

ATTACHMENT A

OFFICE OF PUBLIC SCHOOL
CONSTRUCTION STAKEHOLDER MEETING
February 7, 2020

Facility Hardship Program and Seismic Mitigation Program Proposed Regulations

1859.2 Definitions

“Facility Hardship” means the repair, reconstruction, or replacement of School Buildings, components of School Buildings, or school site conditions authorized by Section 1859.82.1 or 1859.82.2. ~~means new or replacement facilities authorized by Section 1859.82 (a) or (b).~~

“Facility Hardship Square Footage Grant” means the grant per square foot provided for Facility Hardship replacement facilities funding pursuant to Sections 1859.82 (a) or (b) 1859.82.1(b)(4)(B) or 1859.82.2(b)(4)(B), excluding additional grants provided under Section 1859.82 (a) or (b) 1859.82.1 or 1859.82.2

...

“Most Vulnerable Category 2 Buildings” means the building meets the criteria outlined in Section 1859.82(a)(1)(C) 1859.82.2(a) and is one of the following building types: ...

...

“Portable Classroom Replacement Grant” – Starting in 2020 is \$46.55 per Square Foot and will be adjusted in the manner prescribed in Section 1859.71.

“Portable Toilet Replacement Grant” – Starting in 2020 is \$118.62 per Square Foot and will be adjusted in the manner prescribed in Section 1859.71.

...

“Rehabilitation Cost” means the health and safety mitigation grant that is less than 50 percent of the Current Replacement Cost of School Building.

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Rehabilitation Costs provided shall be 60 percent of the eligible costs in the cost estimate required in Section 1859.82.1(c)(3)(C) that has been reviewed by the OPSC and approved by the Board.

“Seismic Rehabilitation Grant” means a grant allowable under Education Code Section 17075.10(a) and (b)(2) and Section 1859.82(a)(1)(A)(1)b., 1859.82.2(c)(4) excluding additional grants.

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:

...

(h) Increased by the number of pupils eligible for grants pursuant to Section 1859.82(a) 1859.82.1(b)(4)(A) or 1859.82.2(b)(4)(A).

...

(s) increased by the capacity of classrooms that were originally included in the district's baseline eligibility, later demolished as part of a project pursuant to Section 1859.82.1 or 1859.82.2, and did not receive replacement funding as part of that project.

Section 1859.61. Adjustments to the Modernization Baseline Eligibility...

(l) Adjusted as a result of classrooms demolished and replaced pursuant to Regulation Section 1859.82. School Buildings 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.

...

Section 1859.76. New Construction Additional Grant for Site Development Costs.

In addition to any other funding authorized by these Regulations, the Board shall provide funding equal to 50 percent of the following approved site

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development and applicable design costs: (a) Service site development cost, within school property lines for:

...

(a)(12) Removal and relocation of portable classrooms on a site eligible for replacement funding pursuant to Section ~~1859.82(a)~~ 1859.82.1 or 1859.82.2 that are available for housing pupils pursuant to Section 1859.35(a).

...

(d)(3) 6 percent of the State and district share for Elementary School Pupils and Middle School Pupils and 3.75 percent of the State and district share for High School Pupils of the funding provided by Sections 1859.71.2, 1859.72, 1859.73, 1859.73.2, ~~1859.82~~, 1859.82.1(b)(3)(A)(1), 1859.82.1(b)(3)(B), 1859.82.1(b)(3)(C), 1859.82.2(b)(4)(A), 1859.82.2(b)(4)(B), 1859.83(a), (b) and (c) and 1859.125(a)(1) through (a)(2).

Section 1859.77.3. Use of New Construction Grant Funds for Projects Accepted by the DSA after January 22, 2003.

...

(a)(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(b) 1859.82.1(b)(4)(B)(2), except for Alternative Education Schools. For Alternative Education Schools, refer to the following:

...

(7)(A)2. For a multipurpose room, gymnasium, and/or library, refer to the chart in Section ~~1859.82(b)~~ 1859.82.1(b)(4)(B)(2).

...

Article 9. Hardship Assistance Section 1859.80.

General.

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A district shall qualify for hardship assistance by demonstrating one or more of the following:

...

(b) ~~A facility Hardship Grant as provided in Section 1859.82. Qualification for facility hardship as provided in Section 1859.852.1 or 1859.82.2.~~

...

Section 1859.81. Financial Hardship.

...

(a)(8) ~~Funding to pay for obtaining a structural report pursuant to Section 1859.82.2 1859.82 for an approvable and funded seismic mitigation project.~~

...

From the funds deemed available as a matching contribution, the district may also retain \$19,776 per classroom in each reporting period for the cost to provide necessary interim housing for the currently unhoused pupils displaced as a result of a SAB approved seismic mitigation project pursuant to Section ~~1859.82.2 1859.82~~. The amount shown shall be adjusted annually in the manner prescribed in Section 1859.71. The number of classrooms needed for interim housing shall be the quotient of the displaced pupils by 25 for K-6, 27 for 7-12, 13 for Non-Severe and 9 for Severe and round up to the nearest whole number.

...

~~Section 1859.82. Facility Hardship.~~

~~A district is eligible for facility hardship funding to repair, replace, or construct new classrooms and related facilities if the district demonstrates there is an unmet need for pupil housing or the condition of the facilities, or the lack of facilities, is a threat to the health and safety of the pupils. A facility hardship is available for:~~

~~(a) Repair of facilities, new classrooms and/or subsidiary facilities (corridors, toilets, kitchens and other nonclassroom space), or replacement facilities if either (1) or (2) are met:~~

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(1) The facilities are needed to ensure the health and safety of the pupils if the district can demonstrate to the satisfaction of the Board that the health and safety of the pupils is at risk. Factors to be considered by the Board shall include the close proximity to a major freeway, airport, electrical facility, high power transmission lines, dam, pipeline, industrial facility, adverse air quality emission or other health and safety risks, including structural deficiencies required by the DSA to be repaired, seismic mitigation of the Most Vulnerable Category 2 Buildings as verified by the DSA, traffic safety or because the pupils reside in remote areas of the district and transportation to existing facilities is not possible or poses a health and safety risk. Funding for seismic mitigation related and ancillary costs for the Most Vulnerable Category 2 Buildings shall only be provided from the SFP New Construction Account.

(A) The district shall prepare and submit to the OPSC an Application which includes a cost/benefit analysis which will be used to compare the total costs to remain in the classroom or related facility and mitigate the problem to the Current Replacement Cost of the classroom or related facility. The cost/benefit analysis may include applicable site development costs as outlined in Section 1859.76. The cost/benefit analysis shall not include increased costs associated with high performance related costs or components, with the exception of those high performance components that were pre-existing in the classroom or related facility.

1. If the total cost to remain in the classroom or related facility is 50 percent or less than the Current Replacement Cost, the district may qualify for either grant below, as applicable:

- a. Modernization Excessive Cost Hardship Grant for Rehabilitation Costs pursuant to Section 1859.83(e), or
- b. A grant not to exceed 50 percent of the cost estimate that has been reviewed and approved by the OPSC and approved by the Board for seismic repair.

2. If the total cost to remain in the classroom or related facility is greater than 50 percent of the Current Replacement Cost and the Application is for replacement facilities, the district may qualify for a grant for a new or replacement school or replacement facilities as a new construction project.

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3. If the total cost to remain in the classroom or related facility is greater than 50 percent of the Current Replacement Cost and the Application is for the repair, not the replacement, of a Qualified Historical School Building, the district may qualify for funding as a new construction project. The district must demonstrate that the facility meets the definition of a Qualified Historical School Building. Qualified Historical School Building status must be determined by an appropriate local, state, or federal governmental agency or by a person(s) who meets the Professional Qualification Standards set forth by the Secretary of the Interior's Standard and Guidelines for Archeology and Historical Preservation.

(B) If the request is for facilities that include structural and/or seismic deficiencies, the cost/benefit analysis must also include a report from a licensed design professional identifying the minimum work necessary to obtain DSA approval. The report must contain a detailed cost estimate of the repairs. The cost/benefit analysis shall not include increased costs associated with high performance related costs or components, with the exception of those high performance components that were pre-existing in the classroom or related facility. The report and cost estimate shall be subject to review by the OPSC for conformance with the Current Construction Cost Publication by the Sierra West Group and, at the OPSC's discretion, the DSA. For seismic deficiencies of the Most Vulnerable Category 2 Buildings, the report and the cost estimate for the minimum work necessary must be reviewed by the DSA.

(C) The seismic mitigation projects must meet all of the following requirements:

1. The construction contract was executed on or after May 20, 2006;
2. The project funding provided shall be for the minimum work necessary to obtain DSA approval;
3. The building is designed for occupancy by students and staff; and
4. The DSA concurs with a report by a structural engineer, which identifies structural deficiencies that pose an unacceptable risk of injury to its occupants in a seismic event. If the unacceptable risk of injury is due to the presence of faulting, liquefaction or landslide, these hazards must be documented by a geologic hazards report prepared by an engineering

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~~geologist in accordance with California Building Code, Part 2, Chapter 18, section 1803A and with the concurrence of the California Geological Survey.~~

~~The structural engineer's report shall conform to the guidelines prepared by the DSA, in accordance with Education Code Section 17310.~~

~~(2) The classroom or related facility was lost or destroyed as a result of a disaster such as fire, flood or earthquake and the district has demonstrated satisfactorily to the Board that the classroom or related facility was uninsurable or the cost for insurance was prohibitive.~~

~~If the district qualifies for a new or replacement school pursuant to either (a)(1)(A)2. or (a)(2) above, the district is eligible for a New Construction Grant as a new construction project for the lesser of the pupils housed in the replaced facility based on loading standards pursuant to Education Code Section 17071.25(a)(2) or the latest CBEDS enrollment at the site.~~

~~If the district qualifies for repair of a Qualified Historical School Building pursuant to (a)(1)(A)3. or replacement facilities on the same site pursuant to either (a)(1)(A)2. or (a)(2) above, the district is eligible for funding as a new construction project. Replacement facilities and square footage amounts used to determine funding for a Qualified Historical School Building shall be allowed in accordance with the square footage amounts provided in the chart in Section (b) below. If the facility eligible for replacement is not shown in the chart in Section (b) below, the replacement facility shall be limited to the square footage replaced. If the Qualified Historical School Building is a facility type not shown in the chart in Section (b) below, the square footage amounts used to determine funding shall be limited to the existing square footage of the Qualified Historical School Building. The grant amount provided shall be \$173.30 per square foot for Toilet Facilities and \$96.30 per square foot for all other facilities. Additional funding may be provided for applicable site development costs pursuant to Section 1859.76, New Construction Excessive Cost Hardship Grant(s) pursuant to Section 1859.83(a), (b) or (d), therapy room pursuant to Section 1859.72, multilevel construction pursuant to Section 1859.73, project assistance pursuant to Section 1859.73.1, and high performance incentive pursuant to Section 1859.77.4 provided that the high performance points attained are related to the scope of the Facility Hardship project. The~~

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amounts shown will be adjusted in the manner prescribed in Section 1859.71. For any project funded in whole or in part from any State bond funds for which the construction contract is awarded prior to January 1, 2012, the district may be eligible for the funding provided to initiate and enforce a LCP as prescribed in Section 1859.71.4(a). For any project for which the construction contract is awarded on January 1, 2012 through June 19, 2014, the grant may be adjusted in the manner prescribed in Section 1859.71.4(c) and subject to the limitations established in Section 1859.71.4(d).

Any grants provided pursuant to either (a)(1) or (a)(2) above will be reduced for any space deemed available by the Board in the district, the HSAA or Super HSAA that could be used to house some or all of the displaced pupils, fifty percent of any insurance proceeds collectable by the district for the displaced facilities and fifty percent of the net proceeds available from the disposition of any displaced facilities. If the district qualifies for rehabilitation of facilities on the same site pursuant to subsection (a)(1)(A)(1)b., the district is eligible for a Seismic Rehabilitation Grant. The grant provided is pursuant to subsection (a)(1)(A)(1)b. and Education Code Section 17075.10(b)(2). Additional funding may be provided for a high performance incentive grant pursuant to Section 1859.77.4. For any project for which the construction contract is awarded on January 1, 2012 through June 19, 2014, the seismic rehabilitation grant may be adjusted in the manner prescribed in Section 1859.71.4(c) and subject to the limitations established in Section 1859.71.4(d).

(b) A multi-purpose room, toilet, gymnasium, school administration or library/media center, facility that meets all the following:

- (1) The facility was lost or destroyed as a result of a disaster, including but not limited to fire, flood or earthquake.
- (2) The facility is no longer useable for school purposes as recommended by the California Department of Education and approved by the Board.
- (3) The district has demonstrated satisfactorily to the Board that the facility was uninsurable or the cost of insurance was prohibitive.

If the district qualifies, the district is eligible for funding as a new construction project. The funding amount provided shall be \$96.30 per

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square foot for library/media center, school administration, gymnasium and multi-purpose facilities, and/or \$173.30 per square foot for Toilet Facilities. A New Construction Additional Grant may be provided for applicable site development costs pursuant to Section 1859.76, New Construction Excessive Cost Hardship Grant(s) pursuant to Section 1859.83(a) and (d), therapy room pursuant to Section 1859.72, multilevel construction pursuant to Section 1859.73, project assistance pursuant to Section 1859.73.1, and high performance incentive pursuant to Section 1859.77.4 provided that the high performance points attained are related to the scope of the Facility Hardship project. The amounts shown will be adjusted in the manner prescribed in Section 1859.71. For any project funded in whole or in part from any State bond funds for which the construction contract is awarded prior to January 1, 2012, the district may be eligible for the funding provided to initiate and enforce a LCP as prescribed in Section 1859.71.4(a). For any project for which the construction contract is awarded on January 1, 2012 through June 19, 2014, the grant may be adjusted in the manner prescribed in Section 1859.71.4(c) and subject to the limitations established in Section 1859.71.4(d).

Any grants provided pursuant to (b) above, shall be reduced by fifty percent of any insurance proceeds collectable by the district for the displaced facilities and fifty percent of the net proceeds available from the disposition of any displaced facilities.

The square footage provided, after accounting for all useable facilities on the site, shall not exceed the following:

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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)	N/A	12.9 sq. ft. per pupil minimum 6,828 sq. ft. maximum 16,000 sq. ft.	15.3 sq. ft. per pupil minimum 8,380 sq. ft. maximum 18,000 sq. ft.
School Administration	3 sq. ft. per pupil minimum 600 sq. ft.	3 sq. ft. per pupil minimum 600 sq. ft.	4 sq. ft. per pupil minimum 800 sq. ft.
Library/Media Center	2.3 sq. ft. per pupil plus 600 sq. ft.	3.3 sq. ft. per pupil plus 600 sq. ft.	4.3 sq. ft. per pupil plus 600 sq. ft.

DELETE

Any facilities eligible for facility hardship not shown in the above chart or for Alternative Education facilities not shown in the table in Section 1859.77.3(a)(5) shall be eligible for replacement square footage equal to the facilities replaced. For an Alternative Education school eligible for a facility hardship, utilize the square footage provided in Section 1859.77.3(a)(5), with the exception of toilet and administration where the chart above shall be utilized.

The modernization baseline eligibility provided in Section 1859.60 will be adjusted as a result of funding provided as a new construction project pursuant to (a) or (b) above.

A district may request a determination of eligibility for facility hardship funding in advance of project funding.

(c) A district seeking replaced facilities as a result of either (a) or (b) above must submit Form SAB 50-04 for the replaced facilities:

- (1) Within 18 months if the replacement facilities will be located on the same site.
- (2) Within 24 months if the replacement facilities will be located on a replacement site.

If an Approved Application for the replaced facility is not accepted within the time periods identified in (c)(1) or (c)(2) above, the Board shall re-

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~~review the criteria submitted by the district for replacement of the facility prior to apportionment of the replaced facility.~~

1859.82 Facility Hardship Program and Seismic Mitigation Program

A school district may apply for Facility Hardship, including Seismic Mitigation, Program assistance in cases of extraordinary circumstances that have caused an imminent health and safety threat. Districts must demonstrate that there is an existing health and safety threat to students and staff due to unusual circumstances that are beyond their control.

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.

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.

Approved Applications requesting Facility Hardship Program funding shall be submitted to OPSC within 12 months of DSA approval for the mitigation of 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; and when the School Buildings or components of the School Buildings in the project are currently in use by the district.

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(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.
- (6) Or other factors approved by the Board.

(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 that states that the 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 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 view the damage prior to remediation. If the remediation is done prior to a site visit, the application will be ineligible for funding. Requests for asbestos mitigation must include lab test results indicating the asbestos is currently friable, and provides the location, material, and testing methods used.
 - (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.

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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 cost estimate that meets the following requirements:

1. The cost estimate must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. The cost estimate shall not include contract amounts, actual costs paid, or bid amounts, unless the scope of work is not contained in the most current edition of the Current Construction Remodeling and Repair Cost by Sierra West Publishing. OPSC may accept other supporting documentation for scopes of work not contained in the Sierra West Current Construction Remodeling and Repair Cost publication.
2. All requested line items shall include Construction Specifications Institute reference number, 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 cost estimate provided by the licensed design professional shall match the work outlined in the report for the minimum work required to mitigate the health and safety threat.
4. The estimate submitted to OPSC shall be for the same scope of work reviewed and concurred to by DSA, and that is referenced in the governmental concurrence letter for the project.
5. The cost estimate 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.

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

1. A completed Application for Funding form SAB 50-04
2. The DSA Plan Approval letter for the project or documentation from DSA verifying that the project is exempt from their approval process.
3. CDE Plan Approval letter for the project or documentation from DSA verifying that the project is exempt from their approval process.

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4. If the project is for a high school site, a letter or meeting minutes from the district's Career and Technical Education Advisory Committee (CTEAC) certifying that the district is in compliance with all career technical facility needs and assessments as outlined in Education Code, Section 17070.955.
- (3) Applications for Facility Hardship replacement funding that do not submit all documents required as part of (1) or (2) above shall be returned without review.
- (4) If the district qualifies for funding to replace their School Buildings, the district is eligible to receive funding for the project as follows:
 - (A) If the district is required to replace all School Buildings on site, the district is eligible to receive funding as follows:
 1. A New Construction Grant will be provided for the lesser of 2. or 3. below.
 2. The classroom capacity determined by multiplying the number of classrooms on the project site being replaced by:
 - a. 25 pupils for each K-6 classroom.
 - b. 27 pupils for each 7-12 classroom.
 - c. 13 pupils for each Non-Severely Disabled Individuals with Exceptional Needs classroom.
 - d. 9 pupils for each Severely Disabled Individuals with Exceptional Needs classroom.
 3. The higher of a., b., or c. below:
 - a. The CBEDS Report of the current enrollment reporting year at the existing project site.
 - b. The average CBEDS Report of the current enrollment reporting year and two immediately preceding enrollment reporting years at the existing project site.
 - c. If the site is closed, use the CBEDS Report of the last enrollment reporting year in which the site was open.
 4. Additional funding may be provided, as applicable, for:
 - a. Fire Code Requirements pursuant to 1859.71.2,
 - b. therapy room pursuant to Section 1859.72,
 - c. multilevel construction pursuant to Section 1859.73,
 - d. project assistance pursuant to Section 1859.73.1,
 - e. replacement with multistory construction pursuant to Section 1859.73.2,
 - f. site acquisition pursuant to 1859.74, 1859.74.5, and 1859.75,
 - g. Hazardous waste removal pursuant to 1859.74.2, 1859.74.3, and 1859.74.4,
 - h. Applicable site development costs pursuant to 1859.76, and

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- i. New Construction Excessive Cost Hardship Grant(s) for geographic location pursuant to Section 1859.83(a),
- j. New Construction Excessive Cost Hardship Grant(s) for small size projects pursuant to Section 1859.83(b)
- k. New Construction Excessive Cost Hardship Grant(s) for new school projects pursuant to Section 1859.83(c), and
- l. New Construction Excessive Cost Hardship Grant(s) urban location, security requirements and impacted site pursuant to Section 1859.83(d)

(B) If the district qualifies to replace some but not all School Buildings on the project site, funding will be based on the Square Footage of the School Buildings replaced and is capped by the lesser of the amount provided in accordance to the chart below and the Square Footage constructed for each category as justified by enrollment at the project site as follows:

- 1. The enrollment at the project site, is determined by the higher of a. or b. below, or c.:
 - a. The CBEDS Report of the current enrollment reporting year at the existing project site.
 - b. The average CBEDS Report of the current enrollment reporting year and two immediately preceding enrollment reporting years at the existing project site.
 - c. If the site is closed, use the CBEDS Report of the last enrollment reporting year in which the site was open.
- 2. Using the enrollment determined in 1. any permanent replacement Square Footage provided will be calculated in accordance to a., b., c., below and the chart below.
 - a. If the actual square footage being constructed in the replacement project is less than the amount allowable in the chart for each facility type, the replacement Square Footage shall be limited to the actual square footage constructed.
 - b. Non-specialized classroom space provided is limited by the enrollment determined in 1. rounded up to the nearest whole classroom based on 1859.82.1(b)(4)(A)(2), and then reduced for any classroom space available at the site to house the pupils at the site.
 - c. Classrooms with specialized design such as auto shop, metal shop, music rooms, consumer home economic laboratories, industrial technology laboratories, or science laboratories will qualify for funding if used for its specialized purpose in the current enrollment reporting year or immediately preceding enrollment reporting year. Additionally, these spaces will not count as available capacity for purposes of providing

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funding in this section when calculating space available to house displaced pupils.

- d. Any space not in the chart below will be provided based on the Square Footage replaced. This may include, but is not limited to, janitor's closets, hallways, and vestibules.

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<u>Facility</u>	<u>Elementary School Pupils</u>	<u>Middle School Pupils</u>	<u>High School Pupils</u>
<u>Multi-Purpose (includes food service)</u>	<u>5.3 sq. ft. per pupil minimum 4,000 sq. ft.</u>	<u>5.3 sq. ft. per pupil minimum 5,000 sq. ft.</u>	<u>6.3 sq. ft. per pupil minimum 8,200 sq. ft.</u>
<u>Toilet</u>	<u>3 sq. ft. per pupil minimum 300 sq. ft.</u>	<u>4 sq. ft. per pupil minimum 300 sq. ft.</u>	<u>5 sq. ft. per pupil minimum 300 sq. ft.</u>
<u>Gymnasium (includes shower/locker area)</u>	<u>N/A</u>	<u>12.9 sq. ft. per pupil minimum 6,828 sq. ft. maximum 16,000 sq. ft.</u>	<u>15.3 sq. ft. per pupil minimum 8,380 sq. ft. maximum 18,000 sq. ft.</u>
<u>School Administration</u>	<u>3 sq. ft. per pupil minimum 600 sq. ft.</u>	<u>3 sq. ft. per pupil minimum 600 sq. ft.</u>	<u>4 sq. ft. per pupil minimum 800 sq. ft.</u>
<u>Library/Media Center</u>	<u>2.3 sq. ft. per pupil plus 600 sq. ft., minimum 960 sq. ft.</u>	<u>3.3 sq. ft. per pupil plus 600 sq. ft. minimum 960 sq. ft.</u>	<u>4.3 sq. ft. per pupil plus 600 sq. ft. minimum 960 sq. ft.</u>
<u>Kindergarten Classrooms (including Transitional Kindergarten)</u>	<u>1,350 sq. ft. for each replacement classroom.</u>	<u>NA</u>	<u>NA</u>
<u>Classrooms (1st-12th grade)</u>	<u>960 sq. ft. for each replacement classroom</u>	<u>960 sq. ft. for each replacement classroom</u>	<u>960 sq. ft. for each replacement classroom</u>
<u>Computer instructional support area, Industrial and Technology/Education Laboratory</u>	<u>960 sq. ft. for each replacement classroom.</u>	<u>960 sq. ft. for each replacement classroom.</u>	<u>960 sq. ft. for each replacement classroom.</u>
<u>Laboratory Classrooms (including science and consumer home economics. (Does not include Industrial and Technology/Education Laboratory)</u>	<u>1,300 sq. ft. for each replacement classroom.</u>	<u>1,300 sq. ft. for each replacement classroom.</u>	<u>1,300 sq. ft. for each replacement classroom.</u>

e. Beginning in 2020 the resulting Square Footage amount(s) shall be multiplied by \$204 per square foot for all non-Toilet Facilities and by \$366 per square foot for Toilet Facilities (includes shower/locker area and physical therapy area for Individuals with Exceptional Needs). The

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amounts shown will be adjusted in the manner prescribed in Section 1859.71.

3. Additional funding may be provided, as applicable, for:
 - a. therapy room pursuant to Section 1859.72,
 - b. multilevel construction pursuant to Section 1859.73,
 - c. project assistance pursuant to Section 1859.73.1.
 - d. replacement with multistory construction pursuant to Section 1859.73.2,
 - e. site acquisition pursuant to 1859.74,
 - f. Hazardous waste removal pursuant to 1859.74.2,
 - g. Applicable site development costs pursuant to 1859.76, and
 - h. New Construction Excessive Cost Hardship Grant(s) for geographic location pursuant to Section 1859.83(a),
 - i. New Construction Excessive Cost Hardship Grant(s) for small size Projects pursuant to Section 1859.83(b), and
 - j. New Construction Excessive Cost Hardship Grant(s) urban location, security requirements and impacted site pursuant to Section 1859.83(d)

(C) Using the enrollment determined in (b)(4)(B)1., any Portable Classroom replacement funding provided will be calculated using the Portable Replacement Grant. Any portable toilet facilities provided will be calculated using the Portable Toilet Replacement Grant.

1. Additional funding may be provided, as applicable, for:
 - a. Fire Code Requirements pursuant to 1859.71.2,
 - b. therapy room pursuant to Section 1859.72,
 - c. project assistance pursuant to Section 1859.73.1.
 - d. site acquisition pursuant to 1859.74,
 - e. Hazardous waste removal pursuant to 1859.74.2,
 - f. Applicable site development costs pursuant to 1859.76, and
 - g. Excessive Cost Hardship Grant(s) for geographic location pursuant to Section 1859.83(a),
 - h. New Construction Excessive Cost Hardship Grant(s) for small size projects pursuant to Section 1859.83(b), and
 - i. Excessive Cost Hardship Grant(s) urban location, security requirements and impacted site pursuant to Section 1859.83(d)

(D) If the district qualifies for replacement funding, the funding may be used to rehabilitate the facility as long as the qualifying health and safety threat is fully mitigated. If replacement funding is used for rehabilitation work, the district may request the following supplemental grants, as applicable, for:

1. Fire code requirements pursuant to 1859.71.2 if the funding is based on a per-pupil basis pursuant to 1859.82.1(b)(4)(A),

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2. Therapy room pursuant to Section 1859.72,
3. Project assistance pursuant to Section 1859.73.1.
4. Excessive Cost Hardship Grant(s) for geographic location pursuant to Section 1859.83(a),
5. New Construction Excessive Cost Hardship Grant(s) for small size projects pursuant to Section 1859.83(b), and
6. Excessive Cost Hardship Grant for urban location, security requirements and impacted site pursuant to Section 1859.83(d)

(c) Districts may qualify for funding to rehabilitate their School Buildings, components of School Buildings, or school site conditions. Factors to be considered by the Board may include (1) or (2) below:

- (1) School Buildings where the minimum cost to mitigate the health and safety threat and remain in the School Building is 50 percent or less of the Current Replacement Cost.
- (2) Components of the School Buildings or school sites conditions are causing a health and safety threat to students and/or staff. Health and safety threats that may qualify include, but are not limited to:
 - (A) School Building structural deficiency.
 - (B) Hazardous conditions such as methane, lead, or asbestos mitigation.
 - (C) Unsafe water supply.
 - (D) Site conditions such as faulting, toxic soil, landslide risk, or liquefaction.

(3) To qualify for Facility Hardship rehabilitation funding for School Buildings or components of School Buildings, the district must submit an Approved Application for funding and all documents outlined below. Applications that do not meet the requirements below shall be returned without review.

- (A) A report by an industry specialist 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 view the damage prior to remediation. If the remediation is done prior to a site visit, the application will be ineligible for funding. Requests for asbestos mitigation must include lab test results indicating the asbestos is currently friable, and provides the location, material, and testing methods used.
- (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's report on both 1. and 2. below:

1. An imminent health and safety threat to student and/or staff exists.

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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) or component.

(C) Applications must include a detailed cost estimate that meets the following requirements:

1. The cost estimate must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. The cost estimate shall not include contracted amounts, actual costs paid, or bid amounts, unless the scope of work is not contained in the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. OPSC may also accept other supporting documentation for scope of work not contained in the Sierra West Current Construction Remodeling and Repair Cost publication.
2. All requested line items shall include Construction Specifications Institute (CSI) reference number, description, F3 total unit cost amount, and quantity. Any line items that include amounts in lump-sum formats will not be reviewed and will be disallowed.
3. The work in the cost estimate provided by the licensed design professional shall match the work outlined in the report for the minimum work required to mitigate the health and safety threat.
4. If the project requires DSA plan approval, 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 cost estimate may also include any associated work required by DSA as a result of the mitigation of the health and safety threat.

(D) Facility Hardship applications for School Buildings must also include a cost-benefit analysis. The cost-benefit analysis shall be completed based on the type of the project as outlined below:

1. For permanent buildings, the district must demonstrate the minimum work required to mitigate the health and safety threat and remain in the School Building less than 50 percent of the Current Replacement Cost of the School Building. The minimum work required may include work required by Division of the State Architect to gain approval for the mitigation project.
2. For Portable School Buildings, the district must demonstrate the minimum work required to mitigate the health and safety threat and remain in the portable building is less than the Portable Classroom Replacement Grant. The minimum work required may also include any associated

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work required by DSA as a result of the mitigation of the health and safety threat.

3. Applications that are for necessary components of a site or School Building, such as hazardous water supply, methane mitigation, faulting, liquefaction, landslide potential, friable asbestos, do not require a Cost Benefit Analysis to be submitted.
- (E) All other documents required to complete an Approved Application for funding. This includes:
 1. A completed Application for Funding form SAB 50-04
 2. The DSA Plan Approval letter for the project or documentation from DSA verifying that the project is exempt from their approval process.
 3. CDE Plan Approval letter for the project or documentation from DSA verifying that the project is exempt from their approval process.
 4. If the project is for a high school site, a letter or meeting minutes from the district's Career and Technical Education Advisory Committee (CTEAC) certifying that the district is in compliance with all career technical facility needs and assessments as outlined in Education Code, Section 17070.955
- (4) If the district qualifies for funding to rehabilitate or repair their School Buildings, the district is eligible to receive funding for the project as follows:
 - (A) Rehabilitation Costs provided shall be 60 percent of the eligible costs in the cost estimate required in Section 1859.82.1(c)(3)(C) that has been reviewed by the OPSC and approved by the Board.
 - (B) Applicable supplemental grants may be provided for the following:
 1. project assistance pursuant to Section 1859.73.1.
 2. geographic percentage factor pursuant to 1859.83(a)
 - (d) Any grants provided in accordance to (b) or (c) above shall be adjusted as follows:
 - (1) For projects funded in accordance to (b) above:
 - (A) Reduced for any space deemed available by the Board in the district, HSAA, or Super HSAA that could be used to house some or all of the displaced pupils in the project.
 - (B) Reduced by 50 percent of any insurance proceeds collectable by the district for the project. Any insurance proceeds collected after Apportionment shall be reported to OPSC and the Apportionment will be amended accordingly.
 - (C) Reduced by 50 percent of the net proceeds available from the disposition of the property and/or facilities in the project.

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(2) For projects funded in accordance to (c) above:

(A) 60 percent of any insurance proceeds collectable by the district for the project.

(B) 60 percent of the net proceeds available from the disposition of any displaced facilities in the project.

(e) Adjustments to School Facility Program per-pupil grants.

(1) The district's New Construction Eligibility will be adjusted for any net increase in classroom capacity in the project pursuant to Section 1859.51(i).

(2) The baseline eligibility for modernization as provided in Section 1859.60 will be adjusted for any funding received in accordance to (b) above. The age of the classroom and square footage in the project shall be reset to the date of the Apportionment for the project.

(f) Districts that qualify for Financial Hardship assistance may file an application for design funding, site funding, and determination of program eligibility in advance of construction funding.

(1) To request advanced funding for design for eligible projects, the district must submit an Application for Funding Form SAB 50-04 indicating the request for design funding and all documents listed in Section 1859.82.1(c)(3)(A) through Section 1859.82.1(c)(3)(C)3.

(2) Advanced funding for design shall be provided based on the eligible project type as follows:

(A) For projects receiving funding for advanced design for the replacement of all School Buildings on the project site pursuant to Section 1859.82.1(b)(4)(A), the Board will apportion an amount not to exceed 40 percent of the New Construction Grant less any district funds available for the project pursuant to Section 1859.81(a).

(B) For projects receiving funding for advanced design for at least one but not all School Buildings on the project site pursuant to Section 1859.82.1(b)(4)(B), the Board will apportion an amount not to exceed 40 percent of the Facility Hardship Square Footage Grant less any district funds available for the project pursuant to Section 1859.81(a).

(C) For projects receiving funding for advanced design for Rehabilitation Costs pursuant to Section 1859.82.1(c)(4)(A), the Board will apportion an amount not to exceed 25 percent of the Rehabilitation Costs determined pursuant to Section 1859.82.1(c)(4)(A) less any district funds available for the project pursuant to Section 1859.81(a).

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- (3) Advanced funding for site shall be provided pursuant to 1859.82.1(a)(4)(A)4. the district is eligible for advanced funding for site acquisition as calculated pursuant to 1859.81.1.
- (4) The amount apportioned for advanced design is an estimate of the funds needed for design, engineering, and other pre-construction project costs. Qualifying districts may request a separate apportionment for the design and for site acquisition for the same facility hardship project.
- (5) The district is required to submit an Approved Application for funding and an updated cost estimate for projects funded in accordance to 1859.82.1(c) or site development worksheet for projects funded in accordance to 1859.82.1(b), that reflects the final approved drawings for the project within:
 - (A) 18 months from the date of Apportionment if the project scope will be for repair or replacement on the same site.
 - (B) 24 months from the date of Apportionment if the project scope is for the replacement of School Building(s) which will be located on a replacement site.
- (6) If the district does not submit the Approved Application for funding within the timelines required by Section (2) above, the application will be reduced to eligible costs incurred.
- (7) Upon receipt of the Approved Application, the application will be reviewed for conformance with all program laws and regulations.
- (8) Any funding provided in Section 1859.82.1 shall be offset by any funding previously provided for the project.

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 Division of the State Architect 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

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funded in the order of receipt of an Approved Application for funding. Any grants provided for the purpose of this section shall be provided as a new construction project and allocated on a 50 percent state share basis.

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

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

- (b) To qualify for replacement funding for School Buildings, the district must submit an Approved Application for funding based on their specific circumstances in accordance to either (1) or (2) below:
 - (1) For School Buildings that are lost, destroyed, or unable to be repaired the district must submit:
 - (A) A report from a licensed design professional identifying the School Buildings that are the Most Vulnerable Category 2 building(s) and;
 - (B) DSA letter(s) of concurrence to the findings in the report required in (b)(1)(A);
 - (C) If the collapse potential is due to faulting, liquefaction, or landslide, or if it is otherwise required by DSA for project approval, the district must submit 1. and 2. Below:
 1. A geological hazards report prepared by an engineering geologist indicating the potential for building displacement and recommended site improvements to mitigate the hazard
 2. Concurrence to the report from the California Geological Survey.

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

(2) For School Buildings with interior square footage to be mitigated, the district must submit:

(A) A report from a licensed design professional identifying the structural deficiencies that pose an unacceptable risk of injury to its occupants in a seismic event and the minimum mitigation work necessary to obtain DSA approval.

(B) DSA letter(s) of concurrence to the report

(C) If the collapse potential is due to faulting, liquefaction, or landslide, or if it is otherwise required by DSA for project approval the district must submit 1. and 2. below:

1. A geological hazards report prepared by an engineering geologist indicating the potential for building displacement and recommended site improvements to mitigate the hazard
2. Concurrence to the report from the California Geological Survey.

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

(E) A cost/benefit analysis that demonstrates that the minimum work to mitigate the seismic threat and remain in the School Building(s) exceeds 50 percent of the Current Replacement Cost.

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

1. A completed Application for Funding Form SAB 50-04,
2. The DSA Plan Approval letter for the project or documentation from DSA verifying that the project is exempt from their approval process,
3. CDE Plan Approval letter for the project or documentation from DSA verifying that the project is exempt from their approval process,
4. If the project is for a high school site, a letter or meeting minutes from the district's Career and Technical Education Advisory Committee (CTEAC) certifying that the district is in compliance with all career technical facility needs and assessments as outlined in Education Code, Section 17070.955.

(3) Applications for seismic mitigation replacement funding that do not meet the requirements of (1) or (2) above shall be returned without review.

(4) If the district qualifies for Replacement funding in accordance to (a)(1) or (a)(2) above, the district is eligible to receive funding for the project as follows:

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(A) If the district is required to replace the entire site and relocate to a new site, the district is eligible to receive funding as follows:

1. A New Construction Grant will be provided for the lesser of 2. or 3. below.
 2. The classroom capacity determined by multiplying the number of classrooms on the project site being replaced by:
 - a. 25 pupils for each K-6 classroom.
 - b. 27 pupils for each 7-12 classroom.
 - c. 13 pupils for each Non-Severely Disabled Individuals with Exceptional Needs classroom.
 - d. 9 pupils for each Severely Disabled Individuals with Exceptional Needs classroom.
 3. The higher of a., b., or c. below:
 - a. The CBEDS Report of the current enrollment reporting year at the existing project site.
 - b. The average CBEDS Report of the current enrollment reporting year and two immediately preceding enrollment reporting years at the existing project site.
 - c. If the site is closed, use the CBEDS Report of the last enrollment reporting year in which the site was open.
4. Additional funding may be provided, as applicable, for:
 - a. Fire code requirements pursuant to 1859.71.2,
 - b. therapy room pursuant to Section 1859.72,
 - c. multilevel construction pursuant to Section 1859.73,
 - d. project assistance pursuant to Section 1859.73.1.
 - e. replacement with multistory construction pursuant to Section 1859.73.2,
 - f. site acquisition pursuant to 1859.74,
 - g. Hazardous waste removal pursuant to 1859.74.2,
 - h. Applicable site development costs pursuant to 1859.76, and
 - i. New construction Excessive Cost Hardship Grant for geographic location pursuant to Section 1859.83(a),
 - j. New construction Excessive Cost Hardship Grant for small size projects pursuant to Section 1859.83(b)
 - k. New construction Excessive Cost Hardship Grant for new school projects pursuant to Section 1859.83(c)
 - l. New construction Excessive Cost Hardship Grant urban location, security requirements and impacted site pursuant to Section 1859.83(d)

(B) If the district qualifies to replace some but not all School Buildings on the project site, funding will be based on the Square Footage of the

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School Buildings replaced and is capped by the lesser of the amount provided in accordance to the chart below and the Square Footage constructed for each category as justified by enrollment at the project site as follows:

1. The enrollment at the project site, is determined by the higher of a. or b. below, or c.:
 - a. The CBEDS Report of the current enrollment reporting year at the existing project site.
 - b. The average CBEDS Report of the current enrollment reporting year and two immediately preceding enrollment reporting years at the existing project site.
 - c. If the site is closed, use the CBEDS Report of the last enrollment reporting year in which the site was open.
2. Using the enrollment determined in 1. any permanent replacement Square Footage provided in accordance to a. and b. below will be calculated in accordance to the chart below.
 - a. Non-specialized classroom space provided is limited by the enrollment determined in 1859.82.2(b)(4)(B)1. rounded up to the nearest whole classroom based on 1859.82.1(b)(4)(A)(2), and reduced for any space available to house the displaced pupils.
 - b. Classrooms with specialized design such as auto shop, metal shop, music rooms, consumer home economic laboratories, industrial technology laboratories, or science laboratories will qualify for funding if used for its specialized purpose in the current enrollment reporting year or immediately preceding enrollment reporting year. Additionally, these spaces will not count as available capacity for purposes of providing funding in this section when calculating space available to house displaced pupils.
 - c. Any space not in the chart below will be provided based on the Square Footage replaced. This may include but is not limited to janitor's closets, hallways, workrooms, and vestibules.

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

d. Beginning in 2020 the resulting Square Footage amount(s) shall be multiplied by \$204 per square foot for all non-Toilet Facilities and by \$366 per square foot for Toilet Facilities (includes shower/locker area and physical therapy area for Individuals with Exceptional Needs).

3. Additional funding may be provided, as applicable, for:

a. therapy room pursuant to Section 1859.72,

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- b. multilevel construction pursuant to Section 1859.73,
project assistance pursuant to Section 1859.73.1.
- d. replacement with multistory construction pursuant to Section 1859.73.2,
- e. site acquisition pursuant to 1859.74,
- f. Hazardous waste removal pursuant to 1859.74.2,
- g. Applicable site development costs pursuant to 1859.76, and
- h. Excessive Cost Hardship Grant for geographic location pursuant to Section 1859.83(a), and
- i. Excessive Cost Hardship Grant for small size projects pursuant to Section 1859.83(b)

(C) If the district qualifies for replacement funding, the funding may be used to rehabilitate the facility as long as the seismic hazard is fully mitigated. If replacement funding is used for rehabilitation work, the district may request the following supplemental grants, as applicable, for:

- 1. Fire code requirements pursuant to 1859.71.2 if the funding is based on a per-pupil basis pursuant to 1859.82.1(b)(4)(A),
- 2. Therapy room pursuant to Section 1859.72,
- 3. Project assistance pursuant to Section 1859.73.1.
- 4. Excessive Cost Hardship Grant for geographic location pursuant to Section 1859.83(a),
- 5. Excessive Cost Hardship Grant for small size projects pursuant to Section 1859.83(b), and
- 6. Excessive Cost Hardship Grant for urban location, security requirements and impacted site pursuant to Section 1859.83(d)

(c) Districts may qualify for seismic mitigation funding to rehabilitate their School Buildings including lunch shelters and covered walkways, exterior square footage of School Buildings, or site conditions. Factors to be considered by the Board may include (1) or (2) below:

- (1) School Buildings where the minimum cost to rehabilitate and remain in the School Building is 50 percent or less of the Current Replacement Cost.
- (2) Square footage of the Most Vulnerable Category 2 School Buildings, covered walkways, and lunch shelters that need repair or replacement to mitigate a collapse potential in the event of seismic activity as confirmed by the DSA.
- (3) To qualify for seismic mitigation rehabilitation funding, the district must submit an Approved Application for funding as well as all documents outlined below. Applications that do not meet these requirements will be returned without review.

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- (A) A report from a licensed design professional identifying the structural deficiencies that pose an unacceptable risk of injury to its occupants in a seismic event and the minimum mitigation work necessary to obtain DSA approval.
- (B) DSA letter(s) that concur to the findings and minimum mitigation work outlined in the report required by (b)(1)(A).
- (C) If the collapse potential is due to faulting, liquefaction, or landslide, or if it is otherwise required by DSA for project approval, the district must submit 1. and 2. below:
 - 1. A geological hazards report prepared by an engineering geologist in accordance with California Building Code, Part 2, Chapter 18, section 1803A and with the concurrence of the California Geological Survey.
 - 2. Concurrence to the report in 1. from the California Geological Survey.
- (D) The cost estimate which was submitted to and approved by DSA for the minimum work required to mitigate the seismic threat. The detailed cost estimates must meet the following requirements:
 - 1. The district must submit a cost estimate with all applicable sections completed. The cost estimate shall not include contracted amounts, actual costs paid, or bid amounts.
 - 2. All requested line items shall include Construction Specifications Institute reference number (CSI #), description, quantity, unit, cost per unit, and District's request. Any line items that include amounts in lump-sum formats will not be reviewed or approved.
 - 3. The work in the cost estimate shall match the work outlined in the report provided by the licensed design professional for the minimum work required to mitigate the seismic threat. 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.
 - 4. The cost estimate may also include any ancillary work required by DSA to obtain plan approval for the minimum work required to mitigate the seismic threat.
- (E) All other documents required to complete an Approved Application for funding. This includes:
 - 1. A completed Application for Funding form SAB 50-04
 - 2. The DSA Plan Approval letter for the project or documentation from DSA verifying that the project is exempt from their approval process.
 - 3. CDE Plan Approval letter for the project or documentation from DSA verifying that the project is exempt from their approval process.

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4. If the project is for a high school site, a letter or meeting minutes from the district's Career and Technical Education Advisory Committee (CTEAC) certifying that the district is in compliance with all career technical facility needs and assessments as outlined in Education Code, Section 17070.955.
- (4) If the district qualifies for seismic mitigation funding to repair their permanent School Buildings, the district is eligible to receive funding for the project as follows:
 - (A) Rehabilitation Costs provided shall be 50 percent of the eligible costs in the cost estimate required in Section 1859.82.2(c)(3)(D) that have been reviewed by the OPSC and approved by the Board.
 - (B) Applicable supplemental grants may be provided for the following:
 1. project assistance pursuant to Section 1859.73.1.,
 2. Excessive Cost Hardship Grant for geographic location pursuant to 1859.83(a), and
 3. Excessive Cost Hardship Grant for accessibility and fire code requirements in accordance to 1859.83(e)(3).
 - (d) Any grants provided in accordance to (b) or (c) above shall be adjusted as follows:
 - (1) For projects funded in accordance to (b) above:
 - (A) Reduced for any space deemed available by the Board in the district, HSAA, or Super HSAA that could be used to house some or all of the displaced pupils in the project,
 - (B) Reduced by 50 percent of any insurance proceeds collected by the district for the project. Any insurance proceeds collected after Apportionment shall be reported to OPSC and the Apportionment will be amended accordingly.
 - (C) Reduced by 50 percent of the net proceeds available from the disposition of the property and/or facilities in the project.
 - (2) For projects funded in accordance to (c) above:
 - (A) 50 percent of any insurance proceeds collectable by the district for the project.
 - (B) 50 percent of the net proceeds available from the disposition of any displaced facilities in the project.
 - (e) Adjustments to School Facility Program per-pupil grants.
 - (1) The district's New Construction Eligibility will be adjusted for any net increase in classroom capacity in the project pursuant to Section 1859.51(i).

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(2) The baseline eligibility for modernization as provided in Section 1859.60 will be adjusted for any funding received in accordance to (b) above. The age of the classroom and Square Footage in the project shall be reset to the date of the Apportionment for the project.

(f) Districts that qualify for Financial Hardship assistance may file an application for design funding, site funding, and determination of program eligibility in advance of construction funding.

(1) To request advanced funding for design for eligible projects, the district must submit an Application for Funding Form SAB 50-04 indicating the request for design funding and all documents listed in Section 1859.82.2(c)(3)(A) through Section 1859.82.2(c)(3)(D)3.

(2) Advanced funding for design shall be provided based on the eligible project type as follows:

(A) For projects receiving funding for advanced design for the replacement of all School Buildings on the project site pursuant to Section 1859.82.2(b)(4)(A), the Board will apportion an amount not to exceed 40 percent of the New Construction Grant less any district funds available for the project pursuant to Section 1859.81(a).

(B) For projects receiving funding for advanced design for at least one but not all School Buildings on the project site pursuant to Section 1859.82.2(b)(4)(B), the Board will apportion an amount not to exceed 40 percent of the Facility Hardship Square Footage Grant less any district funds available for the project pursuant to Section 1859.81(a).

(C) For projects receiving funding for advanced design for a Seismic Rehabilitation Grant pursuant to Section 1859.82.2(c), the Board will apportion an amount not to exceed 25 percent of the Rehabilitation Costs determined pursuant to Section 1859.82.2(c)(4)(A) less any district funds available for the project pursuant to Section 1859.81(a).

(3) Advanced funding for site shall be provided pursuant to 1859.82.1(a)(4)(A)4. the district is eligible for advanced funding for site acquisition as calculated pursuant to 1859.81.1.

(4) The amount apportioned for advanced design is an estimate of the funds needed for design, engineering, and other pre-construction project costs. Qualifying districts may request a separate apportionment for the design and for site acquisition for the same seismic mitigation project.

(5) The district is required to submit an Approved Application for funding and an updated cost estimate for projects funded in accordance to 1859.82.2(c) or site development worksheet for projects funded in

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accordance to 1859.82.2(b), that reflects the final approved drawings for the project within:

- (A) 18 months from the date of Apportionment if the project scope will be for repair or replacement on the same site.
- (B) 24 months from the date of Apportionment if the project scope is for the replacement of School Building(s) which will be located on a replacement site.
- (6) If the district does not submit the Approved Application for funding within the timelines required by Section (2) above, the application will be reduced to eligible costs incurred.
- (7) Upon receipt of the Approved Application, the application will be reviewed for conformance with all program laws and regulations.
- (8) Any funding provided in Section 1859.82.2 shall be offset by any advanced design funding previously provided for the project pursuant to Section 1859.82.2(f)(2)

Section 1859.83. Excessive Cost Hardship Grant.

...

(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, 1859.82(a) and (b), 1859.83(b), (c), (d) and (e) (f) and 1859.125(a)(1) through (a)(2).

...

(b) Excessive Cost for Projects that House No More than 200 Pupils (Small Size Projects).

- (1) Excluding Joint-Use Projects and grant requests pursuant to Section 1859.79.3(a)(1) or (a)(2), if the project will house less fewer than 101 pupils, the district is eligible for an Excessive Cost Hardship Grant equal to

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12 percent of the funding provided by the New Construction Grant or 12 percent of the funding provided by the Modernization Grant.

(2) Excluding Joint-Use Projects and grant requests pursuant to Section 1859.79.3(a)(1) or (a)(2), if the project will house ~~between greater than 100~~ 101 and ~~fewer than 201~~ 200 pupils, the district is eligible for an Excessive Cost Hardship Grant equal to four percent of the funding provided by the New Construction Grant or four percent of the funding provided by the Modernization Grant.

(3) A Type I Joint-Use Project and a Type II, part of a qualifying SFP Modernization project, Joint-Use Project is eligible for an Excessive Cost Hardship Grant equal to:

(A) 12 percent of the funding provided by Section 1859.125(a)(1) through (a)(2), if the qualifying SFP New Construction or Modernization project pursuant to Section 1859.123 or 1859.123.1 will house ~~less~~fewer than 101 pupils.

(B) Four percent of the funding provided by Section 1859.125(a)(1) through (a)(2), if the qualifying SFP New Construction or Modernization project pursuant to Section 1859.123 or 1859.123.1 will house ~~between greater than 100~~ 101 and ~~fewer than 201~~ 200 pupils.

(4) A Type II Joint-Use Project, not part of a qualifying SFP Modernization project, is eligible for an Excessive Cost Hardship Grant equal to eight percent of the funding provided by Section 1859.125(a)(1) through (a)(2).

(5) A grant request pursuant to Section 1859.79.3(a)(1) or (a)(2) and ~~less~~ fewer than 101 pupils is eligible for an Excessive Cost Hardship Grant equal to four percent of the funding provided by the Modernization Grant.

(6) A Facility Hardship project that is eligible to receive funding pursuant to 1859.82.1(b)(4)(B), 1859.82.1(b)(4)(C), or 1859.82.2(b)(4)(B), may request an Excessive Cost Hardship Grant for small size project if the following qualifications are met:

(A) For the purposes of determining qualification for (6)(B) or (6)(C) below:

(1) Calculate the Facility Hardship Square Footage Grant pursuant to section 1859.82.1(b)(4)(B). If the Facility Hardship project is for the replacement of portable space, calculate the sum of the Portable

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Replacement Grant and Portable Toilet Replacement Grant pursuant to section 1859.82.1(b)(4)(C).

(2) Divide the amount determined in (6)(A)(1) by the New Construction Grant at the time the project is approved by the Board, for the highest grade level served at the site.

(3) Round the quotient to the nearest whole number.

(B) The District is eligible for an Excessive Cost Hardship Grant equivalent to 12 percent of the funding provided by the Facility Hardship Square Footage Grant if the calculated result of Section (6)(A) above is fewer than 101.

(C) The District is eligible for an Excessive Cost Hardship Grant equivalent to four percent of the funding provided by the Facility Hardship Square Footage Grant if the calculated result of Section (6)(A) above is greater than 100 and fewer than 201.

...

1859.83.(c) Excessive Cost to Construct a New School Project

...

(2) Excessive Cost Hardship Grants for Alternative Education schools for which the plans and specifications for the project were accepted by the DSA on or after March 24, 2004, or for any Alternative Education schools for which the plans and specifications for the project were accepted by the DSA prior to March 24, 2004 and in lieu of choosing funding under Section 1859.82(c)(1)1859.83(c)(1), may request funding as follows:

...

~~1859.83(e) Excessive Cost for rehabilitation of facilities the Board has determined are a health and safety risk to the pupils pursuant to Section 1859.82(a)(1) and the cost/benefit analysis to mitigate the problem and remain in the facility is less than 50 percent of the Current Replacement Cost of the facility. The cost/benefit analysis shall not include increased costs associated with high performance related costs or components, with the exception of those high performance components that were pre-existing~~

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in the classroom or related facility. If the district qualifies, the district is eligible for funding of Rehabilitation Costs as a modernization project. If the Approved Application is received on or before April 29, 2002, the grant amount provided is 80 percent of the amount of the cost estimate required in Section 1859.82(a)(1) that has been reviewed by the OPSC and approved by the Board. If the Approved Application is received after April 29, 2002, the grant amount provided is 60 percent of the amount of the cost estimate required in Section 1859.82(a)(1) that has been reviewed by the OPSC and approved by the Board. An additional grant may be provided for high performance incentive pursuant to Section 1859.77.4 provided that the high performance points attained are related to the scope of the Facility Hardship project. For any project funded in whole or in part from Proposition 47 or Proposition 55 for which the construction contract is awarded prior to January 1, 2012, the district may be eligible for the funding provided to initiate and enforce a LCP as prescribed in Section 1859.78.1(a). For any project for which the construction contract is awarded on January 1, 2012 through June 19, 2014, the grant may be adjusted in the manner prescribed in Section 1859.78.1(b) and subject to the limitations established in Section 1859.78.1(c).

(f) (e) Excessive cost due to accessibility and fire code requirements:

...

Section 1859.90.3. Participation in the Priority Funding Process.

This section applies to Applications for funding for new construction, modernization, Overcrowding Relief Grant, Career Technical Education Facilities Program, Facility Hardship pursuant to Section 1859.82.1 and 1859.82.2, Facility Hardship pursuant to Section 1859.82 and rehabilitation pursuant to Section 1859.83(e), and Charter School Facilities Program, excluding advance release of design and/or site acquisition funds from a Preliminary Charter School Apportionment.

(a) For each Application on the Unfunded List (Lack of AB 55 Loans) for new construction, modernization, Facility Hardship pursuant to Section 1859.82.1 or 1859.82.2, 1859.82. or rehabilitation pursuant to Section 1859.83(e), the occurrences of (1) or (2) below shall be limited after the effective date of this regulation section [March 25, 2013]. For each Application on the Unfunded List (Lack of AB 55 Loans) for Overcrowding Relief Grant, Career Technical Education Facilities Program, and Charter School Facilities Program, excluding advance release of design and/or site

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acquisition funds from a Preliminary Charter School Apportionment, the occurrences of (1) or (2) below shall be limited after the effective date of this regulation section [October 1, 2014]

...

Section 1859.91. Implementation of Priority Points Due to Insufficient State Funds. (Repealed)

~~This Regulation shall only apply to Approved Applications for New Construction Grants funded with the proceeds of state bonds approved by the voters prior to January 1, 2002.~~

~~(a) The OPSC shall report to the Board on a monthly basis the amount of funds available for New Construction Grants and Modernization Grants and the estimated amount of Approved Applications for New Construction Grants and Modernization Grants not yet apportioned. The Board shall implement a priority point mechanism described in (b) for New Construction Grants requests when either of the following occur: (1) The amount of Approved Applications for New Construction Grants and Modernization Grants not yet apportioned exceed the funds available for New Construction Grants and Modernization Grants.~~

~~(2) The funds available for New Construction Grants are \$300 million or less.~~

~~(b) Once either (1) or (2) in (a) occurs, the Board shall approve and apportion the funds available for New Construction Grants requests based on the following priority point mechanism: (1) From the funds available for New Construction Grants, the Board shall establish a final allotment equal to the lesser of \$450 million or the balance of the funds available for New Construction Grants, to be apportioned in accordance with (2) below. After deducting the final allotment, the Board shall divide the remaining funds into seven equal allotments, to be apportioned on a quarterly basis, commencing with the last quarter of calendar year 2000 and ending the second quarter of calendar year 2002. Quarterly apportionments are subject to the following: (A) The Board shall apportion Approved Applications for New Construction Grants requests received prior to the beginning of the quarter that are Ready for Apportionment, all New Construction Grants requests that were included on an Unfunded List and New Construction Grants requests that meet the criteria of subsection (d), until the funds available for New Construction Grants for that quarter are exhausted. New Construction Grants requests eligible for an apportionment~~

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shall be apportioned in the following order: To projects that meet the criteria of subsection (d) where the Approved Application date adjusted back in time would have qualified the project for an apportionment.

To projects exempt from priority points pursuant to Section 1859.92(e).

To projects having the greatest number of priority points.

(B) If two or more projects have the same number of priority points, those projects shall be first ranked according to the Approved Application date.

(C) No New Construction Grants request will be recommended for apportionment unless the project can be entirely apportioned from the funds available for that quarter.

(D) If the Approved Applications for New Construction Grants received prior to the quarter that are Ready for Apportionment, all New Construction Grants requests that were included on an Unfunded List prior to the quarter and New Construction Grants requests that meet the criteria of subsection (d) are less than the quarterly allotment, plus any funds remaining from the previous quarter(s), the excess funds shall be added to the next quarterly allotment.

(E) If the Approved Applications for New Construction Grants requests received prior to the quarter that are Ready for Apportionment, all New Construction Grants requests that were included on an Unfunded List prior to the quarter and New Construction Grants requests that meet the criteria of subsection (d) are greater than the quarterly allotment, plus any funds remaining from the previous quarter(s), any New Construction Grants requests not apportioned by the Board shall be placed on an Unfunded List.

(F) All New Construction Grants requests, as described in (A) above, that are Ready for Apportionment in a quarter shall not be apportioned before the last regularly scheduled Board meeting for that quarter with the exception of New Construction Grants requests that meet the criteria of subsection (b)(1)(A)(1) or (2). Any New Construction Grants request that is Ready for Apportionment in a quarter that meets the criteria of subsection (b)(1)(A)(1) or (2) may be apportioned at any of the regularly scheduled Board meetings during that quarter.

(2) The final allotment shall be apportioned subject to the following: (A) The Board shall apportion Approved Applications for New Construction Grants received between April 1, 2002 and June 26, 2002 that are Ready for Apportionment, all New Construction Grants requests that were included on an Unfunded List and New Construction Grants requests that meet the criteria of subsection (e), until the final allotment, plus any funds remaining

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from the previous quarters are exhausted. New Construction Grants requests eligible for an apportionment shall be apportioned in the following order: To projects that meet the criteria of subsection (e) where the Approved Application date adjusted back in time would have qualified the project for an apportionment.

To projects exempt from priority points pursuant to Section 1859.92(e).

To projects having the greatest number of priority points.

(B) If two or more projects have the same number of priority points, those projects shall be first ranked according to the Approved Application date.

(C) If the Approved Applications for New Construction Grants received between April 1, 2002 and June 26, 2002 that are Ready for

Apportionment, all New Construction Grants requests that were included on an Unfunded List and New Construction Grants requests that meet the criteria of subsection (e) are greater than the final allotment, plus any remaining funds from the previous quarter(s), any New Construction Grants request not apportioned by the Board shall be placed on an Unfunded List.

(D) All New Construction Grants requests, as described in (A) above, that are Ready for Apportionment shall be apportioned at the regularly scheduled Board meeting in August 2002 with the exception of New

Construction Grants requests that meet the criteria of subsection

(b)(2)(A)(1) or (2). Any New Construction Grants request that is Ready for Apportionment that meets the criteria of subsection (b)(2)(A)(1) or (2) may be apportioned at either the regularly scheduled Board meetings in July or August 2002.

(E) If the Approved Applications for New Construction Grants received between April 1, 2002 and June 26, 2002 that are Ready for

Apportionment, all New Construction Grants requests that were included on an Unfunded List and New Construction Grants requests that meet the criteria of subsection (e) are less than the final allotment, plus any remaining funds from the previous quarter(s), the excess funds shall be apportioned on a monthly basis beginning in September 2002 for Approved Applications for New Construction Grants received after June 26, 2002 that are Ready for Apportionment, in descending order, commencing with the project having the greatest number of priority points. This process shall continue until the funds available are exhausted. If two or more projects have the same number of priority points, those projects shall be first ranked according to the Approved Application date.

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(c) Approved Applications for New Construction Grants requests received during a quarter may, at the discretion of the Board, be considered for funding available for that quarter or a future quarter if all the following criteria are met: (1) Either the Executive Officer of the Board, the State Architect, the Director of School Facilities Planning Division within the CDE, or the Chief of the School Property Evaluation and Cleanup Division within the Department of Toxic Substances Control (DTSC) certify to the OPSC that the district's application was delayed for a specified number of calendar days in relation to other similar applications submitted to that agency at the same time.

(2) The Approved Application date adjusted back in time for the number of calendar days the application was delayed is prior to the beginning of the quarter in which the application was received.

(d) Approved Applications for New Construction Grants requests received after June 26 2002 may, at the discretion of the Board, be considered for funding available for the final allotment if all the following criteria are met:

(1) Either the Executive Officer of the Board, the State Architect, the Director of School Facilities Planning Division within the CDE, or the Chief of the School Property Evaluation and Cleanup Division within the DTSC certify to the OPSC that the district's application was delayed for a specified number of calendar days in relation to other similar applications submitted to that agency at the same time.

(2) The Approved Application date adjusted back in time for the number of calendar days the application was delayed is prior to June 27, 2002.

Note: Authority cited: Sections 17072.25 and 17070.35, Education Code.

Reference: Section 17072.25, Education Code.

Section 1859.92. Priority Points For New Construction Projects. (Repealed)

This Regulation shall only apply to Approved Applications for New Construction Grants funded with the proceeds of state bonds approved by the voters prior to January 1, 2002.

The priority points allowed for a New Construction Grants request shall be based on the following computations rounded up to the nearest whole number. The computation shall be made on a districtwide basis if the district utilized districtwide CBEDS enrollment data reported on the Form SAB 50-01 in effect at the time the district's application for funding was

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submitted to the OPSC for the project. When multiple applications have the same Approved Application date, or have an Approved Application date which permits the projects to be Ready for Apportionment in the same quarter when priority points are implemented as provided in Section 1859.91, the priority order shall be as requested by the district on the Form SAB 50-04. The computation shall be made on a HSAA or Super HSAA basis if the district utilized HSAA or Super HSAA CBEDS enrollment data reported on the Form SAB 50-01 in effect at the time the district's application for funding was submitted to the OPSC for the project.

Notwithstanding the provisions of Section 1859.41, a district that has previously reported its enrollment on a HSAA or Super HSAA basis may calculate both its eligibility and its priority points on a districtwide basis. A project shall receive priority points based on the total of (a), (b) and (c):

- (a) Priority points for the percent of unhoused pupils for both of the following:
 - (1) Six points for each percent of current unhoused pupils.
 - (2) Four points for each percent of projected unhoused pupils.
- (b) Priority points for the number of unhoused pupils for both of the following: (1) One point for each 100 currently unhoused pupils.
 - (2) One point for each 200 projected unhoused pupils.
- (c) A maximum of 100 priority points for the following: (1) Twenty points if the district's CBEDS enrollment at the time of application submittal to the OPSC for funding is less than 2,501.
 - (2) Twenty points for a County Superintendent of Schools' project that only includes classroom space solely for Non Severely Disabled Individuals with Exceptional Needs.
 - (3) Twenty points if the site acreage for the project is less than 50 percent of the site size recommended by the CDE for the master planned pupil capacity.
 - (4) Twenty points for a project that either used "stock plans" pursuant to Education Code Section 17070.33(b)(6) or re-used plans that were previously used to construct at least two other schools.
 - (5) Twenty points if the district's CBEDS enrollment at the time of application submittal to the OPSC for funding is less than 301.
 - (6) Twenty points for a project that uses 20 percent less energy than the Energy Budget as defined and calculated in a manner consistent with the California Energy Code, Part 6, Subchapter 5, Section 141—Performance Approach: Energy Budgets.

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- (7) Twenty points for a project that is a new high school serving any grades nine through twelve.
- (8) Twenty points for a project that received financial hardship assistance pursuant to Section 1859.81.
- (9) Twenty points for a project where the site acquisition qualified and received an apportionment authorized under Section 1859.75.1, Separate Site Apportionment for Environmental Hardship.
- (10) One hundred points if the Approved Application was accepted prior to the date the priority point mechanism is implemented by the Board pursuant to Section 1859.91(a)(1) or (a)(2).
- (d) The calculation of priority points in (a), (b) and (c) above shall be determined at the time the Approved Application is accepted.
- (e) The following projects are exempt from priority points: (1) A project that received Facility Hardship approval pursuant to Section 1859.82.
- (2) A county superintendent of schools' project that includes classroom space for Severely Disabled Individuals with Exceptional Needs.
- (3) A county superintendent of schools' project that only includes classroom space solely for community school pupils.
- (4) A school district's project that only includes classroom space solely for Severely Disabled Individuals with Exceptional Needs.
- (f) The project received a separate site and/or design apportionment under the provisions of the LPP or pursuant to Sections 1859.75.1 or 1859.81.1, the district's funding priority of the project shall be determined by the Approved Application date for the New Construction Adjusted Grant or separate site funding request filed pursuant to Section 1859.81.1 (a) or 1859.75.1. If separate site funding requests have been submitted, the funding priority of the project shall be determined by the CBEDS enrollment data utilized for those applications.

Note: Authority cited: Sections 17070.35, 17072.25 and 100420(d), Education Code.

Reference: Sections 17070.33 and 17072.25, Education Code.

Section 1859.93. Modernization Project Funding Order.

Applications shall be funded as follows:

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(a) First, to applications for Facility Hardship rehabilitation projects Rehabilitation pursuant to Sections 1859.82.1(c) and 1859.82.2(c) 1859.83(e) in order of receipt of an Approved Application for funding; then, (b) If there are no applications pursuant to subsection (a), to applications for modernization funds in order of receipt of an Approved Application for funding.

...

Section 1859.94. Hardship Funding. (Repealed)

(a) Hardship assistance provided as a part of a New Construction Grant shall be subject to the same priority point determination as the New Construction Grant.

(b) To the extent that hardship funds are available, the Board may elect to specifically set aside funding for financial hardship grants as provided in Section 1859.81, facility hardship grants as provided in Section 1859.82 or Excessive Cost Hardship Grants as provided in Section 1859.83.

(c) Should a district request hardship funding for either a financial hardship grant pursuant to Section 1859.81, a facility hardship grant pursuant to Section 1859.82 or an Excessive Cost Hardship Grant pursuant to Section 1859.83 and the Board has no funds to allocate for that specific hardship, the district may elect to either:

(1) Accept funding for the project less any hardship funding grants that are not available. When this option is selected, the hardship funding grants not allocated for the project shall be placed on the Unfunded List. If the project was previously placed on the Unfunded List, the project shall retain the original date it was placed on that Unfunded List.

(2) Decline to accept funding for the project. When this option is selected, the project shall be placed on the Unfunded List. If the project was previously placed on the Unfunded List, the project shall retain the original date it was placed on that Unfunded List.

A project or portion of a new construction project not funded as a result of subdivision (c) shall be subject to the Board's priority mechanism pursuant to Section 1859.91 and 1859.92.

Note: Authority cited: Sections 17075.15 and 17070.35, Education Code.

Reference: Section 17075.15, Education Code.

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Section 1859.106. Program Accountability Expenditure Audit.

...

An adjustment in the SFP grant will be made for the following:

...

~~(b) For 50 percent of any insurance proceeds collectable by the district for displaced facilities and 50 percent of the net proceeds available from the disposition of displaced facilities pursuant to Section 82(a) or (b)~~

(b) For any insurance proceeds collectable by the district for displaced facilities and net proceeds available from the disposition of displaced facilities pursuant to Section 1859.82.1(d) and 1859.82.2(d).

(c) For any project that received funding pursuant to 1859.71.4(c) or 1859.78.1(b), 50 percent of one-fourth of one percent of the difference between the original Total Projected Bond Apportionment and the newly calculated amount.

(d) Any adjustments made pursuant to this Section will be made only if sufficient bond authority is available for the adjustment. If an Unfunded List has been created by the Board, then any adjustments made pursuant to this Section will be placed on the Unfunded List.

...