

OFFICE OF PUBLIC SCHOOL CONSTRUCTION
STAKEHOLDER MEETING
June 12, 2025

IMPLEMENTATION OF PROPOSITION 2 FOR THE SCHOOL FACILITY PROGRAM
AND
TRANSITIONAL KINDERGARTEN IN THE ENROLLMENT
CERTIFICATION/PROJECTION (FORM SAB 50-01)

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). Separate from Proposition 2 implementation, this meeting will also continue discussion of the topic of Transitional Kindergarten (TK) in the *Enrollment Certification/Projection* (Form SAB 50-01).

Proposition 2 Implementation

- Interim Housing and Natural Disaster Assistance (Attachment A6) – previously presented at the April 10, 2025 stakeholder meeting.

Non-Proposition 2 Topic

- TK in the Form SAB 50-01 (Attachment B) – previously presented at the February 20, 2025 stakeholder meeting.

BACKGROUND

Proposition 2, TK in the Form SAB 50-01

Proposition 2 was approved by a majority of California's voters on November 5, 2024. To implement its provisions, existing School Facility Program (SFP) Regulations must be updated to align with the new statutory provisions. Additionally, the Office of Public School Construction (OPSC) seeks continued input on proposed regulatory amendments unrelated to Proposition 2 implementation, regarding TK in the Form SAB 50-01.

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 A6, and Attachment B

SUMMARY AND NEXT STEPS

For the Interim Housing and Natural Disaster Assistance item, stakeholder feedback received from the last meeting may be found on Attachment C.

For the TK in the Form SAB 50-01 item, stakeholder feedback received from the last meeting may be found on Attachment D.

Staff will review any feedback on these topics obtained in today's meeting and anything received through close of business on Friday, June 27, 2025 and will address those suggestions in the next public meeting on the corresponding topic.

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

ATTACHMENT A6

OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING June 12, 2025

PROPOSED REGULATORY AMENDMENTS FOR SCHOOL FACILITY PROGRAM INTERIM HOUSING AND NATURAL DISASTER ASSISTANCE

PURPOSE

To continue to discuss and receive stakeholder input regarding proposed regulatory amendments to the School Facility Program (SFP) resulting from provisions of 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 A6a.

DESCRIPTION

This report is a continuation of the discussion of interim housing and natural disaster assistance pursuant to Education Code (EC) Section 17075.20, which was presented to stakeholders on February 13 and April 10, 2025. Additionally, this report modifies proposed regulatory amendments building upon the information presented to stakeholders on April 10, 2025. Office of Public School Construction (OPSC) staff received written comments from one district and one district consultant (see Attachment B) following that meeting. This report addresses those comments and proposes additional changes with the goal of ensuring clear program requirements for applicants and OPSC as the program administrator.

Attachment A6b contains proposed SFP Regulation additions and amendments for discussion.

BACKGROUND

Stakeholder Feedback

On April 10, 2025, OPSC presented proposed regulations and concepts based on the new statutory authority of EC Section 17075.20. This statute provides authority for the State Allocation Board (Board) to fund Interim Housing following a natural disaster for which the Governor has declared a state of emergency. It also authorizes the Board to provide "any other assistance" to a school district or county office of education (COE) determined by the Board to be impacted by a natural disaster for which the Governor has declared a state of emergency.

For purposes of this item, school districts and COEs will be referred to as "school districts."

STAFF ANALYSIS/DISCUSSION

OPSC previously presented an overview of EC Section 17075.20, subdivisions a through e, and provided proposals for concepts, procedures, and regulations related to Interim Housing and Natural Disaster Assistance.

As mentioned in the previous meeting, the new sliding scale matching share and Financial Hardship criteria are applicable to this program.

Summary of Stakeholder Feedback

Staff would like to thank stakeholders who were able to view, attend, or participate in this meeting and also those who provided valuable feedback either at the meeting or through written correspondence to OPSC. Below is a summary of stakeholder feedback received as a result of the April 10 meeting.

Stakeholder Feedback	OPSC Response
<p>1. Regarding the “any other assistance” provision in EC Section 17075.20(e), the stakeholder suggests that the allowable costs include the contents of interim buildings, which may include furnishings, equipment, and other necessary items required to support educational operations during disaster recovery.</p>	<p>1. According to the Federal Emergency Management Agency (FEMA), the repair or replacement of equipment and furnishings are eligible for FEMA reimbursement if the damage or destruction occurred in a declared event. Examples cited include items such as administrative office equipment and furniture, science and computer labs, musical equipment, art equipment, gym equipment and sports equipment, scoreboards, and cafeteria equipment.</p> <p>Additionally, in comprehensive insurance policies, items such as furnishings, equipment, and other necessary items required to support educational operations may be covered, and insurance proceeds may be expended toward those expenses.</p> <p>OPSC and the Board may consider supplementing funding related to these items on a case-by-case basis, provided these costs are offset by insurance proceeds and any other local, state, or federal assistance.</p>

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
	<p>1. (cont.) Consistent with the current Grant Agreement for Modernization and new construction projects, furniture and equipment that meet all of the criteria as described in EC Sections 17072.35 and 17074.25 and the California School Accounting Manual, Procedure 770, are eligible expenditures if funding is provided for these items.</p>
<p>2. Regarding the proposed regulations, the definition for Interim Housing should not be limited to only those circumstances in which students are temporarily housed due to modernization projects or as a result of a natural disaster, as Interim Housing is also used commonly to temporarily house students in other situations as well (i.e., facility hardships, students awaiting new construction, etc.). Limiting the definition of Interim Housing to only those two situations could significantly impact other SFP Regulation sections.</p>	<p>2. The current definition of Interim Housing within the SFP Regulations was restricted to “the rental or lease of classrooms used to house pupils temporarily displaced as a result of the modernization of classroom facilities.” The purpose of adding purchasing and a reference to “as a result of a natural disaster for which the governor has declared a state of emergency, pursuant to EC Section 17075.20” to the definition does not appear to impact other SFP Regulation sections; however, OPSC welcomes feedback on any impact that stakeholders may see from the proposed addition to regulations.</p> <p>However, given the current Grant Agreement lists interim housing as an eligible expenditure for all types of projects, OPSC agrees with the stakeholder that the current definition does not capture the variety of circumstances that may necessitate interim housing.</p> <p>OPSC acknowledges that there may be other circumstances in which interim housing is necessary, and agrees with the stakeholder that the definition should be broadened to accommodate additional potential circumstances that may warrant interim</p>

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
	2. (cont.) housing. As a result, please see the proposed regulatory changes below outlining this proposed amendment under SFP Regulation Section 1859.2.

The April 10 meeting was recorded, and as a result, feedback that OPSC was able to respond to at the time of the meeting that did not impact the proposed regulations may be found here: [April 10, 2025 OPSC Proposition 2 Stakeholder Meeting #8](#)

The full text of the previous stakeholder meeting item may be found here: [April 10, 2025 OPSC Proposition 2 Stakeholder Meeting #8 - Item](#)

Considering the feedback received at and following the April 10 stakeholder meeting, OPSC developed modifications to the proposed regulations and considerations to implement these provisions.

Summary of Proposed SFP Regulations

The following summary of proposed regulations primarily highlights changes from the proposed regulations previously presented at the April 10 stakeholder meeting. The full text of the latest proposed regulatory amendments may be found within Attachment A6b.

SFP Regulation Section 1859.2 – Definitions

Previously, OPSC proposed a new form for the purpose of requesting Interim Housing and Natural Disaster Assistance funding. OPSC proposes naming this form the *Interim Housing and Natural Disaster Assistance Request* (Form SAB 195). This Form will be required to request either Interim Housing Assistance or Natural Disaster Assistance.

OPSC also proposes an amendment to the definition of “Interim Housing” to add the use of the purchased classrooms, in addition to rented or leased classrooms, as a result of modernization or construction of classroom facilities, or as a result of a natural disaster for which the Governor has declared a state of emergency. This amendment is intended to capture the variety of circumstances in which a school district may need to acquire interim housing.

SFP Regulation Section 1859.31 – Gross Classroom Inventory

OPSC proposes an amendment to existing subdivision (i) to capitalize the defined term “Interim Housing” and remove reference to the distinction of it being for a modernization project in order to reference back to the new proposed Definition.

STAFF ANALYSIS/DISCUSSION (cont.)

SFP Regulation Section 1859.51 – Adjustments to the New Construction Baseline Eligibility

In the April 10 stakeholder item, OPSC introduced the concept of, a “placeholder” adjustment that would be included on the school district’s new construction eligibility baseline when interim housing is first placed on site. OPSC proposes that subdivision (t)(1) be added to function as the placeholder adjustment for purchased portable classrooms, noted as a t1 adjustment type. OPSC notes that the “placeholder” adjustment for portables leased for more than five years would already effectively be made pursuant to subdivisions (i)(4) and (i)(5).

OPSC also proposes removing language within subdivision (i)(5) to reference the new Definition of “Interim Housing”.

Following this adjustment, OPSC proposes that subdivision (t)(2) be added, to account for the reversal of the placeholder adjustment when the school district permanently removes the purchased portable classrooms within eight years of occupancy as Interim Housing pursuant to Section 1859.84.1.

Finally, OPSC acknowledges that due to enrollment considerations, school districts may or may not replace all classrooms on site that were destroyed or rendered unsafe to occupy. As a result, OPSC proposes that subdivision (u) be added. This subdivision states that any classrooms destroyed or rendered unsafe to occupy as a result of a natural disaster declared on or after July 3, 2024, that will not be replaced, may be adjusted on the new construction eligibility baseline by being removed from the district’s classroom inventory. This would provide school districts the opportunity to apply for SFP new construction funding at a later date if projected enrollment exceeds the classroom capacity of the school district following normal SFP New Construction eligibility criteria.

Additionally, subdivision (u) would permit the Board to consider adjustments to classrooms that were destroyed or rendered unsafe to occupy that precede July 3, 2024 on a case-by-case basis.

These concepts are addressed in greater detail with an illustrative example located on page 8 of this item.

SFP Regulation Section 1859.84.1 — Interim Housing Assistance

The addition to this proposed section is the inclusion of the proposed new Form SAB 195.

STAFF ANALYSIS/DISCUSSION (cont.)

SFP Regulation Section 1859.84.2— Natural Disaster Assistance

Additions to this proposed section include the following:

- The inclusion of the proposed new Form SAB 195.
- Reference to grants provided for purposes of this section as a new construction grant, allocated on a 50 percent state share basis, has been removed.
- Reference to Section 1859.79 has been added.
- Inclusion of the phrase “but not limited to” related to factors that the Board may consider when determining to provide any other natural disaster assistance.
- Subdivision (a) has been added to indicate that the Board may consider previous SFP Approved Applications that received an apportionment for the impacted site as it relates to the natural disaster.
- Subdivision (g) has been added to reference that the Apportionment will be subject to the requirements of SFP Regulation Section 1859.104.

The purpose of removing the reference to grants provided for the purposes of this section as a new construction grant, allocated on a 50 percent state share basis, is to maximize programmatic opportunities to participate for school districts. The first stakeholder meeting held on February 13, 2025, considered grants provided as a new construction project, allocated on a 50 percent state share basis. The subsequent meeting, held on April 10, 2025, refined this consideration to be specific to assistance for Interim Housing requests, as this assistance is directly associated with new construction to replace lost buildings.

OPSC proposes that the Board should have the flexibility to provide grants for the purposes of Natural Disaster Assistance on either a 50 percent state share basis for new construction projects or a 60 percent state share basis for Modernization projects, dependent on the type of project for which assistance is requested. As a result, reference to Section 1859.79 *Modernization Matching Share Requirement* has been added.

As the regulations indicate, the Board may consider any previous SFP apportionment for the impacted site related to the natural disaster.

If the school district’s request for natural disaster assistance is in lieu of funding for facility hardship, new construction, or modernization, the district must provide justification for its request.

For the full text of proposed regulatory amendments, please reference Attachment A6b.

STAFF ANALYSIS/DISCUSSION (cont.)

Interim Housing and Natural Disaster Assistance Request (Form SAB 195)

OPSC is presenting a proposed Form SAB 195 for school districts to specifically request assistance pursuant to EC Section 17075.20.

This Form is intended to be used to request either Interim Housing or Natural Disaster Assistance. If a school district has multiple sites impacted, it must submit individual applications using this Form to request assistance for each site. The Form has a total of nine proposed sections, wherein requests for assistance may deem certain sections of the Form as applicable and some as not applicable.

Notable components of the Form are as follows:

- Section 1 requests the school district indicate the type of application.
- Section 2 requests that the school district indicate any submitted applications that are currently on the OPSC workload or ARBBA lists.
- Section 3 requests that the school district indicate any applications that are specific to the impacted site and received Board approval after the date of the natural disaster.
- Section 4 requests that the school district indicate whether there is a state of emergency declared by the Governor, and if so, that the school district provide the number of the Executive Order regarding the state of emergency is and the date it was proclaimed.
- Sections 8 and 9 are for the school district to include a narrative for the request for Interim Housing or Natural Disaster Assistance, respectively.

The Form SAB 195 is included on Attachment A6c, and OPSC welcomes stakeholder feedback on the currently proposed Form.

Interim Housing and Natural Disaster Assistance Checklist

OPSC has also prepared a proposed checklist to serve as a tool to support school districts in identifying necessary information required for a complete submittal for this assistance.

The checklist is intended to be a functional document which the district may reference during the course of submitting an application to request this assistance, and is included on Attachment A6d for purposes of stakeholder feedback.

New Construction Eligibility Baseline Adjustments – Net Gains or Losses

New construction eligibility is calculated based on a school district's projected need to house new pupils and is adjusted for any additional capacity beyond what was captured on the *Existing School Building Capacity* (Form SAB 50-02) at the time of eligibility establishment.

STAFF ANALYSIS/DISCUSSION (cont.)

OPSC has outlined an example below demonstrating how the proposed regulations for SFP Regulation Section 1859.51 may impact the school district's baseline eligibility for new construction, specifically for net losses of classrooms. The example below provides a fictional circumstance in which a school district was impacted by a natural disaster that destroyed or severely damaged classrooms.

Number of Classrooms Destroyed/Severely Damaged	Interim Housing Acquired (Purchased) to House Students	Number of Classrooms Being Rehabilitated/Restored
6	5	4

In this illustrative example, *California Poppy Union School District* (District), a one-school school district that has already established new construction eligibility, had a total of six classrooms completely destroyed in a wildfire at Golden Trout Elementary. The District determines that, in order to house their 98 K-6 pupils, which was the enrollment at the time of the natural disaster, they need a total of five classrooms to accommodate the current student population. This District previously established new construction baseline eligibility and utilized their available eligibility. As a result, their new construction baseline will appear as such:

SFP New Construction ELIGIBILITY BASELINE ADJUSTMENT WORKSHEET													
School District: California Poppy Union School District							Application No. 50/00000-00-000						
Site:							County Sunshine						
Date of Change	Baseline Adjustments					Type	Type of Adjustment Pursuant to Section 1859.51	Total Grant Request	Net Baseline Eligibility				
	K - 6	7 - 8	9 - 12	Non-Severe	Severe				K - 6	7 - 8	9 - 12	Non-Severe	Severe
3/27/24	200	0	0	0	0		Establish Baseline Eligibility	200	200	0	0	0	0
3/27/24	-200	0	0	0	0	a	Application #50/00000-00-001	-200	0	0	0	0	0
4/23/25	-125	0	0	0	0	t1	Interim Housing Acquired Pursuant to SFP Regulation Section 1859.84.1	-125	-125	0	0	0	0

This adjustment dated April 23, 2025 accounts for the additional capacity of five purchased portable classrooms functioning as Interim Housing, pursuant to SFP Regulation Section 1859.84.1. This t1 adjustment is pursuant to the proposed SFP Regulation Section 1859.51(t)(1).

STAFF ANALYSIS/DISCUSSION (cont.)

Two years later, the District removes the five Interim Housing classrooms. Upon notifying OPSC, the baseline appears as follows:

SFP New Construction ELIGIBILITY BASELINE ADJUSTMENT WORKSHEET													
School District: California Poppy Union School District							Application No. 50/00000-00-000						
Site:							County Sunshine						
Date of Change	Baseline Adjustments					Type	Type of Adjustment Pursuant to Section 1859.51	Total Grant Request	Net Baseline Eligibility				
	K - 6	7 - 8	9 - 12	Non-Severe	Severe				K - 6	7 - 8	9 - 12	Non-Severe	Severe
3/27/24	200	0	0	0	0		Establish Baseline Eligibility	200	200	0	0	0	0
3/27/24	-200	0	0	0	0	a	Application #50/00000-00-001	-200	0	0	0	0	0
4/23/25	-125	0	0	0	0	t1	Interim Housing Acquired Pursuant to SFP Regulation Section 1859.84.1	-125	-125	0	0	0	0
4/28/27	125	0	0	0	0	t2	Interim Housing Removed Pursuant to SFP Regulation Section 1859.84.1	125	0	0	0	0	0

This adjustment, dated April 28, 2027, is made pursuant to the proposed SFP Regulation Section 1859.51(t)(2), which functions as a reversal of the previous adjustment for portable classrooms that are permanently removed from the school district.

As evidenced by the purchased Interim Housing adjustment, there is no net loss or gain of classrooms, as the adjustment is made as a result of the school district selling/removing the portable classroom(s) purchased for purposes of interim housing if it was more cost effective to do so as opposed to leasing.

Subsequently, the District opted to rebuild four of the six destroyed classrooms, meaning that two K-6 classrooms with a pupil capacity of 50 would be eligible to be returned to the school district's baseline eligibility through an adjustment pursuant to the proposed SFP Regulation Section 1859.51(u).

Therefore, there would be an adjustment on the new construction eligibility baseline to remove that classroom capacity, as follows:

STAFF ANALYSIS/DISCUSSION (cont.)

SFP New Construction ELIGIBILITY BASELINE ADJUSTMENT WORKSHEET													
School District: California Poppy Union School District								Application No. 50/00000-00-000					
Site:								County Sunshine					
Date of Change	Baseline Adjustments					Type	Type of Adjustment Pursuant to Section 1859.51	Total Grant Request	Net Baseline Eligibility				
	K - 6	7 - 8	9 - 12	Non-Severe	Severe				K - 6	7 - 8	9 - 12	Non-Severe	Severe
3/27/24	200	0	0	0	0		Establish Baseline Eligibility	200	200	0	0	0	0
3/27/24	-200	0	0	0	0	a	Application #50/00000-00-001	-200	0	0	0	0	0
4/23/25	-125	0	0	0	0	t1	Interim Housing Acquired Pursuant to SFP Regulation Section 1859.84.1	-125	-125	0	0	0	0
4/28/27	125	0	0	0	0	t2	Interim Housing Removed Pursuant to SFP Regulation Section 1859.84.1	125	0	0	0	0	0
4/28/27	50	0	0	0	0	u	Removal of Existing CR due to Fire	50	50	0	0	0	0

This adjustment allows for the new construction eligibility baseline to account for any net gains or losses of classrooms due to a natural disaster for which the Governor has declared a state of emergency, pursuant to the proposed SFP Regulation Section 1859.51(u).

OPSC recognizes that these are new adjustments, and has preemptively compiled some scenarios and responses to anticipate concerns regarding these adjustments and potential future impacts to the new construction eligibility baseline and any Approved Applications on the SFP workload or ARBBA lists.

Scenario #1

What if the school district has never established new construction baseline eligibility?

OPSC Response

No eligibility adjustment would be necessary, as the school district has not established new construction baseline eligibility. If the school district were to request new construction funding, they would be required to establish and OPSC would account for total school district capacity at that time following SFP Regulations.

Scenario #2

What if the school district has a new construction funding application for which the added adjustment of temporary housing negates any demonstration of capacity needs? For instance, let's pose that California Poppy Union had submitted an enrollment update for the 2024/2025 enrollment year that provided them 125 K-6

STAFF ANALYSIS/DISCUSSION (cont.)

pupils pre-natural disaster, and had a new construction application on the workload list that was set to be processed at the same time the district suffers a natural disaster, and wishes to request Interim Housing.

OPSC Response

For such an instance, OPSC proposes that the funding provided for the application would have a special condition that:

“On (Apportionment date), the Board approved an Interim Housing Apportionment for the District for xx pupil grants at the [Insert as appropriate: K-6, 7-8, 9-12] grade level(s), as prescribed in Regulation Section 1859.84.1. With this item, the District is requesting funding associated with the impacted site for which Interim Housing was acquired, pursuant to Regulation Section 1859.84.2. Therefore, the adjustment approved on (Apportionment date) shall follow the funding application’s pupil grant adjustment.”

OPSC proposes to evaluate eligibility preceding the adjustment (which is reversible once removed unless the District wishes to retain the housing beyond the replacement of the facilities) for purposes of applications requesting this specific Natural Disaster Assistance new construction funding. Applicants wishing to pursue this avenue of assistance would still be subject to the submittal of new construction eligibility updates in accordance with SFP Regulation Section 1859.51.

To reiterate from the previous meeting, the assumption is that the portable classrooms purchased pursuant to this EC Section function as temporary housing while the school is being rebuilt or rehabilitated, and that the school would be rebuilt to pre-disaster capacity. OPSC recognizes the need to be flexible as it relates to applications received for this provision’s assistance.

Scenario #3

If the school district is requesting reimbursement for Interim Housing, and the facilities have already been removed from campus at the time of this request, would there be any line adjustments to the new construction eligibility?

OPSC Response

The school district would not need an adjustment to the new construction eligibility baseline if the interim housing has been removed prior to this assistance.

Natural Disaster Assistance Request - Example

In the following illustrative example of a Natural Disaster Assistance Request, the “California Golden Bear High School District,” which has undergone the outlined process of requesting Natural Disaster Assistance, has sought funding through the SFP prior to requesting “any other assistance.” Below is an outlined process.

STAFF ANALYSIS/DISCUSSION (cont.)

A massive fire destroyed the entirety of California Golden Bear High School, which contained all the facilities for the entire District. This was a natural disaster for which the Governor had declared a state of emergency, currently listed as “open” on the California Office of Emergency Services’ website.

The Board initially approved a design funding Apportionment for an SFP project. Subsequently, the District submitted an SFP application and an accompanying appeal request for immediate processing and funding for the full adjusted grant (permitting availability of funding).

The Board subsequently approved the appeal and its accompanying application. Following this, the school district submitted an appeal for additional funding assistance pursuant to EC Section 17075.20(e) for “any other assistance.”

Future Discussion

In a future meeting, OPSC anticipates discussing and opening the conversation for stakeholder feedback on the following:

- Proposed regulations for program accountability requirements, including annual reporting requirements
- Proposed new grant agreement (GA) for Interim Housing
- Proposed new GA for Natural Disaster Assistance
- Considerations for the offset of any future insurance proceeds/disaster assistance may be addressed after the Apportionment

Below are descriptions of the intended format and contents of the new GAs, which will be streamlined and briefer than existing GAs for other SFP projects:

Interim Housing Grant Agreement

This GA will follow similar formatting to the one used for SFP projects, however it will be refined exclusively for the purposes of school districts requesting interim housing assistance pursuant to EC Section 17075.20.

This GA will be a required agreement for each approved Interim Housing Assistance application and will contain examples of eligible and ineligible project expenditures.

The GA would also indicate the scope of Interim Housing Assistance, such as the number of portable classrooms requested by means of leasing/purchasing, and the duration of use.

STAFF ANALYSIS/DISCUSSION (cont.)

It will also detail annual reporting requirements for purposes of tracking interim housing usage. Due to necessary flexibility regarding the need for and usage of interim housing, OPSC anticipates an annual narrative to be provided to OPSC from the school district until the project is completed.

Once completed, the school district would provide a final expenditure report and annual savings report. This would be subject to the K-12 Audit provisions outlined in EC Section 41204.

Natural Disaster Assistance Grant Agreement

This proposed GA will detail an annual reporting requirement wherein the school district provides an annual narrative from a status of the project standpoint, with a final expenditure report of three or four years, dependent on whether the project is located on an elementary school, middle school, or high school (pursuant to SFP Regulation Section 1859.104).

Once completed, the school district would provide a final expenditure report and annual savings report. This would be subject to the K-12 Audit provisions outlined in EC Section 41204.

AUTHORITY**Education Code (EC) Section 17071.30 – Existing School Building Capacity**

For purposes of determining the existing school building capacity, each applicant school district shall include each portable classroom, whether owned or leased, except as otherwise provided in subdivision (a) or (b).

(a) Portable classrooms leased pursuant to Chapter 14 (commencing with Section 17085) shall be excluded from the existing school building capacity. Portable classrooms obtained by an applicant district pursuant to subdivision (b) of Section 17088.5 shall be excluded from the existing school building capacity, except as to any portable classroom or classrooms for which the district rejected the board's offer to purchase pursuant to that subdivision. Portable classrooms leased for a period of less than five years prior to the date of application shall not be included in existing school building capacity.

(b) The number of portable classrooms, reduced by the number of portable classrooms used as interim housing for modernization projects, that exceed 25 percent of the number of permanent classrooms available to the district shall not be included in the existing building capacity.

EC Section 17075.20 – Hardship Application

(a) Notwithstanding any other law, the board may provide assistance under this chapter for purposes of procuring interim housing, including, but not limited to, the leasing or acquisition of portable classrooms and any work associated with placing them on a site, to school districts and county offices of education impacted by a natural disaster for which the Governor has declared a state of emergency. The allocated funds shall supplement funding from insurance or any other local, state, or federal government disaster assistance.

(b) For purposes of this section, and notwithstanding any other section of this chapter, school districts and county offices of education determined by the board to be impacted by a natural disaster as described in subdivision (a) are deemed to meet the requirements set forth in Section 17075.10.

(c) Notwithstanding any other law, a school district or county office of education that receives assistance under this section shall be entitled to retain savings from a project and use those savings for other high-priority capital outlay purposes consistent with the requirements of subdivision (c) of Section 17070.63.

(d) (1) A grant provided pursuant to this section shall not affect the applicant's eligibility for any other program under this chapter.

(2) Notwithstanding paragraph (1), a portable classroom purchased pursuant to subdivision (a) shall be included in the determination of eligibility for new construction funding pursuant to Section 17071.75.

(e) The board may provide any other assistance to a school district or county office of education determined by the board to be impacted by a natural disaster as described in subdivision (a).

AUTHORITY (cont.)**School Facility Program (SFP) Regulation Section 1859.31(i) states, in part:**

The district shall prepare a gross inventory consisting of all classrooms owned or leased in the district, the HSAA or Super HSAA as appropriate. For the purpose of this gross classroom inventory, the following shall be considered a classroom. Any classroom:

...

(i) acquired for interim housing for a modernization project.

...

SFP Regulation Section 1859.32(j) states, in part:

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

...

(j) any portable classroom excluded by Education Code Section 17071.30.

...

SFP Regulation Section 1859.51(i) states, in part:

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

...

(i) Reduced by the number of pupils housed, based on loading standards pursuant to Education Code Section 17071.25(a)(2)(A), in any Classroom Provided after the baseline eligibility was determined by the Board with the exception of those pupils housed or to be housed in a classroom:

...

(4) That is a portable classroom leased for a period of less than five years, whether in a single lease or cumulative total of several leases.

(5) That is a portable classroom that needs to be leased beyond five years to provide interim housing in a modernization or new construction project provided the cumulative lease term does not exceed a specified time period as determined by the SAB not to exceed three years on each qualifying project. For this purpose, a project means all work contained in a single set of construction plans.

SFP Regulation Section 1859.104. Program Reporting Requirements.

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

(a) An expenditure report from the 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 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:

AUTHORITY (cont.)

(A) When the notice of completion for the project has been filed, all outstanding invoices, claims, change orders have been satisfied and the facility is currently in use by the 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) With the exception of projects that qualify for an apportionment pursuant to Section 1859.75.1, a progress report, in the form of a narrative from the district, shall be due 18 months from the date any funds were released to the district for the project pursuant to Section 1859.90 or 1859.90.2. The progress report shall include information regarding the progress the 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 district, shall be due 12 months from the date the site acquisition funds were apportioned to the district for the project pursuant to Section 1859.75.1. The progress report shall include information regarding the progress the 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 district-owned site pursuant to Section 1859.74.5, a certification that the non-school function currently taking place on the district-owned site has been discontinued or relocated. The certification must be submitted to the 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.

(e) If an Apportionment was made under the Overcrowding Relief Grant pursuant to Section 1859.180, the School District must provide a certification that the replaced portables were removed from the eligible site and from service pursuant to Education Code Section 17079.30.

(f) A School District receiving an Apportionment for high performance incentive grants pursuant to Section 1859.71.6 or 1859.77.4 shall submit a completed

AUTHORITY (cont.)

Project Information Worksheet to the OPSC for all expenditures related to the additional design and construction costs of the high performance building components. In addition, the School District shall provide information related to resulting energy savings and efficiency, as well as other resulting benefits. The Project Information Worksheet shall be submitted with the Form SAB 50-05 and the District's first and final Forms SAB 50-06 pursuant to (a)(1) and (2) above.

(g) A School District receiving funds shall submit a summary report of expenditures of state funds and of school district matching funds annually until all state funds and school district matching funds are expended, pursuant to Education Code Section 17076.10(a).

PROPOSED REGULATIONS

Section 1859.2. Definitions.

...

"Form SAB 195" means the *Interim Housing and Natural Disaster Assistance Request* (Form SAB 195) (New xx/25), which is incorporated by reference.

...

"Interim Housing" means the rental, purchase, or lease of classrooms used to house pupils temporarily displaced as a result of the modernization or construction of classroom facilities, or as a result of a natural disaster for which the governor has declared a state of emergency, pursuant to Education Code Section 17075.20.

...

Note: Authority cited: Sections 17075.20, 17070.35 and 17078.64, Education Code.

Section 1859.31. Gross Classroom Inventory.

The School dDistrict shall prepare a gross inventory consisting of all classrooms owned or leased in the district, the HSAA or Super HSAA as appropriate. For the purpose of this gross classroom inventory, the following shall be considered a classroom. Any classroom:

- (a) for which a contract was signed for the construction or acquisition of facilities or for which construction work has commenced at the time the SFP application for determination of eligibility is submitted to the OPSC;
- (b) constructed with funds from the LPP;
- (c) used for Special Day Class or Resource Specialist Programs;
- (d) that are standard classrooms, shops, science laboratories, computer laboratories, or computer classrooms;
- (e) acquired or created for Class Size Reduction purposes;
- (f) used for preschool programs;
- (g) converted to any non-classroom purpose including use by others;
- (h) with Housing and Community Development or Department of Housing insignia;
- (i) ~~acquired for Interim h~~Interim Housing ~~for a modernization project~~;
- (j) leased or purchased under the State Relocatable Program pursuant to Chapter 14 of Part 10 of the Education Code;
- (k) that have a waiver for continued use by the Board for Field Act exemptions;
- (l) used for Community School purposes;
- (m) included in a closed school.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17071.25, 17071.30, and 17075.20, Education Code.

Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

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

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

(b) Reduced by the number of pupils housed, based on the loading standards pursuant to Education Code Section 17071.25(a)(2)(A), in a new construction LPP project funded under the provisions of the LPP pursuant to Sections 1859.12 or 1859.13.

(c) Reduced by the number of pupils housed in additional classrooms constructed or purchased based on the loading standards, pursuant to Education Code Section 17071.25(a)(2)(A), in a modernization SFP project.

(d) Adjusted as a result of the audit findings made pursuant to Sections 1859.90, 1859.90.3 and 1859.105.

(e) Increased/decreased by changes in projected enrollment in subsequent enrollment reporting years for all districts using a fifth-year projection or a tenth-year projection, except decreases as provided in (j) below.

For all funding requests received by OPSC on or after June 6, 2017, OPSC will notify the School District in writing that OPSC is scheduled to begin processing the School District's Form SAB 50-04 and that the School District shall submit the Form SAB 50-01 based on ~~s~~School ~~d~~District enrollment data, as shown in the table below:

OPSC Received Date of Form SAB 50-01	Enrollment Reporting Year
July 1 through October 31	Submit Prior Fiscal Year Enrollment Data
November 1 through June 30	Submit Current Fiscal Year Enrollment Data

OPSC may return the Form SAB 50-04 to the School District for failure to submit the Form SAB 50-01 within 90 calendar days of OPSC's notification.

(f) Adjusted as a result of errors or omissions by the ~~School d~~District or by the OPSC.

(g) Adjusted as a result of amendments to these Regulations that affect the eligibility.

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

(i) Reduced by the number of pupils housed, based on loading standards pursuant to Education Code Section 17071.25(a)(2)(A), in any Classroom Provided after the baseline eligibility was determined by the Board with the exception of those pupils housed or to be housed in a classroom:

(1) That is a trailer and transportable/towed on its own wheels and axles.

(2) Of less than 700 interior square feet.

(3) That is a portable classroom, leased pursuant to Chapter 14 (commencing with Section 17085) of the Education Code.

(4) That is a portable classroom leased for a period of less than five years, whether in a single lease or cumulative total of several leases.

(5) That is a portable classroom that needs to be leased beyond five years to provide ~~interim h~~Housing in a ~~modernization or new construction project~~ provided the cumulative lease term does not exceed a specified time period as determined by the SAB not to exceed three years on each qualifying project. For this purpose, a project means all work contained in a single set of construction plans.

(6) Where the contract for the lease, lease-purchase, purchase, or construction of the classroom was made prior to January 1, 2000.

(7) That is included in a SFP project where the district has funded a portion of the project beyond its required district contribution and the pupil capacity of the classroom does not exceed 150 percent of the number of pupils receiving a new construction grant (rounded up) for the SFP project.

(8) That was acquired with joint-use funds specifically available for that purpose.

(9) That was acquired with career technical education funds specifically available pursuant to Education Code Section 17078.72.

(10) That was built or acquired exclusively for regional occupational centers, regional occupational programs, child care, preschool and/or Adult Education Programs, and with funds specifically available for those purposes.

(11) That replaces a classroom, previously included in the determination of the district's new construction eligibility pursuant to Education Code Section 17071.75, in a project funded by the School ~~and~~ District without participation from the State and the School ~~and~~ District permanently removes the replaced facility from classroom use immediately after the replacement classroom is occupied.

(12) That was constructed with Overcrowding Relief Grant funds specifically available for that purpose.

(j) For Small School Districts:

(1) Decreased by any reduction in projected enrollment that follows a three-year period after the district's eligibility was approved by the Board, and either (A) or (B), as applicable:

(A) Increased/decreased by changes in projected enrollment in the 2016/2017 enrollment year using a fifth-year projection or a tenth-year projection if the Form SAB 50-01 was received at OPSC by October 31, 2017.

(B) Increased/decreased by changes in projected enrollment in subsequent enrollment reporting years following 2016/2017 using a fifth-year projection or a tenth-year projection.

(2) If the Small School District does not submit an adjustment under (A) or (B) prior to OPSC notification of its schedule to begin processing the School District's request for new construction funding that was received by OPSC on or after November 1, 2012, then the requirements of (e) shall apply.

(k) Adjusted for any change in classroom inventory as a result of a reorganization election.

(l) For classroom loading standards adopted by the Board for non-severely disabled individuals with exceptional needs and severely disabled individuals with exceptional needs.

(m) As directed by the Board due to a finding of a Material Inaccuracy pursuant to Regulation Section 1859.104.1.

(n) Increased by the number of pupils that received a Preliminary Apportionment that was rescinded pursuant to Section 1859.148 or a Preliminary Charter School Apportionment that was rescinded pursuant to Section 1859.166.

(o) Adjusted for operational grant changes as determined/provided by the California Department of Education.

(p) For a HSA School ~~and~~ District with Preliminary Apportionments within the 2002 or 2004 Critically Overcrowded School Facilities Account as follows:

(1) Decreased by the number of pupils that received a Preliminary Apportionment, distributed proportionately among HSAs in which the pupils used to justify the conversion of the Preliminary Apportionment were enrolled but did not reside.

(2) In the subsequent enrollment reporting year after verification of Occupancy of a project, increased by the number of pupils equal to the reduction due to Section 1859.51(p)(1), for the project which was occupied.

(3) Increased by the number of pupils equal to the reduction due to Section 1859.51(p)(1), for a Preliminary Apportionment rescinded pursuant to the provisions of Section 1859.148.

(q) Adjusted by the difference between the Alternative Enrollment Projection for the current enrollment reporting year and the projected enrollment determined pursuant to Section 1859.42 for the current enrollment reporting year, or by the eligibility remaining from this calculation that can no longer be utilized if the funds made available pursuant to Education Code Section 17071.75(a)(1)(A) have been exhausted.

(r) Adjusted pursuant to Education Code Section 17071.75(b)(2) by the number of pupils housed, based on the loading standards pursuant to Education Code Section 17071.25(a)(2)(A), in any classroom(s) where title was relinquished to the School District receiving the transferred classroom(s).

(s) Increased by the capacity of classrooms that meet all of the following:

(1) The classrooms are included in an Approved Application that have a qualifying health and safety threat pursuant to Sections 1859.82.1 or 185.9.82.2 that were originally included in the School dDistrict's baseline eligibility, except the School dDistrict did not have the current enrollment to support the replacement and funding of those classrooms.

(2) The classrooms are included in an Approved Application pursuant to Sections 1859.82.1 or 1859.82.2 and did not receive funding as part of that project and were demolished or removed from classroom use. Buildings removed from K-12 classroom use that remain on the school site will be identified on a list published on OPSC's website.

(3) The Board shall approve the adjustment upon receiving the local school board resolution acknowledging that the buildings have been removed from K-12 classroom use.

(t) Adjusted by the capacity of classrooms, as applicable:

(1) Decreased by the number of pupils housed in portables classrooms purchased for purposes of Interim Housing pursuant to Education Code Section 17075.20.

(2) Increased by the number of pupils housed in portable classrooms purchased pursuant to Section 1859.51(t)(1) that are permanently removed from the School District within eight years of occupancy.

(u) Increased by the capacity of classrooms that were destroyed or rendered unsafe to occupy due to a natural disaster for which the Governor declared a state of emergency on or after July 3, 2024, that the School District elected not to replace. The Board may consider adjustments for classrooms that were destroyed or rendered unsafe to occupy due to a natural disaster that occurred prior to July 3, 2024, that the School District elected not to replace, on a case-by-case basis.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17052, 17070.51, 17071.25, 17071.75, 17071.76, 17072.20, 17075.20, 17077.40, 17078.72, 17079.20, 42268, and 42270, Education Code.

Section 1859.80. General.

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

(a) A financial hardship, as provided in Section 1859.81, which prevents the School dDistrict from funding all or a portion of the matching share requirement for a SFP grant.

(b) Qualification for facility hardship as provided in Sections 1859.82.1 or 1859.82.2.

(c) An Excessive Cost Hardship Grant as a result of added construction costs due to unusual circumstances as provided in Section 1859.83.

(d) Qualification for Interim Housing and natural disaster assistance as provided in Sections 1859.84.1 or 1859.84.2 as a result of a natural disaster for which the Governor has declared a state of emergency.

Note: Authority cited: Sections 17075.10 in effect as of January 1, 2024 and amended by Assembly Bill 247, Chapter 81, Statutes of 2024, and with the successful passage of Proposition 2 on November 5, 2024, 17075.20 and 17070.35, Education Code.

Section 1859.84. Interim Housing and Natural Disaster Assistance

A School District may apply for Interim Housing and natural disaster assistance as a result of a natural disaster for which the Governor has declared a state of emergency, which is subject to verification with the Governor's Office of Emergency Services to confirm the state of emergency is still open at the time of application submittal.

For purposes of this Section, a natural disaster may include, but is not limited to, events such as earthquakes, wildfires, floods, landslides, storms, hurricanes, tsunamis, and other natural catastrophes.

Applications received on or after October 31, 2024 are subject to matching share requirements in accordance with Section 1859.77.1.

Note: Authority cited: Section 17075.20, Education Code.

Section 1859.84.1. Interim Housing Assistance

All applications pursuant to Section 1859.84 shall be funded in the order of receipt of a Form SAB 195 and pursuant to Section 1859.93.1. Any funding provided by this section shall be provided as a new construction project pursuant to Section 1859.77.1. The allocated funds shall supplement funding from insurance, or any other local, state, or federal disaster assistance.

An impacted School District is eligible for funding to procure Interim Housing, including, but not limited to, the lease or purchase of portable classrooms as a result of the following:

(a) The School District has had facilities lost or damaged by a natural disaster for which the Governor has declared a state of emergency.

(1) The declared state of emergency must be "open" at the time of application submittal.

(b) To request funding to lease portable classrooms, the School District must submit the following:

(1) A completed, valid Form SAB 195 signed by an Authorized District Representative.

(2) Documentation which includes actual costs of the portable classroom(s), including but not limited to invoices or lease agreements.

(3) Documentation may include, but is not limited to, invoices for work associated with placing the portable classrooms on a site.

(4) In lieu of actual costs, School Districts may provide bid proposals, quotes, or other documentation that supports the amount of the funding request.

(c) To request funding to purchase portable classrooms, the School District must submit the following:

(1) A completed, valid Form SAB 195 signed by an Authorized District Representative.

(2) Documentation which includes actual costs of the portable classroom(s), including but not limited to, invoices or purchase agreements.

(3) Documentation, such as invoices or contracts, which includes, but is not limited to, any work associated with placing the portable classrooms on a site.

(4) In lieu of actual costs, School Districts may provide bid proposals, quotes, or other documentation that supports the amount of the funding request.

(d) (1) For all requests for assistance to lease and/or purchase portable classroom(s), the School District must provide documentation in the form of a letter of denial or a certification, demonstrating that costs

associated with Interim Housing have not been covered by insurance proceeds or any other local, state, or federal government disaster assistance, outlined in the Form SAB 195.

(2) If the School District reasonably expects to receive future insurance proceeds or any other government disaster assistance attributable to costs of Interim Housing, the School District must provide all of the following:

(A) An estimate of the insurance proceeds or any other government disaster assistance the School District may receive for Interim Housing expenses;

(B) A narrative statement indicating the necessity for Interim Housing assistance prior to receipt of insurance proceeds or any other government disaster assistance for this purpose; and

(C) Acknowledgement of the reporting requirement and potential of a future amendment to any Apportionment, pursuant to subsection (f).

(e) Interim Housing assistance may not be requested in place of:

(1) An Approved Application pursuant to Section 1859.70

(2) An Approved Application pursuant to Section 1859.82.1

(f) Any Apportionment provided in accordance with this section shall be adjusted for projects that received funding pursuant to this section prior to receiving insurance proceeds or government disaster assistance for Interim Housing. The Apportionment will be reduced by 50 percent of any insurance proceeds or government disaster assistance collected by the School District for the project subsequent to the date of the Apportionment. Any insurance proceeds and/or government disaster assistance collected after Apportionment shall be reported to OPSC in the form of an annual narrative from the date of the Apportionment until all claims for insurance proceeds and requests for government disaster assistance are closed, and the Apportionment will be adjusted accordingly.

(g) The Apportionment will be subject to the requirements of Section 1859.104.

Note: Authority cited: Section 17075.20, Education Code.

Section 1859.84.2. Natural Disaster Assistance

All applications pursuant to this Section shall be funded in the order outlined in Section 1859.93 and 1859.93.1. Any grants provided for the purposes of this Section shall be provided in accordance with Section 1859.77.1 and 1859.79 and shall supplement insurance, local, state, and federal disaster funding.

A School District may qualify for funding at the Board's discretion if it is determined by the Board to be impacted by a natural disaster as described in Section 1859.84. In making a determination to provide any other natural disaster assistance, the Board may consider factors including, but not limited to:

(a) Any previous SFP Approved Applications that received an apportionment for the impacted site as it relates to the natural disaster.

(b) All information as required on the Form SAB 195, which includes the following:

(1) The background and circumstances which prompted the School District's request.

(2) Information relevant to the request that demonstrates funding from insurance proceeds; and local, state, and federal government disaster assistance is insufficient to rehabilitate or reconstruct school facilities that existed at the time of the natural disaster.

(3) A statement explaining why the Board should grant the School District's request based on law, regulation, or another basis, including but not limited to:

(A) Justification if the School District seeks funding in lieu of an Approved Application pursuant to Section 1859.82.1.

(B) Justification if the School District seeks funding in lieu of an Approved Application pursuant to Section 1859.70

(c) The School District's New Construction and Modernization eligibility will be adjusted for any net increase in classroom capacity in the project pursuant to Sections 1859.51 and 1859.60.

(d) Any Apportionment provided in accordance with this section shall be adjusted for projects that received funding pursuant to this section prior to receiving insurance proceeds or government disaster assistance for Interim Housing. The Apportionment will be reduced by 50 percent of any insurance proceeds or government disaster assistance collected by the School District for the project subsequent to the date of the Apportionment. Any insurance proceeds and/or government disaster assistance collected after Apportionment shall be reported to OPSC in the form of an annual narrative from the date of the Apportionment until all claims for insurance proceeds and requests for government disaster assistance are closed, and the Apportionment will be adjusted accordingly.

(e) The Apportionment will be subject to the requirements of Section 1859.104.

Note: Authority cited: Section 17075.20, Education Code.

Section 1859.93. Modernization Project Funding Order.

Applications shall be funded as follows:

(a) First, to applications for Facility Hardship rehabilitation projects pursuant to Sections 1859.82.1(c) and 1859.82.2(c) in order of receipt of an Approved Application for funding; then

(b) Second, to applications for Modernization projects pursuant to Section 1859.84.2 in order of receipt of a Form SAB 195; then

(bc) If there are no applications pursuant to subsection (a) or (b), to applications for modernization funds in order of receipt of an Approved Application for funding.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17074.15 ~~and~~ 17075.15, and 17075.20, Education Code.

Section 1859.93.1. New Construction Project Funding Order.

Applications, except those identified in ~~(ee)~~ through ~~(eg)~~ below, shall be funded as follows:

~~(a) First, to applications for Facility Hardship pursuant to Section 1859.82 in order of receipt of an Approved Application for funding; then, to applications pursuant to Section 1859.84.1 in order of receipt of a Form SAB 195; then~~

(b) Second, to applications for Facility Hardship pursuant to Section 1859.82.1 in order of receipt of an Approved Application for funding; then,

(c) Third, to applications pursuant to Section 1859.84.2 in order of receipt of a Form SAB 195; then

(bd) If there are no applications pursuant to subsection (a), (b) or (c), to applications for New Construction Grant(s) in order of receipt of an Approved Application for Funding.

~~(ee) Approved Applications for New Construction Grant(s) funded with the proceeds of state bonds approved by the voters prior to January 1, 2002.~~

~~(ef) Approved Applications for New Construction Grant(s) authorized by Education Code Sections 17078.10 through 17078.30.~~

~~(eg) Approved Applications that utilize pupil eligibility derived from the Alternative Enrollment Projection method. These applications shall be funded in order of receipt once the OPSC and the DRU have~~

approved the Alternative Enrollment Projection method or the Alternative Enrollment Projection annual update.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17072.25, 17070.35, ~~and~~ 17075.15, and 17075.20, Education Code.

**INTERIM HOUSING AND NATURAL
DISASTER ASSISTANCE REQUEST**

SAB 195 (New xx/25)

GENERAL INFORMATION

School districts are required to use this form to initiate a request for funding pursuant to Interim Housing and Natural Disaster Assistance for consideration by the State Allocation Board (SAB). The district must state specifically the purpose and description of the district's request. The district must submit all supporting documentation to the Office of Public School Construction (OPSC). Requests for consideration are processed to the SAB upon receipt by the OPSC of all required documentation and upon completion of a thorough analysis by the OPSC.

In order to be considered a complete application, the district must provide all requested information within each section (if applicable). If the narrative space is insufficient, the district should attach an additional narrative to this request.

SPECIFIC INSTRUCTIONS**1. Type of Application**

Check the appropriate box that indicates the type of grant the district is requesting for purposes of interim housing or natural disaster assistance requests.

If the district is requesting interim housing assistance, indicate the number of portable classrooms that are requested to be leased or purchased by grade level.

If the district is requesting reimbursement for purchased or leased portables, indicate whether the portables exist on the impacted site at the time of the application submittal, and if so, the dates the portables were placed or removed, as applicable.

2. School Facility Program (SFP) Application(s) Submitted for the Impacted Site

Check the appropriate box(es) for any SFP application(s) specific to the impacted site that have been submitted to OPSC and are currently on the OPSC Workload or Applications Received Beyond Bond Authority lists. Provide the applicable application numbers.

If there are no submitted applications, please leave this section blank.

3. Prior SFP Apportionment(s) for Impacted Site

Check the appropriate box(es) for any SFP application(s) specific to the impacted site that received SAB approval after the date of the natural disaster. Provide the applicable application number(s) related to the impacted site for any Facility Hardship Program application(s) and New Construction or Modernization application(s) approved by the SAB since the time of the natural disaster for which the Governor has declared a state of emergency.

If there were no previous applications for the impacted site approved by the SAB after the date of the natural disaster, please leave this section blank.

4. Natural Disaster – State of Emergency Proclamation

The district should check the appropriate box indicating whether

the state of emergency is listed as open at the time of application submittal to OPSC.

Enter the Executive Order number and date that the state of emergency was proclaimed by the Governor, as located on the Governor's Office of Emergency Services Open State of Emergency Proclamations [webpage](#).

5. Financial Hardship Request

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

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

6. Local Funding Adjustment Grant

Enter the following:

- a. The district's total assessed valuation. The district must provide a letter from the County Auditor-Controller, or other authorized documentation, that certifies the district's current year assessed valuation.
- b. The district's gross bonding capacity, rounded to the nearest whole dollar. To calculate this, take the total assessed valuation and multiply that by 1.25% for non-unified school districts or 2.5% for unified school districts, rounded to two decimal places.
- c. The district's unduplicated pupil percentage as determined for purposes of the local control funding formula (LCFF) pursuant to Education Code Section 42238.02, rounded to two decimal places.
- d. The district's pupil enrollment based on the latest California Basic Education Data System (CBEDS) that is available approximately October 15 of each year. Applications filed on or after November 1 must include the current school year enrollment. This enrollment will be pursuant to the Form SAB 50-01 instructions for reporting enrollment data.

County superintendents report the enrollment for community school students as reported in April prior to the latest CBEDS report.

The enrollment data must include all of the following, if applicable:

- Off-track and on-track students attending multi-track year round schools
- Students living outside the district's boundaries but attending schools in the district
- Students receiving Classroom-Based Instruction in Charter Schools located within the district boundaries and are enrolled in the same grade levels or type served by the district regardless if the district chartered the school
- Students attending magnet schools
- Community school students

**INTERIM HOUSING AND NATURAL
DISASTER ASSISTANCE REQUEST**

SAB 195 (New xx/25)

- Students attending independent study
- Special Day Class pupils or
- Continuation high school pupils

Do not include any of the following:

- Students living in the district's boundaries but attending other districts
- Students attending regional occupational programs
- Students attending preschool programs
- Other students not generally considered K-12 students including adult education students
- Students receiving Classroom-Based Instruction in Charter Schools located within the district boundaries but enrolled in grade levels of type not served by the district
- Students living inside district boundaries but receiving

Classroom-Based Instruction in Charter Schools located outside the district boundaries

- Students receiving Nonclassroom-Based Instruction
- Juvenile court/court school students

e. Check Yes or No to indicate whether the project includes the use of a Project Labor Agreement for this application. If the district indicates it intends to have a Project Labor Agreement, but does not yet, it will be audited for compliance and the funding will be adjusted accordingly if it does not have a Project Labor Agreement.

7. Division of the State Architect Plan Approval

The district must submit any plans and specifications (P&S) for the project that were approved by the Division of the State Architect (DSA), and should indicate the approval date in this section.

If approval has not been obtained, the district must indicate in the applicable narrative section if the P&S have an exception for demolition, site work, and/or specific construction delivery methods, or if the district is still in the process of obtaining DSA approval.

8. Interim Housing Assistance Narrative

For purposes of requests for assistance to lease and/or purchase portable classroom(s) as a result of a natural disaster for which the Governor has declared a state of emergency, the district should provide documentation pursuant to SFP Regulation Section 1859.84.1 demonstrating that actual costs associated with the procurement of interim housing have not been covered by insurance proceeds or any other local, state, or federal government disaster assistance.

Include the following in the description:

1. The background and circumstances which prompted the district's request.
2. Information relevant to the issues of the request, such as the number of classrooms that were destroyed or partially damaged and the applicable grade levels associated with the classrooms.

3. The sequence of events and circumstances pertinent to the issues.
4. A statement explaining why the SAB should grant the district's request based on law, regulation, or another basis.

9. Natural Disaster Assistance Narrative

For purposes of requesting natural disaster assistance, the district should provide the following in addition to the Form SAB 195:

1. The background and circumstances which prompted the district's request.
2. Information relevant to the request that demonstrates funding from insurance proceeds, local, State, and Federal government disaster assistance is insufficient to rehabilitate or reconstruction school facilities that existed at the time of the natural disaster.
3. A statement explaining why the SAB should grant the district's request based on law, regulation, or another basis.
4. Justification if the project seeks natural disaster assistance funding in lieu of any Approved Application pursuant to Section 1859.82.1, or
5. Justification if the project seeks any other natural disaster assistance funding in lieu of an Approved Application pursuant to SFP regulation Section 1859.70.

10. Certification

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

ATTACHMENTS

Attach substantiating documentation as necessary to support the district's request. Note that all supporting documentation must be received by the OPSC prior to presentation to the SAB.

**INTERIM HOUSING AND NATURAL
DISASTER ASSISTANCE REQUEST**

SAB 195 (New xx/25)

SCHOOL DISTRICT	APPLICATION NUMBER
SCHOOL NAME	COUNTY
DISTRICT REPRESENTATIVE	E-MAIL ADDRESS

1. Type of Application – Check Only One

- ☐ Interim housing (portable classrooms)
☐ Leasing (number of classrooms being requested for each grade level):

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

- ☐ Purchasing (number of classrooms being requested for each grade level):

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

Do these portable classrooms exist on site at the time of application submittal? ☐ Yes ☐ No

Date(s) portable classrooms were placed/purchased: _____

Date(s) portables were removed: _____

- ☐ Other natural disaster assistance pursuant to Section 1859.84.2 (specify) _____

2. Application(s) Submitted for Impacted Site

- ☐ Facility Hardship application(s): _____
☐ New Construction application(s): _____
☐ Modernization application(s): _____
☐ Other: _____

3. Prior SFP Apportionment(s) for Impacted Site:

Facility Hardship Replacement (Design/Full Grant): 51/ _____

Facility Hardship Rehabilitation (Design/Full Grant): 58/ _____

New Construction (Design/Full Grant): 50/ _____

Modernization (Design/Full Grant): 57/ _____

4. Natural Disaster - State of Emergency Proclamation

a. Is this an open state of emergency at the time of application submittal? ☐ Yes ☐ No

b. Executive order number: _____

c. Proclamation date: _____

5. Type of Financial Hardship Request

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

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6. Local Funding Adjustment Grant

Complete the following:

- a. Assessed valuation: _____
- b. District's gross bonding capacity, (rounded to the nearest whole dollar): _____
- c. District's unduplicated pupil percentage, rounded to two decimal places: _____
- d. District's enrollment: _____
- e. Does this project include the use of a Project Labor Agreement? ☐ Yes ☐ No

7. DSA Plan ApprovalDoes the district have DSA approval for any portion of the P&S requiring review and approval? ☐ Yes ☐ No

If so, enter the DSA approval date: _____

8. Interim Housing Narrative:

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9. Natural Disaster Assistance Narrative:**10. Certification**

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

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

- I am an authorized representative of the district as authorized by the governing board of the district; and,
- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et. seq., of the Education Code was adopted by the school district's governing board or the designee of the Superintendent of Public Instruction on, _____; and,
- The district has established a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (refer to Sections 1859.100 through 1859.102); and,
- The district has considered the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
- All contracts entered on or after November 4, 1998 for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent

with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,

- If this request is for new construction funding, the district has received approval of the site and the plans from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This district has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- The district matching funds required pursuant to Sections 1859.77.1 or 1859.79 has either been expended by the district, deposited in the County School Facility Fund or will be expended by the district prior to the notice of completion for the project; and,
- The district has received the necessary approval of the plans and specifications from the Division of the State Architect unless the request is for a separate site and/or design apportionment; and,
- If the district is requesting site acquisition funds as part of this application, the district has complied with Sections 1859.74 through 1859.75.1 as appropriate; and,
- With the exception of an apportionment made pursuant to Section 1859.75.1, the district understands that the lack of

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DISASTER ASSISTANCE REQUEST**

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substantial progress toward increasing the pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105); and,

- If the apportionment for this project was made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 12 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105.1); and,
- The district understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Section 1859.90); and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
- The district understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Sections 1859.105, 1859.105.1, 1859.106; and,
- The district has complied with the provisions of Sections 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,
- If the SFP grants will be used for the construction or modernization of school facilities on leased land, the district has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- If the district requested additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4, the district will include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project; and,
- The district has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and the need for vocational and career technical facilities is being adequately met in accordance with Education Code Sections 51224, 51225.3(b), and 51228(b), and 52336.1; and,
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the increased costs for the energy efficiency components in the

project exceeds the amount of funding otherwise available to the district; and,

- If this application is submitted after January 1, 2004 for modernization funding, the district has considered the potential for the presence of lead-containing materials in the modernization project and will follow all relevant federal, state, and local standards for the management of any identified lead; and,
- The district has initiated and enforced an LCP that has been approved by the DIR, pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003 and before January 1, 2012; and,
- The district has contracted with the DIR for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014, if the construction contract was awarded on January 1, 2012 through June 19, 2014 and the district has not obtained a waiver for the requirement, pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014. The district understands that if it fails to meet this requirement, it will be required to repay all state bond funds received including interest; and,
- Beginning with the 2005/2006 fiscal year, the district has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and,
- The district has considered the feasibility of using designs and materials for the new construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and the other characteristics of high performance schools; and,
- If this application is submitted when there is Insufficient Bond Authority, the district has adopted a school board resolution pursuant to Section 1859.95.1; and,
- The district will comply with all laws pertaining to the construction or modernization of its school building.
- If the district marked the box for 'Yes' in Section 6. of this application that it has or will include a project labor agreement, the use of a project labor agreement will be verified as part of the audit required in EC Section 41024. If it is determined that a project labor agreement was not used, the additional Local Share Adjustment Grant funding provided as a result of the points assigned to the project to determine the matching share percentage will be required to be returned, with interest (based on the interest rate earned in Pooled Money Investment Account at the time of fund release) until funds are returned.

INTERIM HOUSING AND NATURAL DISASTER ASSISTANCE CHECKLIST

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SCHOOL DISTRICT	APPLICATION NUMBER*	
SCHOOL NAME	COUNTY	
DISTRICT CONTACT	PHONE	EMAIL

* Enter the Application Number that has been assigned to this project by OPSC. Leave blank if this is the first request related to this project.

GENERAL INSTRUCTIONS

The following checklist is designed to guide districts through the process of requesting interim housing and/or natural disaster assistance on the Form SAB 195, and provide direction on what is typically required in a complete submittal. School districts are encouraged to use this checklist to request approval by the State Allocation Board (SAB) for applications requesting interim housing and/or natural disaster assistance.

Include all supporting documentation with your submittal to OPSC. Requests for SAB consideration are a top priority and are processed to the SAB upon receipt by OPSC of all required documentation and upon completion of a thorough analysis by OPSC.

Interim Housing Requests

- ☐ Section 1 - Check the applicable box on the Form SAB 195 to indicate whether the district is seeking to lease or purchase portable facilities.
- ☐ Section 2 - Check the applicable boxes and provide application numbers for any applications related to the impacted site that are currently on the OPSC workload or Applications Received Beyond Bond Authority lists.
- ☐ Section 3 - Enter any prior School Facility Program (SFP) applications specific to the impacted site for which the district received SAB approval since the time of the natural disaster.
- ☐ Section 4 - Enter information related to the state of emergency the Governor has declared for the natural disaster for which the district is requesting interim housing assistance.
- ☐ Section 5 - Check the applicable box to indicate if the district is requesting financial hardship assistance.
- ☐ Section 6 - Enter this information to determine the local funding adjustment grant and calculate the district's matching share requirement.
- ☐ Section 7 - Enter applicable information for Division of the State Architect (DSA) Approval(s) related to the project.
- ☐ Section 8 - See the "Supporting Documentation" component of this checklist for detailed requirements.

Natural Disaster Assistance Requests

- ☐ Section 1 - Check the applicable box on the Form SAB 195 to indicate that the district is requesting other natural disaster assistance pursuant to Section 1859.84.2.
- ☐ Section 2 - Check the applicable boxes and provide application numbers for any applications related to the impacted site that are currently on the OPSC workload or Applications Received Beyond Bond Authority lists.
- ☐ Section 3 - Enter any prior School Facility Program (SFP) applications specific to the impacted site for which the district received SAB approval since the time of the natural disaster.
- ☐ Section 4 - Enter information related to the state of emergency the Governor has declared for the natural disaster for which the district is requesting natural disaster assistance.
- ☐ Section 5 - Check the applicable box to indicate if the district is requesting financial hardship assistance.
- ☐ Section 6 - Enter this information to determine the local funding adjustment grant and calculate the district's matching share requirement.
- ☐ Section 7 - Enter applicable information for DSA Approval(s) related to the project.
- ☐ Section 8 - See the "Supporting Documentation" component of this checklist for detailed requirements.

INTERIM HOUSING AND NATURAL DISASTER ASSISTANCE CHECKLIST

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Section 7

Indicate whether there are any DSA plan approvals associated with the district's plans and specifications for the project. If so, enter the DSA Approval date and submit a copy of the relevant DSA approvals alongside the application for Interim Housing or Natural Disaster Assistance Request. If DSA plan approval(s) are pending review, or if the district has an exemption, please indicate so within the applicable narrative.

Section 8 (Interim Housing) and Section 9 (Natural Disaster Assistance) Narratives

Include a chronological narrative of circumstances and any other information relevant to the district's request.

SUPPORTING DOCUMENTATION**Interim Housing Assistance Narrative**

Although unique circumstances may affect what documentation is sufficient to support an interim housing request, typically required information and documentation is listed below for your reference. For any unavailable documentation, please add a brief explanation as to why the documentation does not apply. Other substantiating documentation may be attached as necessary to support the district's request.

Have affected facilities been vacated? ☐ Yes ☐ No

If Yes, describe how students are currently being housed:

☐ **Insurance Proceeds**

Is the district eligible for insurance compensation related to the conditions at the site? ☐ Yes ☐ No

If Yes, indicate estimated amount the district may receive, or has received: _____

When possible, include a copy of the insurance policy. If the district has not received insurance proceeds that are attributable to costs of interim housing, the district must provide an estimate of insurance proceeds or any other government disaster assistance the school district may receive for interim housing expenses, a narrative indicating the necessity for interim housing assistance prior to the receipt of insurance proceeds or any other government disaster assistance for this purpose, and acknowledgement of the reporting requirement and potential of a future amendment to any Apportionment pursuant to SFP Regulation Section 1859.84.1(f).

☐ **Actual Costs or Detailed Cost Estimate to Lease/Purchase Portables**

This documentation should include the actual costs of the portable classroom(s), including but not limited to invoices or lease agreements. If actual costs are not available, districts may provide bid proposals, quotes, or other documentation that supports the amount of the funding request. This documentation, if possible, should include, but is not limited to any work associated with placing the portable classrooms on site.

Natural Disaster Assistance Narrative

The narrative is intended to explain the natural disaster for which the Governor has declared a state of emergency, as well as provide substantive documentation and information to justify the district's request. Although unique circumstances may affect what documentation is sufficient to support these requests, typically required information and documentation is listed below for your reference. For any unavailable documentation, please add a brief explanation as to why the documentation does not apply. Other substantiating documentation may be attached as necessary to support the district's request.

Have affected facilities been vacated? ☐ Yes ☐ No

INTERIM HOUSING AND NATURAL DISASTER ASSISTANCE CHECKLIST

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If Yes, describe how students are currently being housed:

Estimated project cost (100%): \$_____

☐ **Insurance Proceeds**Is the district eligible for insurance compensation related to the conditions at the site? ☐ Yes ☐ No

If Yes, indicate the actual amount or estimated amount the district may receive or has received: _____

Include a copy of the insurance policy. The district should include the background and circumstances that prompted the district's request for funding, inclusive of the following:

- The background and circumstances that prompted the district's request
- Information relevant to the request that demonstrates funding from insurance proceeds and local, state and federal government disaster assistance is insufficient to rehabilitate or reconstruct school facilities at the time of the natural disaster.

If the district has not received insurance proceeds that are attributable to costs for the rehabilitation or reconstruction of the site, the district must provide an estimate of insurance proceeds or any other government disaster assistance the school district may receive for expenses related to the project. Additionally, acknowledgement of the reporting requirement and potential of a future amendment to any Apportionment pursuant to SFP Regulation Section 1859.84.2(d).

☐ **Previous Applications (Submitted/Apportioned)**

If the district indicated any applications under Sections 2 or 3, the district must elaborate in the narrative if they were ineligible for Facility Hardship or New Construction/Modernization funding. If the district seeks any other assistance under SFP Regulation Section 1859.84.2, it must provide a statement why the SAB should grant the district's request, detail the impacts if the SAB does not grant the district's request, including justification if the district seeks any other assistance funding in lieu of an application pursuant to Section 1859.82.1 or 1859.70.

☐ **Actual Costs**

This documentation should include the actual costs of the associated project, including but not limited to invoices. If actual costs are not available, districts may provide bid proposals, quotes, or other documentation that supports the amount of the funding request.

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE

Item Forthcoming

Transitional Kindergarten In New
Construction Eligibility (Form SAB 50-01)