

OFFICE OF PUBLIC SCHOOL CONSTRUCTION  
STAKEHOLDER MEETING  
June 26, 2025

IMPLEMENTATION OF PROPOSITION 2 FOR THE SCHOOL FACILITY PROGRAM

PURPOSE

The purpose of this meeting is to continue discussion with stakeholders on the implementation of the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2), and to discuss and collect feedback on proposed amendments to the School Facility Program (SFP) Regulations for the following topics that were discussed at the April 17, 2025 stakeholder meeting:

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

BACKGROUND

*Proposition 2 and SFP Regulations*

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

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

AUTHORITY

See Attachments A8a and A9a.

SUMMARY AND NEXT STEPS

For the Small Size School District Program and Energy Efficiency Supplemental Grant, stakeholder feedback received from the April 17, 2025 meeting may be found on Attachment B.

Staff will review any feedback on these two topics obtained in today's meeting and anything received through close of business on Friday, July 11, 2025 and will address those suggestions in the next public meeting on the corresponding topic.

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

## ATTACHMENT A8

### OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING June 26, 2025

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

##### PURPOSE

To continue to discuss and receive stakeholder feedback regarding proposed implementation plans for the new Small School District Program (Program) within the School Facility Program (SFP). This new program was authorized by the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2), which was approved by a majority of California's voters on November 5, 2024.

##### AUTHORITY

See Attachment A8a.

##### DESCRIPTION

This report continues discussion of the implementation plans for the new Program. Prior stakeholder meetings for this topic were held on February 13, 2025 and April 17, 2025. This report includes proposed regulations for this new Program and a few additional topics, considerations, and proposals for which the Office of Public School Construction (OPSC) requests stakeholder feedback.

Attachment A8b includes the proposed regulations for this new Program. The proposed regulations sections are SFP Regulation Sections 1859.156 through 1859.158. Additional regulatory language has been added to SFP Regulation Sections 1859.2, 1859.90.2, and 1859.90.3.

##### BACKGROUND

###### *Stakeholder Feedback*

On February 13, 2025 and April 17, 2025, OPSC held public meetings to discuss proposed criteria for the new Program. OPSC seeks stakeholder input on any topics presented in this item.

The full text of the prior stakeholder meeting items can be found at the links below:  
[February 13, 2025 OPSC Proposition 2 Stakeholder Meeting #2 - Item](#)  
[April 17, 2025 OPSC Proposition 2 Stakeholder Meeting #9 - Item](#)

## BACKGROUND (cont.)

The recordings from the stakeholder meetings are available at the links below. They include feedback that OPSC was able to respond to at the time of the meetings, which have all been considered and some of which have been incorporated into the proposed regulations:

[February 13, 2025 OPSC Proposition 2 Stakeholder Meeting #2 - Recording](#)  
[April 17, 2025 OPSC Proposition 2 Stakeholder Meeting #9 - Recording](#)

## STAFF ANALYSIS/DISCUSSION

No additional written questions or feedback was received by OPSC since the April 17, 2025 stakeholder meeting; however, staff met with the Small School District Association twice to discuss the prior items and the Program. Therefore, this item reflects those discussions as staff continues the development of the Program. This item contains proposed regulations for this new Program and a few additional topics, considerations, and proposals for which OPSC requests stakeholder feedback.

### **Summary of Proposed SFP Regulatory Amendments**

Staff proposes new definitions under SFP Regulation Section 1859.2 for the Final Small School District Program Apportionment; a new State Allocation Board (SAB) form, the *Application for Small School District Program Preliminary Apportionment* (Form SAB 50-12); the Preliminary Small School District Program Apportionment; and the new Project and Construction Management Grant.

Staff proposes regulatory amendments to SFP Regulation Sections 1859.90.2 and 1859.90.3 to make the existing Priority Funding process to request an Apportionment or an advance release of design funds applicable to the Program and Preliminary Program Apportionments.

As this is a new program, OPSC proposes the addition of Article 13.5 for the new Program, which includes new SFP Regulation Sections 1859.156 through 1859.158.

A summary of the new article is provided below:

- Proposed SFP Regulation Section 1859.156 provides a proposed general overview of the new Program, under the authority of EC Sections 17078.35 through 17078.38, for the SAB to provide a new Preliminary Program Apportionment for small school districts seeking new construction or modernization funding using a new form, the *Preliminary Small School District Program Application* (Form SAB 50-12). This regulation section also provides the proposed regulatory requirements related to the eligibility component of the application process. Staff proposes the update of New

STAFF ANALYSIS/DISCUSSION (cont.)

Construction Eligibility for all small school districts, including those that previously “locked in” eligibility for three or five years, when applying for the new Program.

Under Proposition 2 provisions, when establishing or updating new construction eligibility, a small school district can “lock in” their new construction eligibility for five years. Under the Program, small school districts can reserve bond authority for a period of up to five years. Therefore, OPSC staff proposes a requirement for a small school district to update its new construction eligibility at the time a new construction application is being reviewed for a Preliminary Program Apportionment. This proposal would help to ensure that a small school district’s five-year enrollment projection is current by aligning the five-year lock on the district’s enrollment projection with the amount of time bond authority can be reserved under a Preliminary Program Apportionment. School districts that previously locked in new construction eligibility would have “stale” eligibility that is not current and does not align with the SAB’s goal of ensuring a current projection at the time authority is assigned to a new construction project. Small school districts that do not want to update their eligibility may still submit applications under the new construction program, outside of the Program, during the time remaining on their previous new construction eligibility lock.

- Proposed SFP Regulation Sections 1859.157 through 1859.157.8 provide the proposed regulatory requirements for the following:
  - The application submittal and acceptance process for various circumstances
  - Preliminary Program Apportionment determinations for new construction and modernization applications
  - Preliminary Program fund release process
  - Conversion of a Preliminary Program Apportionment
  - Time limits and time limit extension requirements for a Preliminary Program Apportionment
  - Final Program Apportionment grant determination
  - Final Program Apportionment fund release
- Proposed SFP Regulation Section 1859.158 provides the proposed regulatory requirements for substantial progress and expenditure reporting timelines.

For stakeholder consideration, Attachment A8b includes the proposed new regulatory language for Article 13.5, which incorporates SFP Regulation Sections 1859.156 through 1859.158. Attachment A8b also includes the proposed additions to the current regulatory language in SFP Regulation Sections 1859.2, 1859.90.2, and 1859.90.3.

STAFF ANALYSIS/DISCUSSION (cont.)

**Additional Considerations**

In addition to the proposed new regulation sections and the proposed additions to current regulation sections for this new Program, OPSC requests stakeholder feedback regarding the following three considerations:

1. OPSC is considering the idea of adding language to the end of SFP Regulation Section 1859.157 to specify how applications that are remaining on the Program workload list should be addressed if this new Program becomes oversubscribed, and the process to be used if potential future funding becomes available for the Program.
2. SFP Regulation Section 1859.157(a) proposes an application filing period of 180 calendar days following approval of the Program regulations by the Office of Administrative Law that would allow only small school districts who have either never participated in the SFP new construction or modernization programs, or have not participated in either program for a to-be-determined amount of time, to apply to the Program and receive priority at the top of the Program's workload list by date order received of an Approved Application. OPSC requests stakeholder feedback on the period of time during which small school districts have not received new construction or modernization funding to be eligible to apply during the priority 180 calendar day period.
3. OPSC is considering the idea of allowing "design only" funding applications that are on the current SFP workload list and were submitted by a Small School District to be included in the proposed 180-calendar day period.

OPSC welcomes any feedback from our stakeholders regarding the proposed regulations. OPSC also welcomes any feedback from our stakeholders regarding the additional considerations mentioned above.

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

For purposes of this article, the following definitions apply:

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

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

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

AUTHORITY (cont.)

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

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

(a) Applicants for funding pursuant to this article shall do both of the following:

(1) Submit preliminary applications to the board.

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

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

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

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

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

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

(a) The preliminary application and preliminary apportionment.

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

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

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

## PROPOSED REGULATIONS

## Section 1859.2. Definitions.

[...]

“Final Small School District Program Apportionment” shall mean a Preliminary Small School District Program Apportionment that has been converted to a Final Small School District Program Apportionment in accordance with Sections 1859.157.4 through 1859.157.7.

[...]

“Form SAB 50-12” means the *Application For Small School District Program Preliminary Apportionment*, Form SAB 50-12 (New [insert the approval date by OAL]), which is incorporated by reference.

[...]

“Preliminary Small School District Program Apportionment” means a reservation of bond authority for eligible applicants under Article 11.5 of Chapter 12.5 of the Education Code. The reservation of bond authority is in advance of full compliance with all of the application requirements otherwise required for an Apportionment pursuant to Chapter 12.5 of the Education Code.

[...]

“Project and Construction Management Grant” means a grant for purposes of obtaining the services from a county office of education, other local educational agency with applicable school facilities construction expertise, applicable state department, or a certified private construction consulting entity from the list maintained pursuant to paragraph (2) of subdivision (d) of Education Code Section 17078.47, to assist with the planning, site acquisition, preconstruction, construction, and closeout of a project.

[...]

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

Reference: Sections 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.18, 17072.33, 17073.25, 17074.10, 17074.30, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45, 17078.35, 17078.36, 17078.37, 17078.38, 17078.52, 17078.56, 17078.72(k), 17079, 17079.10, 17280, 56026 and 101012(a)(8), Education Code; Section 53311, Government Code; and Sections 1771.3 in effect on January 1, 2012 through June 19, 2014 and 1771.5, Labor Code.



### Section 1859.90.2. Priority Funding Process.

The priority funding process allows the Board to distribute available funds to districts or charter schools that request, pursuant to (a) or (b) below, as applicable, an Apportionment or an advance release of funds from a Preliminary Apportionment, Preliminary Small School District Program Apportionment, or Preliminary Charter School Apportionment, during specific 30-calendar day filing periods beginning with July 27, 2011 and continuing with the 2nd Wednesday of January and the 2nd Wednesday of July of 2012. Requests submitted during the filing periods described above are valid until the next filing period begins. The specific 30-calendar day filing periods subsequent to 2012 begin with January 9, 2013 and continue with the 2nd Wednesday of May and the 2nd Wednesday of November, each calendar year. Requests submitted during the filing period beginning with January 9, 2013 are valid until June 30, 2013. Requests submitted during a filing period beginning with the 2nd Wednesday of May are valid from July 1 until December 31 of that year. Requests submitted during a filing period beginning with the 2nd Wednesday in November are valid from January 1 until June 30 of the following year. Requests must be physically received by the OPSC by the 30th calendar day of each filing period to be considered valid.

(a) In order to be considered for an Apportionment, approved advance release of design funds from a Preliminary Small School District Program Apportionment, a Preliminary Charter School Apportionment, or approved advance release of environmental hardship site acquisition funds from a Preliminary Apportionment, the district or charter school must provide a priority funding request in the form of a written statement signed by an authorized representative that includes each of the project Application numbers, and the type of Apportionment request (e.g., Apportionment, separate Apportionment for design or site acquisition), within the 30-calendar day filing period, and shall contain the following:

[...]

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17072.12, 17072.30, 17074.16, 17076.10, 17077.40, 17077.42 ~~and~~, 17077.45, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

### 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 and rehabilitation pursuant to Section 1859.83(e), ~~and Charter School Facilities Program, and Small School District Program~~, excluding advance release of design and/or site acquisition funds from a Preliminary Small School District Program Apportionment or 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 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, Small School District Program, and Charter School Facilities Program, excluding advance release of design funds from a Preliminary Small School District Program Apportionment or an advance release of design and/or site 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]:

[...]

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17072.12, 17072.30, 17074.16 and 17076.10, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

### Article 13.5. Small School District Program

#### Section 1859.156. General.

A Small School District seeking a Preliminary Small School District Program Apportionment pursuant to the provisions of Education Code Sections 17078.35 through 17078.38 for New Construction or Modernization funding shall complete and file a Form SAB 50-12.

An applicant shall ensure that it has met the requirements for New Construction Eligibility or Modernization Eligibility pursuant to Section 1859.20, 1859.50, and 1859.60, as applicable. New Construction Eligibility shall be established or updated as appropriate at the time of a Preliminary Small School District Program Apportionment.

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

Reference: Sections 17070.15, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

#### Section 1859.157. Application Process.

The Board shall accept applications for a Preliminary Small School District Program Apportionment as follows:

(a) Applicants who do not have a current Approved Application for funding on the SFP workload list or the Applications Received Beyond Bond Authority List, and have not received a New Construction Grant or a Modernization Grant since [Month Day, Year].

shall be provided with an established 180-calendar day period beginning [insert the approval date by OAL].

(b) Applicants who have a current design only funding or full funding application on the SFP workload list or the Applications Received Beyond Bond Authority List for New Construction or Modernization prior to the effective date for this Section shall be provided with a separate 45-calendar day window to elect for a transition of the current funding application to take place. The separate 45-calendar day window shall immediately follow the window in (a) above. If electing for a transition, applicants shall:

(1) Withdraw their current *Application for Funding* and submit a Form SAB 50-12.

(2) Include a cover letter that identifies that the application was previously submitted for New Construction or Modernization, the received date of the previous application, the previous application number, and state that the applicant requests placement on the Small School District Program workload list and is seeking a Preliminary Small School District Program Apportionment. The cover letter should also provide a certification from the applicant wherein the applicant acknowledges the withdrawal of their previous application and that the applicant understands that if their Form SAB 50-12 application is not funded, their previous Form SAB 50-04 application will be reinstated and placed back on the SFP workload list or the Applications Received Beyond Bond Authority List for New Construction or Modernization with the received date for the previous Form SAB 50-04 application being retained.

(c) Applicants who do not meet the criteria in subsection (b) above shall be eligible to apply to the Small School District Program immediately following the expiration of the window period provided in (b) above.

[Placeholder language for when the Program is oversubscribed and the potential for future funding to become available]

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

Reference: Sections 17070.15, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

#### Section 1859.157.1. Preliminary Apportionment Grant Determination for New Construction Applications.

The Preliminary Small School District Program Apportionment allows for an applicant with a New Construction application to receive the sum of (a) through (c)(2) below:

(a) All eligible New Construction Grants as provided in Sections 1859.70 through 1859.77.4.

(b) The Project and Construction Management Grant shall be equal to five percent of the state share of the Preliminary Small School District Program Apportionment. To determine this grant:

(1) Determine the State share amount of the Preliminary Small School District Program Apportionment based on the amount of the pupil grants requested and any applicable supplemental grants.

(2) Multiply the State share amount that is determined in (b)(1) by five percent to determine the State share of the Preliminary Small School District Program Apportionment.

(c) For all Preliminary Small School District Program Apportionments, the inflator factor shall be an amount equal to the sum of the amounts determined in (a) and (b) and multiplied by a factor determined as follows:

(1) Divide the January Class B Construction Cost Index in effect at the time of the Preliminary Small School District Program Apportionment by the January Class B Construction Cost Index in effect four years prior to the Preliminary Small School District Program Apportionment. Round to four decimal places.

(2) Subtract 1 from the quotient in (1). Round to two decimal places.

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

Reference: Sections 17070.15, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

#### Section 1859.157.2. Preliminary Apportionment Grant Determination for Modernization Applications.

The Preliminary Small School District Program Apportionment allows for an applicant with a Modernization application to receive the sum of (a) through (c)(2) below:

(a) All eligible Modernization Grants as provided in Sections 1859.77.5 and 1859.78 through 1859.78.10.

(b) The Project and Construction Management Grant shall be equal to five percent of the state share of the Preliminary Small School District Program Apportionment. To determine this grant:

(1) Determine the State share amount of the Preliminary Small School District Program Apportionment based on the amount of the pupil grants requested and any applicable supplemental grants.

(2) Multiply the State share amount that is determined in (1) by five percent to determine the State share of the Preliminary Small School District Program Apportionment.

(c) For all Preliminary Small School District Program Apportionments, the inflator factor shall be an amount equal to the sum of the amounts determined in (a) and (b) and multiplied by a factor determined as follows:

(1) Divide the January Class B Construction Cost Index in effect at the time of the Preliminary Small School District Program Apportionment by the January Class B Construction Cost Index in effect four years prior to the Preliminary Small School District Program Apportionment. Round to four decimal places.

(2) Subtract 1 from the quotient in (1). Round to two decimal places.

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

Reference: Sections 17070.15, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

#### Section 1859.157.3. Preliminary Small School District Program Apportionment Fund Release.

An applicant who qualifies for Financial Hardship, in accordance with Sections 1859.81 through 1859.81.3, may request an advance release of funds as follows:

(a) For a New Construction Preliminary Small School District Program Apportionment, a separate advance release of funds for design equal to 40 percent of the amount determined in Section 1859.73.1 for New Construction project assistance grants and in Section 1859.157.1(b) for the Project and Construction Management Grant.

(b) For a Modernization Preliminary Small School District Program Apportionment, a separate advance release of funds for design equal to 25 percent of the amount determined in Section 1859.78.2 for Modernization project assistance grants and in Section 1859.157.2(b) for the Project and Construction Management Grant.

Subject to the availability of funding to the Board for bond-funded projects, OPSC will release State funds included in a Preliminary Small School District Program Apportionment, pursuant to (a) or (b). State funds released from a Preliminary Small School District Program Apportionment pursuant to this Section shall be subject to the provisions in Sections 1859.90.

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

Reference: Sections 17070.15, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.157.4. Conversion of Preliminary Small School District Program Apportionment.

When a Preliminary Small School District Program Apportionment is converted to a Final Small School District Program Apportionment, all the following criteria must be met:

(a) The Final Small School District Program Apportionment request must meet all criteria for a New Construction Adjusted Grant or a Modernization Adjusted Grant pursuant to Sections 1859.20 through 1859.23.

(b) An applicant seeking to convert a Preliminary Small School District Program Apportionment to a Final Small School District Program Apportionment shall complete and submit a Form SAB 50-04 to request a New Construction Adjusted Grant or a Modernization Adjusted Grant.

(c) The number of pupils being requested on the Form SAB 50-04 cannot exceed the amount the applicant originally requested and received at the Preliminary Small School District Program Apportionment. The pupils requested shall be for at least 50 percent of the pupils the applicant requested and received on the Preliminary Small School District Program Apportionment for New Construction funding or for at least 60 percent of the pupils the applicant requested and received on the Preliminary Small School District Program Apportionment for Modernization funding.

If an applicant is unable to meet the criteria in this Section, the Preliminary Small School District Program Apportionment shall be rescinded pursuant to the provisions of Section 1859.157.5.

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

Reference: Section 17070.15, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.157.5. Time Limit on Preliminary Small School District Program Apportionment.

(a) A complete request to convert a Preliminary Small School District Program Apportionment to a Final Small School District Program Apportionment pursuant to Section 1859.157.4 shall be made within four years of the date of the Preliminary Small School District Program Apportionment unless the applicant received approval of an extension pursuant to Section 1859.157.6.

(b) If (a) is not met, and the applicant has not received an advance release of funds as provided in Section 1859.157.3, the Preliminary Small School District Program Apportionment shall be rescinded and any remaining Preliminary Small School District

Program Apportionment, not released to the applicant, shall be returned to the fund source.

(c) If (a) is not met, and the applicant has received an advance release of funds as provided in Section 1859.157.3, the following will occur:

(1) The Preliminary Small School District Program Apportionment shall be rescinded and any remaining Preliminary Small School District Program Apportionment, not released to the applicant, shall be returned to the fund source.

(2) The New Construction Eligibility or Modernization Eligibility will be adjusted by the number of pupil grants not used. The number of pupils returned shall be equal to the number of pupil grants requested on the Form SAB 50-12, less the pupil equivalent to the total amount of state funding retained by the applicant.

(3) Funds released pursuant to Section 1859.157.3(a) or (b) shall be reduced to cost incurred and closed-out pursuant to Section 1859.106 with a corresponding New Construction baseline eligibility adjustment for the pupils assigned to the Preliminary Small School District Program Application. Funds returned pursuant to Section 1859.106 shall be returned to the fund source.

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

Reference: Sections 17070.15, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

#### Section 1859.157.6. Preliminary Small School District Program Apportionment Time Limit Extension.

An applicant that has received a Preliminary Small School District Program Apportionment for New Construction or Modernization may request a single one-year extension of the time limit prescribed in Section 1859.157.5. The Board shall approve the request provided the criteria in (a) or (b) are met:

(a) The applicant has provided evidence of both of the following:

(1) CDE has made a contingent or final approval for the project or of the proposed site; and,

(2) DSA has confirmed that the final plans for the project have been submitted to the DSA for review and approval.

(b) Other evidence satisfactory to the Board justifying the extension.

A single one-year extension request from an applicant may be approved by the Board after the time limit prescribed in Section 1859.157.5 has elapsed. OPSC must receive the single one-year extension request from the applicant on or prior to the deadline for which the applicant's time limit would elapse.

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

Reference: Section 17070.15, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.157.7. Final Small School District Program Apportionment Grant Determination.

(a) The amount of the Final Small School District Program Apportionment will be based on the provisions of any amended or new regulations that are effective at the time the Form SAB 50-04, for the Final Small School District Program Apportionment is submitted and accepted for processing by OPSC. The Board shall convert the amounts determined below from the Preliminary Small School District Program Apportionment to the Final Small School District Program Apportionment:

(1) If the Final Small School District Program Apportionment request is equal to or less than the Preliminary Small School District Program Apportionment, the Final Small School District Program Apportionment shall be funded entirely. The difference in the Final Small School District Program Apportionment and the Preliminary Small School District Program Apportionment shall be returned to the fund source. The Final Small School District Program Apportionment shall become the full and final apportionment for the project.

(2) If the Final Small School District Program Apportionment request is greater than the Preliminary Small School District Program Apportionment, the Board shall convert the Preliminary Small School District Program Apportionment to a Final Small School District Program Apportionment by either of the following:

(A) If the balance in the fund source is greater than the difference in the Final Small School District Program Apportionment and the Preliminary Small School District Program Apportionment, fund the Final Small School District Program Apportionment entirely. The Final Small School District Program Apportionment shall become the full and final apportionment for the project.

(B) If the balance in the fund source is less than the difference in the Final Small School District Program Apportionment and the Preliminary Small School District Program Apportionment, fund the Final Small School District Program Apportionment using any remaining balance in the fund source. The Final Small School District Program Apportionment shall become the full and final apportionment for the project.

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

Reference: Section 17070.15, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.



Section 1859.157.8. Final Small School District Program Apportionment Fund Release.

Once the Preliminary Small School District Program Apportionment is converted to a Final Small School District Program Apportionment pursuant to Sections 1859.157.4 through 1859.157.7, the applicant may request a release of the remaining funds as prescribed in Section 1859.90 or 1859.90.2.

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

Reference: Sections 17070.15, 17078.35, 17078.36, 17078.37, and 17078.38, Education Code.

Section 1859.158. Substantial Progress and Expenditure Reporting Timelines.

A School District receiving funds in accordance with the Act shall submit the following:

(a) An expenditure report from the School District on the Form SAB 50-06. The program reporting requirements are as follows:

(1) The first expenditure report shall be due one year from the date that any funds were released to the School District for the project pursuant to Section 1859.90 or 1859.90.2, or upon completion of the project, whichever occurs first. A project shall be deemed complete when either of the following occur:

(A) When the notice of completion for the project has been filed, all outstanding invoices, claims, and change orders have been satisfied and the facility is currently in use by the School District.

(B) Three years from the date of the final fund release for an elementary school project or four years from the date of the final fund release for a middle or high school project.

(2) The second and subsequent expenditure reports, if necessary, shall be due annually beginning one year from the first report, or upon completion of the project, whichever occurs first. The final expenditure report must be made no later than three years from the date of the final fund release for an elementary school project or four years from the date of the final fund release for a middle or high school project.

(b) A progress report, in the form of a narrative from the School District, shall be due 18 months from the date any funds were released to the School District for the project pursuant to Section 1859.90 or 1859.90.2. The progress report shall include information regarding the progress the School District has made towards substantial completion of the project. If the notice of completion has been filed within 18 months of the release of funds pursuant to Section 1859.90 or 1859.90.2, or the expenditure reports required in (a)(1) or (2) indicate that substantial progress (as defined in Section 1859.105) on the project has occurred, no progress report is required.

(c) A progress report, in the form of a narrative from the School District, shall be due 12 months from the date the site acquisition funds were apportioned to the School District for the project pursuant to Section 1859.75.1. The progress report shall include information regarding the progress the School District has made towards acquiring the site as outlined in Section 1859.105.1 and may contain other evidence of reasonable effort to substantiate progress towards acquiring the site for purposes of an extension of the site apportionment as authorized by Education Code Section 17072.13(c)(2).

(d) If an apportionment was made for a School District-owned site pursuant to Section 1859.74.5, a certification that the non-school function currently taking place on the School District-owned site has been discontinued or relocated. The certification must be submitted to OPSC no later than the following dates:

(1) If the project is for an elementary school, 66 months from the date of the site apportionment.

(2) For all other projects, 78 months from the date of the site apportionment.

Note: Authority cited: Sections 17070.35, 17072.13, 17075.15 and 17079.30, Education Code.

Reference: Sections 17070.15, 17070.35, 17070.99, 17072.12, 17072.13, 17076.10, 17078.35, 17078.36, 17078.37, 17078.38, and 17079.30, Education Code.

## ATTACHMENT A9

### OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING June 26, 2025

#### PROPOSED REGULATIONS TO IMPLEMENT A SUPPLEMENTAL GRANT FOR ENERGY EFFICIENCY

##### PURPOSE

To continue to discuss and receive stakeholder feedback regarding proposed regulations to implement a supplemental grant for energy efficiency and to administer statutory amendments to the School Facility Program (SFP) resulting from California's voter-approved Assembly Bill (AB) 247, the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety, and Safety Bond Act of 2024 (Proposition 2).

##### AUTHORITY

See Attachment A9a.

##### BACKGROUND

The Office of Public School Construction (OPSC) most recently held a public meeting on April 17, 2025, to discuss proposed criteria for determining the eligibility and funding of this supplemental grant, and to receive stakeholder input. Questions that require further discussion or that were received after the meeting are addressed in this item.

The full text of the previous stakeholder meeting item may be found here:

[April 17, 2025 OPSC Proposition 2 Stakeholder Meeting #9 - Item](#)

The recording of the April 17, 2025 meeting is available at the link below. It includes feedback that OPSC was able to respond to at the time of the meeting that did not impact the proposed regulations:

[April 17, 2025 OPSC Proposition 2 Stakeholder Meeting #9 - Recording](#)

##### STAFF ANALYSIS/DISCUSSION

Staff would like to thank the stakeholders who were able to view, attend, or participate in the April 17, 2025 meeting. This meeting introduced the idea of a scorecard metric that utilizes the California Collaborative for High Performance Schools (CA-CHPS) version 2.0 criteria as a way to determine the amount of supplemental funding for which a district would be eligible, depending on the number and type of energy efficiency components added in a project.

This follow-up meeting presents a more finalized score card that is the result of collaborative discussions between OPSC, the Division of the State Architect (DSA), and the CA-CHPS team. The revised proposal is presented later in this item

**STAFF ANALYSIS/DISCUSSION** (cont.)

and includes further details on the incremental percentage allocations as determined by the energy scorecard.

Staff has consolidated questions asked during and after the stakeholder meeting, as well as any informal comments regarding the previous stakeholder item.

<b>Stakeholder Feedback</b>	<b>OPSC Response</b>
1. Regarding the Scorecard Metric Determination of the Supplemental Grant – Three of the two “Reported Compliance Methods” have a maximum supplemental funding of four percent, but the maximum percentage allowed under the regulation is five percent. We recommend that the Scorecard be reflective of the maximum allowed under the regulations, regardless of the compliance method used.	1. The scorecard presented at the previous stakeholder meeting has been revised to include only two categories for the funding scale, which are presented later in this item.

**Scorecard Metric Determination of the Supplemental Grant**

As mentioned in the previous stakeholder meeting, DSA considers the use of an abbreviated scoring criteria based on the CA-CHPS v2.0 framework as beneficial in determination of the eligibility for the energy efficiency supplemental grant because it can provide a practical and structured approach, aligning with the statutory goal of promoting state energy efficiency objectives. As a reminder, statute requires the building(s) proposed for the project to exceed the nonresidential building energy-efficiency standards specified in Part 6 (commencing with Section 100) of Title 24 of the California Code of Regulations. The CA-CHPS v2.0 rating system offers an established, sustainability-based building rating program designed to support the creation of healthy, high-performance schools, and is grounded in evidence-based standards and best practices. The CA-CHPS v2.0 rating system is also a proven industry standard and has been adapted specifically for purposes of the energy efficiency grants provided in Proposition 2 framework. It focuses on three primary goals: enhancing the health, well-being, and performance of students, educators, and staff; conserving energy, water, and other resources to reduce greenhouse gas emissions and operational costs; and fostering responsible environmental stewardship within school communities.

## STAFF ANALYSIS/DISCUSSION (cont.)

By applying this framework, the grant determination complies with statutory requirements using accepted industry standards and confirms that the approved work contributes to advancing state energy efficiency goals. The proposed abbreviated framework relies on applying three scorecard levels:

1. A performance-only (with exception of mandatory prescriptive measures) energy compliance approach that exceeds code by any margin above zero,
2. A baseline threshold score of 10 points, and
3. An exceptional score of 51 points or higher.

DSA views this framework to be a semi self-certifying program, which will assign the primary accountability for compliance to school districts and their design teams. Compliance steps include a concise narrative outlining how the criteria for the supplemental grant have been satisfied, along with supporting justification within the project documents. While full CA-CHPS v2.0-verified documentation is not required for compliance, a narrative and supporting documentation demonstrating adherence to the statute will be necessary to assess project points and determine supplemental funding.

The abbreviated framework based on the CA-CHPS v2.0 criteria, identified as OPSC CA-CHPS, will be reviewed through a scorecard submitted by the applicant that provides a clear and structured system for assessing eligibility and determining the funding amount for this supplemental grant. Projects earn points based on well-defined criteria as mentioned above, which will ensure a straightforward and consistent evaluation process. The number of points that the project can achieve will be used to determine the additional funding percentage for which the project is eligible. The following table outlines the revised potential supplemental grant that could be provided in addition to the base grant, up to the maximum five percent allowed in statute.

<b>Funding Table</b>			
Reported CA Energy Code Compliance Approach (PRE or PERF)	CA Energy Code Compliance Margin (CM)>0 No OPSC CHPS Score Required	OPSC CHPS Score 10 to 50	OPSC CHPS Score 51 to 130
PRE/PERF or all PRE	N/A	2%	4%
PERF Only*	1%	3%	5%

PRE- Prescriptive, PERF- Performance

\*All reportable building systems and components use the performance compliance approach with exception of only those with mandatory prescriptive measures.

## STAFF ANALYSIS/DISCUSSION (cont.)

### **Compliance Margins**

As seen in the above table, two compliance categories are suggested: the Prescriptive/Performance or all Prescriptive (PRE/PERF) approach, and the Performance (PERF) only approach (with exception of mandatory prescriptive measures). Each approach has distinct implications, influencing both the calculation of eligibility and the level of supplemental funding a district may receive depending on the approach utilized. Projects utilizing a PERF approach may qualify for the maximum five percent supplemental grant, as all buildings will produce a compliance margin. This differs with the PRE approach, which analyzes the building by the energy components rather than the energy margins those components produce. When combining both the PRE and PERF approach, there is not a reliable margin for all project scopes. An example provided by DSA indicates that “a building may comply by using the performance approach for the envelope design and use prescriptive approach for the mechanical systems. This building would report a compliance margin, but that compliance margin would only be related to the envelope design and not for the mechanical systems,” and this method may impact project costs. A PERF-only approach requires that all the buildings exceed the energy code to some degree to comply and therefore, by using this approach, a project is eligible for at least one percent of the supplemental grant. The PRE/PERF or all-PRE approach does not have that requirement and therefore, must receive a OPSC CA-CHPS scoring of at least 10 points in order to qualify for any energy efficiency supplemental funding.

The scorecard (Attachment A9b) outlines the OPSC CA-CHPS scoring matrix, detailing the essential energy efficiency components required for a project to qualify for energy efficiency funding. It also highlights the maximum achievable score of 130 points.

OPSC appreciates any stakeholder feedback and consideration on the revised scorecard.

### **Proposed New Regulations and Regulatory Amendments**

Consistent with the prior stakeholder meeting presentations, and the questions proposed both during and afterwards, staff has amended the regulatory proposal to allow for the processing of this supplemental grant using a points-based scoring system that will be reviewed and determined by DSA. The proposed regulatory amendments are on Attachment A9c.

STAFF ANALYSIS/DISCUSSION (cont.)

Staff proposes the following amendments to SFP Regulations and the *Application for Funding* (Form SAB 50-04) that are impacted by the amended statute:

- Staff proposes to amend SFP Regulation Sections 1859.71.3 and 1859.78.5 to add subsections (c) and (d) to separate provisions applicable to applications received on or after October 31, 2024, which can request the new energy efficiency supplemental grant. This change ensures that both new construction and modernization projects applying for the supplemental grant for energy efficiency on or after October 31, 2024 are using the new points-based scoring system with new eligibility criteria. This new system determines the percentage of funding allowed based on the Energy Code compliance approach and points achieved using the OPSC CA-CHPS criteria. Because the review of a project will be completed through two different compliance approaches, the points scoring is separated by method type.
- Staff proposes to revise the Specific Instructions for Sections 5 and 6 for the New Construction or Modernization Additional Grant Requests on the Form SAB 50-04, to separate provisions applicable to applications received on or after October 31, 2024. Staff also proposes to add instructions for districts requesting the energy efficiency supplemental grant on or after October 31, 2024 to incorporate the new scoring metric when applying for the energy efficiency supplemental grant.
- Staff proposes to revise Sections 5.g. and 6.b. on the Form SAB 50-04, to remove the percentage symbol and instead require districts to enter the percentage above Energy Efficiency for each building. Staff also proposes to add text for districts to indicate which compliance approach used for this project and the OPSC CA-CHPS points score that the project achieved.
- Staff proposes revising the pertinent Section 24 Certification to address the changes to Sections 5.g. and 6.b. The bullet point for energy efficiency would include the specification that to be eligible for this supplemental grant, the project must exceed energy efficiency standards specified in Part 6 of Title 24.

Staff also proposes non-substantive amendments to add a statutory section to the References for SFP Regulation Section 1859.2, and to correct a statutory cross-reference in existing SFP Regulation Sections 1859.77.1 and 1859.79, to reflect Education Code Section 17077.30 rather than 17077.10. Provisions pertaining to an “Energy Audit,” which were previously in Education Code Section 17077.10, were renumbered to Education Code Section 17077.30 with previous statutory changes. The proposed non-substantive amendments align the existing SFP Regulations to reflect this change.

The proposed amendments to the Form SAB 50-04 are on Attachment A9d.

AUTHORITY**EC Section 17077.35 – Energy Efficiency**

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



ATTACHMENT A9b  
Design Strategies Score Card - 2025

Project Scorecard										
Credit	Prereq/ Subcredit	Title	Points Possible	CHPS Worksheet Required	Points Targeted	Project Team Narrative	Documentation Reference	Points Verified	Points Denied	CHPS Reviewer Comments
Integration & Innovation		Subtotal	28		0			0	0	
II C1.1		Enhanced Integrated Design	1							
	II C1.1.1	Energy Modeling Variations	Pick 1 for 1 pt							
	II C1.1.2	Advanced Design Modeling								
II P2.0	P	Central Educational Display	1							
II C2.1		School as a Learning Tool	1							
	II C2.1.1	Demonstration Area	1							
II C4.1		School Master Plan & Enhanced Plans	4							
	II C4.1.1	School Master Plan or Commitment to Sustainable	1							
	II C4.1.2	ZNE School Master Plan	2							
	II C4.1.3	Sustainable School Master Plan	3							
	II C4.1.4	Climate Master Plan or Low/Zero GHG Plan	4							
II C6.1		Low/Zero GHG Schools	8							
	II C6.1.1a	Energy Efficient, All Electric (New Construction)	Pick 1 for 6 pts							
	II C6.1.1b	Deep Energy Retrofit & Decarbonization								
	II C6.1.2	100% Renewable Energy	2							
II C7.1		Design for Adaptation & Resilience	9							
	II C7.1.1	Climate Vulnerability Assessment	2							
	II C7.1.2	Design for Climate Adaptation	2							
	II C7.1.3	Energy Resilience	2-4							
	II C7.1.4	Passive Habitability/Survivability	1							
II C8.1		Biophilic & Responsive Design	2							
	II C8.1.1	Biophilic Design	1							
	II C8.1.2	Responsive Design	1							
II C9.1		Innovation	2							
		Strategic placement of louvers	Pick 1 for 2 pt							
		Strategic placement of overhangs								
		Other (Energy Efficiency Related)								
Indoor Environmental Quality		Subtotal	32		0			0	0	
EQ C1.1		Enhanced Filtration, Ventilation & Dedicated Outdoor	10							
	EQ C1.1.1	Enhanced Filtration Media	1							
	EQ C1.1.2	Enhanced Ventilation Rate	7							
	EQ C1.1.3	Dedicated Outdoor Air System	2							
EQ C1.2		Demand Controlled Ventilation	4							
EQ C2.1		Pollutant & Chemical Source Control	1							
	EQ C2.1.4	No Mobile Fossil Fuel Equipment Indoors	1							
EQ C11.1		Controllability of Indoor Environment	1							
EQ P12.0	P	Daylight: Glare Protection	4							
EQ C12.1		Daylight Availability	5							
	EQ C12.1.1	All Classroom Spaces	1-3	●						
	EQ C12.1.2	All Support Spaces	1-2	●						
EQ C14.1		Electric Lighting Performance & Circadian Lighting	7							
	EQ C14.1.1	High Performance Lighting	2							
	EQ C14.1.2	Illuminance Levels & Multimodal Systems	2							
	EQ C14.1.3	Lighting Controls	1							
	EQ C14.1.4	Superior Performance Lighting Systems	1							
	EQ C14.1.5	Circadian Lighting	1							
Energy			50		0			0	0	
EE C1.1		Superior Energy Efficient Design & Zero Energy	36							

ATTACHMENT A9b  
Design Strategies Score Card - 2025

Project Scorecard										
Credit	Prereq/ Subcredit	Title	Points Possible	CHPS Worksheet Required	Points Targeted	Project Team Narrative	Documentation Reference	Points Verified	Points Denied	CHPS Reviewer Comments
	EE C1.1.1	Superior Energy Efficient Design	1-30							
	EE C1.1.2	Zero Net Energy	1 or 6							
EE P2.0	P	Commissioning	4							
EE C2.1		Enhanced Commissioning	2							
	EE C2.1.1	Certified Commissioning Professional	1							
	EE C2.1.2	Building Envelope Commissioning	1							
EE C3.1		Energy Management Systems & Submetering	7							
	EE C3.1.1	Systems Control	3							
	EE C3.1.2	Automated Demand Management	2							
	EE C3.1.3	Submetering/Data Acquisition and Storage	2							
EE C4.1		Advanced Ventilation Strategies	1							
	EE C4.1.1	Natural Ventilation	Pick 1							
	EE C4.1.2	Energy Conservation Interlocks								
Water			5		0			0	0	
WE C1.1		Enhanced Indoor Potable Water Use Reduction	5							
	WE C1.1.1	Calculated Water Savings	1-4	●						
	WE C1.1.2	Efficient Appliances	1							
Site			6		0			0	0	
SS C7.1		Reduce Heat Islands	5							
	SS C7.1.1	Non-Roof & Impervious Surfaces	5 pt or 1 pt							
	SS C7.1.2	Cool Roof								
SS C8.1		Enhanced Light Pollution Prevention	1							
	SS C8.1.1	Auto Controlled Outdoor Lighting	1							
Operations			9		0			0	0	
OM P3.0	P	Energy & GHG Performance Benchmarking	2							
OM C4.1		High Performance Operations & Systems Maintenance	5							
	OM C4.1.1	Monitoring & Benchmarking	1							
	OM C4.1.2	Designated Resource Manager	1							
	OM C4.1.3	Designated Advocate	1							
	OM C4.1.4	Systems Maintenance Plan	2							
OM P7.1		Green Power	2							
Total			130		0			0	0	

## PROPOSED REGULATIONS

## Section 1859.2. Definitions.

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

...

"Energy Audit" means an energy analysis and report which sets forth the utility savings that could be generated if the proposed project was designed, constructed, and equipped with energy efficiency and renewable technologies that would make the proposed project exceed the minimum building energy-efficiency standards mandated for new public buildings pursuant to the applicable California Building Standards Code.

"Energy Efficiency Account" means the funds set aside by the Board for purposes of Education Code Section 17077.35.

"EnergyPro 3.1" means a computer program approved by the State Energy Resources Conservation and Development Commission that calculates energy efficiency standards.

...

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

Reference: Sections 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.18, 17072.33, 17073.25, 17074.10, 17074.30, 17075.10, 17075.15, 17077.30, 17077.35, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17078.72(k), 17079, 17079.10, 17280, 56026 and 101012(a)(8), Education Code; Section 53311, Government Code; and Sections 1771.3 in effect on January 1, 2012 through June 19, 2014 and 1771.5, Labor Code.

## Section 1859.77.1. New Construction District Matching Share Requirement.

Any funding provided by these Regulations shall require a district matching share contribution on a dollar-for-dollar basis with the exception of financial hardship provided by Section 1859.81 or any additional grant provided for a district-owned site acquisition cost pursuant to Sections 1859.74.5 or 1859.81.2.

The district may include as its district matching share any amounts expended on the project for an energy audit made pursuant to Education Code Section ~~17077.40~~ 17077.30 and any amounts applied to the project for incentive grants or rebates received by the district from a program funded pursuant to Public Utilities Code Section 381.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17072.30, 17074.32 and 17077.30, ~~17077.40~~, Education Code.

## Section 1859.79. Modernization Matching Share Requirement.

Except in the case of financial hardship as provided in Section 1859.81 a district matching share for a modernization project shall be required as follows:

- (a) If the Approved Application is received on or before April 29, 2002, any Modernization Grant plus any other funding provided by these Regulations shall require a district matching share equal to at least 20 percent of those amounts which, combined with the State's Modernization Adjusted Grant, shall represent 100 percent of the total project cost.
- (b) If the Approved Application is received after April 29, 2002, any Modernization Grant, plus any other funding authorized by these Regulations shall require a district matching share equal to at least 40 percent of those amounts which, combined with the State's Modernization Adjusted Grant, shall represent 100 percent of the total project cost.

The district may include as its district matching share any amounts expended on the project for an energy audit made pursuant to Education Code Section ~~17077.10~~ 17077.30 and any amounts applied to the project for incentive grants or rebates received by the district from a program funded pursuant to Public Utilities Code Section 381.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17074.15, 17074.16, 17074.32 and ~~17077.30~~, 17077.40, Education Code.

### Section 1859.71.3. New Construction Additional Grant for Energy Efficiency.

- (a) For Applications received on or before October 30, 2024, in addition to any other funding authorized by these Regulations, the Board shall provide the grant amounts identified in (b) if all the following are met:
  - (1) The project includes energy efficiency components that conform to Subdivision (b) of Education Code Section 17077.35.
  - (2) The average energy efficiency score of all the buildings in the project, as determined by EnergyPro 3.1 or a similar computer program approved by the State Energy Resources Conservation and Development Commission, exceeds the nonresidential building energy efficiency standards specified in Part 6 of Title 24 of the California Code of Regulations by at least 15 percent.
  - (3) ~~The DSA has reviewed the proposed project and concurs with the percentage of energy efficiency that exceeds the nonresidential building energy efficiency standards specified in Part 6 of Title 24 of the California Code of Regulations.~~
  - (4) No portion of the project will be funded with funds made available from the Renewable Energy Program administered by the State Energy Resources Conservation and Development Commission.
  - (5) (A) There are funds remaining in the Energy Efficiency Fund as prescribed in Section 1859.70.1 to apportion some or the entire additional grant provided in (b).  
(B) If there are no funds remaining in the Energy Efficiency Account or the funds remaining in the Energy Efficiency Account are insufficient to fully fund the additional grant authorized in (b)(1) the district may either withdraw its application and resubmit it when additional funds are available in the Energy Efficiency Account or continue with the modernization project and accept a full and final apportionment without the additional grant authorized by (b)(1) or the lesser apportionment authorized by (b)(2).
- (b) An amount equal to the lesser of the following:
  - (1) The New Construction Grant multiplied by one percent if the percentage of energy efficiency as concurred by the DSA in (a)(3) is 15 percent, or by one percent plus 0.04 percent for each 0.1 percent increment of increased energy efficiency up to 25 percent. The multiplier may not exceed five percent.
  - (2) The funds available in the Energy Efficiency Account set aside for this Section.
- (c) For Applications received on or after October 31, 2024, in addition to any other funding authorized by these Regulations, the Board shall provide the amount in (d) if all of the following are met:
  - (1) The project includes energy efficiency components that conform to Subdivision (b) of Education Code Section 17077.35.
  - (2) DSA confirmed the project exceeds the nonresidential building energy efficiency standards specified in Part 6 of Title 24 of the California Code of Regulations through the performance compliance approach or through a combination of prescriptive and/or performance compliance approaches, and the OPSC CA-CHPS requirements in (d).
- (d) The New Construction Grant amount multiplied by one of the following:
  - (1) If the project uses the performance only energy compliance approach, with exception only of mandatory prescriptive measures, 1 percent if no OPSC CA-CHPS score card is submitted; 3 percent if the CA-CHPS score is 10 to 50; or 5 percent if the OPSC CA-CHPS point score is 51 to 130.
  - (2) If the project uses either an all prescriptive approach or a combination prescriptive/performance approach to Energy Code compliance, 0 percent if no OPSC CA-CHPS score card is submitted; 2 percent if the total OPSC CA-CHPS score is 10 to 50; or 4 percent if the OPCS CA-CHPS point score is 51 to 130.

~~If there are no funds remaining in the Energy Efficiency Account or the funds remaining in the Energy Efficiency Account are insufficient to fully fund the additional grant authorized in (b)(1) the district may either withdraw its application and resubmit it when additional funds are available in the Energy Efficiency Account or continue with the modernization project and accept a full and final apportionment without the additional grant authorized by (b)(1) or the lesser apportionment authorized by (b)(2).~~

Note: Authority cited: Section 17070.35, Education Code.  
Reference: Section 17077.35, Education Code.

#### Section 1859.78.5. Modernization Additional Grant for Energy Efficiency.

- (a) For Applications received on or before October 30, 2024, in addition to any other funding authorized by these Regulations, the Board shall provide the grant amounts identified in (b) if all the following are met:
  - (1) The project includes energy efficiency components that conform to Subdivision (b) of Education Code Section 17077.35.
  - (2) The average energy efficiency score of all the buildings in the project, as determined by EnergyPro 3.1 or a similar computer program approved by the State Energy Resources Conservation and Development Commission, exceeds the nonresidential building energy efficiency standards specified in Part 6 of Title 24 of the California Code of Regulations by at least 10 percent.
  - (3) ~~The DSA has reviewed the proposed project and concurs with the percentage of energy efficiency that exceeds the nonresidential building energy efficiency standards specified in Part 6 of Title 24 of the California Code of Regulations.~~
  - (4) No portion of the project will be funded with funds made available from the Renewable Energy Program administered by the State Energy Resources Conservation and Development Commission.
  - (5) (A) There are funds remaining in the Energy Efficiency Fund as prescribed in Section 1859.70.1 to apportion some or the entire additional grant provided in (b).  
(B) If there are no funds remaining in the Energy Efficiency Account or the funds remaining in the Energy Efficiency Account are insufficient to fully fund the additional grant authorized in (b)(1) the district may either withdraw its application and resubmit it when additional funds are available in the Energy Efficiency Account or continue with the modernization project and accept a full and final apportionment without the additional grant authorized by (b)(1) or the lesser apportionment authorized by (b)(2).
- (b) An amount equal to the lesser of (b)(1) or (b)(2):
  - (1) The Modernization Grant multiplied by one percent if the percentage of energy efficiency as concurred by the DSA in (a)(3) is 10 percent, or by one percent plus 0.1 percent for each 0.1 percent increment of increased energy efficiency up to 14 percent. The multiplier may not exceed five percent.
  - (2) The remaining funds available in the Energy Efficiency Account set aside for this Section.
- (c) For Applications received on or after October 31, 2024, in addition to any other funding authorized by these Regulations, the Board shall provide the amount in (d) if all of the following are met:
  - (1) The project includes energy efficiency components that conform to Subdivision (b) of Education Code Section 17077.35.
  - (2) DSA confirmed the project exceeds the nonresidential building energy efficiency standards specified in Part 6 of Title 24 of the California Code of Regulations through the performance compliance approach or through a combination of prescriptive and/or performance compliance approaches, and the OPSC CA-CHPS requirements in (d).
- (d) The Modernization Grant amount multiplied by one of the following:
  - (1) If the project uses the performance only energy compliance approach, with exception only of mandatory prescriptive measures, 1 percent if no OPSC CA-CHPS scorecard is submitted; 3 percent if the OPSC CA-CHPS score is 10 to 50; or 5 percent if the OPSC CA-CHPS score is 51 to 130.
  - (2) If the project uses either an all prescriptive approach or a combination prescriptive/performance approach to Energy Code compliance, 0 percent if no OPSC CA-CHPS score card is submitted; 2 percent if the total OPSC CA-CHPS score is from 10-50; or 4 percent if the OPSC CA-CHPS score is 51 to 130.

~~If there are no funds remaining in the Energy Efficiency Account or the funds remaining in the Energy Efficiency Account are insufficient to fully fund the additional grant authorized in (b)(1) the district may either withdraw its application and resubmit it when additional funds are available in the Energy Efficiency Account or continue with the modernization project and accept a full and final apportionment without the additional grant authorized by (b)(1) or the lesser apportionment authorized by (b)(2).~~

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17077.35, Education Code.

**Application for Funding (Form SAB 50-04)****Proposed Amendments to the Specific Instructions****Current Specific Instructions:**

Section 5.g. - If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.71.3, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.71.3(a)(3).

Section 6.b. - If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.78.5(a)(3).

**Proposed Revisions:**

Section 5.g. - If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.71.3(a), enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.71(a)(3). If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.71.3(c), enter the Energy Code compliance approach used (Performance Only, Prescriptive Only, Performance/Prescriptive) and the total score that is on the OPSC CA-CHPS Scorecard. A copy of the OPSC CA-CHPS Scorecard must be submitted to OPSC as part of the complete funding request.

Section 6.b. - If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5(a), enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.78.5(a)(3). If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5(c), enter the Energy Code compliance approach used (Performance Only, Prescriptive Only, Performance/Prescriptive) and the total score that is on the OPSC CA-CHPS Scorecard. A copy of the OPSC CA-CHPS Scorecard must be submitted to OPSC as part of the complete funding request.

**Proposed Amendments to the Form SAB 50-04****Current Form: (Sections 5 & 6)**

## 5. New Construction Additional Grant Request—New Construction Only

g. ☐ Energy Efficiency: \_\_\_\_\_ %

## 6. Modernization Additional Grant Request

b. ☐ Energy Efficiency: \_\_\_\_\_ %

**Proposed Revisions:**

## 5. New Construction Additional Grant Request—New Construction Only

g. ☐ % Above Energy Efficiency for each building: \_\_\_\_\_ %  
Energy Code Compliance Approach Used (select one):

- ☐ Prescriptive Only  
☐ Prescriptive/Performance  
☐ Performance Only (with exception of mandatory prescriptive measures)  
OPSC CA-CHPS Score (Indicate Points): \_\_\_\_\_

6. Modernization Additional Grant Request

- h. ☐ % Above Energy Efficiency for each building: \_\_\_\_\_ %  
Energy Code Compliance Approach Used (select one):  
☐ Prescriptive Only  
☐ Prescriptive/Performance  
☐ Performance Only (with exception of mandatory prescriptive measures)  
OPSC CA-CHPS Score (Indicate Points): \_\_\_\_\_

**Current Form Section 24 – Certification Excerpt:**

- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the increased costs for the energy efficiency components in the project exceeds the amount of funding otherwise available to the district; and,

**Proposed Revisions:**

- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the plans and specifications exceed the nonresidential building energy-efficiency standards specified in Part 6 of Title 24 of the California Code of Regulations and the increased costs for the energy efficiency components in the project exceeds the amount of funding otherwise available to the district; and,





**Alberto M. Carvalho**  
Superintendent

**Los Angeles Unified School District**  
Legislative Affairs & Government Relations

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May 2, 2025

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

**Re: Proposition 2 Implementation Stakeholder Meeting #9**

Dear Ms. Kirk,

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

The comments and recommendations provided below correspond to the topics raised and materials provided for the April 17, 2025, Implementation Stakeholder Meeting #9.

**Energy Efficiency Supplemental Grant**

Scorecard Metric Determination of Supplemental Grant – Three of the two "Reported Compliance Methods" have a maximum supplemental funding of 4%, but the maximum percentage allowed under the regulation is 5%. Los Angeles Unified recommends that the Scorecard be reflective of the maximum allowed under the regulations, regardless of the compliance method used.

Sincerely,

Sasha Horwitz  
Legislative Advocate  
Los Angeles Unified School District