

OFFICE OF PUBLIC SCHOOL CONSTRUCTION  
STAKEHOLDER MEETING  
April 17, 2025

IMPLEMENTATION OF PROPOSITION 2 FOR THE SCHOOL FACILITY PROGRAM  
AND  
THE CALIFORNIA DEPARTMENT OF EDUCATION'S STATE AUGMENTATION OF  
THE SUPPORTING AMERICA'S SCHOOL INFRASTRUCTURE GRANT 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 that were introduced at the February 13, 2025 stakeholder meeting:

- Small Size School District Program (Attachment A8)
- Energy Efficiency Supplemental Grant (Attachment A9)

Additionally, the California Department of Education (CDE) will present proposed amendments to Title 5 of the California Code of Regulations, implementing the \$5 million state augmentation of the federal Supporting America's School Infrastructure (SASI) Grant Program for Priority School Districts (Attachment B).

BACKGROUND

*Proposition 2 and SFP Regulations*

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.

The Office of Public School Construction (OPSC) requests stakeholder feedback regarding these changes. Each of the topics listed above is broken out into its own attachments for stakeholder reference.

*Proposition 2 and the State Augmentation of the Federal SASI Grant*

Proposition 2 provided an additional \$5 million to CDE to augment the federal SASI grant program. CDE requests stakeholder feedback regarding proposed regulatory concepts related to the state augmentation of the SASI grant.

For purposes of this stakeholder meeting, the topics will be presented in the following order:

- Small Size School District Program (OPSC)
- SASI Grant Program (CDE)
- Energy Efficiency Supplemental Grant (OPSC)

## AUTHORITY

See Attachments A8a and A9a.

## SUMMARY AND NEXT STEPS

### **Small Size School District Program and Energy Efficiency Supplemental Grant**

For the Small Size School District Program and Energy Efficiency Supplemental Grant, stakeholder feedback received from the February 13, 2025 meeting may be found on Attachment C.

Staff will review any feedback on these two topics obtained in today's meeting and anything received through close of business on Friday, May 2, 2025 and will address those suggestions in the next public meeting on the corresponding topic.

To submit written feedback after today's meeting, specific to proposed regulatory changes for the SFP, please email your suggestions to the OPSC Communications Team at [OPSCCommunications@dgs.ca.gov](mailto:OPSCCommunications@dgs.ca.gov).

### **CDE Implementation of the State Augmentation of the Federal SASI Grant Program**

To submit written feedback after today's meeting, specific to the proposed regulatory concepts related to the state augmentation of the federal SASI Grant, please email your suggestions to the CDE School Facilities and Transportation Services Division at [priorityschoolsdistricts@cde.ca.gov](mailto:priorityschoolsdistricts@cde.ca.gov).

ATTACHMENT A8

OFFICE OF PUBLIC SCHOOL CONSTRUCTION  
STAKEHOLDER MEETING  
April 17, 2025

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

PURPOSE

To continue to discuss and receive stakeholder feedback regarding proposed implementation plans for the new Small Size School District Program (Program) within the School Facility Program (SFP). This new program was authorized by 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.

AUTHORITY

See Attachment A8a.

BACKGROUND

*Stakeholder Feedback*

On February 13, 2025, the Office of Public School Construction (OPSC) held a public meeting to discuss proposed criteria for the new Program. OPSC is seeking stakeholder input on any topics presented in this item.

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

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

STAFF ANALYSIS/DISCUSSION

This report addresses questions and feedback that were not answered at the February 13, 2025 meeting. Additionally, OPSC is presenting ideas for proposed regulations for this new program. Lastly, this item presents additional topics, considerations, and proposals on which OPSC requests stakeholder feedback.

**Summary of 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 the

STAFF ANALYSIS/DISCUSSION (cont.)

stakeholder feedback and OPSC’s responses as a result of the meeting held on February 13, 2025:

<b>Stakeholder Feedback</b>	<b>OPSC Response</b>
<p>1. Will a separate workload list be created for Small Size School District Program applications only?</p>	<p>1. OPSC will develop a separate workload list to keep track of Program-specific applications. The new Program list will not overlap with either the Applications Received Beyond Bond Authority (ARBBA) List or the current SFP Workload List. Applicants will submit the appropriate form for the program to which they are applying. For example, the proposed <i>Application for Preliminary Apportionment</i> would be used to apply for the new Program.</p>
<p>2. For eligible applications that were submitted after October 30, 2024, will a school district need to resubmit their applications to be able to participate in the new Small Size School District Program or will eligible applications that were submitted after October 30, 2024 be added onto the Small Size School District Program workload list automatically? Additionally, for eligible applications that have already been submitted and are wanting to participate in the new Small Size School District Program, regardless of the date that these eligible applications were received, will these applications keep their original OPSC received date or will these applications receive a new date in line?</p>	<p>2. Eligible funding applications that were submitted after October 30, 2024 will <u>not</u> be automatically added onto the Program workload list. Rather, school districts will be notified of the option to withdraw the previously submitted application and submit an application to participate in the new Program when the regulations are in effect.</p> <p>Further details about OPSC’s proposed implementation process and four potential scenarios based on application submittal timelines are provided on pages 6-9 of this stakeholder item.</p>

STAFF ANALYSIS/DISCUSSION (cont.)

<b>Stakeholder Feedback</b>	<b>OPSC Response</b>
<p><b>3.</b> Can a school district that receives a preliminary apportionment from the Small Size School District Program use the funding that is provided from the preliminary apportionment to comply with the five-year school facilities master plan requirement?</p>	<p><b>3.</b> If a school district is eligible for and receives Financial Hardship assistance as part of the Program application, the school district will be eligible to receive advance site and/or design funding and the project and construction management grant at the preliminary apportionment stage.</p> <p>The costs necessary to develop the required five-year school facilities master plan can be an eligible expenditure specifically for projects receiving the project and construction management grant. Education Code (EC) Section 17078.35(d) specifies that the new project and construction management grant is available for small school districts to obtain services that, in part, assist with project planning. SFP expenditures eligible for development of the five-year school facilities master plan are limited to the state and local matching share of the project and construction management grant. Expenditures beyond those amounts should not be reported on the Expenditure Report, as they would be considered operational costs of the school district and ineligible SFP expenditures.</p> <p>For non-Financial Hardship school districts, the Program application will only reserve funding, if the application is eligible, for the project and construction management grant. Because this grant will be released to the school district at the time of final conversion, a non-Financial Hardship school district can use their local matching share to help with the costs associated with developing and finalizing their five-year school facilities master plan.</p>

STAFF ANALYSIS/DISCUSSION (cont.)

<b>Stakeholder Feedback</b>	<b>OPSC Response</b>
<p><b>4.</b> In research we conducted a couple of years ago, we found that construction costs in rural areas are higher than those in urban areas. This is due in part to the multiple public works construction requirements in state law which are difficult to comply with in rural areas. Is there any consideration being given to having some grant adjustment for these small rural school districts?</p>	<p><b>4.</b> Proposition 2 did not authorize a grant adjustment for projects in rural areas. All projects for this new Program will be funded similarly to standard New Construction and Modernization projects. The only exception is that this new Program provides an additional supplemental grant of five percent for the project and construction management grant.</p>
<p><b>5.</b> How will pupils be counted in the Small Size School District Program, within the <i>Enrollment Certification/ Projection</i> (Form SAB 50-01) instructions? Specifically, the instructions on the Form SAB 50-01 seem to have conflicting direction on when to include enrollment if students are both “receiving non-classroom-based instruction” and “attending independent study.” Many independent study programs do not have students attending physical classrooms 100 percent of the school day and are considered “non-classroom-based” for instructional purposes. However, these independent study programs do still have the need for a certain number of classrooms.</p>	<p><b>5.</b> Enrollment within any district should still be reported in accordance with the current EC sections, SFP regulations, and Form SAB 50-01 instructions. EC Sections 17078.35, 17078.36, 17078.37, and 17078.38 that create the Program do not contain any provisions related to alternative methods of reporting enrollment.</p>

STAFF ANALYSIS/DISCUSSION (cont.)

<b>Stakeholder Feedback</b>	<b>OPSC Response</b>
<p><b>6.</b> For certain small-to-medium sized school districts, including the charter school students described below may mean the difference between being above or below the 2,500 pupil cut-off to be considered a small school district.</p> <p>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.”</p> <p>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.</p>	<p><b>6.</b> Enrollment within any district should still be reported in accordance with the current EC sections, SFP regulations, and Form SAB 50-01 instructions. Education Code Sections 17078.35, 17078.36, 17078.37, and 17078.38 that create the Program do not contain any provisions related to alternative methods of reporting enrollment.</p>
<p><b>7.</b> We believe that all the requirements stated in EC Sections 17078.47 and 17078.48 can be addressed with an Artificial Intelligence (AI) tool.</p>	<p><b>7.</b> These EC Sections fall under the authority of the California Department of Education (CDE). OPSC has forwarded the comment to CDE for consideration as they implement these provisions for the state augmentation of the federal Supporting America’s School Infrastructure Grant Program.</p>
<p><b>8.</b> Please clarify the certification process for <i>private construction consultants</i> and maintaining an up-to-date list of certified consultants for use by priority school districts, as per EC Section 17078.47(d).</p>	<p><b>8.</b> This EC Section falls under the authority of CDE. OPSC has forwarded the comment to CDE for consideration as they develop the certification process.</p>

STAFF ANALYSIS/DISCUSSION (cont.)

**Proposed Implementation Process**

In addition to addressing the stakeholder feedback above, OPSC is presenting options for how a school district could effectively transfer a funding application that is currently on the SFP Workload List or the ARBBA List to the future Small Size School District Program Workload List after the Program regulations are in effect.

OPSC proposes that applications on one of these lists at the time the Program regulations become effective could be provided a 90-day window to withdraw the original application for New Construction or Modernization funding and submit an *Application for Preliminary Apportionment* for the Program. The 90-day window would begin upon approval of the regulations by the Office of Administrative Law. OPSC further proposes to retain the order of applications on the former list by the original OPSC received dates if the request is received within the established 90-day window. The new received date would necessarily be after October 31, 2024, since the Program was created by, and will be subject to, Proposition 2 requirements.

The intent of the 90-day window is to provide equity to all small school districts that desire to access the new Program by maintaining date order application processing without creating “a race” to submit an application. Four potential scenarios are described below, including those districts that may qualify for Financial Hardship and those that do not. In addition, a corresponding flow chart is provided in attachment A8b for each scenario.

**Scenario 1**

A small school district has an application for design funding on the SFP Workload List or ARBBA List for either the New Construction or Modernization Program. The district’s request for Financial Hardship assistance will be processed concurrently with the funding application, following current process.

Step 1: During the established 90-day window, the district requests to withdraw the current SFP New Construction or Modernization Program design-only application.

Step 2: The district submits an *Application for Preliminary Apportionment* to OPSC with the prior funding application number identified on the new form to replace the prior funding application. The new application is placed on the Small School District Workload List.

Step 3: OPSC processes the *Application for Preliminary Apportionment* concurrently with the district’s request for Financial Hardship assistance and presents it to the State Allocation Board (Board) for approval. Once approved by the Board, bond authority is reserved for the full amount of the project.



STAFF ANALYSIS/DISCUSSION (cont.)

Step 4: The district participates in the fund release process for advance design grants, which may include project assistance grants and the project and construction management grant.

Step 5: The district designs the project and obtains all necessary documents and approvals, such as plan approval from the Division of the State Architect (DSA) and CDE, required on the *Application for Funding* (Form SAB 50-04) for final apportionment.

Step 6: The district submits a Form SAB 50-04 to convert the preliminary apportionment to a full funding apportionment with all required documents within four years (or five years if an extension is approved by the Board).

The Form SAB 50-04 for the conversion application must request at least 60 percent (for Modernization) or 50 percent (for New Construction) of the pupil grants that were approved at the preliminary apportionment stage.

Step 7: OPSC processes the application for final apportionment and presents it to the Board for approval. Once approved by the Board, the district follows the fund release process.

**Scenario 2**

A small school district has an application for full funding that previously received a design apportionment on the SFP Workload List or ARBBA List for either the New Construction or Modernization Program. The district's request for Financial Hardship assistance will be processed concurrently with the funding application, following current process.

Step 1: During the established 90-day window, the district requests to withdraw the current SFP New Construction or Modernization full funding application.

Step 2: The district submits an *Application for Preliminary Apportionment* to OPSC with the prior funding application number identified on the new form to replace the prior funding application. The new application is placed on the Small School District Workload List.

Step 3: OPSC processes the *Application for Preliminary Apportionment* concurrently with the district's request for Financial Hardship assistance and presents it to the Board for approval with an adjustment for funds previously released for the original design apportionment. Once approved by the Board, bond authority is reserved for the full amount of the project.

Step 4: The district participates in the fund release process to receive any remaining project assistance grants and project and construction management grants.

STAFF ANALYSIS/DISCUSSION (cont.)

Step 5: The district submits a Form SAB 50-04 to convert the preliminary apportionment to a full funding apportionment with all required documents within four years (or five years if an extension is approved by the Board).

The Form SAB 50-04 for the conversion application must request at least 60 percent (for Modernization) or 50 percent (for New Construction) of the pupil grants that were approved at the preliminary apportionment stage.

Step 6: OPSC processes the application for final apportionment and presents it to the Board for approval. Once approved by the Board, the district follows the fund release process.

**Scenario 3**

A small school district has an application on the SFP Workload List or ARBBA List for either the New Construction or Modernization program and is not eligible for Financial Hardship assistance.

Step 1: During the established 90-day window, the district requests to withdraw the current SFP New Construction or Modernization Program full funding application.

Step 2: The district submits an *Application for Preliminary Apportionment* to OPSC with the prior funding application number identified on the new form to replace the prior funding application. The new application is placed on the Small School District Workload List.

Step 3: OPSC processes the *Application for Preliminary Apportionment* and presents it to the Board for approval. Once approved by the Board, bond authority is reserved for the full amount of the project.

Step 4: The district submits a Form SAB 50-04 to convert the preliminary apportionment to a full funding apportionment with all required documents within four years (or five years if an extension is approved by the Board).

The Form SAB 50-04 for the conversion application must request at least 60 percent (for Modernization) or 50 percent (for New Construction) of the pupil grants that were approved at the preliminary apportionment stage.

Step 5: OPSC processes the application for final apportionment and presents it to the Board for approval. Once approved by the Board, the district follows the fund release process.

STAFF ANALYSIS/DISCUSSION (cont.)

**Scenario 4**

A small school district has not yet submitted a funding application to the SFP, and they are seeking funding from the Small Size School District Program.

If the small school district's application is submitted to OPSC **prior** to the effective date of regulations for this Program, the application will fall under Scenario 1, 2, or 3 above depending on Financial Hardship assistance eligibility and whether any design only funding is requested or was previously received.

If the small school district's application is submitted to OPSC **after** the effective date of regulations for this Program, the below steps will apply:

Step 1: The district submits an *Application for Preliminary Apportionment* to OPSC. The application is placed on the Small School District Workload List.

Step 2: OPSC processes the *Application for Preliminary Apportionment* and presents it to the Board for approval. Once approved by the Board, bond authority is reserved for the full amount of the project.

Step 3\*: The district participates in the fund release process for advance site and/or design grants, which may include project assistance grants and the project and construction management grant.

Step 4\*: The district designs the project and obtains all necessary documents and approvals, such as plan approval from DSA and CDE, required on the *Application for Funding* (Form SAB 50-04) for final apportionment.

Step 5: The district submits a Form SAB 50-04 to convert the preliminary apportionment to a full funding with all required documents within four years (or five years if an extension is approved by the Board).

The Form SAB 50-04 for the conversion application must request at least 60 percent (for Modernization) or 50 percent (for New Construction) of the pupil grants that were approved at the preliminary apportionment stage.

Step 6: OPSC processes the application for final apportionment and presents it to the Board for approval. Once approved by the Board, the district follows the fund release process.

\*Steps noted may be as applicable based on Financial Hardship eligibility and project design status.

OPSC welcomes any feedback from our stakeholders regarding the proposed implementation of this new Program.

AUTHORITY**Education Code (EC) Section 17078.35 – Assistance to Small School Districts**

For purposes of this article, the following definitions apply:

- (a) “Final apportionment” has the same meaning as “apportionment” as defined in subdivision (a) of Section 17070.15.
- (b) “Preliminary application” means an application for a preliminary apportionment pursuant to this article.
- (c) “Preliminary apportionment” means a reservation of bond authority for eligible applicants under this article in advance of full compliance with all of the application requirements otherwise required for an apportionment pursuant to this chapter.
- (d) “Project and construction management grant” means a grant for purposes of obtaining the services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity from the list maintained pursuant to paragraph (2) of subdivision (d) of Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.
- (e) “Small school district” is a school district, as defined in Section 17070.15, with an enrollment of fewer than 2,501 pupils.

**EC Section 17078.36 – Assistance to Small School Districts**

- (a) Unless this article expressly provides otherwise, the provisions contained in the other articles of this chapter shall apply with equal force to a project funded under this article. This article shall control over the provisions of this chapter contained in other articles only to the extent that this article expressly conflicts with those provisions.
- (b) This article shall apply only to a small school district that is otherwise eligible under this chapter for a project that meets both of the following:
  - (1) The project meets the criteria set forth in subdivision (a) of Section 17078.37.
  - (2) The project is to be funded from proceeds of state bonds approved by the voters at the November 5, 2024, statewide general election that shall not exceed the amounts made available pursuant to paragraphs (1) and (2) of subdivision (a) of Section 101412.

**EC Section 17078.37 – Assistance to Small School Districts**

Notwithstanding subdivision (a) of Section 17072.30 and subdivision (a) of Section 17074.16, as applicable:

- (a) Applicants for funding pursuant to this article shall do both of the following:
  - (1) Submit preliminary applications to the board.

AUTHORITY (cont.)

(2) Meet the eligibility requirements described in Article 3 (commencing with Section 17071.75) and Article 6 (commencing with Section 17073.10), as applicable.

(b) The board shall do both of the following:

(1) Accept a preliminary application from, and make a preliminary apportionment to, a small school district for new construction grants pursuant to Article 4 (commencing with Section 17072.10) or modernization grants pursuant to Article 7 (commencing with Section 17074.10) in a manner substantially identical to the preliminary apportionment requirements established in Section 17078.24, except that the eligibility of the applicant shall be based on the criteria established in paragraph (2) of subdivision (a).

(2) If requested, provide a preliminary apportionment of a project and construction management grant equal to 5 percent of the state share of the preliminary apportionment.

**EC Section 17078.38 – Assistance to Small School Districts**

The board shall adopt regulations setting forth all of the following:

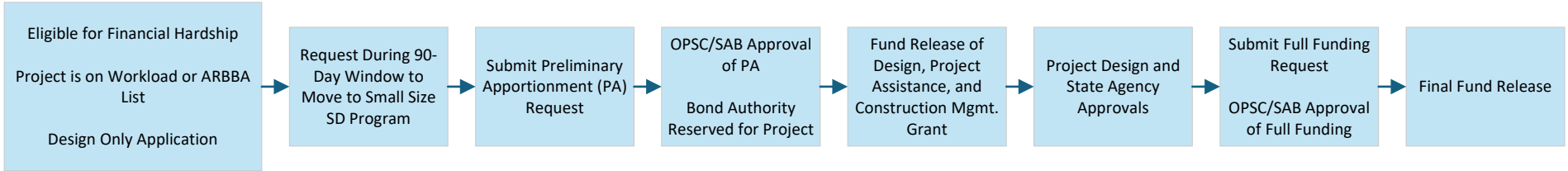
(a) The preliminary application and preliminary apportionment.

(b) The apportionment of design grants, project assistance grants pursuant to subdivision (e) of Section 17072.10 and subdivision (e) of Section 17074.10, as applicable, and project and construction management grants to applicants that qualify for financial hardship assistance pursuant to Section 17075.15, as part of the preliminary apportionment.

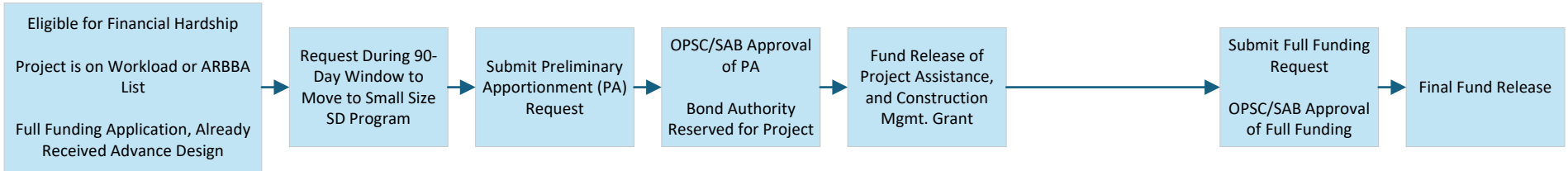
(c) The existence of substantial progress requirements on apportionments for design and site grants identical to the requirements set forth in Section 1859.105 of Title 2 of the California Code of Regulations.

(d) The requirements for a final apportionment for the project in a manner substantially identical to the requirements of subdivisions (a) and (b) of Section 17078.25.

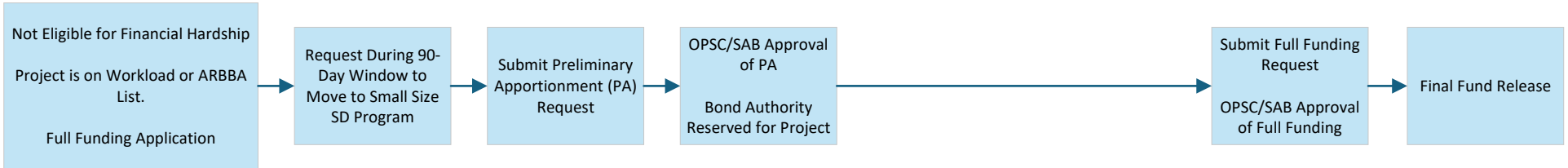
### Scenario 1



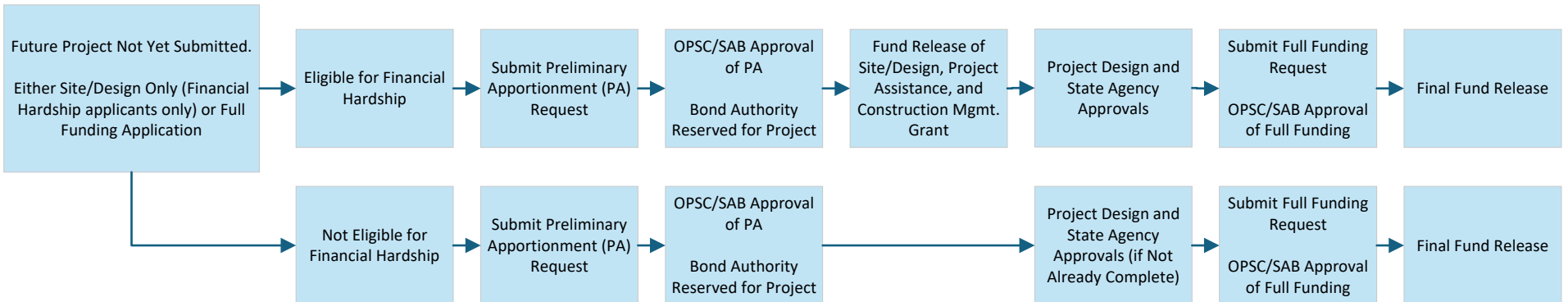
### Scenario 2



### Scenario 3



### Scenario 4





## OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING

April 17, 2025

### Proposed Regulations Implementing State Augmentation of the Federal Supporting America's School Infrastructure Grant Program

#### PURPOSE

To discuss and receive input regarding proposed amendments to Title 5 of the California Code of Regulations implementing the \$5 million state augmentation of the Federal Supporting America's School Infrastructure (SASI) Grant Program for Priority School Districts. These regulatory changes are required by sections 17078.45 through 17078.48 of the *Education Code (EC)*.

#### DESCRIPTION

*EC* Section 17078.48, which took effect on July 3, 2024, requires the Department to adopt regulations implementing the state augmentation of the federal SASI grant. These regulations must include:

- the process for determining recipients of direct technical assistance,
- the framework for state and county collaboration efforts,
- the development, maintenance, and accessibility of centralized online resources, and
- reporting and accountability measures to ensure the effective use of the allocated funds and the achievement of its intended outcomes.

Staff have prepared the following proposed regulatory concepts for public discussion to invite input from the field prior to formally proposing regulations.

## AUTHORITY

Education Code Section 17078.48

## BACKGROUND

In January of 2024, the California Department of Education (CDE) received a \$4.99 million SASI grant from the U.S. Department of Education (ED). Through the SASI grant, CDE will work to improve and maintain school facilities for California's high-need local educational agencies (LEAs). The intent of the grant is to support California's high-need LEAs regarding their school building needs by developing a system of support for LEAs. This system consists of the following four components:

- Providing direct technical assistance to a select number of eligible LEAs.
- Creating county and/or regional networks of support.
- Developing centralized online resources.
- Increasing CDE expertise in school facility maintenance needs, especially for high need LEAs.

In July of 2024, the Governor signed AB 247, which provided an additional \$5 million to augment the federal SASI grant. This augmentation was subsequently authorized by California voters with the passage of Proposition 2 on the November 2024 ballot. While there are significant similarities between the federally funded grant program and the state augmentation, there are also a few important differences, most notably the eligibility requirements for the grant and the directive that CDE adopt regulations implementing the state grant. The regulatory concepts proposed here for the state augmentation are guided by three main principles. The first principle is ease of application. As the priority school districts are, by their nature, less able to support extensive administrative requirements than other districts, CDE intends to create a streamlined application and reporting process for eligible LEAs. The second principle is to use definitions already enacted through existing statutes or regulations whenever possible, in order to avoid confusion or inconsistency. Finally, given the flexibility provided by the state augmentation language, CDE will use a weighted point system to score applications, as needed.

## STAFF ANALYSIS/DISCUSSION

### *Determining Who Receives Direct Technical Assistance*

In keeping with the principle of ease of application, CDE intends to require only a simple form with basic district information and gross bonding capacity and a letter from the district board supporting participation. This information will be submitted electronically. EC Section 17078.45(c) defines "priority school district" as a school district that CDE



determines is in need of capital outlay assistance based on the school district meeting one or more of the following criteria:

- (1) An enrollment of fewer than 2,501 pupils.
- (2) Low gross bonding capacity per enrollment, as defined in *EC* Section 17070.15(k)
- (3) A high percentage of unduplicated pupils as defined in *EC* Section 17070.59(b)(1)
- (4) Has not previously submitted an application for funding pursuant to the School Facility Program (SFP).

The number of districts that meet at least one of these criteria far exceeds the funding for this program. Therefore, if the number of applications exceeds the available capacity, CDE will use weighted point system to differentiate between districts on the basis of need. Points will be awarded on the following basis, with districts receiving the highest overall scores to be prioritized for technical assistance.

- Up to 8 points for low enrollment. *EC* Section 17078.45(c) identifies school districts with enrollment of fewer than 2,501 pupils. For consistency, CDE proposes to align this criterion with the criteria for Small School Districts, as defined in School Facility Program (SFP) Regulation Section 1859.2. Therefore, any applicant district with 2,501 or more pupils as of the most recent enrollment reporting period would receive 0 additional points. School districts with 2,500 or fewer students would be assigned points on the following basis:
  - 1 to 99 = 8 points
  - 100 to 199 = 7 points
  - 200 to 324 = 6 points
  - 325 to 799 = 5 points
  - 800 to 1199 = 4 points
  - 1200 to 1599 = 3 points
  - 1600 to 2049 = 2 points
  - 2050 to 2500 = 1 point
- Up to 8 points for low bonding capacity. For each school district, the bonding capacity would be calculated by dividing the district's gross bonding capacity by the district's total enrollment, based up on the most recent enrollment reporting period data as it would be provided pursuant to the definition of a Small School District in SFP Regulation Section 1859.2. This number would then be used to assign points on the following basis:
  - \$0.00 to \$9,999.00 = 8 points
  - 10,000 to 19,999.00 = 6 points
  - \$20,000 to 54,999.00 = 4 points

- \$55,000 or more = 2 points
- Up to 8 points for high unduplicated pupil percentage. For each school district, unduplicated pupil percentage will be based on the most recent “Unduplicated Pupil Count of Free/Reduced-Price Meals, English Learners, Homeless & Foster Youth” as determined for purposes of the local control funding formula pursuant to EC Section 42238.02, which is available through Local Control Funding Formula (LCFF) Summary Data spreadsheets available by fiscal year here: [Statewide LCFF Summary Data - Principal Apportionment \(CA Dept of Education\)](#).. This percentage will be used to assign points on the following basis:
  - 87.5 to 100% = 8 points
  - 75 to 87.49% = 7 points
  - 62.5 to 74.99% = 6 points
  - 50 to 62.49 = 5 points
  - 25 to 49.99% = 4 points
  - 24.99% or less = 2 points
- One (1) additional point will be awarded if the district has not previously submitted an SFP application, as determined by OPSC.

This system would grant equal weight to each of the first three eligibility requirements specified in statute. Staff determined that equal weighting of these requirements was in keeping with the enabling statute.

#### *County and Regional Networks of Support*

- The CDE shall develop a regional network of Local Educational Agency (LEA) facilities and maintenance staff throughout the state to sustain ongoing support for priority school districts
- All LEAs shall be eligible to participate in the network.
- The CDE shall convene quarterly meetings of the network.
- Meetings may be in-person or virtual, and regional or statewide at the discretion of the CDE.
- The CDE may collaborate with county or state agencies and organizations representing or supporting priority school districts.

#### *Centralized Online Resources*

- CDE will create a centralized online resource accessible from CDEs main website.
- Access to this centralized online resource will be provided at no charge to all LEA users.

- CDE will have the authority to require free user registration for the online resource if CDE deems it necessary.

### *CDE Reporting and Accountability*

The CDE will report annually to the legislature for the lifetime of the funding, including a final summary report to be submitted within 6 months of the exhaustion of funding.

Reports will include, at a minimum:

- Demographic data for participating LEAs including a list of the total school sites served by region, the total number of buildings assessed, and student demographics.
- Program/Operational data including information on administrative costs, direct technical assistance provided, and a narrative description of web resources developed.
- Pre- and post-assessment from districts receiving technical assistance.

CDE will have the authority to require participating LEAs to provide information required for legislative reports, including any pre- and post-assessments necessary for evaluating the effectiveness of the direct technical assistance.

### *Program Structure*

CDE will open an application period of not less than 60 days, to allow sufficient time for applicants to gather the needed information and submit their applications. This period will occur once, in order to allow CDE staff to ensure that the applicants demonstrating the greatest need receive the technical assistance. Future application periods will only be considered if the number of applicants falls short of the available funding. These opportunities will only be offered on an as-needed basis until the program is fully enrolled.

Before opening the application period, CDE will provide notice to LEAs via multiple methodologies. These will include CDE emails, postings on the CDE website and social media accounts, and utilizing the communications networks of other K-12 partners. This communication campaign will begin as soon as program details are finalized, in order to generate the widest possible awareness, ensuring that all eligible districts have the opportunity apply.

Utilizing the scoring method described above, CDE will score all applications received within the 60-day period. Successful applicants will be queued in order that a roughly equal number of districts receive technical assistance each year for the lifetime of the program. Applicants will be notified of the results upon completion of scoring, and applicants selected for technical assistance will be provided with an estimate of when they will receive the assistance. While the highest scoring applicants will receive the

technical assistance, the information generated by the program will be made available to any interested LEAs.

## NEXT STEPS

The CDE staff is seeking stakeholder feedback on all of the above proposed regulatory concepts. Staff requests that any stakeholder wishing to provide feedback beyond today's discussion should email CDE by end of day on May 2, 2025. If necessary, CDE will present at a future stakeholder meeting any revisions to the proposed regulatory concepts based on today's discussion and feedback that is received by April 18, 2025. If you would like to submit written feedback, please email your suggestions to the School Facilities and Transportation Services Division at [priorityschoolsdistricts@cde.ca.gov](mailto:priorityschoolsdistricts@cde.ca.gov).

## ATTACHMENT 1 – STATUTORY LANGUAGE

### Article 11.7. State Augmentation of Federal Supporting America's School Infrastructure Grant Program for Priority School Districts

17078.45. For purposes of this article, the following definitions apply:

(a) "Centralized online resources" means an online portal or webpage dedicated to facilities maintenance and capital outlay in support of priority school districts.

(b) "Direct technical assistance" means professional support on facilities maintenance and capital outlay provided in person to a priority school district at the site.

(c) "Priority school district" means a school district that the State Department of Education determines is in need of capital outlay assistance. The State Department of Education's determination is based on the school district meeting one or more of the following criteria:

(1) An enrollment of fewer than 2,501 pupils.

(2) Low gross bonding capacity per enrollment.

(3) A high percentage of unduplicated pupils.

(4) Has not previously submitted an application for funding pursuant to the School Facility Program.

(d) "SASI Grant" means the federal Supporting America's School Infrastructure Grant Program.

(e) "State and county collaboration" means the joint efforts of the State Department of Education, county offices of education, and other state agencies, such as the Division of the State Architect and the Office of Public School Construction, to provide regional resource centers throughout the state to ensure priority school districts have access to local support.

17078.46. (a) The board shall provide a grant of five million dollars (\$5,000,000) to the State Department of Education to expand the objectives of the SASI Grant and support priority school districts as described in this article. The grant funds shall be made available from the amounts allocated pursuant to paragraphs (1) and (2) of subdivision (a) of Section 101412 at the board's discretion.

(b) Any portion of the amount described in subdivision (a) that is not allocated pursuant to subdivision (a) by January 1, 2030, shall be available for the purposes described in paragraphs (1) and (2) of subdivision (a) of Section 101412, as determined by the board.

17078.47. The bond funds allocated to the State Department of Education pursuant to Section 17070.46 shall be used for all of the following purposes:

(a) Direct technical assistance to priority school districts, including training in at least all of the following:

(1) Tools used to determine if a school facility is in "good repair" as defined in paragraph (1) of subdivision (d) of Section 17002 and rating a facility pursuant to paragraph (2) of subdivision (d) of Section 17002.

(2) Developing a schoolsite inventory.

(3) Assessing facility needs, estimating costs, and prioritizing projects.

- (4) Identifying funding options, including eligibility to participate in the school facilities program.
- (5) Developing facility contracts, including testing, architectural services, inspections, and construction.
- (b) State and county collaboration efforts, including at least all of the following:
  - (1) Developing a regional network of facilities and maintenance staff at county offices of education throughout the state to sustain ongoing support for priority school districts.
  - (2) Conducting quarterly meetings throughout the state, in partnership with the Division of the State Architect and the Office of Public School Construction, designed to address the facilities challenges faced by priority school districts.
  - (3) Partnering with other state agencies and organizations representing priority school districts with limited expertise and capacity.
- (c) Development and maintenance of centralized online resources, including at least all of the following:
  - (1) Dedicating a portal or webpage to school facilities maintenance to support maintenance assessment, state and national funding programs, and contract development and management.
  - (2) Providing standardized forms and tools for use by priority school districts.
  - (3) Developing an on-demand library of resources, including webinars, videos, and additional learning tools.
- (d) State level expertise on facility maintenance, which may include both of the following:
  - (1) Building the capacity of the State Department of Education and county offices of education in supporting priority school districts.
  - (2) Establishing, in partnership with the Division of the State Architect and the Office of Public School Construction, a certification process for private construction consultants and maintaining an up-to-date list of certified consultants for use by priority school districts.

17078.48. The State Department of Education shall adopt regulations setting forth the requirements and procedures for the allocation and use of bond funds pursuant to this article, including, but not limited to, all of the following:

- (a) The process for determining recipients of direct technical assistance.
- (b) The framework for state and county collaboration efforts.
- (c) The development, maintenance, and accessibility of centralized online resources.
- (d) Reporting and accountability measures to ensure the effective use of the allocated funds and the achievement of its intended outcomes.

## ATTACHMENT A9

### OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING APRIL 17, 2025

# PROPOSED REGULATIONS TO IMPLEMENT SUPPLEMENTAL GRANT FOR ENERGY EFFICIENCY

## PURPOSE

To continue to discuss and receive stakeholder feedback regarding proposed regulations to implement a supplemental grant for energy efficiency and to administer statutory amendments to the School Facility Program (SFP) resulting from California's voter-approved Assembly Bill 247, the 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 A9a.

## BACKGROUND

The Office of Public School Construction (OPSC) held a public meeting on February 13, 2025, to discuss proposed criteria for determining the eligibility and funding of this supplemental grant, 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: [February 13, 2025 OPSC Proposition 2 Stakeholder Meeting #1 - Item](#)

The recording of the February 13, 2025 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: [February 13, 2025 OPSC Proposition 2 Stakeholder Meeting #1 - Recording](#)

## STAFF ANALYSIS/DISCUSSION

Staff has actively engaged in collaborative discussions with the Division of the State Architect (DSA) on potential alternatives beyond the previously proposed options. As a result, staff suggests a new proposal that incorporates a scorecard concept as the primary mechanism for OPSC to implement the supplemental grant through incremental percentage allocations. Further information on this proposal will be presented in a future stakeholder meeting.

STAFF ANALYSIS/DISCUSSION (cont.)

**Stakeholder Feedback**

Staff would like to thank stakeholders who were able to view, attend, or participate in the previous meeting and also those who provided valuable feedback either at the meeting or through written correspondence to OPSC. Below, OPSC has consolidated all questions asked during and after the stakeholder meeting, as well as informal comments regarding what was presented at the meeting held on February 13, 2025.

<b>Stakeholder Feedback</b>	<b>OPSC Response</b>
<p><b>1.</b> What is a “component”?</p>	<p><b>1.</b> A component can be described as an element that contributes to the energy self-sufficiency and pollution reduction of a building. Per Education Code (EC) 17077.35[b]), a component added to a site should enable school facilities to advance state energy goals and adapt to higher average temperatures. Some examples from statute include electric heating, HVAC, use of ground source temperatures for heating and cooling, solar water heating technology, service panel upgrades, etc.</p>
<p><b>2.</b> What is meant by “number of components?”</p>	<p><b>2.</b> The number of components means how many energy efficiency elements are included in the scope of work for a project. It is presumed that the number of eligible components added to a building will increase the extent to which the building exceeds the energy-efficiency standards outlined in Part 6 of Title 24 of the California Code of Regulations.</p>
<p><b>3.</b> How will other components be determined to be eligible? Specifically, those that are not listed in statute?</p>	<p><b>3.</b> The statute (EC Section 17077.35[b]) includes a non-exhaustive list of building components. Eligibility of components not listed will be assessed by DSA as part of the review process. Most building components or physical features are eligible costs in the SFP. However, operational costs, such as commissioning, are not eligible expenditures of SFP funds. For a more detailed listing of eligible and ineligible expenditures, please</p>



STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
	<p><b>3. (cont.)</b> refer to the Grant Agreement template for each project type.</p>
<p><b>4.</b> Does DSA require the Title 24 boxes to be marked when submitting new projects? Will OPSC look into the DSA Project Tracker to reconcile with the percentage listed on the Form SAB 50-04?</p>	<p><b>(4.) (5.) (6.) and (7.)</b> Since the first meeting, OPSC has continued to collaborate with DSA and a future item will present an alternative proposal for how applicants would submit information to DSA as well as how OPSC would calculate the energy efficiency grant.</p>
<p><b>5.</b> 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. We request 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.</p>	<p>EC 17077.35 states that the minimum threshold must exceed the energy-efficiency standards specified in Title 24. The proposal OPSC and DSA are currently exploring would maintain a tiered approach with the lowest scores still eligible for energy efficiency grant supplemental funding if the project exceeds the standards.</p>
<p><b>6.</b> 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, we request calculation examples to clarify how the grant amount would be determined under each tier.</p>	

STAFF ANALYSIS/DISCUSSION (cont.)

<b>Stakeholder Feedback</b>	<b>OPSC Response</b>
<p>7. We recommend 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. We recommend addressing and clarifying these points before finalizing the selection and implementation of either option. Our understanding is that there are two options for discussion. Please confirm that DSA will provide compliance oversight and provide a real-world example project using both Options 1 &amp; 2 for a comparison. Additionally, we request the following bridging technologies be included in the “Energy Efficiency Components” as listed in the amended EC 17077.35 (b).</p> <ul style="list-style-type: none"> <li>• HVAC - Thermal Energy Storage.</li> <li>• Electric Hybrid Heat Pumps with Natural Gas Auxiliary Heating.</li> </ul>	

STAFF ANALYSIS/DISCUSSION (cont.)

**Scorecard Metric Determination of Supplemental Grant**

Several factors complicate assessment of compliance with the California Energy Code. For this reason, DSA and OPSC are exploring an option for grant evaluations based upon an abbreviated California Collaborative for High Performance Schools v. 2.0 (CA-CHPS v. 2.0) criteria. Based on the score achieved in a new Energy Efficiency Scorecard, a sliding scale for funding could be used.

The following table is provided for illustrative purposes only and outlines the potential supplemental grant that could be provided in addition to the base grant, up to the maximum five percent allowed in statute. In all cases, the minimum statutory eligibility criteria for the supplemental grant must be met by exceeding the nonresidential building energy-efficiency standards specified in Part 6 of Title 24 of the California Code of Regulations.

**[EXAMPLE CA-CHPS v. 2.0 Abbreviated Scorecard]**

Reported Compliance Method	CA Energy Commission Compliance Margin (CM)	Percent of Supplemental Funding (5% max)			
		Score 100 or less	Score 101 to 150	Score 151 to 175	Score 176 to 197
Prescriptive / Performance	CM > 0	1%	2%	3%	4%
Performance	0	1%	2%	3%	4%
Performance	CM > 0	2%	3%	4%	5%

OPSC and DSA are seeking school district feedback on the feasibility of the use of CA-CHPS v. 2.0 criteria.

NEXT STEPS

Staff is seeking stakeholder feedback on the alternative proposal currently under discussion with DSA.

Staff requests stakeholder feedback on the proposed changes and topics outlined in this item. Any stakeholder wishing to provide feedback should email the OPSC Communications Team by close of business on May 2, 2025 at [OPSCCommunications@dgs.ca.gov](mailto:OPSCCommunications@dgs.ca.gov).

AUTHORITY**Education Code Section 17077.35 – Energy Efficiency**

- (a) An applicant school district may include plan design and other project components that promote school facility energy efficiency approaching the ultimate goal of school facility energy self-sufficiency and pollution reduction, and may seek a grant adjustment for the state's share of the increased costs associated with those components.
- (b) Energy efficiency components that enable school facilities to advance state energy goals and adapt to higher average temperatures that pose a threat to the health and safety of pupils and staff are eligible for inclusion into a project pursuant to this section, including, but not limited to, all of the following:
- (1) Electric heating, ventilation, and air conditioning (HVAC), school kitchen equipment, and water heating.
  - (2) The use of ground source temperatures for heating and cooling.
  - (3) Energy and water conservation, load reduction, peak-load shifting, and building energy efficiency measures.
  - (4) Solar water heating technologies.
  - (5) Onsite renewable energy and storage, such as photovoltaics and battery storage, microgrid controllers, and service panel upgrades.
  - (6) Shade structures and the conversion of ground and rooftop surfaces to materials with low absorption and reflection of heat, which may include, but are not limited to, natural surfaces.
- (c) In order to be eligible for the grant adjustment pursuant to this section, the building proposed for the project, including the energy-efficiency and renewable energy measures used pursuant to this section, shall exceed the nonresidential building energy-efficiency standards specified in Part 6 (commencing with Section 100) of Title 24 of the California Code of Regulations. The applicant shall certify that the cost for the project exceeds the amount of funding otherwise available to the applicant under this chapter.
- (d) The board shall provide an applicant for a new construction or modernization project with a grant adjustment to provide an increase not to exceed 5 percent of its state grants authorized by Sections 17072.10 and 17074.10 for the state's share of costs associated with design, purchase, and installation related to school facility energy efficiency as set forth in this article.
- (e) The board may adopt regulations for purposes of this section.

## ATTACHMENT C



February 28, 2025

Communications Team  
Office of Public School Construction (OPSC)  
707 Third St, 4<sup>th</sup> 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.

## ATTACHMENT C

- **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

## ATTACHMENT C

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 C

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.



*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.

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### *"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.

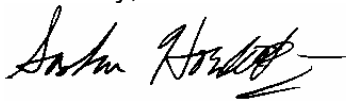
Lastly, we request clarification on the calculation of fundable toilet square footage, specifically whether a site-wide analysis will be conducted to determine if an existing site already meets the required toilet square footage for current enrollment.

**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](mailto:Sasha.Horwitz@lausd.net) or (916) 443-4405.

Sincerely,



Sasha Horwitz  
Legislative Advocate  
Los Angeles Unified School District



**TRANE**

ATTACHMENT C  
**TRANE**  
TECHNOLOGIES

Commercial Systems / Pacific Southwest District  
Sacramento Sales Office  
4145 Delmar Avenue  
Rocklin, Ca 95677  
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www.trane.com

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.

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