construction: 22/ _____
Modernization: 77/ _____

11. Prior Apportionment Under the SFP

Site/Design—New Construction: 50/ _____
Design—Modernization: 57/ _____

12. Preliminary Apportionment to Final Apportionment

Preliminary Apportionment Application Number: # _____

13. Alternative Developer Fee—New Construction Only

Alternative developer fee collected and reportable pursuant to Regulation Section 1859.77: \$ _____

**APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM**

14. Adjustment to New Construction Baseline Eligibility

- a. Classroom(s) provided:
- | | | |
|-------------------|-------------|-------|
| Additional | Replacement | |
| K-6: _____ | K-6 | _____ |
| 7-8: _____ | 7-8 | _____ |
| 9-12: _____ | 9-12 | _____ |
| Non-Severe: _____ | Non-Severe | _____ |
| Severe: _____ | Severe | _____ |

Construction Contract(s) for the project signed on: _____

15. Pending Reorganization Election—New Construction Only Yes No

16. Joint-Use Facility/Leased Property

- a. Joint-Use Facility
b. Leased Property

17. Project Progress Dates

- a. Construction Contract(s) awarded on: _____
(If the space provided is not sufficient for all applicable contract dates, please list all dates on a separate attachment to this form.)
- b. Notice(s) to Proceed issued on: _____
- c. If the Construction Contract(s) was awarded prior to January 1, 2012, have you initiated and enforced an LCP approved by the DIR pursuant to Labor Code Section 1771.7 for this project? Yes No

18. Prevailing Wage Monitoring and Enforcement Costs

If the Construction Contract(s) was awarded on January 1, 2012 through June 19, 2014, please indicate which monitoring requirement was or is being used, pursuant to Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014:

- DIR Public Works administration and enforcement
 DIR approved District LCP
 Collective bargaining agreement, pursuant to Labor Code Section 1771.3(b)(3) in effect on January 1, 2012 through June 19, 2014

19. Construction Delivery Method

- Design-Bid-Build
 Design-Build
 Developer Built
 Lease Lease-Back
 Energy Performance Contract
 This project includes or will include piggyback contract(s) as defined in Section 1859.2
 Other: _____

20. Career Technical Education Funds Request

Will CTE Funds be requested for classroom(s) included in the plans and specifications for this project? Yes No

Number of CTE classroom(s): _____

21. Overcrowding Relief Grant Narrative

22. Architect of Record or Licensed Architect Certification

I certify as the architect of record for the project or as a licensed architect that:

- The P&S for this project were submitted to the OPSC by electronic medium (i.e., CD-ROM, zip disk or diskette) or as an alternative, if the request is for a modernization Grant, the P&S were submitted in hard copy to the OPSC.
- Any portion of the P&S requiring review and approval by the Division of the State Architect (DSA) were approved by the DSA on _____ (enter DSA approval date).
- Any portion of the P&S not requiring review and approval by the DSA meets the requirements of the California Code of Regulations, Title 24, including any handicapped access and fire code requirements.
- If the request is for a Modernization or Charter School Facilities Program Rehabilitation Grant, the P&S include the demolition of more classrooms than those to be constructed in the project, the difference is _____ classroom(s). (Indicate N/A if there are none.)
- If the request is for a Modernization or Charter School Facilities Program Rehabilitation Grant, the P&S include the construction of more classrooms than those to be demolished in the project, the difference is _____ classroom(s). (Indicate N/A if there are none.)

ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)	
SIGNATURE	DATE

23. Architect of Record or Design Professional Certification

I certify as the architect of record for the project or the appropriate design professional, that:

- If the request is for a New Construction Grant, not including the ORG, I have developed a cost estimate of the proposed project which indicates that the estimated construction cost of the work in the P&S including deferred items (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share, less site acquisition costs and the High Performance Base Incentive Grant. This cost estimate does not include site acquisition, planning, tests, inspection, or furniture and equipment and is available at the district for review by the OPSC.
- If the request is for a Modernization or Charter School Facilities Program Rehabilitation Grant, I have developed a cost estimate of the proposed project which indicates that the estimated construction cost of the work in the P&S, including deferred items and interim housing (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share, less the High Performance Base Incentive Grant. This cost estimate does not include planning, tests, inspection or furniture and equipment and is available at the district for review by the OPSC.

ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)	
SIGNATURE	DATE

APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

24. Certification

I certify, as the District Representative, that the information reported on this form, with the exception of items 22 and 23, is true and correct and that:

- I am an authorized representative of the district as authorized by the governing board of the district; and,
- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et. seq., of the Education Code was adopted by the school district's governing board or the designee of the Superintendent of Public Instruction on, _____; and,
- The district has established a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (refer to Sections 1859.100 through 1859.102); and,
- The district has considered the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
- If this funding request is for the modernization of portable classrooms eligible for an additional apportionment pursuant to Education Code Section 17073.15, the district certifies that (check the applicable box below):
 - 1. The state modernization funds will be used to replace the portable classrooms and permanently remove the displaced portables from the classroom use within six months of the filing of the Notice of Completion for the project; or,
 - 2. It has provided documentation to the Office of Public School Construction which indicates that modernizing the portable classrooms eligible for an additional apportionment is better use of public resources than the replacement of these facilities.
- Facilities to be rehabilitated under the Charter School Facilities Program previously funded with School Facility Program State funds meet the requirements of Section 1859.163.6; and,
- All contracts entered on or after November 4, 1998 for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
- If this request is for new construction funding, the district has received approval of the site and the plans from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- If this request is for modernization or Charter School Facilities Program Rehabilitation funding, the district has received approval of the plans for the project from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This district has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- The district matching funds required pursuant to Sections 1859.77.1 or 1859.79 has either been expended by the district, deposited in the County School Facility Fund or will be expended by the district prior to the notice of completion for the project; and,
- The district has received the necessary approval of the plans and specifications from the Division of the State Architect unless the request is for a separate site and/or design apportionment; and,
- If the district is requesting site acquisition funds as part of this application, the district has complied with Sections 1859.74 through 1859.75.1 as appropriate; and,
- With the exception of an apportionment made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105); and,
- If the apportionment for this project was made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 12 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105.1); and,
- The district understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Section 1859.90); and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
- The district understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Sections 1859.105, 1859.105.1, 1859.106; and,
- The district has complied with the provisions of Sections 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,
- If the SFP grants will be used for the construction or modernization of school facilities on leased land, the district has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- If the application contains a "Use of New Construction Grant" request, the district has adopted a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board on _____
- as specified in Sections 1859.77.2, or 1859.77.3, as appropriate. The district's approved housing plan is as indicated (check all that apply):
 - 1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB and the district must identify the source of the funds. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
 - 2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
 - 3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project. [Applicable for Sections 1859.77.2(b) and 1859.77.3(b)]

**APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM**

- If the district requested additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4, the district will include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project; and,
- The district has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and the need for vocational and career technical facilities is being adequately met in accordance with Education Code Sections 51224, 51225.3(b), and 51228(b), and 52336.1; and,
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the increased costs for the energy efficiency components in the project exceeds the amount of funding otherwise available to the district; and,
- If this application is submitted after January 1, 2004 for modernization funding, the district has considered the potential for the presence of lead-containing materials in the modernization project and will follow all relevant federal, state, and local standards for the management of any identified lead; and,
- The district has initiated and enforced an LCP that has been approved by the DIR, pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003 and before January 1, 2012; and,
- The district has contracted with the DIR for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014, if the construction contract was awarded on January 1, 2012 through June 19, 2014 and the district has not obtained a waiver for the requirement, pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014. The district understands that if it fails to meet this requirement, it will be required to repay all state bond funds received including interest; and,
- Beginning with the 2005/2006 fiscal year, the district has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and,
- If this application is submitted pursuant to Section 1859.180, the district certifies that within six months of occupancy of the permanent classrooms, it will remove the replaced portables from the eligible school site and K-12 grade classroom use with the exception of schools described in Education Code Section 17079.30(c); and,
- The district has considered the feasibility of using designs and materials for the new construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and the other characteristics of high performance schools; and,
- If the district is requesting an additional grant for high performance incentive funding, the school district governing board must have a resolution on file that demonstrates support for the high performance incentive grant request and the intent to incorporate high performance features in future facilities projects; and,
- If this application is submitted when there is Insufficient Bond Authority, the district has adopted a school board resolution pursuant to Section 1859.95.1; and,
- The district will comply with all laws pertaining to the construction or modernization of its school building.

NAME OF DISTRICT REPRESENTATIVE (PRINT)

PHONE NUMBER

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE

ATTACHMENT A10

OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING APRIL 3, 2025

PROPOSED REGULATORY AMENDMENTS FOR MINIMUM ESSENTIAL FACILITIES MODERNIZATION SUPPLEMENTAL GRANT

PURPOSE

To continue to discuss and receive stakeholder input regarding the proposed regulatory amendments resulting from the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2), which was approved by a majority of California's voters on November 5, 2024, in order to implement the Minimum Essential Facilities (MEF) Modernization Supplemental Grant.

AUTHORITY

See Attachment A10a.

BACKGROUND

On February 13, 2025, the Office of Public School Construction (OPSC) held a stakeholder meeting to discuss the implementation of the MEF Modernization Supplemental Grant. This item continues the discussion and addresses the questions, comments and feedback received by OPSC from school districts and other stakeholders since the meeting. Stakeholder feedback may be found on Attachment B of this item.

This item also proposes a method for funding the supplemental grant and provides calculations and examples for each project type.

This item also presents proposed changes to current School Facility Program (SFP) Regulation Section 1859.77.5 and the Form SAB 50-04.

The full text of the February 13, 2025 Stakeholder Meeting item may be found here: [February 13, 2025 OPSC Proposition 2 Stakeholder Meeting #2 - Item](#)

The recording of the February 13, 2025 Stakeholder Meeting may be found here: [February 13, 2025 OPSC Proposition 2 Stakeholder Meeting #2 - Recording](#)

STAFF ANALYSIS/DISCUSSION

Summary of Stakeholder Feedback

OPSC would like to thank the stakeholders that participated in this meeting and provided valuable feedback. Below is a summary of the stakeholder feedback and OPSC’s responses as a result of the meeting held on February 13, 2025:

Stakeholder Feedback	OPSC Response
<p>1. How does this supplemental grant relate to the base grant for expansion projects?</p>	<p>1. The calculation for the supplemental grant is independent and not a function of the base grant. However, it is not a stand-alone grant and is intended to supplement eligible modernization projects. The supplemental grant is meant to fund the construction of a qualifying new MEF or the new space constructed as a result of expanding a qualifying MEF. To request the grant, there must be additional modernization work beyond the construction of a new MEF or expansion of an existing MEF, and that modernization work must have sufficient cost to justify a minimum grant request pursuant to SFP Regulation Section 1859.79.3.</p>
<p>2. Does OPSC have any plans to put out any calculators on its website to help districts understand the different options?</p>	<p>2. OPSC anticipates building the final supplemental grant into the grant calculator in OPSC Online in the future.</p> <p>For now, example calculations are presented in this report. Please see the Proposed Funding Method section below for more information.</p>
<p>3. Districts are designing projects (using current enrollment) several years in advance of OPSC processing. If OPSC uses the enrollment at the time of processing to determine the facility size, it could be problematic for Districts whose enrollment is declining, especially considering that the project may well be under way or even constructed by the time</p>	<p>3. Enrollment at the time of processing will be used to determine if an existing MEF is adequately sized. The grant is intended to fund the construction of a new MEF for sites which lack the specified facility, and to fund the expansion of an existing MEF if the facility is 60% or less than the recommended size needed to serve the</p>

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
<p>3. (cont.) of processing. Is there room to look at enrollment from the time the application was submitted?</p>	<p>3. (cont.) enrollment of the school. Utilizing the enrollment at the time of processing ensures that bond funds are provided only to projects for which there is a need to expand an existing MEF to adequately serve the enrollment of the site and that bond funds are spent appropriately. This also ensures that the planned construction of additional space was necessary in the year in which the State Allocation Board (Board) approves the project. School districts that choose to construct their projects in advance of receiving approval of state funding do so at their own risk. There are many other factors a district should consider when proceeding in advance, such as changes to the Construction Cost Index (CCI), lack of bond authority available for the project, or eligibility determination and approval by the Board.</p>
<p>4. Why are other supplemental grants not permitted to increase the MEF supplemental grant?</p>	<p>4. Typically, supplemental grants don't compound. They're normally a function of the base grant. For example, the fire alarm/detection pursuant to SFP Regulation Section 1859.78.4, provides an additional set dollar amount, adjusted annually for the CCI, per each pupil grant requested in the application, and the small size grant pursuant to SFP Regulation Section 1859.83(b), provides an additional percentage increase (either 12 percent or four percent) to the base grant amount.</p> <p>The Geographic Percent Factor supplemental grant, pursuant to SFP Regulation Section 1859.83(a), applies the geographic percentage to the base grant and several other supplemental grants: Fire Detection/Alarm (1859.78.4),</p>

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
	<p>4. (cont.) Energy Efficiency (1859.78.5), Facility Hardship (1859.82), Urban, Security, and Impacted Site (1859.83(d)), and ADA/Fire Code (1859.83[f]). This is in recognition of the increased costs of material and labor that may be present in particular geographic regions of the state.</p> <p>As this supplemental grant is independent of the base grant and is calculated utilizing a per square foot grant amount, this supplemental grant amount will not factor other supplemental grants into its calculation.</p> <p>As the Geographic Percent Factor grant adds a percentage to the base grant and supplemental grant funding received, this grant amount will be factored into the calculation of the Geographic Percent Factor grant pursuant to SFP Regulation Section 1859.83(a).</p>
<p>5. With enrollments declining, it feels punitive to require districts to build back unneeded classrooms if they use this grant to convert existing classrooms to a library.</p>	<p>5. If an application converts or demolishes an existing MEF space to construct an MEF space of a different type, the removed MEF space must be replaced in the same project. For example, if a project converts an existing library to a gymnasium, the project must also include the construction of a library. If the project does not, the district must submit a certification acknowledging that the state has satisfied its obligation to provide that MEF space at the site and that the district will not apply for funding under the SFP to replace that space.</p> <p>If an application converts or demolishes existing classroom space to construct an MEF space, the removed classrooms</p>

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
	<p>5. (cont.) must be replaced in the same project. For example, if a project converts two existing K-6 classrooms to a library, the project must also include the construction of two classrooms. If the district determines that those classrooms are no longer needed due to declining enrollment, the district must submit a certification acknowledging that the state has satisfied its obligation, pursuant to SFP Regulation Section 1859.50, to house the pupils that would have been housed in the demolished classrooms. The site’s modernization eligibility baseline will be adjusted for the replaced classrooms, and the age of the replaced facilities shall be reset to the date of the apportionment for the corresponding project.</p>
<p>6. Public comment was submitted requesting that indoor school gardens that supply fruits and/or vegetables to districts’ kitchens also be eligible for funding under the supplemental grant.</p>	<p>6. Statute does not specify indoor school gardens as an MEF or define school kitchen to include an indoor garden. OPSC may review applications that include indoor school gardens as part of the school kitchen space on a case-by-case basis.</p> <p>Construction of indoor school gardens is already an eligible expenditure for both the New Construction and Modernization programs.</p>
<p>7. Public comment was submitted requesting that example calculations to facilitate the comparison of different funding options, including Use of Grants (UOG), Option 1, and Option 2 be provided.</p>	<p>7. Please see the Proposed Funding Method section below.</p>
<p>8. Public comment was submitted recommending that the option to use a three-year average of California Basic</p>	<p>8. The flexibility provided in SFP Regulation Sections 1859.82.1 and 1859.82.2 for a three-year average of CBEDS is for applications that address a</p>

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
<p>8. (cont.) Educational Data System (CBEDS) be allowed, similar to the flexibility provided under SFP Regulation Sections 1859.82.1 and 1829.82.2.</p>	<p>8. (cont.) health and safety threat. The flexibility is provided as in some cases, when the health and safety threat that is being addressed in the application had an adverse effect on CBEDS at the site. In cases of condemned, destroyed, or otherwise unusable facilities due to the health and safety threat, student enrollment declines as students must be temporarily housed at other sites. Therefore, current CBEDS at the time of processing may not be truly indicative of a site's CBEDS and are an anomaly caused by the health and safety threat. An average of the CBEDS for three years immediately preceding the application received date can, in those cases, better represent the site's enrollment.</p> <p>This supplemental grant is not intended to address a health and safety threat that is otherwise eligible for funding under SFP Regulation Sections 1859.82.1 and 1859.82.2. Therefore, OPSC will use the current CBEDS at the time of processing to determine if an existing facility is 60 percent or less than the recommended size needed to serve the enrollment of the school. OPSC may consider, on a case-by-case basis, instances in which the CBEDS at the site for the year in which the application is processed are an anomaly caused by an unforeseen circumstance.</p> <p>For additional commentary, please refer the comments in response to Item 6.</p>
<p>9. Public comment was submitted requesting clarification on the calculation of fundable toilet square footage, specifically whether a site-wide analysis</p>	<p>9. Yes, OPSC will require a site-wide analysis be conducted to determine if an existing site already meets the required toilet square footage for current</p>

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
<p>9. (cont.) will be conducted to determine if an existing site already meets the required toilet square footage for current enrollment.</p>	<p>9. (cont.) enrollment as part of the calculation to determine the fundable toilet square footage. OPSC will align this process with the existing process of determining fundable toilet square footage for Facility Hardship applications.</p>

Proposed Funding Methods

Staff has developed the following two options for consideration. Please note, both of the options were previously presented at the February 13, 2025 stakeholder meeting. They are being presented again with examples of calculations provided, as well as a brief overview of the existing UOG calculation pursuant to SFP Regulation Section 1859.77.3(a) for comparative purposes.

As mentioned in the item presented on February 13, 2025, both options would be limited to funding the *lesser* of the new space being constructed or the recommended size of the space based on the site’s enrollment.

OPSC has provided the following square footage chart from SFP Regulation Section 1859.82.1(b) for convenience when analyzing the calculations:

Facility	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.
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.

Overview of Funding Methods

Option 1

Under Option 1, the supplemental grant amount would be calculated using the Permanent/Portable Other and Toilet square foot grant amounts. As this is a modernization supplemental grant, the square foot grant amounts will be utilized at

STAFF ANALYSIS/DISCUSSION (cont.)

a 60/40 split. A site-wide analysis of existing toilet square footage will be conducted to determine if an existing site already meets the required toilet square footage for current enrollment to determine the fundable toilet square footage.

Option 2

Under Option 2, a calculation to determine the maximum pupil grant amount for the facility, similar to the existing MEF (UOG) calculation in SFP Regulation 1859.77.3(a)(7), would determine the supplemental grant amount. However, instead of using the New Construction base grant amount, the Modernization base grant amount will be used in this calculation. The site’s modernization baseline eligibility would not be adjusted because of this grant (beyond the pupil grants requested in Section 2).

Options	Funding Method	New Projects	Expansion Projects
Option 1	The supplemental grant amount would be calculated using the Permanent/Portable Other and Toilet square foot grant amounts.	Funded based on the <i>lesser</i> of: <ul style="list-style-type: none"> • The total size of the new MEF, or • The recommended size of the MEF based on current enrollment. 	Funded based on the <i>lesser</i> of the delta between: <ul style="list-style-type: none"> • The existing MEF space and the total size of the expanded MEF, or • The delta between the existing MEF space and the recommended size of the MEF based on current enrollment.
Option 2	A calculation to determine the maximum Modernization pupil grant amount for the facility, similar to the existing UOG for MEF calculation in SFP Regulation 1859.77.3(a)(7), would determine the supplemental grant amount.	Funded based on the <i>lesser</i> of: <ul style="list-style-type: none"> • The total size of the new MEF, or • The recommended size of the MEF based on current enrollment. 	Funded based on the <i>lesser</i> of the delta between: <ul style="list-style-type: none"> • The existing MEF space and the total size of the expanded MEF, or • The delta between the existing MEF space and the recommended size of the MEF based on current enrollment.

STAFF ANALYSIS/DISCUSSION (cont.)

Full Description of Funding Options and Calculations

Option 1

In this option, the supplemental grant amount would be calculated using the Permanent/Portable Other and Toilet square foot grant amounts.

- New projects would be funded based on the *lesser* of:
 - The total size of the new MEF, or
 - The recommended size of the MEF based on current enrollment.
- Expansion projects would be funded based on the *lesser* of:
 - The delta between the existing MEF space and the total size of the expanded MEF, or
 - The delta between the existing MEF space and the recommended size of the MEF based on current enrollment.

New Projects

The calculation to determine the supplemental grant amount for new projects is summarized as:

Determine the *lesser* of the following:

- The recommended MEF size, or
- The total square footage of the new facility.

Determine the amount of fundable toilet square footage by comparing the existing toilet square footage on the site with the recommended toilet square footage based on current CBEDS according to the per pupil square footage allocation in the chart in SFP Regulation Section 1859.82.1(b) (see square footage chart above). Multiply the lesser of the two from above by the Permanent/Portable Other square foot and Permanent/Portable Toilet square foot grant amounts (eligible toilet space will be funded first), add the Permanent/Portable Other square footage total and the Permanent/Portable Toilet square footage total for the total supplemental grant amount.

STAFF ANALYSIS/DISCUSSION (cont.)

Option 1 Example (New Projects) – Recommended Size of the Facility

A middle school (7-8) with a CBEDS of 1,250 does not have an MPR and is building a permanent MPR (with food service) that is 7,000 square feet, of which 1,000 square feet is Toilet. It is assumed that all toilet square footage is fundable.

- In order to determine the recommended MEF size, multiply the CBEDS at the site (1,250) by 5.3 square feet (see square footage chart above). The product of this calculation is 6,625 square feet, which exceeds the recommended minimum of 5,000 square feet. Therefore, the recommended size of the MEF (MPR) for this site is 6,625 square feet. The lesser of the recommended size (6,625 square feet) and what is being built (7,000 square feet) is the recommended size.
- To determine the 2025 grant amount, 1,000 Permanent Toilet square feet is multiplied by the Permanent Toilet square foot grant amount of \$559 for a total of \$559,000. The remaining 5,625 of Permanent Other square feet is multiplied by the Permanent Other square foot grant amount of \$312 for a total of \$1,755,000. The total supplemental grant amount is \$2,314,000.

Existing MPR (with Food Service) Square Feet = 0
New MPR (with Food Service) = 7,000 Square Feet (6,000 Permanent Other, 1,000 Permanent Toilet)

1,250 Students x 5.3 Square Feet per Student = 6,625 Recommended Square Feet

5,625 Permanent Other Square Feet x \$312 = \$1,755,000
1,000 Permanent Toilet Square Feet x \$559 = \$559,000
Total Supplemental Grant Amount = \$2,314,000

Expansion Projects

The calculation to determine the supplemental grant amount for expansion projects is summarized as:

Determine the *lesser* of the following:

- The delta between the existing MEF size and the recommended MEF size, or
- The delta between the existing MEF size and the total size of the expanded facility.

STAFF ANALYSIS/DISCUSSION (cont.)

Subtract the existing MEF square footage from the lesser of the two above to determine the delta. The delta is the square footage eligible to be funded. Determine the amount of fundable toilet square footage by comparing the existing toilet square footage on the site with the recommended toilet square footage based on current CBEDS according to the per pupil square footage allocation in the chart in SFP Regulation Section 1859.82.1(b) (see square footage chart above). Multiply the delta by the Permanent/Portable Other square foot and Permanent/Portable Toilet square foot grant amounts (eligible toilet space will be funded first), add the Permanent/Portable Other square footage total and the Permanent/Portable Toilet square footage total for the total supplemental grant amount.

Option 1 Example (Expansion Projects) – Delta of Existing MEF and Recommended Size

A middle school (7-8) with a CBEDS of 1,250 has an existing permanent MPR (with food service) that is 3,000 square feet, of which 350 square feet is Toilet, and is expanding it by 4,000 square feet, of which 650 square feet is Toilet. The newly expanded MPR will have a total of 7,000 square feet, of which 1,000 square feet is Toilet.

- In order to determine the recommended MEF size, multiply the CBEDS at the site (1,250) by 5.3 square feet. The product of this calculation is 6,625 square feet, which exceeds the recommended minimum of 5,000 square feet. Therefore, the recommended size is 6,625 square feet.
- The delta between the existing MEF square footage (3,000 square feet) and the total size of the expanded facility (7,000 square feet) is 4,000 square feet, of which 650 square feet is Toilet. The delta between the existing MEF square footage (3,000 square feet) and the recommended size (6,625 square feet) is 3,625 square feet. Therefore, the lesser of the two and what is eligible to be funded is 3,625 square feet.
- To determine the 2025 grant amount, 650 Permanent Toilet square feet is multiplied by the Permanent Toilet square foot grant amount of \$559 for a total of \$363,350. The remaining 2,975 of Permanent Other square feet is multiplied by the Permanent Other square foot grant amount of \$312 for a total of \$928,200. The total supplemental grant amount is \$1,291,550.

STAFF ANALYSIS/DISCUSSION (cont.)

Existing MPR (with Food Service) = 3,000 Square Feet (2,650 Permanent Other, 350 Permanent Toilet)

Expanded MPR (with Food Service) = 7,000 Square Feet (6,000 Permanent Other, 1,000 Permanent Toilet)

1,250 Students x 5.3 Square Feet per Student = 6,625 Recommended Square Feet

7,000 Total Expanded Square Feet – 3,000 Existing Square Feet = 4,000 New Square Feet

6,625 Recommended Square Feet – 3,000 Existing Square Feet = 3,625 Square Feet

2,975 Permanent Other Square Feet x \$312 = \$928,200

650 Permanent Toilet Square Feet x \$559 = \$363,350

Total Supplemental Grant Amount = \$1,291,550

Considerations

- By basing the funding on the Permanent/Portable Other and Toilet square footage that is being built, Option 1 considers the actual type of space built when determining the supplemental grant amount.
- When a new project is funded based on the lesser of the size of the new facility and the recommended square footage, the grant only funds *up to* what is recommended.
- By considering the existing MEF space in an expansion project, the supplemental grant would not fund any work done to the existing space. Only the lesser of the new square footage being built or the delta between the existing and the recommended square footage would be funded.
- Funding within the program is made more consistent by aligning how MEF spaces are funded with how the Facility Hardship Replacement and Charter Rehabilitation programs are funded.
- Option 1 differs from how existing MEF (New Construction) UOG applications are currently funded. Existing UOG MEF applications are funded by using a calculation to determine the appropriate number of pupil grants to fund the MEF space and funding is determined by using per pupil grant amounts. Instead, this method would fund using square footage grant amounts based on Permanent/Portable Toilet and Other square footage.

STAFF ANALYSIS/DISCUSSION (cont.)

Option 2

In this option, the supplemental grant amount would be determined by using a square footage calculation to determine the maximum pupil grant amount for the facility, similar to the existing MEF (UOG) calculation in SFP Regulation 1859.77.3(a)(7). However, instead of using the New Construction base grant amount, the Modernization base grant amount will be used in this calculation. Note, the site's Modernization baseline eligibility will not be adjusted because of this grant (beyond the pupil grants requested in Section 2).

- New projects would be funded based on the *lesser* of:
 - The total size of the new MEF, or
 - The recommended size of the MEF based on current enrollment.
- Expansion projects would be funded based on the *lesser* of:
 - The delta between the existing MEF space and the total size of the expanded MEF, or
 - The delta between the existing MEF space and the recommended size of the MEF based on current enrollment.

New Projects

The calculation to determine the supplemental grant amount for new projects is summarized as:

Determine the *lesser* of the following:

- The recommended MEF size, or
- The total square footage of the new facility.

Multiply the lesser of the two by the Permanent/Portable Other square foot grant amount. As this is a modernization supplemental grant, the square foot grant amounts will be utilized at a 60/40 split. Divide that product by the Modernization base grant amount for the project type. Round up. That number is the maximum pupil amount for the facility. The supplemental grant amount is the maximum pupil amount for the facility multiplied by the Modernization base grant amount for the type of project.

STAFF ANALYSIS/DISCUSSION (cont.)

Option 2 (New Projects) Example – Recommended Size

A middle school (7-8) with a CBEDS of 1,250 does not have a MPR and is building a permanent MPR (with food service) that is 7,000 square feet.

- In order to determine the recommended MEF size, multiply the CBEDS at the site (1,250) by 5.3 square feet (see square footage chart above). The product of this calculation is 6,625 square feet, which exceeds the recommended minimum of 5,000 square feet. Therefore, the recommended size of the MEF is 6,625 square feet. The lesser of the recommended size (6,625 square feet) and the new facility (7,000 square feet) is the recommended size.
- To determine the maximum pupil amount for the facility, multiply the recommended MEF size by the Permanent Other square foot grant amount of \$312 for a total of \$2,067,000. Divide that amount by the Modernization base grant amount for the project type (\$6,381) and round up. The result is 324 (rounded up). This is the maximum pupil amount for the facility.
- To determine the 2025 grant amount, multiply the maximum pupil amount for the facility (324) by the Modernization base grant amount for the type of project (\$6,381). The supplemental grant amount is \$2,067,444.

Existing MPR (with Food Service) = 0 Square Feet
New MPR (with Food Service) = 7,000 Square Feet
1,250 Students x 5.3 Square Feet per Student = 6,625 Recommended Square Feet

6,625 Permanent Other Square feet x \$312 = \$2,067,000
\$2,067,000/ \$6,381 (Modernization Base Grant for 7-8 pupils) = 323.9304
Round Up to the Nearest Whole Number = 324
324 x \$6,381 = \$2,067,444
Total Supplemental Grant Amount = \$2,067,444

Expansion Projects

The calculation to determine the supplemental grant amount for expansion projects is summarized as:

Determine the *lesser* of the following:

- The delta between the existing MEF size and the recommended MEF size,
or

STAFF ANALYSIS/DISCUSSION (cont.)

- The delta between the existing MEF size and the total size of the expanded facility.

Multiply the lesser of the two by the Permanent/Portable Other square foot grant amount. Divide that product by the Modernization base grant amount for the project type. Round up. That number is the maximum pupil amount for the facility. The supplemental grant amount is the maximum pupil amount for the facility multiplied by the Modernization base grant amount for the type of project.

Option 2 (Expansion Projects) Example – Delta of Existing MEF and Recommended Size

A middle school (7-8) with a CBEDS of 1,250 has an existing MPR with food service that is 3,000 square feet and is expanding it by 4,000 square feet. The newly expanded MPR will have a total of 7,000 square feet.

- In order to determine the recommended MEF size, multiply the CBEDS at the site (1,250) by 5.3 square feet (see square footage chart above). The product of this calculation is 6,625 square feet, which exceeds the recommended minimum of 5,000 square feet. Therefore, the recommended size is 6,625 square feet.
- The delta between the existing MEF square footage (3,000 square feet) and the total size of the expanded facility (7,000 square feet) is 4,000 square feet. The delta between the existing MEF square footage (3,000 square feet) and the recommended size (6,625 square feet) is 3,625 square feet. Therefore, the lesser of the two and what is eligible to be funded is 3,625 square feet.
- To determine the maximum pupil amount, multiply 3,625 by the Permanent Other square foot grant amount of \$312 for a total of \$1,131,000. Divide that amount by the Modernization base grant amount for the project type (\$6,381) and round up. The result is 178 (rounded up). This is the maximum pupil amount for the facility.
- To determine the 2025 grant amount, multiply the maximum pupil amount for the facility (178) by the Modernization base grant amount for the type of project (\$6,381). The supplemental grant amount is \$1,135,818.

STAFF ANALYSIS/DISCUSSION (cont.)

Existing MPR (with Food Service) = 3,000 Square Feet
Expanded MPR (with Food Service) = 7,000 Square Feet
1,250 Students x 5.3 Square Feet per Student = 6,625 Recommended Square Feet

7,000 Total Expanded Square Feet – 3,000 Existing Square Feet = 4,000 New Square Feet
6,625 Recommended Square Feet – 3,000 Existing Square Feet = 3,625 Square Feet

3,625 Permanent Other Square feet x \$312 = \$1,131,000
\$1,131,000/ \$6,381 (Modernization Base Grant for 7-8 pupils) = 177.2449
Round Up to the Nearest Whole Number = 178
178 x \$6,381 = \$1,135,818
Total Supplemental Grant Amount = \$1,135,818

Considerations

- Option 2 is most similar to how the existing MEF (New Construction) grant is currently funded. The main difference is that this option utilizes Modernization base grant amounts to determine funding.
- Option 2 does not differentiate between Other and Toilet square footage being built, but instead focuses on total square footage. All Permanent space is funded at the same amount and all Portable space is funded at the same amount.
- By considering the existing MEF space in an expansion project, only the new square footage being built (not to exceed the recommended size) is funded.

Existing Use of Grants (UOG) - MEF Calculation

For comparison purposes, staff has included an overview of the existing MEF calculation pursuant to SFP Regulation Section 1859.77.3(a), as requested. Please note that the current method for funding an MEF is a New Construction UOG request that diverts pupil grants intended to construct classrooms to house un-housed pupils to construct MEFs instead and directly draws down on a district's new construction eligibility baseline. It is not a supplemental grant. Additionally, the existing calculation does not differentiate between new and expansion projects to determine the grant amount. However, it does require a check to ensure that an existing facility is 60 percent or less than the recommended size in order to be eligible for the grant. This determination has no bearing on the amount of funding received.

STAFF ANALYSIS/DISCUSSION (cont.)

The calculation is summarized as:

Determine the recommended MEF size. Multiply that recommended MEF size by the Permanent Other square foot grant amount. Divide that product by the New Construction base grant amount for the project type. Round up. That number is the total maximum pupil grants that can be requested. As a UOG request to construct an MEF, pursuant to SFP Regulation Section 1859.77.3(a), is a diversion of new construction pupil grants, the grant amount is the number of pupil grants requested in Section 2a, not to exceed the calculated maximum request and the district's available new construction eligibility, multiplied by the New Construction base grant amount for the type of project.

MEF (UOG) Request Example

A middle school (7-8) with a CBEDS of 1,250 does not have an MPR and is building a permanent MPR (with food service) that is 7,000 square feet.

- In order to determine the recommended MEF size, multiply the CBEDS at the site (1,250) by 5.3 square feet (see square footage chart above). The product of this calculation is 6,625 square feet. Therefore, the site's existing facility is inadequate as the existing square footage (0 square feet) is less than 60 percent of the square footage necessary for the current CBEDS for the site plus the Net School Building Capacity of the proposed project.
- To determine the maximum pupil grants that can be requested for the facility, multiply the recommended MEF size (6,625 square feet) by the Permanent Other square foot grant amount of \$260 for a total of \$1,722,500. Divide that amount by the New Construction base grant amount for the project type (\$16,761) and round up. The result is 103 (rounded up). The application can request up to 103 7-8 new construction pupil grants for this facility.
- To determine the 2025 grant amount, it will be assumed that the district has sufficient new construction eligibility to request the maximum pupil grants for the facility. Multiply the maximum pupil amount for the facility (103) by the New Construction base grant amount for the type of project (\$16,761). The grant amount is \$1,726,383.

STAFF ANALYSIS/DISCUSSION (cont.)

Existing MPR (with Food Service) = 0 Square Feet
 New MPR (with Food Service) = 7,000 Square Feet
 1,250 Students x 5.3 Square Feet per Student = 6,625 Recommended Square Feet

6,625 Permanent Other Square feet x \$260 = \$1,722,500
 \$1,722,500 / \$16,761 (New Construction Base Grant for 7-8 pupils) = 102.7683
 Round Up to the Nearest Whole Number = 103
 103 x \$16,761 = \$1,726,383
Total Grant Amount = \$1,726,383

Summary of Funding Outcomes

Methods	Total Funding (New Project)	Total Funding (Expansion Project)
Option 1	\$2,314,000	\$1,291,550
Option 2	\$2,067,444	\$1,135,818
MEF (UOG)	\$1,726,383	\$1,726,383

Note: The example scenarios for New Projects were the same across all three methods, and the example scenarios for Expansion Projects were the same across all three methods.

Staff Recommendation

Staff recommends Option 1.

OPSC has identified three factors to be considered when determining funding for the grant: the size of the facility constructed, the type of construction (Permanent or Portable), and the type of square footage within the facility (Toilet and Non-Toilet).

Option 1 considers all three factors above and aligns the grant funding most closely with the project scope by basing the funding on the amount of Permanent/Portable Other and Toilet square footage that is being built.

Option 2 also factors in square footage as it differentiates between Permanent or Portable construction, however, it does not account for the amount of Other or Toilet square footage constructed.

Additionally, Option 1 allows for additional consistency within the program by aligning how MEF spaces are funded with how the Facility Hardship Replacement and Charter Rehabilitation programs are funded.

STAFF ANALYSIS/DISCUSSION (cont.)

Proposed Amendments to SFP Regulations

Attachment A10b includes the full proposed amendments to the SFP Regulations.

Below is a summary of the proposed amendments.

Section 1859.2 – Definitions

OPSC proposes an amendment to Section 1859.2 to include a definition for a Minimum Essential Facility.

Article 8 – New Construction and Modernization Grant Determinations

OPSC proposes to add Section 1859.77.5 to detail the eligibility criteria and funding calculation for this grant.

Section 1859.79.2 – Use of Modernization Grant Funds

OPSC proposes an amendment to clarify that the new square footage resulting from this supplemental grant is an allowable use of this supplemental grant.

Proposed Amendments to the Form SAB 50-04

Instructions

OPSC proposes adding additional instructions in the *Modernization Additional Grant Request* section (Section 6).

The instructions will read:

Check the box if the district is requesting an Additional Grant for a Minimum Essential Facility pursuant to SFP Regulation Section 1859.77.5. Check the box for the type of facility being requested (if the facility is a hybrid facility, select 'Other' and indicate the type of facility on the line provided) and indicate the type and amount of square footage being built in the project. Then check the appropriate box depending on whether the MEF is permanent construction or not.

Section 6 – Modernization Additional Grant Request

OPSC proposes adding a series of check boxes labelled “f. Minimum Essential Facilities” to Section 6 of the Form SAB 50-04 for districts to request the MEF Supplemental Grant.

STAFF ANALYSIS/DISCUSSION (cont.)

- Within the new “f” section of the Form SAB 50-04, there would be a series of sub-check boxes for each of the four MEF types (multipurpose, gymnasium, library kitchen), as well as a fifth sub-check box and subsequent line for districts requesting a hybrid facility to indicate the type of hybrid facility.
- Below the five sub-check boxes for the MEF type would be two lines labelled Toilet (sq. ft.) and Other (sq. ft.) for districts to indicate the amount and type of square footage being built in the project.
- Below the two lines for square footage would be the question “Is the MEF Permanent Construction?” with two check boxes indicating “Yes” or “No.”

Below is a visual of what this might look like:

Section 6

...

f. Minimum Essential Facilities

- Multipurpose
- Gymnasium
- Library
- Kitchen
- Hybrid _____

Toilet (sq. ft.) _____

Other (sq. ft.) _____

Is the MEF Permanent Construction?

- Yes
- No

AUTHORITY**Education Code Section 17073.16 – Modernization Eligibility Determination**

(a) A school district eligible for funding pursuant to this article may receive a supplemental grant for either of the following:

(1) Expanding an existing gymnasium, multipurpose room, library, or school kitchen, if the facility is 60 percent or less than the department's recommended size needed to serve the enrollment of the school.

(2) Constructing a new gymnasium, multipurpose room, library, or school kitchen if the site is lacking one or more of the specified facilities.

(b) A site may receive a supplemental grant for only one project described in subdivision (a).

...

(d) The funding provided under this section shall be in addition to any other funding provided pursuant to this article.

(e) The board, in consultation with the Superintendent, shall develop regulations implementing this section.

School Facility Program (SFP) Regulation 1859.50. Calculations to Determine New Construction Baseline Eligibility.

The district shall calculate its eligibility determination by completion of the Form SAB 50-03. Eligibility determination for New Construction Grant(s) may be requested on either a district-wide basis, a HSAA or Super HSAA basis.

If a district requests to have its eligibility determination made on a district-wide basis, eligibility for future grants in the district must be filed on the same basis for a period of five years from the date the district received an apportionment that was justified by eligibility determined on a district-wide basis.

If a district requests to re-file its eligibility determination from district-wide to HSAA or Super HSAA after the five year time period has elapsed, the existing school building capacity in the HSAA or Super HSAA will be determined based on the classrooms available in the HSAA or Super HSAA at the time of the initial district-wide request for eligibility determination. Once the baseline eligibility has been determined for the HSAA or Super HSAA, it will be adjusted for classrooms constructed, funded or acquired in that HSAA or Super HSAA as provided by Section 1859.51.

If the district requests to have its eligibility determination made on a HSAA or Super HSAA, it must meet the criteria of Section 1859.41.

The calculated eligibility on the Form SAB 50-03, is the initial eligibility of the district, the HSAA or Super HSAA and shall be referenced as the baseline

AUTHORITY (cont.)

eligibility for future SFP funding. The baseline eligibility is the basis for filing Form SAB 50-04, for a new construction SFP grant.

If a special education program and the title to the related facilities is transferred between a school district and county office of education after the baseline eligibility was established by the Board, the following shall be required if the title transfer took place after January 1, 2007, or if requested by the school district and county office of education due to a title transfer that took place prior to January 1, 2007:

- (a) The sending School District's existing school building capacity shall be adjusted pursuant to Section 1859.51(r).
- (b) The receiving School District's existing school building capacity shall be adjusted pursuant to Section 1859.51(i).
- (c) The sending School District's enrollment projection shall be adjusted pursuant to Education Code Section 17071.75(f).
- (d) The receiving School District shall remit to the State a proportionate share of any financial hardship assistance provided for the project as described in Section 1859.106.

For purposes of this paragraph, the transfer of title to facilities shall also include:

- (1) A pre-existing lease, for the duration of more than five years whether in a single lease or cumulative total of several leases, of the receiving School District's facilities by the sending School District that is terminated after transfer of the special education program takes place.
- (2) A lease, for the duration of more than five years whether in a single lease or cumulative total of several leases, of the sending School District's facilities by the receiving School District.

There shall not be any further adjustments made as a result of any subsequent transfers of that program for a period of five years from the date of the initial transfer or before all applicable funds have been remitted to the State as a result of the initial transfer. Both School Districts shall submit a Form SAB 50-01 for enrollment changes immediately upon transfer of title.

A district affected by a reorganization election on or after November 4, 1998 may file an application for a determination of new construction baseline eligibility after a successful reorganization election.

SFP Regulation Section 1859.77.3(a) states, in part:

New Construction Grant funds and any other funds provided by these Regulations shall be expended as set forth in Education Code Section

AUTHORITY (cont.)

17072.35; and may also be utilized for the cost incurred by the district for the development and implementation of remedial action plan approved by the DTSC pursuant to Education Code Section 17213.

Authorization for use of New Construction Grants for which the final plans and specifications for the project were accepted by the DSA after January 22, 2003 may be requested as follows:

(a) A district may request new construction grants that exceed the capacity of the project based on loading standards pursuant to Education Code Section 17071.25(a)(2) and any loading standards adopted by the SAB by these regulations if the project is to construct a multipurpose, gymnasium, Multipurpose/Gymnasium Hybrid, and/or library, or for an Alternative Education school to construct a multipurpose/gymnasium, library, counseling offices, and/or conference rooms, at an existing site that does not have an existing or adequate facility of the type being requested when all of the following is met:

(1) The district must adopt a school board resolution that has been discussed at a public hearing at a regularly scheduled meeting of the district's governing board on a date preceding the application filing that includes the following:

(A) An acknowledgement that funds for the purposes of housing the excess pupils are being diverted to another project.

(B) An acknowledgement that the State has satisfied its obligation, pursuant to Section 1859.50, to house the pupils receiving grants in the project.

(C) A plan outlined in the resolution that identifies how the district has housed or will house the pupils receiving grants in the project in school buildings as defined in Education Code Section 17368. The plan must certify one of the following methods:

1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB, and the district must identify the source of the funds; or

2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom.

(2) The existing school site was not constructed under the SFP.

(3) The proposed project includes no more than eight classrooms.

(4) Grants requests, above 100 percent of the number of pupils to be housed, based on Special Day Class pupil eligibility are only permitted under this subsection (a) when building a Special Day Class facility.

(5) For purposes of this Section, a Multipurpose/Gymnasium Hybrid is considered to be both a multipurpose and a gymnasium. A school site with a

AUTHORITY (cont.)

middle school and/or high school pupils is eligible for one multipurpose and one gymnasium; therefore, if a school site has an adequate multipurpose and an adequate gymnasium, it is not eligible for a Multipurpose/Gymnasium Hybrid under this Section.

(6) For purposes of this section to determine if an existing facility is inadequate, the existing square footage is less than 60 percent of the square footage necessary for the current CBEDS for the site plus the Net School Building Capacity of the proposed project as calculated pursuant to Section 1859.82.1(b)(4)(B)2., except for Alternative Education Schools. For Alternative Education Schools, refer to the following:

(a) With the exception of Approved Applications that meet the requirements of Section 1859.107(a), districts seeking a Modernization Grant must submit Form SAB 50-04 for any one of the following:

- (1) at least 52 Non-Severe grants, or
- (2) at least 36 Severe grants, or
- (3) at least 101 grants, or
- (4) the remaining modernization eligibility at the school site if less than the grants in (1), (2), or (3).

(b) Form SAB 50-04 requesting Modernization Grant funds that do not meet the above criteria will not be accepted by the SAB.

ALTERNATIVE EDUCATION			
Support Facility	Existing Site Plus Proposed Project Contain 1 or 2 Classrooms	Existing Site Plus Proposed Project Contain 3 to 10 Classrooms *	Existing Site Plus Proposed Project Contain 11 or More Classrooms*
Multipurpose Facility or Gymnasium (includes food service)	1,000 sq. ft.	6.3 sq. ft. per pupil minimum 4,000 sq. ft.	6.3 sq. ft. per pupil minimum 7,200 sq. ft., maximum of 18, 000 sq. ft.
Counseling Offices, and/or Conference Rooms	1,000 sq. ft. Combined Total	1,000 sq. ft.	1,000 sq. ft.
Library/Media Space		4.3 sq. ft. per pupil plus 600 sq. ft.	4.3 sq. ft. per pupil plus 600 sq. ft.

*The proposed project cannot include more than eight classrooms.

(7) The maximum excess pupil amount being requested for this type of use of grants request, is calculated by the following:

(A) Multiply the current CBEDS for the site plus the Net School Building Capacity for the proposed project by the square footage for the type of facility being requested, as follows:

AUTHORITY (cont.)

1. For Alternative Education Schools, refer to the chart above.
 2. For a multipurpose room, gymnasium, and/or library, refer to the chart in Section 1859.82.1(b)(4)(B)2.
 3. For a Multipurpose/Gym Hybrid:
 - a. For school sites with middle school pupils, use 15.2 square feet per pupil, with a minimum of 8,056 square feet and a maximum of 18,848 square feet.
 - b. For school sites with high school pupils, use 18.6 square feet per pupil, with a minimum of 10,193 square feet and a maximum of 21,874 square feet.
- (B) Multiply the product in (a)(7)(A) above by the per square foot grant amount of \$154. This per square foot grant amount will be adjusted in the manner prescribed in Section 1859.71.
- (C) Divide the product in (a)(7)(B) above by the New Construction Grant amount for the project grade level, rounded up to the nearest whole number.
- ...

SFP Regulation Section 1859.78.4. Modernization Additional Grant for Fire Code Requirements.

(a) In addition to any other funding authorized by these Regulations, the Board shall provide the following grant amounts for each pupil included in an application for modernization if the project includes an automatic fire detection and alarm system as described in Education Code Section 17074.52 or the fire detection and alarm system is deferred as authorized by Subdivision (b) of Education Code Section 17074.50:

- (1) \$72.12 for each elementary school pupil.
- (2) \$72.12 for each middle school pupil.
- (3) \$72.12 for each high school pupils.
- (4) \$134.14 for each pupil that is a Severely Disabled Individual with Exceptional Needs.
- (5) \$200.49 for each pupil that is a Non-Severely Disabled Individual with Exceptional Needs.

(b) Pursuant to Subdivision (c) of Education Code Section 17074.56, the Board shall provide the grant amounts shown in (a) above, in addition to any other funding authorized by these Regulations, for each pupil included in an application for modernization if all the following criteria are met:

(1) The final plans for the modernization project were submitted to the Division of the State Architect for review and approval between September 1, 2001 and June 30, 2002.

(2) The final plans for the modernization project included an automatic fire detection and alarm system as described in Education Code Section 17074.52 or the project will include the system prior to the completion of the project.

AUTHORITY (cont.)

(3) The modernization project did not receive the entire modernization Adjusted Grant apportionment by June 30, 2002.

The amounts shown in (a) above shall be adjusted annually in the manner prescribed in Section 1859.78.

SFP Regulation Section 1859.79.3. Minimal Requests for Modernization Grant Funds.

(a) With the exception of Approved Applications that meet the requirements of Section 1859.107(a), districts seeking a Modernization Grant must submit Form SAB 50-04 for any one of the following:

- (1) at least 52 Non-Severe grants, or
- (2) at least 36 Severe grants, or
- (3) at least 101 grants, or
- (4) the remaining modernization eligibility at the school site if less than the grants in (1), (2), or (3).

(b) Form SAB 50-04 requesting Modernization Grant funds that do not meet the above criteria will not be accepted by the SAB.

SFP Regulation Section 1859.83(a) states, in part:

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).

SFP Regulation 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.

AUTHORITY (cont.)

A district is eligible for Facility Hardship funding to repair, replace, or construct School Buildings or related required components 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.

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 health and safety issue) that states that the

AUTHORITY (cont.)

only way to mitigate the health and safety threat is to replace the School Building(s).

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

(2) For permanent School Buildings where the cost to rehabilitate the School Building(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 School Building. 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.

(B) A letter of concurrence from a governmental agency 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 School Building(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.

AUTHORITY (cont.)

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 to obtain plan approval.

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

...

SFP Regulation 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.

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.

...

PROPOSED REGULATIONS

Section 1859.2. Definitions.

For the purpose of these regulations, the terms set forth below shall have the following meanings, subject to the provisions of the Act:

...

“Minimum Essential Facility” is defined as a gymnasium, multipurpose room, library and/or school kitchen pursuant to Education Code Section 17073.16, or a hybrid combination of any of the four, including, but not limited to, multipurpose/gymnasium hybrid, multipurpose/school kitchen hybrid, or multipurpose/gymnasium/school kitchen.

...

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Sections 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.18, 17072.33, 17073.16, 17073.25, 17074.10, 17074.30, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17078.72(k), 17079, 17079.10, 17280, 56026 and 101012(a)(8), Education Code; Section 53311, Government Code; and Sections 1771.3 in effect on January 1, 2012 through June 19, 2014 and 1771.5, Labor Code.

Section 1859.77.5. Modernization Additional Grant for Minimum Essential Facilities.

In addition to any other funding authorized by these Regulations, the Board shall provide the following grant amounts for an application for modernization if the project includes a Minimum Essential Facility pursuant to Education Code Section 17073.16.

(a) A district may request a modernization supplemental grant, in addition to a complete application for funding, pursuant to Education Code Section 17073.16 to construct a new or expand an existing multipurpose, gymnasium, library, school kitchen, or a hybrid combination of any of the four, including, but not limited to, multipurpose/gymnasium hybrid, multipurpose/school kitchen hybrid, or multipurpose/gymnasium/school kitchen, when all of the following is met:

(1) The site does not have an existing Minimum Essential Facility, or the existing Minimum Essential Facility is not adequate to serve the enrollment of the school.

(A) For the purposes of this Section, to determine if an existing Minimum Essential Facility is inadequate, the existing square footage is 60 percent or less than the square footage necessary for the current CBEDS at the site as calculated pursuant to Section 1859.82.1(b)(4)(B)2.

(2) The site has not previously received funding pursuant to this article to construct or expand a Minimum Essential Facility.

(3) An Approved Application for Modernization funding has been received by the OPSC for a project wherein the DSA-approved plans contain in the scope of work the construction or expansion of a Minimum Essential Facility eligible for this grant pursuant to Education Code Section 17073.16.

(A) An Approved Application received by the OPSC, on or after October 31, 2024, may be amended to request this supplemental grant provided the plans and specifications that contain the expansion or construction of a Minimum Essential Facility eligible for this supplemental grant were approved by the DSA prior to the receipt of the Approved Application.

(B) If a district wishes to amend its Approved Application to include a request for this supplemental grant and the plans and specifications were approved by DSA after the receipt of the Approved Application, the district must request in writing that the Approved application be withdrawn and removed from the OPSC workload list. The resubmitted application will receive a new received date by the OPSC.

(4) The construction contract(s) for the construction or expansion of the Minimum Essential Facility was executed on or after July 3, 2024.

(5) The Minimum Essential Facility must meet the requirements pursuant to the *California Code of Regulations, Title 5*.

(6) For purposes of this Section, a multipurpose/gymnasium Hybrid is considered to be both a multipurpose and a gymnasium. A school site with a middle school and/or high school pupils is eligible for one multipurpose and one gymnasium; therefore, if a school site has an adequate multipurpose and an adequate gymnasium, it is not eligible for a Multipurpose/Gymnasium Hybrid under this Section.

(b) If all conditions in Subsection (a) are met, and the site is lacking one or more of the Minimum Essential Facilities, the application is eligible to receive a supplemental grant based on the square footage of the new Minimum Essential Facility constructed justified by enrollment at the project site as follows:

(1) Determine the current enrollment at the site using the latest CBEDS Report.

(2) The eligible Square Footage for the Minimum Essential Facility shall be the lesser of the actual Square Footage constructed or the Square Footage justified by enrollment pursuant to the chart in Section 1859.82.1(b)(4)(B)2.

(3) If a School District submits documentation that demonstrates additional toilet space must be constructed to obtain plan approval from DSA, the eligible Toilet Square Footage may be increased by the amount of Square Footage required to obtain plan approval.

(4) Beginning January 22, 2025, the permanent Square Footage amount(s) determined in (b)(2) above shall be multiplied by \$312 per square foot for all non-Toilet Facilities and by \$559 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.

(5) Beginning January 22, 2025, the portable Square Footage amount(s) determined in (b)(2) above shall be multiplied by \$69 per square foot for all non-Toilet Facilities and by \$181 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.

(c) If all conditions in Subsection (a) are met, and the site's existing Minimum Essential Facility is not adequate to serve the enrollment of the school, the application is eligible to receive a supplemental grant based on the square footage of the expanded Minimum Essential Facility constructed justified by enrollment at the project site as follows:

(1) Determine the current enrollment at the site using the latest CBEDS Report.

(2) The eligible Square Footage for the Minimum Essential Facility shall be the lesser of the delta between the Square Footage of the existing Minimum Essential Facility and actual Square Footage constructed or the delta between the Square Footage of the existing Minimum Essential Facility and the Square Footage justified by enrollment pursuant to the chart in Section 1859.82.1(b)(4)(B)2.

(3) If a School District submits documentation that demonstrates that additional toilet space must be constructed to obtain plan approval from DSA, the eligible Toilet Square Footage may be increased by the amount of Square Footage required to obtain plan approval.

(4) Beginning January 22, 2025, the permanent Square Footage amount(s) determined in (b)(2) above shall be multiplied by \$312 per square foot for all non-Toilet Facilities and by \$559 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.

(5) Beginning January 22, 2025, the portable Square Footage amount(s) determined in (b)(2) above shall be multiplied by \$69 per square foot for all non-Toilet Facilities and by \$181 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.

Note: Authority cited: Section 17074.25, Education Code.

Reference: Section 17073.16 and 17074.25, Education Code

Section 1859.79.2. Use of Modernization Grant Funds.

The Modernization Grant plus any other funds provided by these Regulations shall be expended as set forth in Education Code Sections 17073.16, 17074.25, 17074.10(f) and 17070.15(i) and may also be utilized for other purposes as set forth in Education Code Section 100420(c), and Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014. Modernization funding may also be used for the costs incurred by the district directly or through a contract with a third party provider for the initiation and enforcement of a LCP. Modernization funding, with the exception of savings, is limited to expenditure on the specific site where the modernization grant eligibility was generated. The grant may not be used for the following:

(a) New building area, with the exception of the following:

(1) Replacement building area of like kind. Additional classrooms constructed within the replacement area will reduce the new construction baseline eligibility for the district.

(2) Building area required by the federal Americans with Disabilities Act (ADA) or by the Division of the State Architect's (DSA) handicapped access requirements.

(3) A Minimum Essential Facility receiving funding pursuant to Section 1859.77.5. Only the funding provided by Section 1859.77.5 may be used on the Minimum Essential Facility.

(b) New site development items, with the exception of:

(1) Replacement, repair or additions to existing site development.

(2) Site development items required by the federal ADA Act or by the DSA's handicapped access requirements.

(c) the evaluation and removal of hazardous or solid waste and/or hazardous substances when the Department of Toxic Substance Control has determined that the site contains dangerous levels of a hazardous substance, hazardous waste, or both that exceed ten percent of the combined adjusted grant and the district matching share for the project.

(d) Leased facilities not owned by another district or a county superintendent.

Modernization Grant funds may be used on any school facilities on the site, with the exception of portable classroom facilities eligible for an additional apportionment pursuant to Education Code Sections 17073.15 and 17074.10(f) and as defined in Section 1859.78.8. If the classroom facilities on the site include areas that are currently ineligible for modernization, it will not disqualify those facilities from future modernization funding.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.15, 17073.16, 17074.25 and 100420(c), Education Code, and Section 1771.3 in effect on January 1, 2012 through June 19, 2014, Labor Code.

ATTACHMENT A11

OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING April 3, 2025

PROPOSED REGULATORY AMENDMENTS FOR SCHOOL FACILITY PROGRAM SUPPLEMENTAL GRANT FOR TRANSITIONAL KINDERGARTEN CLASSROOMS

PURPOSE

To discuss and receive stakeholder input regarding proposed regulatory amendments resulting from provisions of Proposition 2, related to the establishment of a new School Facility Program (SFP) supplemental grant for the retrofit or new construction of transitional kindergarten (TK) classrooms for school districts receiving an apportionment for modernization funding.

AUTHORITY

Education Code (EC) Section 17073.16 states in part:

(c) (1) A school district eligible for a modernization apportionment may also receive a supplemental grant for either of the following:

(A) Retrofitting an existing school facility to adequately house transitional kindergarten pupils.

(B) Constructing new transitional kindergarten classrooms if the site is lacking sufficient school facilities to house transitional kindergarten pupils.

(2) A school district that receives a supplemental grant to house transitional kindergarten pupils pursuant to paragraph (1) shall meet the requirements of subparagraphs (A) and (B) of paragraph (5) of subdivision (b) of, paragraphs (2) and (3) of subdivision (f) of, and subdivision (g) of, Section 17375.

See Attachment A11a for the remainder of the Authority.

BACKGROUND

The Office of Public School Construction (OPSC) held a public meeting on February 13, 2025, to discuss proposed criteria for the implementation of the TK supplemental grant. Various questions were answered during the meeting, and those that were not, are addressed in this item. Additionally, OPSC has developed proposed regulations to implement the new grant.

STAFF ANALYSIS/DISCUSSION

Following the February 13 meeting, OPSC staff received additional questions and support for the funding option presented as #2 in the prior meeting report. This option most closely follows the existing California, Preschool, Transitional Kindergarten, Full-Day Kindergarten Facilities Grant Program (FDK Program) grant calculation methodology. Stakeholders also requested that OPSC provide examples of the proposed grant calculations for the TK supplemental grant, which are included in this report.

STAFF ANALYSIS/DISCUSSION (cont.)

Staff reviewed the questions presented at the February meeting and submitted by email. The following responses are provided:

- Q1. Regarding the State/District share - Did the law state it is a 50/50 match? Is the 60/40 model a reasonable option? Full-Day TK classes were funded at 75 percent in the FDK program. If a 60/40 model is an option, it keeps the math simple for the program.
- A1. The statute provides the grant as a supplement to Modernization funding. Therefore, it follows the standard 60/40 funding model. OPSC has developed an example of how to apply this model beginning on Page 3 below.
- Q2. Can a district request a Title 5 exemption from the California Department of Education (CDE) for retrofitted classrooms under 1,250 square feet?
- A2. Consistent with the FDK Program, districts that request funding to retrofit a TK classroom, where the TK classroom is designed to be less than 1,350 square feet, must request an exemption from CDE and the classrooms shall not be less than 1,250 square feet.
- Q3. Is there an option to look at the reimbursement date prior to July 3, 2024, given that with the expansion of Universal TK, districts couldn't wait to accommodate these new students and had to move forward with their construction plans, and intended to request reimbursement from the FDK program, understanding that there was future intent to provide additional funding for the program?
- A3. Because the statute was chaptered on July 3, 2024, reimbursement should be limited to projects with construction contracts on or after July 3, 2024. This is consistent with past implementation of new statutes as amendments to SFP Regulations by the State Allocation Board.

The prior item on this topic presented three options for calculating the new TK supplemental grant: pupil grant, square footage grant, or a percentage of the modernization base grant. Stakeholder feedback included support for funding the TK supplemental grant based on the current funding model for the FDK Program, which uses the New Construction and Modernization pupil grant amounts and state loading standards as the basis for grant determination. OPSC considered the options presented and concurred with stakeholders' preference. Therefore, examples of the grant calculation based on the pupil grant funding model are presented below.

STAFF ANALYSIS/DISCUSSION (cont.)

Pupil Grant Funding Model

The pupil grant funding model was used in the FDK Program. It provides a TK base grant equivalent to 25 Modernization pupil grants to retrofit an existing classroom or 25 New Construction pupil grants for each new TK classroom. The number of classrooms included in the DSA-approved plans that are supported by the enrollment justification will determine the total number of pupil grants provided. Commonly requested supplemental grants are included in the examples to demonstrate how other additional grants will be calculated. The proposed calculations recognize that there will be a portion of the scope of the overall project related to modernizing the school site and a portion specifically related to the retrofit or construction of TK classroom(s).

Example #1 - Retrofit One TK Classroom in a Qualifying Modernization Project

The example below assumes that the applicant is requesting 101 Modernization pupil grants and is retrofitting one existing classroom that is 50 years (or older) into a Title V compliant TK classroom (five classrooms total). OPSC proposes that for these projects, a flat percentage increase would be provided for site development to cover the costs of dedicated kindergarten playgrounds and other required elements for simplicity of administration and also to align with the way site development is funded in the FDK Program. The same approach applies to an increase for 50-year-old utilities on a percentage basis to cover those costs. While not shown here, the Mod base grant could also be increased to the 50-year-old pupil grant amount if available.

Modernization Grant	Calculation	Grant Amount
Modernization Base Grant	101 pupil grants X \$6,034	\$609,434
Fire Alarm Grant	101 X \$196	19,796
	Mod Subtotal	\$629,230
TK Supplemental Grant	Calculation	
TK Base Grant for 1 Classroom	25 Mod pupil grants x \$6,034	150,850
Site Development Grant	35% of TK base grant	52,798
Fire Alarm Grant	25 X \$196	4,900
50-Year-Old Utilities Grant	15% of TK base grant	22,628
	TK Supp. Grant Subtotal	\$231,176
	Mod + TK Subtotal	\$860,406
Project Assistance Grant (Mod)		5,170
	Total State Share (60%)	865,576
	Total District Share (40%)	577,051
	Total Project Cost	\$1,442,627

STAFF ANALYSIS/DISCUSSION (cont.)

Example #2 - New Construction of 1 TK Classroom in a Qualifying Modernization Project

The example below is similar to the preceding example. However, the TK supplemental grant allocations have been updated to reflect the New Construction pupil grant amounts and the associated supplemental grants.

Staff is presenting the following pupil grant funding model to show how the TK base grant, fire alarm, and fire sprinkler grants are calculated from the annual new construction per pupil grants.

While the base grant under new construction is calculated on a 50/50 state/district share basis, the TK supplemental grant is going to be processed under the modernization program on a 60/40 basis (see Table 1). The following example (see Table 2) shows how the funding model will be determined for new TK classrooms constructed.

Base Grant Conversion from New Construction to Modernization (Table 1):

Grade Level	New Construction Per Pupil Grant	60/40 Adjusted New Construction Per Pupil Grant
Elementary (K-6)	\$15,847	\$19,016
Fire Alarm	\$19	\$23
Fire Sprinkler	\$265	\$318

STAFF ANALYSIS/DISCUSSION (cont.)

Example – Based on a 60/40 calculation of New Construction Grant (Table 2):

Modernization Request	Calculation	Grant Amount
Modernization Base Grant	101 pupil grants X \$6,034	\$609,434
Fire Alarm Grant	101 X \$196	19,796
	Mod Subtotal	\$629,230
TK Supplemental Grant	Calculation	
TK Base Grant	25 NC pupil grants X \$19,016	\$475,400
Site Development Grant	35% of TK base grant	166,390
Fire Alarm Grant	25 X \$23	575
Fire Sprinkler Grant	25 X \$318	7,950
	TK Subtotal	\$650,315
	Mod + TK Subtotal	\$1,279,545
Project Assistance Grant (Mod)		\$5,170
	Total State Share (60%)	1,284,715
	Total District Share (40%)	856,477
	Total Project Cost	\$2,141,192

STAFF ANALYSIS/DISCUSSION (cont.)

Summary of Proposed Amendments to SFP Regulations

The following amendments to the regulatory language for the SFP are presented for consideration below in order of appearance (Attachment A11b).

Section 1859.51- Adjustments to the New Construction Baseline Eligibility as a result of constructing new TK classrooms

The FDK Program provides an exclusion for new classrooms constructed with program funds in that the new capacity was not included in the New Construction baseline in EC Section 17375. Therefore, the proposed SFP regulation amendments include an adjustment to the district's new construction baseline if new TK classrooms are constructed with funding from the new supplemental grant, as they are not specifically exempted by EC Section 17071.25. Therefore, SFP Regulation Section 1859.51 has been amended to add a new adjustment type to specify that classrooms added to a site through a TK supplemental grant in an SFP modernization project will be added to the district's gross classroom inventory for purposes of adjusting New Construction eligibility. The proposed amendment also notes an exception for classrooms funded through the FDK Program.

Section 1859.77.6- Add a Section for the TK Supplemental Grant

A new SFP Regulation Section 1859.77.6 is proposed to address the inclusion of a new supplemental grant for TK classrooms. OPSC proposes that the supplemental grant for TK shall be limited to four classrooms per school site. A district may elect to split their request over multiple applications. The purpose of this limitation is to prevent excessive use of the SFP Modernization program to add new classroom area in retrofit projects and to construct new classrooms when a school district may lack New Construction eligibility. School districts with New Construction eligibility may apply for New Construction funding if available after adjusting for new capacity added with the TK supplemental grant.

Future amendments to the Form SAB 50-04 shall include a certification acknowledging this provision.

Section 1859.79.2- Use of Modernization Grant Funds

EC 17073.16 allows for the retrofit and new construction of TK classroom(s) as part of a modernization project. Current SFP Regulations stipulate that modernization grant funds may not be used for new building area. However, in addition to new construction TK classrooms being new building area by nature, new building area is often necessary to retrofit a TK classroom to meet the requirements for Title 5 compliance. Therefore, Section 1859.79.2 is being amended to include TK classrooms as one of the exclusions for new building area within a modernization project.

NEXT STEPS

At this time, OPSC welcomes any questions, comments and discussion on this topic.

AUTHORITY
All Applications

Education Code (EC) 17070.35 – General Provisions

(a) In addition to all other powers and duties as are granted to the board by this chapter, other statutes, or the California Constitution, the board shall do all of the following:

(1) Adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter. However, the board shall have no authority to set the level of the fees of any architect, structural engineer, or other design professional on any project. The initial regulations adopted pursuant to this chapter shall be adopted as emergency regulations, and the circumstances related to the initial adoption are hereby deemed to constitute an emergency for this purpose. The initial regulations adopted pursuant to this chapter shall be adopted by November 4, 1998. If the initial regulations are not adopted by that date, the board shall report to the Legislature by that date, explaining the reasons for the delay.

(2) Establish and publish any procedures and policies in connection with the administration of this chapter as it deems necessary.

(3) Determine the eligibility of school districts to receive apportionments under this chapter.

(4) Apportion funds to eligible school districts under this chapter.

(b) The board shall review and amend its regulations as necessary to adjust its administration of this chapter to conform with the act that amended this section to add this subdivision. Regulations adopted pursuant to this subdivision shall be adopted by November 5, 2002, and shall be adopted as emergency regulations in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of any emergency regulation pursuant to this subdivision filed with the Office of Administrative Law shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare. Notwithstanding subdivision (e) of Section 11346.1 of the Government Code, any emergency regulation adopted pursuant to this section shall remain in effect for no more than 365 days unless the board has complied with Sections 11346.2 to 11348, inclusive, of the Government Code.

EC Section 17375 – Full-Day Kindergarten Facilities Grant Program

(a)(1) The California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program is hereby established, under the administration of the State Allocation Board pursuant to the requirements of this section, to provide one-time grants to school districts to construct new school facilities or retrofit existing school facilities for the purpose of providing transitional kindergarten classrooms and full-day kindergarten classrooms pursuant to Section 8973, and for the construction of new preschool classrooms, the modernization of existing preschool classrooms, or the

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modernization of existing kindergarten and grade 1 to 12, inclusive, classrooms that would be converted to provide California state preschool programs operated by school districts on a public schoolsite, pursuant to this section.

(2) Moneys appropriated pursuant to this section shall be deposited in the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Account, hereby created in the State Treasury, administered by the State Allocation Board.

(3) For the 2018–19 fiscal year, the sum of one hundred million dollars (\$100,000,000) is hereby appropriated from the General Fund to the State Allocation Board to provide one-time grants as specified in this section, as it read on December 31, 2020.

(4) (A) For the 2021–22 fiscal year, the sum of four hundred ninety million dollars (\$490,000,000) is hereby appropriated from the General Fund to the State Allocation Board to provide one-time grants as specified in this section. The funds appropriated in this subparagraph shall be available for encumbrance or expenditure by the State Allocation Board until June 30, 2027.

(B) For the 2022–23 fiscal year, the sum of one hundred million dollars (\$100,000,000) is hereby appropriated from the General Fund in the 2021–22 fiscal year to the State Allocation Board to provide one-time grants as specified in this section. The funds appropriated in this subparagraph shall be available for encumbrance or expenditure by the State Allocation Board until June 30, 2028.

(C) (i) Of the moneys allocated to a school district from the appropriation made pursuant to this paragraph, savings and interest achieved upon full completion of an approved project, and as a result of a school district's efficient and prudent expenditure of the moneys allocated, may be used for professional development or instructional materials to build capacity for the implementation of a California state preschool program, a transitional kindergarten program, a full-day kindergarten program, or high priority capital outlay purposes identified by the school district and in accordance with subdivision (f), associated regulations, and any accompanying grant agreement.

(ii) Notwithstanding any other law, for purposes of the funds appropriated in support of this paragraph only, a school district may retain and use savings and interest pursuant to clause (i) even if it receives financial hardship assistance pursuant to Section 17075.10.

(iii) Savings and interest retained by a school district shall be expended within one year of project completion or returned to the state as required by associated regulations and any accompanying grant agreement.

(5) New school facilities built pursuant to this section shall not be included in the eligibility determination used for purposes of the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10).

(b) (1) The State Allocation Board shall award grants to school districts that lack the facilities to provide transitional kindergarten or full-day kindergarten as required for eligibility pursuant to Sections 17071.25 and 17072.10, that lack facilities that satisfy the design requirements required for new kindergarten

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classrooms as specified in paragraph (2) of subdivision (h) of Section 14030 of Title 5 of the California Code of Regulations, or that lack the facility capacity to increase California state preschool program services.

(2) Priority for grants shall be given to school districts that meet either of the following criteria:

(A) The school district is financially unable to contribute a portion of, or all of, the local matching share required pursuant to paragraph (3) for a project, and meets the requirements for financial hardship pursuant to Sections 17075.10 and 17075.15. For purposes of this section, paragraph (5) of subdivision (d) of Section 17075.15 shall not apply.

(B) (i) For school districts seeking a transitional kindergarten or full-day kindergarten facilities grant, the school district is located in an underserved community with a high population of pupils who are eligible for free or reduced-price meals pursuant to subdivision (a) of Section 42238.01.

(ii) For school districts seeking a preschool facilities grant, the school district is located in an underserved area, as defined in Section 8205, that is prioritized to receive funds for the California state preschool program according to the prioritization process described in Section 8210.

(3) Except for school districts that meet the requirements for financial hardship pursuant to Section 17075.10 and as specified in paragraph (4), a school district that applies for a grant pursuant to this section for new construction shall provide 50 percent of the cost of the project, and a school district that applies for a grant pursuant to this section for a retrofit project shall provide 40 percent of the cost of the project.

(4) Except for school districts that meet the requirements for financial hardship pursuant to Section 17075.10, a school district shall provide 25 percent of the cost of the project, whether the project is for new construction or retrofit, if the school district does either of the following:

(A) Converts a part-day kindergarten program to a full-day kindergarten program. A school district that was awarded a grant from funds appropriated pursuant to paragraph (3) of subdivision (a) and met the requirements of this paragraph shall have its grant amount adjusted from funds appropriated pursuant to paragraph (4) of subdivision (a) to reflect the requirements of this paragraph.

(B) Commencing with the 2021–22 fiscal year, offers, or expands enrollment in, a California state preschool program or transitional kindergarten program.

(5) (A) A school district seeking a transitional kindergarten or full-day kindergarten facilities grant from moneys in the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Account shall provide the Office of Public School Construction with schoolsite enrollment data for the year in which its application is processed and the three immediately preceding years. The Office of Public School Construction shall use this data to verify the schoolsite's overall need for funding pursuant to this section based on the schoolsite's enrollment patterns. As part of this verification, the Office of Public School Construction, in consultation with the State Department of

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Education, shall determine if the schoolsite's need for funding shall be limited to retrofit projects.

(B) For a school district seeking a new construction grant for preschool classrooms from moneys in the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Account, the school district shall demonstrate that its existing classrooms, including outdoor play areas and equipment, are insufficient to meet the needs of providing preschool, and that the school district's projected enrollment in the preschool program exceeds the current preschool program classroom capacity at the applicable schoolsite. A school district shall use both of the following to demonstrate enrollment for purposes of determining eligibility:

(i) The most recent childcare needs assessment conducted by its regional local planning council for preschool age children.

(ii) A current or future contract with the State Department of Education to operate a preschool program.

(6) A school district, county office of education, or community college district seeking a preschool facilities grant shall hold title to the real property where the facilities will be located.

(c) The State Allocation Board shall disburse grant funds to school districts with approved applications for new construction or retrofit projects, to the extent funds are available for the state's applicable matching share, if the school district has provided its applicable local matching share, unless the school district meets the requirements for financial hardship pursuant to Section 17075.10, and upon certification by the school district that the school district has entered into a binding contract for completion of the approved project.

(d) The State Allocation Board shall allocate funds to school districts using the same maximum grant eligibility amounts that are used for purposes of the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10), as set forth in Sections 17072.10 and 17072.11 for new construction, and as set forth in Section 17074.10 for retrofit projects.

(e) As a condition of receiving grant funds pursuant to this section, and before the release of those funds, the school district shall do all of the following:

(1) Execute and submit a grant agreement consistent with the applicable sections of the grant agreement specified in Section 1859.90.4 of Title 2 of the California Code of Regulations.

(2) For a school district applying for grant funds for a transitional kindergarten facilities project, pass a resolution at a public meeting of the governing board of the school district stating the school district's intent to offer, or expand enrollment in, a transitional kindergarten program.

(3) For a school district applying for grant funds for a California state preschool program facilities project, pass a resolution at a public meeting of the governing board of the school district stating the school district's intent to expand enrollment in a preschool program and apply for expanded program service funding, and certify that the school district has or will apply for a contract to operate a preschool program before occupying the to-be-constructed or retrofitted facility.

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(f) (1) A school district may use grant funds awarded for new construction on costs necessary to adequately house preschool, transitional kindergarten, and kindergarten pupils in an approved project, which shall include only the following:

(A) The costs of design, engineering, testing, inspections, plan checking, construction management, site acquisition and development, evaluation and response action costs relating to hazardous substances at a new or existing schoolsite, demolition, construction, landscaping, necessary utility costs, utility connections and other related fees, equipment including telecommunication equipment to increase school security, furnishings, the upgrading of electrical systems, and the wiring or cabling of classrooms in order to accommodate educational technology.

(B) The costs of acquiring an existing government-owned or privately owned building, or a privately financed school building, and the necessary costs of converting the government-owned or privately owned building for public school use.

(2) (A) A school district may use grant funds awarded for a retrofit project to retrofit an existing school facility to adequately house preschool, transitional kindergarten, and kindergarten pupils, which shall only include the costs of design, engineering, testing, inspection, plan checking, construction management, demolition, construction, necessary utility costs, utility connection and other related 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, the upgrading of electrical systems, and the wiring or cabling of classrooms in order to accommodate educational technology.

(B) Grant funds awarded for a retrofit project shall not be used for costs associated with acquisition and development of real property or for routine maintenance and repair.

(3) A school district shall not use funds to purchase or install portable classrooms. For purposes of this article, "portable classroom" means a classroom building of one or more stories that is designed and constructed to be relocatable and transportable over public streets, and for a single-story portable classroom, is designed and constructed for relocation without the separation of the roof or floor from the building and when measured at the most exterior walls, has a floor area that does not exceed 2,000 square feet.

(g) For a modernization grant pursuant to this article to retrofit an existing preschool classroom, including outdoor play areas and installed equipment, the applicable classroom shall comply with all of the following:

(1) The Field Act, as set forth in Article 3 (commencing with Section 17280) and Article 6 (commencing with Section 17365).

(2) The California Building Standards Code, as set forth in Title 24 of the California Code of Regulations.

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(3) The regulations for early learning and care programs as set forth in Chapter 19 (commencing with Section 18000) of Division 1 of Title 5 of, and Chapter 1 (commencing with Section 101151) of Division 12 of Title 22 of, the California Code of Regulations, as applicable.

(4) Written approval from the State Department of Education that the building plans comply with the standards set forth in Subchapter 1 (commencing with Section 14001) of Chapter 13 of Division 1 of Title 5 of the California Code of Regulations.

(h) The State Allocation Board may adopt regulations to implement this section. Any regulations adopted pursuant to this section may be adopted as emergency regulations in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of the Title 2 of the Government Code). The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare.

(i) Notwithstanding any other law, a school district shall be subject, with regard to this section, to an audit conducted pursuant to Section 41024.

(j) The Office of Public School Construction shall report to the Director of Finance, and shall post on its internet website, information regarding the use of grant funds that have been made available to school districts during each fiscal year grant funds are disbursed pursuant to this section. A final report shall also be issued after projects have been audited pursuant to Section 41024 and any savings have been spent or returned to the state.

(k) The Department of General Services may charge its administrative costs against the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Account, which shall be subject to the approval of the Department of Finance and which shall not exceed 2.5 percent of the account. These administrative funds shall be subject to the encumbrance or expenditure availability for the appropriations described in paragraph (4) of subdivision (a).

(l) Funds made available to school districts pursuant to this article shall supplement, not supplant, existing funds available for school facilities construction.

(m) For purposes of this section, the following definitions apply:

(1) "Kindergarten" includes transitional kindergarten, as defined in Section 48000.

(2) "Preschool classroom" means a preschool classroom used or proposed to be used for instructional purposes in a California state preschool program.

(3) "Preschool program" means a full-day California state preschool program pursuant to Article 2 (commencing with Section 8207) of Chapter 2 of Part 6.

(4) "Schoolsite" or "site" means the project site for which the school district is applying for grants under this article.

(5) "School district" means as follows:

(A) For transitional kindergarten and full-day kindergarten facilities grants, "school district" means a school district.

(B) For preschool facilities grants, "school district" means a school district, county office of education, or a community college district that operates a

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preschool program on behalf of, or in lieu of, a school district or county office of education.

(Amended by Stats. 2024, Ch. 38, Sec. 8. (SB 153) Effective June 29, 2024.)

School Facility Program Regulation Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

The baseline eligibility for new construction determined on the Form SAB 50-03 will be adjusted as follows:

- (a) Reduced by the number of pupils provided grants in a new construction SFP project and by the number of pupils that received a Preliminary Apportionment pursuant to Section 1859.140 or a Preliminary Charter School Apportionment pursuant to Section 1859.162.2.
- (b) Reduced by the number of pupils housed, based on the loading standards pursuant to Education Code Section 17071.25(a)(2)(A), in a new construction LPP project funded under the provisions of the LPP pursuant to Sections 1859.12 or 1859.13.
- (c) Reduced by the number of pupils housed in additional classrooms constructed or purchased based on the loading standards, pursuant to Education Code Section 17071.25(a)(2)(A), in a modernization SFP project.

...

AUTHORITY

Applications Received on or after October 31, 2024

EC Section 17072.35 – New Construction Funding Process

(a) A grant for new construction may be used for any and all costs necessary to adequately house new pupils in any approved project, and those costs may only include the cost of design, engineering, testing, inspection, plan checking, construction management, site acquisition and development, evaluation and response action costs relating to hazardous substances at a new or existing schoolsite, demolition, construction, acquisition and installation of portable classrooms, landscaping, necessary utility costs, utility connections and other fees, equipment including telecommunication equipment to increase school security, furnishings, and the upgrading of electrical systems or the wiring or cabling of classrooms in order to accommodate educational technology, including schoolsite-based infrastructure necessary to provide access to broadband internet within the schoolsite. A grant for new construction may also be used to acquire an existing government or privately owned building, or a privately financed school building, and for the necessary costs of converting the government or privately owned building for public school use. A grant for new construction may also be used for the costs 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. A grant for new construction may be used for the costs of design, materials, and construction to advance state energy goals pursuant to state law, support outdoor learning environments, or to directly shade and protect pupils from higher average temperatures, which may include incorporating nature and natural materials. A grant for new construction may be used for seismic mitigation purposes and for related design, study, and testing costs.

(b) This section does not preclude a school district from using a grant for new construction to support the construction of a school kitchen, a transitional kindergarten classroom, a facility to support a local educational agency-administered preschool program, including, but not limited to, a California state preschool program set forth in Article 2 (commencing with Section 8207) of Chapter 2 of Part 6, that is operated by a school district and located on a schoolsite operated by the district, or a facility to support school nurses and counselors to increase access to health care and mental health services.

(c) In developing guidelines and regulations for consideration by the board, the State Department of Education shall provide a school district with maximum flexibility in the design and new construction of school facilities.

(Amended by Stats. 2024, Ch. 81, Sec. 11. (AB 247) Effective July 3, 2024. Operative November 6, 2024, pursuant to Sec. 30 of Ch. 81.)

EC Section 17073.16 – Modernization Eligibility Determination

- (a) A school district eligible for funding pursuant to this article may receive a supplemental grant for either of the following:
 - (1) Expanding an existing gymnasium, multipurpose room, library, or school kitchen, if the facility is 60 percent or less than the department’s recommended size needed to serve the enrollment of the school.
 - (2) Constructing a new gymnasium, multipurpose room, library, or school kitchen if the site is lacking one or more of the specified facilities.
- (b) A site may receive a supplemental grant for only one project described in subdivision (a).
- (c) (1) A school district eligible for a modernization apportionment may also receive a supplemental grant for either of the following:
 - (A) Retrofitting an existing school facility to adequately house transitional kindergarten pupils.
 - (B) Constructing new transitional kindergarten classrooms if the site is lacking sufficient school facilities to house transitional kindergarten pupils.
- (2) A school district that receives a supplemental grant to house transitional kindergarten pupils pursuant to paragraph (1) shall meet the requirements of subparagraphs (A) and (B) of paragraph (5) of subdivision (b) of, paragraphs (2) and (3) of subdivision (f) of, and subdivision (g) of, Section 17375.
- (d) The funding provided under this section shall be in addition to any other funding provided pursuant to this article.
- (e) The board, in consultation with the Superintendent, shall develop regulations implementing this section.

(Added by Stats. 2024, Ch. 81, Sec. 13. (AB 247) Effective July 3, 2024. Operative November 6, 2024, pursuant to Sec. 30 of Ch. 81.)

EC Section 17074.25 – Modernization Apportionment

- (a) (1) 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, including schoolsite-based infrastructure necessary to provide access to broadband internet within the schoolsite. A modernization apportionment may be used for the costs of design, materials, demolition, and construction to advance state energy goals pursuant to state law, support outdoor learning environments, or to directly shade and protect pupils from higher average temperatures, which may include incorporating nature and

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natural materials. A modernization grant may not be used for costs associated with acquisition and development of real property or for routine maintenance and repair.

(2) A modernization apportionment may also be used for any of the following:

(A) 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.

(B) Seismic mitigation purposes and related design, study, and testing costs.

(C) To remediate any water outlet used for drinking or preparing food with lead levels in excess of 15 parts per billion.

(D) The control, management, or abatement of lead.

(b) This section shall not preclude a school district from using a grant for modernization to support the modernization of a school kitchen, a transitional kindergarten classroom, a facility to support a local educational agency-administered preschool program, including, but not limited to, a California state preschool program set forth in Article 2 (commencing with Section 8207) of Chapter 2 of Part 6, that is operated by a school district and located on a schoolsite operated by the district, or a facility to support school nurses and counselors to increase access to health care and mental health services.

(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 Chapter 714 of the Statutes of 2018 (Assembly Bill 2453 of 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.

(d) Notwithstanding any other provision of this article, a school district that is apportioned funds pursuant to Section 17073.16 shall use the supplemental grant for expanding an existing, or constructing a new, gymnasium, multipurpose room, library, or school kitchen.

(e) In developing guidelines and regulations for consideration by the board, the department, in consultation with the State Department of Education, shall provide a school district with maximum flexibility in the design and modernization of school facilities.

(Amended by Stats. 2024, Ch. 81, Sec. 15. (AB 247) Effective July 3, 2024. Operative November 6, 2024, pursuant to Sec. 30 of Ch. 81.)

PROPOSED AMENDMENTS

Section 1859.32. Adjustments to Gross Classroom Inventory.

After the gross classroom inventory has been prepared pursuant to Section 1859.31, it will be reduced by the following. Any classrooms:

...

(n) New school facilities built with funds provided by the EC Section 17375 shall not be included in the eligibility determination used for the purposes of the School Facilities Program pursuant to EC Section 17071.25.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17052, 17071.25, 17071.30, 17375 and 17077.40, Education Code.

Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

The baseline eligibility for new construction determined on the Form SAB 50-03 will be adjusted as follows:

- (a) Reduced by the number of pupils provided grants in a new construction SFP project and by the number of pupils that received a Preliminary Apportionment pursuant to Section 1859.140 or a Preliminary Charter School Apportionment pursuant to Section 1859.162.2.

...

(t) Reduced by the number of pupils housed in additional transitional kindergarten classrooms constructed, pursuant to Education Code Section 17073.16(c) in an SFP modernization project.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17052, 17070.51, 17071.25, 17071.75, 17071.76, 17072.20, 17077.40, 17078.72, 17079.20, 17375, 42268, and 42270, Education Code.

...

Section 1859.77.6 Modernization Additional Grant for Transitional Kindergarten

(a) In addition to any other funding authorized by these Regulations, the Board shall provide the grant amounts determined in (b) for each eligible transitional kindergarten classroom, up to a maximum of four classrooms, in an application for modernization if the School District demonstrates a need to adequately house transitional kindergarten pupils as described in Education Code Section 17073.16, and the following conditions are met:

(1) The Approved Application was received on or after October 31, 2024.

(2) Construction contracts for the construction or retrofit of transitional kindergarten classrooms were signed on or after July 3, 2024.

(3) Final DSA and CDE plan approvals for the eligible transitional kindergarten classrooms were obtained prior to the received date of the Approved Application.

(4) The School District lacks the facilities to provide transitional kindergarten instruction at the project school site. A project school site will be considered lacking transitional kindergarten facilities if the calculated transitional kindergarten need, exceeds the existing transitional kindergarten classroom capacity, as determined in (5) below.

(5) The maximum calculated transitional kindergarten classroom need shall be determined by one of the following:

(A) Calculating the mean of the first grade, second grade, and third grade enrollment at the time of application processing. The mean shall be rounded up to the nearest whole number.

- (B) Calculating the mean of the transitional kindergarten enrollment at the time of application processing plus two prior enrollment years. The mean shall be rounded up to the nearest whole number.
- (C) Classrooms constructed as kindergarten or transitional kindergarten classrooms or altered to house kindergarten or transitional kindergarten students, regardless of current use, will be included when determining the existing kindergarten and transitional kindergarten classroom capacity, as determined by CDE. For purposes of determining classroom capacity, a loading standard of 25 kindergarten pupils per classroom will be used and all transitional kindergarten classrooms will be loaded for full-day instruction unless the School District indicates that an existing classroom(s) will continue to be used for non-full-day instruction at the completion of the project.
- (6) OPSC shall consult with CDE prior to determination of the Approved Application's need for funding based on the school site's enrollment pattern as determined in (a)(5).
- (7) Applicants requesting the additional grant for transitional kindergarten shall include the following documentation:
 - (1) A description of the proposed project including, but not limited to, the following information:
 - (A) The total number of transitional kindergarten and kindergarten classrooms on the site prior to the Program project.
 - (B) The current CBEDS Report, at the time of application processing, including transitional kindergarten students pursuant to EC Section 48000. To determine the appropriate enrollment reporting year, refer to the following:

<u>OPSC 90 Day Notification of Processing</u>	<u>Enrollment Reporting Year</u>
<u>July 1 through October 31</u>	<u>Submit Prior Fiscal Year Enrollment Data</u>
<u>November 1 through June 30</u>	<u>Submit Current Fiscal Year Enrollment Data</u>

- (C) The enrollment at the site for the three years immediately preceding the enrollment reporting year determined in (7)(B) above.
- (D) The total number of transitional kindergarten and kindergarten classrooms on the site after the completion of the Program project.
- (E) Site map that includes labelling of all facilities and their current use, identifies all classrooms constructed or previously retrofitted to house preschool, transitional kindergarten, and kindergarten students, and identifies any facilities that will be retrofitted in the project. If a School District is requesting a 50-year old utilities grant, identify the age of the building(s).
- (F) The funding must construct or retrofit facilities that result in classroom(s) that meets the design requirements required for new kindergarten classrooms as specified in paragraph (2) of subdivision (h) of Section 14030 of Title 5 of the California Code of Regulations.
- (G) For new construction projects, classrooms must be not less than 1,350 square feet, including restrooms, storage, teacher preparation, wet and dry areas.
- (8) For retrofit projects, classrooms shall not be less than 1,350 square feet, including restrooms, storage, teacher preparation, wet and dry areas unless both of the following conditions are met:
 - (A) The project qualifies for an exemption through CDE pursuant to Title 5, Section 14030(r) of the California Code of Regulations to retrofit a classroom that will be less than 1,350 square feet.
 - (B) The classroom shall not be less than 1,250 square feet.
- (9) The School District shall not use funds to purchase, or install, a Portable Classroom(s).
- (b) The additional grant for the new construction of a transitional kindergarten classroom(s) shall be equal to the sum of (1) through (6) beginning January 2025:
 - (1) \$19,016 for each pupil housed multiplied by 25 for each transitional kindergarten classroom in the DSA-approved plans.
 - (2) \$23 for each pupil housed multiplied by 25 if the classroom(s) in the DSA-approved plans for the project includes an automatic fire detection and alarm system.

- (3) \$318 for each pupil housed multiplied by 25 if the DSA-approved plans for the project includes an automatic sprinkler system.
- (4) An amount equal to 35 percent of the amount determined in (1) for costs associated with site development, demolition, landscaping and other costs incurred when adding a transitional kindergarten classroom(s) to a site, utility costs, utility connections and other related fees necessary for the transitional kindergarten project.
- (5) An amount equal to 12 percent of the amount determined in (a) for each pupil housed in a multilevel building that will house pupils in all levels of the building if the usable site acreage is less than 75 percent of the site size recommended by CDE, pursuant to Title 5, California Code of Regulations, Section 14010(a), for the master-planned project capacity.
- (6) \$11,630 for Small School Districts for the cost necessary for project assistance, as defined in Education Code Section 17072.10(e).
- (7) The grant amounts shown in (1), (2), (3) and (4) above shall be adjusted annually based on the change in the Class B Construction Cost Index as approved by the Board each January, pursuant to Education Code Section 17072.10.
- (c) The additional grant for the retrofit of a transitional kindergarten classroom(s) shall be equal to the sum of (1) through (6) below beginning January 2025:
- (1) \$6,034 for each pupil housed multiplied by 25 for each transitional kindergarten classroom in the DSA-approved plans.
- (2) \$196 for each pupil housed multiplied by 25 for each classroom(s) in the DSA-approved plans if the project includes an automatic fire detection and alarm system.
- (3) An amount equal to 35 percent of the amount determined in (a) for costs associated with demolition, landscaping, playground safety improvements and other costs incurred when adding a preschool, transitional kindergarten or kindergarten classroom(s) to a site, utility costs, utility connections and other related fees necessary for the project.
- (4) An amount equal to 15 percent of the amount determined in (a) for upgrading existing site development (utilities) work as necessary for the retrofit of 50 years or older permanent buildings.
- (5) \$5,170 for Small School Districts for the cost necessary for project assistance, as defined in Education Code Section 17074.10(e).
- (6) The grant amounts shown in (1) and (2) above shall be adjusted annually based on the change in the Class B Construction Cost Index as approved by the Board each January, pursuant to Education Code Section 17074.10(b).

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17375 and 17073.16, Education Code.

Section 1859.79.2. Use of Modernization Grant Funds.

The Modernization Grant plus any other funds provided by these Regulations shall be expended as set forth in Education Code Sections 17074.25, 17074.10(f) and 17070.15(i) and may also be utilized for other purposes as set forth in Education Code Section 100420(c), and Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014. Modernization funding may also be used for the costs incurred by the district directly or through a contract with a third party provider for the initiation and enforcement of a LCP. Modernization funding, with the exception of savings, is limited to expenditure on the specific site where the modernization grant eligibility was generated. The grant may not be used for the following:

- (a) New building area with the exception of the following:
- (1) Replacement building area of like kind. Additional classrooms constructed within the replacement area will reduce the new construction baseline eligibility for the district.
 - (2) Replacement of existing buildings that are at least 75 years old, pursuant to 1859.78.85, with increased area needed to meet the minimum CDE Title 5 requirements. Additional classrooms constructed within the replacement area will reduce the new construction baseline eligibility for the district.

~~(2)~~(3) Building area required by the federal Americans with Disabilities Act (ADA) or by the Division of the State Architect's (DSA) handicapped access requirements.

(4) A new or expanded Minimum Essential Facility receiving funding pursuant to Section 1859.77.5

(5) New construction or retrofit transitional kindergarten classrooms receiving funding pursuant to Section 1859.77.6

(b) New site development items with the exception of:

(1) Replacement, repair or additions to existing site development.

(2) Site development items required by the federal ADA Act or by the DSA's handicapped access requirements.

(3) A new or expanded Minimum Essential Facility receiving funding pursuant to Section 1859.77.5

(4) New construction or retrofit transitional kindergarten classroom(s) receiving funding pursuant to Section 1859.77.6

(c) the evaluation and removal of hazardous or solid waste and/or hazardous substances when the Department of Toxic Substance Control has determined that the site contains dangerous levels of a hazardous substance, hazardous waste, or both that exceed ten percent of the combined adjusted grant and the district matching share for the project.

(d) Leased facilities not owned by another district or a county superintendent.

Modernization Grant funds may be used on any school facilities on the site, with the exception of portable classroom facilities eligible for an additional apportionment pursuant to Education Code Sections 17073.15 and 17074.10(f) and as defined in Section 1859.78.8. If the classroom facilities on the site include areas that are currently ineligible for modernization, it will not disqualify those facilities from future modernization funding.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.15, 17074.25 and 100420(c), Education Code, and Section 1771.3 in effect on January 1, 2012 through June 19, 2014, Labor Code.