

REPORT OF THE EXECUTIVE OFFICER
State Allocation Board Meeting, June 25, 2025

PROPOSED EMERGENCY REGULATORY AMENDMENTS FOR THE SCHOOL
FACILITY PROGRAM

PURPOSE OF REPORT

To present the State Allocation Board (Board) with recommendations for the adoption of School Facility Program (SFP) regulatory amendments, on an emergency basis, for 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. These proposed amendments are related to the implementation of a total of four Proposition 2 topics.

DESCRIPTION

To implement Proposition 2 provisions, staff is conducting stakeholder meetings to discuss and receive feedback on proposed regulatory amendments resulting from statutory additions and amendments to Education Code (EC). The Office of Public School Construction (OPSC) has conducted multiple stakeholder meetings to discuss Proposition 2 implementation and propose regulatory amendments to the SFP. In part, these stakeholder meetings introduced proposed concepts and regulations for the following four topics:

- Matching Shares
- 75 Years or Older Supplemental Grant
- Supplemental Grant for Minimum Essential Facilities (MEF)
- Transitional Kindergarten (TK) Supplemental Grant

Based upon feedback received, OPSC determined that the proposed regulatory amendments related to these topics are able to move forward for Board consideration after some adjustments to the versions presented in the most recent stakeholder meetings, which are respectively outlined in the Staff Analysis component of this item.

This item seeks Board approval of staff's recommendation to adopt the proposed regulatory amendments to the SFP regulations to implement and align with new statutory requirements pursuant to the provisions of Proposition 2. This item also seeks Board approval of staff's recommendation to adopt the proposed amendments to the *Application for Funding* (Form SAB 50-04) to align with the proposed amendments.

AUTHORITY

See Attachment A.

BACKGROUND

The passage of Proposition 2 makes numerous changes to the SFP that are applicable to applications received on or after October 31, 2024. Staff has held five stakeholder meetings for the proposed regulatory amendments presented in this item, on January 30, February 13, March 13, April 3, and May 8, 2025. This item represents the second set of proposed regulatory amendments for the Board's consideration to implement Proposition 2 provisions for applicable SFP applications received on or after October 31, 2024. Additional proposed amendments will be presented at future Board meetings on a flow basis.

Below is an overview of the relevant Proposition 2 statutes as they apply to each topic.

Matching Shares

Historically, SFP New Construction and Modernization projects have been eligible for a fixed state share percentage of the total approved project cost, except for school districts that qualify for financial hardship funding.¹ School districts applying for New Construction funding must provide an equal matching share (50/50). For school districts applying for Modernization funding, the state provides 60 percent of the total approved project cost, and the school district provides 40 percent of the total approved project cost.

Proposition 2 establishes a points-based determination and sliding scale for the required state and local matching shares for all SFP projects, regardless of whether they qualify for financial hardship assistance. Proposition 2 specifies the number of points awarded based on the school district's gross bonding capacity per enrollment, the school district's unduplicated pupil percentage as determined for purposes of the Local Control Funding Formula, whether the school district has an enrollment of 200 pupils or fewer, and whether the project includes the use of a project labor agreement. Based on the total number of points for a project, the required local matching share will be adjusted as follows, with no change to the total approved project cost. The range of total possible points is between 3 points and 16 points, inclusive. The relevant statutory changes are as follows:

- EC Section 17070.59 was added to establish a points-based determination and sliding scale for the required state and local match for SFP projects that do not qualify for financial hardship assistance.
- EC Section 17070.87 was added to require New Construction and Modernization applications submitted before October 31, 2024, to be processed and apportioned in accordance with the SFP statutes, as they read on January 1, 2024.

¹ School districts eligible for financial hardship assistance may qualify for additional state funding beyond the Proposition 2 points-based determination and sliding scale amounts and may receive up to 100 percent state funding for the total approved project cost.

BACKGROUND (cont.)

- EC Section 17072.30 was amended to outline the sliding scale and point allocation for New Construction projects and to delete a reference to the fixed 50-percent state share.
- EC 17074.16 was amended to outline the sliding scale and point allocation for Modernization projects and to delete references to the fixed 60-percent state share and 40-percent local match.

75 Years or Older Buildings Supplemental Grant

Proposition 2 added EC Section 17074.265, which provides a Modernization supplemental grant for projects with a scope of work that includes the demolition and replacement of building(s) at least 75 years of age or older.

MEF Supplemental Grant and TK Supplemental Grant

Another addition to EC is Section 17073.16, which authorizes several new Modernization supplemental grants. Subdivisions (a) and (b) of this EC Section provide an MEF supplemental grant for projects that are either:

- Expanding an existing gymnasium, multipurpose room, library, or school kitchen if the facility is 60 percent or less than the department's recommended size needed to serve the enrollment of the school, or
- Constructing a new gymnasium, multipurpose room, library, or school kitchen if the site is lacking one or more of the specified facilities.

Additionally, EC Section 17073.16(c) provides a TK supplemental grant for projects that are either:

- Retrofitting an existing school facility to adequately house TK pupils, or
- Constructing new TK classrooms if the site is lacking sufficient school facilities to house TK pupils.

STAFF ANALYSIS/STATEMENTS

Stakeholder Meetings

At the January 30, 2025 stakeholder meeting, staff introduced the points-based determination and sliding scale for the required local match for SFP projects (Matching Shares) in addition to the 75 Years or Older Building Supplemental grant.

On February 13, 2025, staff presented proposed implementation of supplemental grants for MEF and TK.

Subsequently, Matching Shares was presented a second time at the March 13, 2025 stakeholder meeting to address feedback received from the first meeting. The remaining topics were discussed for a second time at the April 3, 2025 stakeholder meeting.

STAFF ANALYSIS/STATEMENTS (cont.)

Finally, the 75 Years or Older Buildings supplemental grant was presented for the third time at the May 8, 2025 stakeholder meeting.

Stakeholder Feedback

Staff appreciates those who attended and those who raised questions or provided feedback.

Feedback that was received for each respective stakeholder meeting may be found on Attachment E, alongside the items as previously presented. A summary of stakeholder feedback received since the last stakeholder meeting for each topic and staff's response is provided on Attachment F.

Collectively, staff's recommendations presented in this item were informed by stakeholder feedback and represent staff's final recommendations for implementation of these topics.

Proposed SFP Regulations

Below is a summary of the proposed SFP Regulations for each respective topic within this item, as seen on Attachment B:

Matching Shares

- SFP Regulation Section 1859.2 includes a new definition for "Local Funding Adjustment Grant," which means the additional funding provided to reduce a school district's required matching share, pursuant to Education Code Sections 17072.30, 17074.16, and 17070.59 for applications received on or after October 31, 2024.
- SFP Regulation Section 1859.70.5 delineates the methodology as prescribed in statute (EC Section 17070.59) for purposes of determining the points used to compute the required matching funds from local sources pursuant to EC Sections 17072.30 and 17074.16.
- SFP Regulation Section 1859.77.1 specifies matching share determination requirements for New Construction applications received on or before October 30, 2024 as well as for applications received on or after October 31, 2024 (pursuant to EC Section 17072.30) and adjusted for the Local Funding Adjustment grant as determined in Section 1859.70.5.
- SFP Regulation Section 1859.79 specifies matching share determination requirements for Modernization applications received on or before October 30, 2024 as well as for applications received on or after October 31, 2024 (pursuant to EC Section 17074.16) and adjusted for the Local Funding Adjustment grant as determined in Section 1859.70.5.

75 Years or Older Buildings Supplemental Grant

- SFP Regulation Section 1859.2 includes a new definition for the proposed *75 Years or Older Building Cost Estimate and Cost/Benefit Analysis* (Form SAB 57-75).

STAFF ANALYSIS/STATEMENTS (cont.)

- SFP Regulation Section 1859.78.7.1 is a new section for the Modernization Additional Grant for 75 Years or Older Buildings that outlines the eligibility criteria and grant calculations for this grant. With these regulations, a new modernization supplemental grant has been created to replace a 75 Years or Older Building using a grant that is aligned with the new construction per pupil grant amount. These grants will be adjusted annually based on the change in the Class B Construction Cost Index as approved by the Board each January, along with the other SFP grants. A qualifying portable building must be replaced with a permanent building.
- SFP Regulation Section 1859.79.2 has a proposed amendment to include the replacement of existing buildings that are at least 75 years old, pursuant to Section 1859.78.85, with increased area needed to meet the minimum California Code of Regulations, Title 5 requirements as one of the exclusions for new building area within a modernization project. Additional classrooms constructed within the replacement area will result in an adjustment to the new construction baseline eligibility pursuant to Section 1859.51.

Minimum Essential Facilities Supplemental Grant

- SFP Regulation Section 1859.2 includes a new definition for the term “Minimum Essential Facility.”
- SFP Regulation Section 1859.77.5 outlines the eligibility criteria and grant calculation. These grants will be adjusted annually based on the change in the Class B Construction Cost Index as approved by the Board each January, along with the other SFP grants.

TK Supplemental Grant

- SFP Regulation Section 1859.51 is amended to require an adjustment to New Construction eligibility as a result of new TK classrooms constructed. While the Full Day Kindergarten (FDK) Program provides an exclusion for new classrooms constructed with program funds so that the new capacity was not included in the New Construction baseline in EC Section 17375, the same exclusion was not provided in EC Section 17073.16(c). Therefore, the proposed SFP regulation amendments include an adjustment to the district's new construction baseline if new TK classrooms are constructed with funding from the new supplemental grant. Additionally, SFP Regulation Section 1859.32 is amended to exclude classrooms funded through the FDK Program from the gross classroom inventory, pursuant to EC Section 17375(a)(5).
- SFP Regulation Section 1859.78.9.2 outlines the eligibility criteria and calculation for this supplemental grant to construct new or retrofit existing space into TK classrooms. This section limits the supplemental funding to a maximum of four classrooms per school site. These grants will be adjusted annually based on the change in the Class B Construction Cost Index as approved by the Board each January, along with the other SFP grants.

STAFF ANALYSIS/STATEMENTS (cont.)

- SFP Regulation Section 1859.79.2 has a proposed amendment to include TK classrooms as one of the exclusions for new building area within a modernization project.

SFP Regulation Section 1859.79.2 – Use of Modernization Grant Funds

- SFP Regulation Section 1859.79.2 include the addition of subdivisions (a)(3) and (a)(4) that modernization grant funds may be used on additional square footage constructed with funding pursuant to Sections 1859.78.7.1, 1859.78.9.1, and 1859.78.9.2, as well as any additional square footage constructed to meet the minimum requirements of California Code of Regulations, Title 5.
- SFP Regulation subdivision (b)(3) has been added to account for an exception for site development work for facilities indicated within subdivision (a)(2), (a)(3), and (a)(4).

Proposed Form SAB 50-04

Below is a summary of the proposed amendments to the Form SAB 50-04, as seen on Attachment C:

Matching Shares

- The form has a proposed Section 22: Local Funding Adjustment Grant. Both the instructions and body of the form have been amended for this addition and subsequent renumbering of sections.
- The instructions of the form have been amended to include requested information and documentation to determine the Local Funding Adjustment Grant, i.e., the district's total assessed valuation, gross bonding capacity, unduplicated pupil percentage, pupil enrollment, and whether the project includes the use of a Project Labor Agreement.

75 Years or Older Buildings Supplemental Grant

- Under the General Information component of the form, number 7 has been amended to include information related to 75 Years or Older Building Apportionments and required documentation.
- The proposed Section 2(d.) of the Specific Instructions and body of the form provides instructions and a fillable component of the form for requesting funding for 75 Years or Older Buildings. With this proposed change, the existing subsections under this Section are renumbered to become Section 2(e.) through (i.)
- The proposed Section 6(d.) of the Specific Instructions provides instructions and a fillable component of the form for requesting the site development grant for 75 Years or Older Buildings. The current subsections are renumbered to become Section 6(e.) through (f.)

STAFF ANALYSIS/STATEMENTS (cont.)*MEF Supplemental Grant*

- Section 6 of the Specific Instructions and body of the form includes a proposed additional subsection (g) that provides instructions and a fillable component to request an additional grant for an MEF.
- A Certification has been added to the Form SAB 50-04 for instances in which a classroom(s) is demolished and reconfigured into an MEF.

TK Supplemental Grant

- Section 6 of the Specific Instructions and body of the form includes a proposed additional subsection (h) that provides instructions and a fillable component to request an additional grant for a Transitional Kindergarten Classroom(s).
- A Certification has been added to the Form SAB 50-04 regarding funding requests for TK Classrooms.

Substantive Changes to the Proposed SFP Regulations Since the Last Stakeholder Meetings

After the most recent presentations of these topics, staff made some substantive amendments to the proposed SFP Regulations. Each topic is broken out respectively below.

Matching Shares

- A new definition was added to SFP Regulation Section 1859.70.5 for “Local Funding Adjustment Grant.”
- The introductory paragraph of proposed SFP Regulation Section 1859.70.5 was revised to specify when required documentation, pursuant to subdivision (a), must be submitted to OPSC for determination of the Local Funding Adjustment Grant. For Approved Applications on the workload list or the Applications Received Beyond Bond Authority list, the school district must submit documentation for total assessed valuation within 90 days of the OPSC notification of application processing, and that document submittal date serves at the point in time for the reporting year required for the total assessed valuation documentation. The documentation for purposes of the total assessed valuation is based in statute and referenced within the proposed regulation. For Approved Applications pursuant to SFP Regulation Sections 1859.82.1 and 1859.82.2, the received date of the Form SAB 50-04 serves as the point in time for the reporting year required for the total assessed valuation documentation.
- Subdivision (a) was added to proposed SFP Regulation Section 1859.70.5 to specify the information school districts must submit to OPSC for determination of the Local Funding Adjustment Grant.
- Subdivision (c) was added to specify that school districts that do not provide supporting documentation will receive the lowest points allowable under each category used to determine the Local Funding Adjustment.

STAFF ANALYSIS/STATEMENTS (cont.)

75 Years or Older Building Supplemental Grant

- A new definition for “Current Replacement Cost” has been added to SFP Regulation Section 1859.2.
- A second introductory paragraph was added to SFP Regulation Section 1859.78.7.1 to indicate that a school district may replace a 75 Years or Older Building in the same location or an alternate location on the same site, and that site development funding for the minimum work required to replace the qualifying building may be provided.
- SFP Regulation Section 1859.78.7.1(e) was amended to indicate that the Board shall provide 60 percent of approved site development and applicable design costs. Previously, OPSC proposed providing site development and design funding equal to the lesser of 60 percent of approved site development and applicable design costs or 35 percent of the funding in either 1859.78.7.1(b) or (c). Upon further consideration, OPSC determined a 35-percent cap could disadvantage some districts and the 60-percent approach better aligns site development grants with the work in the DSA-approved plans and specifications.

MEF Supplemental Grant

- Several subsections of SFP Regulation Section 1859.77.5 were revised to specify that OPSC will use the enrollment in the current CBEDS Report at the time of receipt of an Approved Application at the site. Initially, OPSC proposed using the current CBEDS at the time of processing of the application to determine the recommended MEF size. However, based on stakeholder feedback and consideration that this grant is a modernization supplemental grant, OPSC made this change to facilitate districts’ ability to better plan their projects and to more closely align with the Modernization program. This change does not have any effect on the New Construction Program or the enrollment reporting requirements for new construction funding applications. Districts will still be required to update their new construction eligibility at the time of processing of their new construction funding applications.
- An additional grant for Site Development was added to SFP Regulation Section 1859.77.5 to assist with the costs associated with site development, demolition, landscaping and other costs incurred when adding an MEF to a site, utility costs, utility connections and other related fees necessary for the MEF. With the addition of subsections (b)(6) and (b)(7) for new projects, and the addition of subsections (c)(6) and (c)(7) for expansion projects, districts have the option of requesting a flat 35-percent increase to the amount determined from the square footage calculation or districts may choose to submit a detailed cost estimate for the site development work required for the eligible portion of the MEF and receive 60 percent of OPSC’s verified eligible costs contained in the cost estimate.
- SFP Regulation Section 1859.82.1 was amended to add two new rows to the chart in this section to account for multipurpose only (excludes food service) and school kitchen facilities. In the current chart, the recommended school

STAFF ANALYSIS/STATEMENTS (cont.)

- kitchen square footage amount is included in the multipurpose room square footage amount. Education Code 17073.16 specifies that funding can be provided for a gymnasium, multipurpose room, library or school kitchen. To account for multipurpose room-only or school kitchen-only projects, OPSC developed square footage amounts for multipurpose room-only (excludes food service) and school kitchen facilities and included them in the existing chart.
- A certification has been added to Section 24 of the Form SAB 50-04 for instances when a classroom(s) is demolished and reconfigured into an MEF. The certification requires districts to certify that the classroom(s) is being rebuilt in the same plan set as the application requesting the MEF, or the district certifies that the classroom(s) is not being rebuilt due to lack of need and the district acknowledges that no adjustment to the school district's new construction eligibility will be made for the removal of classrooms when they are lost as part of a reconfiguration project.
 - The Form SAB 50-04 Instructions and Section 6g were amended to account for the addition of the site development grant as it relates to this supplemental grant.

TK Supplemental Grant

- Several subsections of SFP Regulation Section 1859.78.9.2 were revised to specify that OPSC will use the enrollment at the time of receipt of an Approved Application. Initially, OPSC proposed using enrollment at the time of processing of the application. However, based on stakeholder feedback and consideration that this grant is a modernization supplemental grant, OPSC made this change to facilitate districts' ability to better plan their projects and to more closely align with the Modernization program. This change does not have any effect on the New Construction Program or the enrollment reporting requirements for new construction funding applications. Districts will still be required to update their new construction eligibility at the time of processing of their new construction funding applications.
- An additional option for Site Development funding was added to SFP Regulation Section 1859.78.9.2 to assist with the costs associated with site development, demolition, landscaping, utility costs, utility connections and other related fees necessary for adding or retrofitting a TK classroom(s) on a site. With the addition of subsection (c)(5) for new projects, and the addition of subsection (d)(5) for retrofit projects, districts have the option of requesting a flat 35-percent increase to the TK per pupil grant amount or districts may choose to submit a detailed cost estimate for the site development work required for the eligible TK classrooms and receive 60 percent of OPSC's verified eligible costs contained in the cost estimate.

Non-Substantive Technical and Language Adjustments Since the Last Stakeholder Meetings

After the most recent presentations of these topics, staff made technical and language adjustments to the proposed SFP Regulations and Form SAB 50-04, which are outlined by topic below.

STAFF ANALYSIS/STATEMENTS (cont.)

Matching Shares

SFP Regulations

- The title of the proposed SFP Regulation Section 1859.70.5 was updated to “Points for Determining the Local Funding Adjustment Grant,” rather than “Points for Local Matching Share Determination.”
- Language in the introductory paragraphs and in subsection (b) of proposed SFP Regulation Section 1859.70.5 was condensed and reorganized for clarity.
- Additionally, staff referenced adjustments for the Local Funding Adjustment Grant using the points determined in SFP Regulation Section 1859.70.5 within the existing New Construction and Modernization Matching Share SFP Regulations (Sections 1859.77.1 and 1859.79).

Form SAB 50-04

- Staff included language in the instructions for proposed Section 22, requiring the district to provide a letter from the county auditor-controller, that certifies the school district’s current year total assessed valuation. In accordance with the statute (EC Section 17070.59) for determining the points associated with the local matching shares, a school district must indicate its gross bonding capacity, which is based upon a calculation associated with the school district’s current year assessed valuation. EC Section 17070.54, specific to the new requirement related to the five-year school facilities master plan, requires the verification of the applicable school district’s current assessed value from the appropriate local government entity that collects and maintains this information.
- Staff amended the instructions
A correction was made to accurately reference the “California Basic Educational Data System” (CBEDS) in the proposed instructions for the new Section 22 (Local Funding Adjustment Grant).
- The proposed Section 22 instructions were amended for purposes of the following:
 - Total Assessed Valuation shall be reported pursuant to SFP Regulation Section 1859.70.5(a)(1).
 - Districtwide enrollment shall be reported pursuant to SFP Regulation Section 1859.70.5(a)(3).

Form SAB 57-75 and Instructions

- The Form title was updated for consistency with the proposed regulations.
The unit cost per unit amount from the Sierra West Current Construction Remodeling Costs publication was confirmed at F2. A separate page for the Instructions was created and expanded to ensure all portions of the Form have clear directions for required information. In particular, the Cost Benefit Allowance instructions portion of the Form was updated. The prior version of the Form presented to stakeholders had the Current Replacement Cost amounts entered as approved by the Board in January 2025 for demonstration purposes. Those were removed, as the user will enter the

STAFF ANALYSIS/STATEMENTS (cont.)

amounts for the year during which they are completing the Form. Finally, instructions were added for the amounts to enter and how to calculate the 50-percent threshold to determine eligibility of the building.

75 Years or Older Building Supplemental Grant

SFP Regulations

- Within Section 1859.2, a new Definition for “Department” is proposed to align with the definition in Education Code Section 17070.15.
- Allowable costs to be included in the Cost Estimate for the required Cost Benefit Analysis were updated to exclude replacement of portable classrooms, furniture and equipment, and costs for routine maintenance and repair.
- The grant determination for the replacement of non-classroom square footage was clarified.

MEF Supplemental Grant

SFP Regulations

- Within SFP Regulation Section 1859.77.5, the word “eligible” and a sentence clarifying that the district must meet all requirements to qualify for Modernization funding, prior to receiving the additional grant, were added to the introduction paragraph.
- In SFP Regulation Sections 1859.77.5(a) and 1859.77.5(a)(3)(B), School District was capitalized.
- In subdivision (a)(1), (A) was removed as it was not necessary and Square Footage was capitalized.
- In SFP Regulation Section 1859.79.2, subdivision (a)(4) was added to include the clause, “including the School District’s required matching share.”

TK Supplemental Grant

SFP Regulations

- Within SFP Regulation Section 1859.2, new definitions for “Retrofit” and “Transitional Kindergarten” were added.
- Language in SFP Regulation Section 1859.32(n) was abbreviated.
- SFP Regulation Section 1859.77.6 was renumbered to Section 1859.78.9.2 and the section was reorganized for clarity.

Additional Non-Substantive Amendments to the Form SAB 50-04

Separately from the stakeholder items, staff proposes an amendment to the Form SAB 50-04, which removes the term “handicapped” and replaces it with the term “access” as it relates to access compliance, which is the current California Code of Regulations, Title 24 terminology. This change may be seen within the instructions of the form under General Information, numbers 7 and 8, as well as under the body of the Form within the proposed Section 23, Architect of Record or Licensed Architect Certification.

RECOMMENDATIONS

1. Adopt the proposed amendments to the SFP Regulations as shown on Attachment B.
2. Adopt the proposed amendments to the Form SAB 50-04 as shown on Attachment C.
3. Adopt the proposed *75 Years or Older Building Cost/Benefit Analysis* (Form SAB 57-75) as shown on Attachment D.
4. Authorize the Executive Officer to file the proposed regulatory amendments with the Office of Administrative Law on an emergency basis and make the regulations permanent.

This Item was approved by the State Allocation Board on June 25, 2025.

ATTACHMENT A

AUTHORITY

Education Code (EC) Section 17070.35 – General Provisions

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

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

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

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

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

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

EC Section 17070.59 – General Provisions

For purposes of determining the points used to compute the required matching funds from local sources applied pursuant to Sections 17072.30 and 17074.16, the department shall compute the sum of the following point computations applicable to each school district:

(a) For each school district, the department shall divide the district's gross bonding capacity by the district's total enrollment, as determined for purposes of this chapter.

(1) A school district determined to have a gross bonding capacity per enrollment of zero dollars (\$0) to nine thousand nine hundred ninety-nine dollars (\$9,999), inclusive, shall receive four points.

(2) A school district determined to have a gross bonding capacity per enrollment

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of ten thousand dollars (\$10,000) to nineteen thousand nine hundred ninety-nine dollars (\$19,999), inclusive, shall receive three points.

(3) A school district determined to have a gross bonding capacity per enrollment of twenty thousand dollars (\$20,000) to fifty-four thousand nine hundred ninety-nine dollars (\$54,999), inclusive, shall receive two points.

(4) A school district determined to have a gross bonding capacity per enrollment of fifty-five thousand dollars (\$55,000) or more shall receive one point.

(b) (1) For each school district, the department shall identify each district's unduplicated pupil percentage as determined for purposes of the local control funding formula pursuant to Section 42238.02.

(2) (A) A school district determined to have an unduplicated pupil percentage of between 75 percent and 100 percent shall receive eight points.

(B) A school district determined to have an unduplicated pupil percentage of between 50 percent and 74.99 percent shall receive six points.

(C) A school district determined to have an unduplicated pupil percentage of between 25 percent and 49.99 percent shall receive four points.

(D) A school district determined to have an unduplicated pupil percentage that is 24.99 percent or less shall receive two points.

(c) A school district that has a pupil enrollment of 200 pupils or fewer shall receive two points.

(d) (1) A school district project that includes the use of a project labor agreement shall receive two points.

(2) For purposes of this subdivision, "project labor agreement" has the same meaning as defined in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(e) The department shall draft regulations for consideration by the board to further clarify the requirements of this section.

EC Section 17070.87 – General Provisions

New construction and modernization applications submitted before October 31, 2024, shall be processed and apportioned in accordance with this chapter, as it read on January 1, 2024.

EC Section 17072.30 – New Construction Funding Process

(a) Subject to the availability of funds, the board shall apportion funds to an eligible school district only upon the approval of the project by the Department of General Services pursuant to the Field Act, as defined in Section 17281, and certification by the school district that the required matching funds from local sources have been expended by the district for the project, or have been deposited in the county fund, or will be expended by the district by the time the project is completed, in an amount at least equal to the proposed apportionment pursuant to this chapter, before release of the state funds.

(b) The board shall adjust a school district's required local contribution pursuant to this section and the school district's associated state contribution required pursuant to Article 4 (commencing with Section 17072.10), as follows:

(1) For a school district determined to have a score of more than 10 points pursuant to Section 17070.59, the school district's required local matching funds pursuant to subdivision (a) shall be 45 percent and the associated state contribution pursuant to Article 4 (commencing with Section 17072.10) shall be 55 percent.

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(2) For a school district determined to have a score of 9 or 10 points pursuant to Section 17070.59, the school district's required local matching funds pursuant to subdivision (a) shall be 47 percent and the associated state contribution pursuant to Article 4 (commencing with Section 17072.10) shall be 53 percent.

(3) For a school district determined to have a score of eight points pursuant to Section 17070.59, the school district's required local matching funds pursuant to subdivision (a) shall be 48 percent and the associated state contribution pursuant to Article 4 (commencing with Section 17072.10) shall be 52 percent.

(4) For a school district determined to have a score of six or seven points pursuant to Section 17070.59, the school district's required local matching funds pursuant to subdivision (a) shall be 49 percent and the associated state contribution pursuant to Article 4 (commencing with Section 17072.10) shall be 51 percent.

(5) For a school district determined to have a score of less than six points pursuant to Section 17070.59, the required local matching funds pursuant to subdivision (a) shall be 50 percent and the associated state contribution pursuant to Article 4 (commencing with Section 17072.10) shall be 50 percent.

EC Section 17073.16 – Modernization Eligibility Determination

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

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

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

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

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

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

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

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

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

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

EC Section 17074.16 – Modernization Apportionment

(a) The board shall release disbursements to school districts with approved applications for modernization, to the extent state funds are available for the state's share, and the school district has provided its required local match. Subject to the availability of funds, the board shall apportion funds to an eligible school district only upon the approval of the project by the Department of General Services pursuant to the Field Act, as defined in Section 17281, including, but not

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limited to, a project that complies with the Field Act by complying with Section 17280.5, and evidence that the certification by the school district that the required matching funds from local sources have been expended by the district for the project, or have been deposited in the county fund or will be expended by the district by the time of completion of the project, and evidence that the district has entered into a binding contract for the completion of that project. If state funds are insufficient to fund all qualifying school districts, the board shall fund all qualifying school districts in the order in which the application for funding was approved by the board.

(b) The board shall adjust a school district's required local contribution pursuant to this section and the school district's associated state contribution required pursuant to this article as follows:

(1) For a school district determined to have a score of more than 10 points pursuant to Section 17070.59, the school district's required local matching funds pursuant to subdivision (a) shall be 35 percent and the associated state contribution pursuant to this article shall be 65 percent.

(2) For a school district determined to have a score of 9 or 10 points pursuant to Section 17070.59, the school district's required local matching funds pursuant to subdivision (a) shall be 37 percent and the associated state contribution pursuant to this article shall be 63 percent.

(3) For a school district determined to have a score of eight points pursuant to Section 17070.59, the school district's required local matching funds pursuant to subdivision (a) shall be 38 percent and the associated state contribution pursuant to this article shall be 62 percent.

(4) For a school district determined to have a score of six or seven points pursuant to Section 17070.59, the school district's required local matching funds pursuant to subdivision (a) shall be 39 percent and the associated state contribution pursuant to this article shall be 61 percent.

(5) For a school district determined to have a score of less than six points pursuant to Section 17070.59, the required local matching funds pursuant to subdivision (a) shall be 40 percent and the associated state contribution pursuant to this article shall be 60 percent.

EC Section 17074.265 – Modernization Apportionment

(a) Notwithstanding Article 6 (commencing with Section 17073.10), a school district shall be eligible to receive a modernization apportionment to demolish and construct a building or buildings on an existing schoolsite if both of the following conditions are met:

(1) The building or buildings to be replaced are at least 75 years old.

(2) The school district provides a cost-benefit analysis that indicates the total cost to modernize the building or buildings is at least 50 percent of the current replacement cost, as defined by the board, of the building or buildings. The cost-benefit analysis may include applicable site development costs.

(b) A project that meets the requirements of subdivision (a) shall be eligible for a grant equal to the grant provided under Section 17072.10 multiplied by the capacity of the building or buildings calculated pursuant to Section 17071.25.

(c) The board may adopt regulations to implement this section.

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Revenue and Taxation Code Section 2052 – The Equalized County Assessment Roll

The local roll as delivered to the auditor pursuant to Section 617, including any changes made by the county board during the month of July, together with the board roll as transmitted to the auditor pursuant to Section 756 and the estimate with any changes transmitted pursuant to Section 755, shall become the last equalized roll on August 20, and such rolls together shall continue to be the last equalized roll, except as otherwise provided in this chapter, (a) for the purpose of computing any debt limit for the issuance of bonds of any public entity that is based on a percentage of assessed valuation as shown on the last equalized assessment roll and (b) for all other purposes, until the assessment roll for the following year becomes the last equalized roll in accordance with the provisions of this section.

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Proposed Regulatory Amendments

School Facility Program (SFP) Regulation 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:

...
“Current Replacement Cost” means, beginning [insert the OAL effective date of the regulation], \$932.00 per square foot for permanent Toilet Facilities and \$517.00 per square foot for all other permanent spaces, and \$302.00 per square foot for portable Toilet Facilities and \$118.00 per square foot for all other portable spaces. The amounts shown will be adjusted annually in the manner prescribed in Section 1859.71.

...
“Department” shall have the meaning set forth in Education Code Section 17070.15(f).

...
“Form SAB 57-75” means the 75 Years or Older Building Cost/Benefit Analysis, Form SAB 57-75, (New xx/25), which is incorporated by reference.

...
“Local Funding Adjustment Grant” means the additional funding provided to reduce the School District’s required matching share, pursuant to Education Code Sections 17072.30, 17074.16, and 17070.59 for Approved Applications received on or after October 31, 2024.

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

...
“Retrofit” means a construction project to retrofit an existing school facility to adequately house Transitional Kindergarten or kindergarten pupils, which shall only include the costs of design, engineering, testing, inspection, plan checking, construction management, demolition, construction, necessary utility costs, utility connection and other related fees, the purchase and installation of air-conditioning equipment and insulation materials and related costs, furniture and equipment, including telecommunication equipment to increase school security, fire safety improvements, playground safety improvements, the identification, assessment, or abatement of hazardous asbestos, seismic safety improvements, the upgrading of electrical systems, and the wiring or cabling of classrooms in order to accommodate educational technology.

...
“Transitional Kindergarten” means the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate, pursuant to EC Section 48000.

...

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Reference: Sections 8974, 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 17070.59, 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, 17072.30, 17072.33, 17073.16, 17073.25, 17074.10, 17074.16, 17074.30, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17078.72(k), 17079, 17079.10, 17280, 56026 and 101012(a)(8), Education Code; Section 53311, Government Code; and Sections 1771.3 in effect on January 1, 2012 through June 19, 2014 and 1771.5, Labor Code.

SFP Regulation Section 1859.32. Adjustments to Gross Classroom Inventory

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

...

(n) built with funds provided by EC Section 17375.

Note: Authority cited: Section 17070.35, Education Code.

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

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

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

...

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

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17052, 17070.51, 17071.25, 17071.75, 17071.76, 17072.20, 17073.16, 17077.40, 17078.72, 17079.20, 17375, 42268, and 42270, Education Code.

SFP Regulation Section 1859.70.5 Points for Determining the Local Funding Adjustment Grant.

This Section shall apply to Approved Applications received on or after October 31, 2024 for funding of a New Construction Adjusted Grant, Modernization Adjusted Grant, and funding pursuant to Sections 1859.82.1 and 1859.82.2. For Approved Applications on the OPSC workload list or the Applications Received Beyond Bond Authority list, OPSC will notify the School District in writing that OPSC is scheduled to begin processing the School District's Form SAB 50-04. The School District must submit documentation to substantiate the information in (a) within 90 days of the OPSC notification. For Approved Applications submitted pursuant to Sections 1859.82.1 and 1859.82.2, the School District must report the information in (a) on the Form SAB 50-04 and shall be based on the OPSC received date of the Approved Application.

(a) To determine the Local Funding Adjustment Grant, the School District must submit the following information:

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(1) The School District's total assessed valuation in the form of a letter or report from the appropriate county auditor-controller(s) that certifies to the School District's total assessed valuation. The total assessed valuation means the amount provided in the last equalized county assessment roll reported pursuant to Revenue and Taxation Code Section 2052. The reporting year of the total assessed valuation shall be based upon the OPSC received date as determined in the chart below.

OPSC Received Date of Total Assessed Valuation Documentation	Reporting Year
July 1 through August 19	Submit Prior Fiscal Year
August 20 through June 30	Submit Current Fiscal Year

(2) The School District's gross bonding capacity which shall be the product of (A) or (B) as applicable:

(A) Multiply the total assessed valuation in (a) by 1.25 percent for non-unified School Districts, or

(B) Multiply the total assessed valuation in (a) by 2.5 percent for unified School Districts.

(3) The School District's total enrollment meaning the districtwide enrollment reported on a Form SAB 50-01 in Part A, the continuation high pupils reported in Part C, and the Special Day Class pupils reported in Part D. The enrollment year data is determined as follows:

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

(4) Unduplicated pupil percentage as determined for purposes of the local control funding formula pursuant to EC Section 42238.02. The enrollment year data is determined as in (2) above.

(b) The points used to compute the Local Funding Adjustment Grant are the sum of (1), (2), (3) and (4) below:

(1) Points for the School District's gross bonding capacity divided by the School District's total enrollment shall be one of the following:

(A) Four points for a School District determined to have a gross bonding capacity per enrollment of zero dollars (\$0) to nine thousand nine hundred ninety-nine dollars (\$9,999), inclusive.

(B) Three points for a School District determined to have a gross bonding capacity per enrollment of ten thousand dollars (\$10,000) to nineteen thousand nine hundred ninety-nine dollars (\$19,999), inclusive.

(C) Two points for a School District determined to have a gross bonding capacity per enrollment of twenty thousand dollars (\$20,000) to fifty-four thousand nine hundred ninety-nine dollars (\$54,999), inclusive.

(D) One point for a School District determined to have a gross bonding capacity per enrollment of fifty-five thousand dollars (\$55,000) or more.

(2) Points for the School District's unduplicated pupil percentage shall be one of the following:

(A) Eight points for a School District determined to have an unduplicated pupil percentage of between 75 percent and 100 percent, inclusive.

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(B) Six points for a School District determined to have an unduplicated pupil percentage of between 50 percent and 74.99 percent, inclusive.

(C) Four points for a School District determined to have an unduplicated pupil percentage of between 25 percent and 49.99 percent, inclusive.

(D) Two points for a School District determined to have an unduplicated pupil percentage that is 24.99 percent or less.

(3) Two points for a School District with a pupil enrollment of 200 pupils or fewer.

(4) Two points for a project that includes the use of a project labor agreement in the application being processed. Projects that indicate use of a project labor agreement will be verified as part of the audit process required in EC Section 41024. If it is determined that a project labor agreement was not used, the funding associated with the points assigned in (d) to determine the matching share percentage will be required to be returned, with interest (based on the interest rate earned in the Pooled Money Investment Account at the time of fund release) from the time of fund release until funds are returned.

(c) If the School District does not submit any of the necessary information in subsection (a), the funding application receives the lowest points possible in the corresponding subsections (b)(1), (2), (3) and/or (4)

Note: Authority cited: Sections 17070.59, Education Code.

Reference: Sections 17072.30 and 17074.16, Education Code. Section 2052, Revenue and Taxation Code.

Section 1859.77.5. Modernization Additional Grant for Minimum Essential Facilities.

In addition to any other funding authorized by these Regulations, the Board shall provide grant amounts identified in Subsections (b) or (c) for an application for modernization if the eligible project includes a Minimum Essential Facility pursuant to Education Code Section 17073.16. The School District must meet all requirements to qualify for Modernization funding, prior to the additional grant pursuant to this section.

(a) A School District may request a modernization supplemental grant to construct a new or expand an existing multipurpose, gymnasium, library, school kitchen, or a hybrid combination of any of these four facility types, including, but not limited to, multipurpose/gymnasium hybrid, multipurpose/school kitchen hybrid, or multipurpose/gymnasium/school kitchen, when all of the following are met:

(1) The site does not have an existing Minimum Essential Facility, or the existing Minimum Essential Facility is not adequate to serve the enrollment of the school. For the purposes of this Section, an existing Minimum Essential Facility is considered inadequate to serve the enrollment of the school if the existing Square Footage is 60 percent or less than the square footage necessary for the enrollment in the current CBEDS Report at the time of receipt of an Approved Application at the site, as calculated pursuant to the chart in Section 1859.82.1(b)(4)(B)(2.).

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

(3) An Approved Application for Modernization funding has been received by OPSC for a project wherein the DSA-approved plans contain the construction or expansion of a Minimum Essential Facility eligible for this grant.

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

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

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

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

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

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

(1) Determine the current enrollment at the site using the CBEDS Report at the time of receipt of an Approved Application.

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

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

(4) Beginning [insert the OAL effective date of this Section], the permanent Square Footage amount(s) determined in (b)(2) above shall be multiplied by \$312 per square foot for all non-Toilet Facilities and by \$559 for Toilet Facilities (includes shower/locker area and physical therapy area for individuals with Exceptional Needs). The amounts shown will be adjusted in the manner prescribed in Section 1859.71.

(5) Beginning [insert the OAL effective date of this Section], the portable Square Footage amount(s) determined in (b)(2) above shall be multiplied by \$69 per square foot for all non-Toilet Facilities and by \$181 for Toilet Facilities (includes shower/locker area and physical therapy area for individuals with Exceptional Needs). The amounts shown will be adjusted in the manner prescribed in Section 1859.71.

(6) In addition to the funding provided in Subsections (4) and (5), the application is eligible to receive an amount equal to 35 percent of the sum of Subsections (4) and (5) for costs associated with site development, demolition, landscaping and other costs

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incurred when adding a Minimum Essential Facility to a site, utility costs, utility connections and other related fees necessary for the Minimum Essential Facility.

(7) In lieu of 35 percent funding provided in (6) above, the School District has the option of requesting 60 percent of eligible costs pursuant to Section 1859.76 (a), (b), and (c) by submitting a detailed cost estimate for site development work for the eligible Square Footage in the qualifying Minimum Essential Facility and submitting any justification documents that will support the work with the Form SAB 50-04. The Board will approve reasonable and appropriate site development work that meets common engineering practices and industry standards that are consistent with the specific site conditions if the site development costs are consistent with the most current edition of the Current Construction Costs publication by the Sierra West Group. The design professional must certify to the district that the site development work does not exceed the minimum requirements to develop the site to meet educational needs and/or standards. This amount will be prorated for any excess Square Footage constructed beyond the eligible Square Footage determined in (b)(2) and (b)(3).

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

(1) Determine the current enrollment at the site using the CBEDS Report at the time of receipt of an Approved Application.

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

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

(4) Beginning [insert the OAL effective date of this Section], the permanent Square Footage amount(s) determined in (b)(2) above shall be multiplied by \$312 per square foot for all non-Toilet Facilities and by \$559 for Toilet Facilities (includes shower/locker area and physical therapy area for individuals with Exceptional Needs). The amounts shown will be adjusted in the manner prescribed in Section 1859.71.

(5) Beginning [insert the OAL effective date of this Section], the portable Square Footage amount(s) determined in (b)(2) above shall be multiplied by \$69 per square foot for all non-Toilet Facilities and by \$181 for Toilet Facilities (includes shower/locker area and physical therapy area for individuals with Exceptional Needs). The amounts shown will be adjusted in the manner prescribed in Section 1859.71.

(6) In addition to the funding provided in Subsections (4) and (5), an amount equal to 35 percent of the sum of Subsections (4) and (5) for costs associated with site development, demolition, landscaping and other costs incurred when adding a Minimum Essential Facility to a site, utility costs, utility connections and other related fees necessary for the Minimum Essential Facility.

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(7) In lieu of 35 percent funding provided in (6) above, the School District has the option of requesting 60 percent of eligible site development costs pursuant to Section 1859.76 (a), (b) and (c) by submitting a detailed cost estimate for site development work for the eligible Square Footage in the qualifying Minimum Essential Facility and submitting any justification documents that will support the work with the Form SAB 50-04. The Board will approve reasonable and appropriate site development work that meets common engineering practices and industry standards that are consistent with the specific site conditions if the site development costs are consistent with the most current edition of the Current Construction Costs publication by the Sierra West Group. The design professional must certify to the School District that the site development work does not exceed the minimum requirements to develop the site to meet educational needs and/or standards. This amount will be prorated for any excess Square Footage constructed beyond the eligible Square Footage determined in (c)(2) and (c)(3).

Note: Authority cited: Sections 17070.35 and 17073.16, Education Code.
Reference: Sections 17073.16 and 17074.25, Education Code

SFP Regulation Section 1859.77.1. New Construction District Matching Share Requirement.

For applications received before October 31, 2024, Any funding provided by these Regulations shall require a School dDistrict 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.

For applications received on or after October 31, 2024, any funding provided by these Regulations shall require a School District matching share contribution pursuant to Education Code Sections 17070.59 and 17072.30 and adjusted for the Local Funding Adjustment Grant using the points determined in Section 1859.70.5, 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 School dDistrict may include as its School dDistrict matching share any amounts expended on the project for an energy audit made pursuant to Education Code Section 17077.10 and any amounts applied to the project for incentive grants or rebates received by the School dDistrict from a program funded pursuant to Public Utilities Code Section 381.

Note: Authority cited: Section 17070.35, Education Code.
Reference: Sections 17072.30, 17074.16 and 17077.10, Education Code.

Section 1859.78.7.1 Modernization Additional Grant for 75 Years or Older Buildings

In lieu of the funding provided by subdivision (a) of Education Code Section 17074.10 and Section 1859.78.3, the Board shall provide funding to Approved Applications received on or after October 31, 2024 for projects that include the demolition and

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replacement of 75 years or older permanent or portable school building(s) if a contract for the work was awarded on or after July 3, 2024.

A School District may replace the 75 Years or Older Building in the same location or an alternate location on the same site. Site development funding for the minimum work required to replace the qualifying building may be provided pursuant to subdivision (e).

(a) To receive 75 Years or Older funding pursuant to Education Code Section 17074.265, all of the following must be met:

(1) The existing permanent or portable building must be at least 75 years or older. For purposes of determining the age of the building, the 75 years or older period shall begin 12 months after the original plans for the construction of the building were approved by the Department or DSA as applicable.

(2) Each building on the site that is 75 years or older must qualify on an individual basis.

(3) If the school building was demolished prior to OPSC's receipt of an Approved Application, the school building must have been 75 years old prior to the demolition.

(4) The existing permanent or portable building must be replaced on the same site.

(5) The School District must complete and submit to OPSC a 75 Years or Older Building Cost/Benefit Analysis (Form SAB 57-75) that demonstrates the total cost to modernize a 75 years or older school building and comply with current Title 24 Building Code is at least 50 percent of the Current Replacement Cost for the applicable building type; permanent or portable. The cost/benefit analysis for each building proposed for replacement under this section must meet the following criteria:

(A) The Form SAB 57-75 must demonstrate the minimum work required to modernize and continue to occupy the 75 years or older school building is at least 50 percent of the Current Replacement Cost of the existing Square Footage of the school building.

(B) The work in the Form SAB 57-75 may only include work directly related to the modernization of the qualifying 75-year old school building, which may include improvements to extend the useful life of, or to enhance the physical environment of the qualifying 75-year old building. The Form SAB 57-75 may only include:

1. The cost of design, engineering, testing, inspection, plan checking, construction management, demolition, construction, necessary utility costs, utility connection and other fees, the purchase and installation of air-conditioning equipment and insulation materials and related costs, costs to limit pupil exposure to harmful air pollutants by updating air filtration systems, telecommunication equipment to increase school security, fire safety improvements, and the upgrading of electrical systems or wiring or cabling of Classrooms in order to accommodate educational technology.

2. The cost of designs and materials that promote the efficient use of energy and water, the maximum use of natural lighting and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and other characteristics of high-performance schools.

(C) The Form SAB 57-75 may not include costs associated with the acquisition of real property.

(D) The Form SAB 57-75 must be completed using the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. For all materials or items listed, the amounts entered on the Form SAB 57-75 must use the unit costs. For individual materials or items that are not contained in the most current edition of the Current Construction Remodeling and Repair

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publication, the School District must provide supporting documentation to demonstrate that the costs for the unique work are reasonable and appropriate.

(E) All requested line items shall include Construction Specifications Institute reference number (CSI #), description, F2 total unit cost amount, and quantity. Any line items that include amounts in lump-sum formats will not be reviewed or approved. For individual materials or items that are not contained in the most current edition of the Current Construction Remodeling and Repair publication, the School District must provide supporting documentation to demonstrate that the costs for the unique work are reasonable and appropriate.

(b) For each qualifying Classroom replaced, funding shall be provided on a per pupil grant basis for the number of pupils to be housed as follows: 25 for each K-6 Classroom, 27 for each 7-12 Classroom, 13 for each Special Day Class Non-Severe Classroom, and 9 for each Special Day Class Severe Classroom. Beginning [insert the OAL effective date of this Section], the Board shall provide the following grant amounts:

(1) \$19,016 for each elementary pupil.

(2) \$20,113 for each middle school pupil.

(3) \$25,592 for each high school pupil.

(4) \$53,437 for each Special Day Class Severe pupil.

(5) \$35,738 for each Special Day Class Non-Severe pupil.

The amounts in (1), (2), (3), (4) and (5) above shall be adjusted annually based on the change in the Class B Construction Cost Index as approved by the Board each January, pursuant to Education Code Section 17072.10.

(c) For qualifying non-classroom space, funding provided shall be based on the eligible Square Footage. The eligible Square Footage shall be the lesser of the following:

(1) Non-classroom Square Footage that was on the site at the time modernization eligibility was established pursuant to Section 1859.60

(2) Non-classroom Square Footage constructed to replace the qualifying Square Footage, justified by enrollment pursuant to the chart in Section 1859.82.1(b)(4)(B)2. Excess Square Footage required as part of California Code of Regulations, Title 5 requirements needed to obtain plan approvals are permissible per Regulation Section 1859.79.2 and considered an eligible expenditure, not to exceed Square Footage allowances provided in the chart in Regulation Section 1859.82.1(b)(4)(B)(2.). Any excess Square Footage not due to California Code of Regulations, Title 5 requirements will not be eligible and must be locally funded by the School District.

(d) The funding for the replacement Square Footage is calculated as follows:

(1) Multiply the Square Footage determined in (c) by \$312. This amount shall be adjusted annually based on the change in the Class B Construction Cost Index as approved by the Board each January, pursuant to Education Code Section 17072.10.

(2) Divide the product by the per pupil allowance in (b) to determine the total allowable pupil grants for the Square Footage being constructed. For school sites serving multiple grade levels, select the amount for the highest grade level served by the building.

(e) An additional grant for site development may be provided for the minimum work required to replace the qualifying building. Any site development provided will be reduced, on a prorated basis, by the percentage of excess building Square Footage constructed. The Board shall provide 60 percent of the following approved site development and applicable design costs:

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(1) Service site development cost, within school property lines, attributable only to the replacement of the qualifying building(s) for:

(A) Site clearance including the removal of trees, brush, and debris within footprint of the replacement building(s).

(B) Demolition and removal of the qualifying building(s) and existing buildings and site improvements which lie in the footprint of a proposed replacement building(s).

(C) Removal and rerouting of existing utility service which lie in the footprint of a proposed replacement building(s).

(D) Rough grading including cut and fill and leveling and terracing operations required in the design.

(E) Soil compaction adhering to common engineering practices and engineered fill that is required by a soils report that is available for review by OPSC.

(F) On-site drainage facilities including inlets below grade drainage facilities and retention basins.

(G) Erosion control improvements such as plant material, temporary sprinkler systems, jute mesh and straw, due to embankments having a slope of at least two to one and a vertical height greater than six feet.

(H) Outside stairways, handicap ramps and retaining walls due to embankments having a slope of at least two to one and a vertical height greater than six feet.

(I) Fire code requirements on site that are not a part of the replacement building.

(2) Utility service costs that are necessary to serve the replacement building:

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

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

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

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

(E) Communication systems: Replacement or repair of service between the utility company connection and the nearest distribution center.

(3) The School District must submit a detailed cost estimate for eligible site development work in (A) and (B) and any justification documents that will support the work with the Form SAB 50-04 using the most current edition of the Current Construction Cost publication by Sierra West Publishing. The Board will approve

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reasonable and appropriate site development work which meets common engineering practices and industry standards that are consistent with the specific site conditions if the site development costs are consistent with the most current edition of the Current Construction Cost publication by the Sierra West Group. The design professional must certify to the School District that the site development work does not exceed the minimum requirements to develop the site to meet educational needs and/or standards.

(f) Portable buildings replaced pursuant to this section shall be replaced with permanent Square Footage.

(g) The qualifying 75 Years or Older Building(s) must be demolished before the Notice of Completion of the project.

Note: Authority cited: Section 17070.35, Education Code.
Reference: Section 17074.265, Education Code.

Section 1859.78.9.1. Modernization Additional Grant for Minimum Essential Facilities.

In addition to any other funding authorized by these Regulations, the Board shall provide grant amounts identified in Subsections (b) or (c) for an application for modernization if the eligible project includes a Minimum Essential Facility pursuant to Education Code Section 17073.16. The School District must meet all requirements to qualify for Modernization funding, prior to the additional grant pursuant to this section.

(a) A School District may request a modernization supplemental grant to construct a new or expand an existing multipurpose, gymnasium, library, school kitchen, or a hybrid combination of any of these four facility types, including, but not limited to, multipurpose/gymnasium hybrid, multipurpose/school kitchen hybrid, or multipurpose/gymnasium/school kitchen, when all of the following are met:

(1) The site does not have an existing Minimum Essential Facility, or the existing Minimum Essential Facility is not adequate to serve the enrollment of the school. For the purposes of this Section, to determine if an existing Minimum Essential Facility is inadequate, the existing Square Footage is 60 percent or less than the square footage necessary for the enrollment in the current CBEDS Report at the time of receipt of an Approved Application at the site as calculated pursuant to the chart in Section 1859.82.1(b)(4)(B)2.

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

(3) An Approved Application for Modernization funding has been received by OPSC for a project wherein the DSA-approved plans contain the construction or expansion of a Minimum Essential Facility eligible for this grant.

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

(B) If the School District wishes to amend its Approved Application to include a request for this supplemental grant and the plans and specifications were approved by DSA

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after the receipt of the Approved Application, the School District must request in writing that the Approved Application be withdrawn and removed from OPSC's workload list.

The resubmitted Approved Application will receive a new received date by OPSC.

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

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

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

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

(1) Determine the current enrollment at the site using the CBEDS Report at the time of receipt of an Approved Application.

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

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

(4) Beginning [insert the OAL effective date of this Section], the permanent Square Footage amount(s) determined in (b)(2) above shall be multiplied by \$312 per square foot for all non-Toilet Facilities and by \$559 for Toilet Facilities (includes shower/locker area and physical therapy area for individuals with Exceptional Needs). The amounts shown will be adjusted in the manner prescribed in Section 1859.71.

(5) Beginning [insert the OAL effective date of this Section], the portable Square Footage amount(s) determined in (b)(2) above shall be multiplied by \$69 per square foot for all non-Toilet Facilities and by \$181 for Toilet Facilities (includes shower/locker area and physical therapy area for individuals with Exceptional Needs). The amounts shown will be adjusted in the manner prescribed in Section 1859.71.

(6) In addition to the funding provided in Subsections (4) and (5), an amount equal to 35 percent of the sum of Subsections (4) and (5) for costs associated with site development, demolition, landscaping and other costs incurred when adding a Minimum Essential Facility to a site, utility costs, utility connections and other related fees necessary for the Minimum Essential Facility.

(7) In lieu of 35 percent funding provided in (6) above, the School District has the option of requesting 60 percent of eligible costs pursuant to Section 1859.76 (a), (b), and (c) by submitting a detailed cost estimate for requests related to site development work for the eligible Square Footage in the qualifying Minimum Essential Facility and any justification documents that will support the work must be submitted with the Form SAB 50-04. The Board will approve reasonable and appropriate site development work

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that meets common engineering practices and industry standards that are consistent with the specific site conditions if the site development costs are consistent with the most current edition of the Current Construction Costs publication by the Sierra West Group. The design professional must certify to the district that the site development work does not exceed the minimum requirements to develop the site to meet educational needs and/or standards. This amount will be prorated for any excess Square Footage constructed beyond the eligible Square Footage determined in (b)(2) and (b)(3).

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

(1) Determine the current enrollment at the site using the CBEDS Report at the time of receipt of an Approved Application.

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

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

(4) Beginning [insert the OAL effective date of this Section], the permanent Square Footage amount(s) determined in (b)(2) above shall be multiplied by \$312 per square foot for all non-Toilet Facilities and by \$559 for Toilet Facilities (includes shower/locker area and physical therapy area for individuals with Exceptional Needs). The amounts shown will be adjusted in the manner prescribed in Section 1859.71.

(5) Beginning [insert the OAL effective date of this Section], the portable Square Footage amount(s) determined in (b)(2) above shall be multiplied by \$69 per square foot for all non-Toilet Facilities and by \$181 for Toilet Facilities (includes shower/locker area and physical therapy area for individuals with Exceptional Needs). The amounts shown will be adjusted in the manner prescribed in Section 1859.71.

(6) In addition to the funding provided in Subsections (4) and (5), an amount equal to 35 percent of the sum of Subsections (4) and (5) for costs associated with site development, demolition, landscaping and other costs incurred when adding a Minimum Essential Facility to a site, utility costs, utility connections and other related fees necessary for the Minimum Essential Facility.

(7) In lieu of 35 percent funding provided in (6) above, the School District has the option of requesting 60 percent of eligible site development costs pursuant to Section 1859.76 (a), (b) and (c) by submitting a detailed cost estimate for requests related to site development work for the eligible Square Footage in the qualifying Minimum Essential Facility and any justification documents that will support the work must be submitted with the Form SAB 50-04. The Board will approve reasonable and appropriate site development work that meets common engineering practices and

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industry standards that are consistent with the specific site conditions if the site development costs are consistent with the most current edition of the Current Construction Costs publication by the Sierra West Group. The design professional must certify to the School District that the site development work does not exceed the minimum requirements to develop the site to meet educational needs and/or standards. This amount will be prorated for any excess Square Footage constructed beyond the eligible Square Footage determined in (c)(2) and (c)(3).

Note: Authority cited: Sections 17070.35 and 17073.16, Education Code.

Reference: Sections 17073.16 and 17074.25, Education Code

Section 1859.78.9.2 Modernization Additional Grant for Transitional Kindergarten Classrooms

(a) In addition to any other funding authorized by these Regulations, the Board shall provide the funding determined in (c) for each eligible Transitional Kindergarten Classroom, up to a maximum of four Classrooms, in an Approved Application for Modernization funding if the School District demonstrates a need to adequately house Transitional Kindergarten pupils as described in Education Code Section 17073.16, and the following conditions are met:

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

(2) Construction contracts for the construction or Retrofit of Transitional Kindergarten Classrooms were signed on or after July 3, 2024.

(3) Final DSA and CDE plan approvals for the eligible Transitional Kindergarten Classrooms were obtained prior to the receipt date of the Approved Application.

(4) The funding must construct or Retrofit facilities that result in Classroom(s) that meets the design requirements required for new kindergarten Classrooms as specified in paragraph (2) of subdivision (h) of Section 14030 of Title 5 of the California Code of Regulations.

(5) For new construction projects, Classrooms must be not less than 1,350 square feet, including restrooms, storage, teacher preparation, wet and dry areas.

(6) For Retrofit projects, Classrooms shall not be less than 1,350 square feet, including restrooms, storage, teacher preparation, wet and dry areas unless both of the following conditions are met:

(A) The project qualifies for an exemption through CDE pursuant to Title 5, Section 14030(r) of the California Code of Regulations to Retrofit a Classroom that will be less than 1,350 square feet.

(B) The Classroom shall not be less than 1,250 square feet.

(7) The School District shall not use funds to purchase, or install, a Portable Classroom(s).

(8) The School District lacks the facilities to provide Transitional Kindergarten instruction at the project school site. A project school site is considered lacking Transitional Kindergarten facilities if the calculated enrollment exceeds the current kindergarten Classroom capacity at the site. Classrooms constructed as kindergarten or Transitional Kindergarten classrooms or altered to house kindergarten or Transitional Kindergarten students, regardless of current use, will be included when determining the existing kindergarten and Transitional Kindergarten classroom capacity, as determined by CDE. For purposes of determining Classroom capacity, a loading standard of 25 kindergarten

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pupils per Classroom will be used and all Transitional Kindergarten Classrooms will be loaded for full-day instruction unless the School District indicates that an existing Classroom(s) will continue to be used for non-full-day instruction at the completion of the project. The maximum calculated Transitional Kindergarten Classroom need shall be determined by one of the following:

(A) Calculate the mean of first grade, second grade, and third grade enrollment at the time of receipt of an Approved Application. The mean shall be rounded up to the nearest whole number.

(B) Calculate the mean of the Transitional Kindergarten enrollment at the time of receipt of an Approved Application, plus two prior enrollment years. The mean shall be rounded up to the nearest whole number.

(b) Applicants requesting the additional grant for Transitional Kindergarten shall include the following documentation:

(1) A description of the proposed project, including, but not limited to, the following information:

(A) The total number of Transitional Kindergarten and kindergarten Classrooms on the site prior to the construction of the proposed Transitional Kindergarten Classrooms in the project.

(B) The current CBEDS Report, at the time of receipt of an Approved Application, including Transitional Kindergarten students pursuant to EC Section 48000. To determine the appropriate enrollment reporting year, refer to the following:

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

(C) The enrollment at the site for the three years immediately preceding the enrollment reporting year determined in (7)(B) above.

(D) The total number of Transitional Kindergarten and kindergarten Classrooms on the site after the completion of the project.

(E) Site map that includes labelling of all facilities and their current use, identifies all Classrooms constructed or previously retrofitted to house preschool, Transitional Kindergarten, and kindergarten students, and identifies any facilities that will be retrofitted in the project.

(c) Beginning [insert the OAL effective date of this Section], the additional grant for the construction of a new Transitional Kindergarten Classroom(s) shall be equal to the sum of (1) through (6):

(1) \$19,016 for each pupil housed multiplied by 25 for each Transitional Kindergarten Classroom in the DSA-approved plans.

(2) \$23 for each pupil housed multiplied by 25 if the Classroom(s) in the DSA-approved plans if the project includes an automatic fire detection and alarm system.

(3) \$318 for each pupil housed multiplied by 25 if the DSA-approved plans if the project includes an automatic sprinkler system.

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(4) An amount equal to 35 percent of the amount determined in (1) for costs associated with site development, demolition, landscaping, utility costs, utility connections and other related fees necessary to add a Transitional Kindergarten Classroom(s) to the site.

(5) In lieu of 35 percent funding provided in (4) above, the School District has the option of requesting 60 percent of eligible site development costs pursuant to Section 1859.76 (a), (b) and (c) by submitting a detailed cost estimate for requests related to site development work for the qualifying Classrooms, and any justification documents that will support the work with the Form SAB 50-04. The Board will approve reasonable and appropriate site development work that meets common engineering practices and industry standards that are consistent with the specific site conditions, if the site development costs are consistent with the most current edition of the Current Construction Costs publication by the Sierra West Group. The design professional must certify to the School District that the site development work does not exceed the minimum requirements to develop the site to meet educational needs and/or standards.

(6) An amount equal to 12 percent of the amount determined in (a) for each pupil housed in a multilevel building that will house pupils in all levels of the building if the usable site acreage is less than 75 percent of the site size recommended by CDE, pursuant to California Code of Regulations, Title 5, Section 14010(a), for the master-planned project capacity.

(7) The grant amounts in (1), (2), and (3) above shall be adjusted annually based on the change in the Class B Construction Cost Index as approved by the Board each January, pursuant to Education Code Section 17072.10(b).

(d) Beginning [insert the OAL effective date of this Section], the additional grant for the Retrofit of an existing school facility to be a Transitional Kindergarten Classroom(s) shall be equal to the sum of (1) through (5) below:

(1) \$6,034 for each pupil housed multiplied by 25 for each Transitional Kindergarten Classroom in the DSA-approved plans.

(2) \$196 for each pupil housed multiplied by 25 for each Classroom(s) in the DSA-approved plans if the project includes an automatic fire detection and alarm system.

(3) An amount equal to 35 percent of the amount determined in (a) for costs associated with demolition, landscaping, playground safety improvements and other costs incurred when adding a preschool, transitional kindergarten or kindergarten Classroom(s) to a site, utility costs, utility connections and other related fees necessary for the project.

(4) An amount equal to 15 percent of the amount determined in (a) for upgrading existing site development (utilities) work as necessary if the project includes the Retrofit of a 50-year-old or older permanent building.

(5) In lieu of funding provided in (3) and (4) above, the School District has the option of requesting 60 percent of eligible site development costs pursuant to Section 1859.76 (a), (b) and (c) by submitting a detailed cost estimate for requests related to site development work for the qualifying Classrooms, and any justification documents that will support the work with the Form SAB 50-04. The Board will approve reasonable and appropriate site development work that meets common engineering practices and industry standards that are consistent with the specific site conditions, if the site development costs are consistent with the most current edition of the Current Construction Costs publication by the Sierra West Group. The design professional must certify to the School District that the site development work does not exceed the minimum requirements to develop the site to meet educational needs and/or standards.

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(6) The grant amounts in (1) and (2) above shall be adjusted annually based on the change in the Class B Construction Cost Index as approved by the Board each January, pursuant to Education Code Section 17074.10(b).

Note: Authority cited: Section 17070.35, Education Code.
Reference: Sections 17375 and 17073.16, Education Code.

Section 1859.79. Modernization District Matching Share Requirement.

Except in the case of financial hardship as provided in Section 1859.81 a School dDistrict 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 School dDistrict 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 and before October 31, 2024, any Modernization Grant, plus any other funding authorized by these Regulations shall require a School dDistrict 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.

(c) If the Approved Application is received on or after October 31, 2024, any Modernization Grant, plus any other funding authorized by these Regulations shall require a School District matching share contribution pursuant to Education Code Sections 17070.59 and 17074.16 and adjusted for the Local Funding Adjustment Grant using the points determined in Section 1859.70.5.

The School dDistrict may include as its School dDistrict matching share any amounts expended on the project for an energy audit made pursuant to Education Code Section 17077.10 and any amounts applied to the project for incentive grants or rebates received by the School dDistrict 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, 17074.16 and 17077.10, Education Code.

Section 1859.79.2. Use of Modernization Grant Funds.

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

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

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

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

(3) Additional Square Footage constructed with funding provided by Sections 1859.78.7.1, 1859.78.9.1 or 1859.78.9.2.

(4) Additional Square Footage constructed to meet the minimum requirements of California Code of Regulations, Title 5.

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

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

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

(3) Site development work for facilities in (a)(3) or (a)(4) above.

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

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

Note: Authority cited: Section 17070.35, Education Code.

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

Section 1859.82.1. Facility Hardship Program.

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Facility	Elementary School Pupils	Middle School Pupils	High School Pupils
Multi-Purpose (includes food service)	5.3 sq. ft. per pupil minimum 4,000 sq. ft.	5.3 sq. ft. per pupil minimum 5,000 sq. ft.	6.3 sq. ft. per pupil minimum 8,200 sq. ft.
<u>Multi-Purpose Only (excludes food service)</u>	<u>3.3 sq. ft. per pupil</u> <u>minimum 3,600 sq. ft.</u>	<u>3.3 sq. ft. per pupil</u> <u>minimum 4,600 sq. ft.</u>	<u>3.3 sq. ft. per pupil</u> <u>minimum 7,600 sq. ft.</u>
<u>School Kitchen</u>	<u>2 sq. ft. per pupil</u> <u>minimum 400 sq. ft.</u> <u>maximum 1,480 sq. ft.</u>	<u>2 sq. ft. per pupil</u> <u>minimum 400 sq. ft.</u> <u>maximum 1,880 sq. ft.</u>	<u>3 sq. ft. per pupil</u> <u>minimum 600 sq. ft.</u> <u>maximum 3,975 sq. ft.</u>
Toilet	3 sq. ft. per pupil minimum 300 sq. ft.	4 sq. ft. per pupil minimum 300 sq. ft.	5 sq. ft. per pupil minimum 300 sq. ft.
Gymnasium (includes shower/locker area)	N/A	12.9 sq. ft. per pupil minimum 6,828 sq. ft. maximum 16,000 sq. ft.	15.3 sq. ft. per pupil minimum 8,380 sq. ft. maximum 18,000 sq. ft.
School Administration	3 sq. ft. per pupil minimum 600 sq. ft.	3 sq. ft. per pupil minimum 600 sq. ft.	4 sq. ft. per pupil minimum 800 sq. ft.
Library/Media Center	2.3 sq. ft. per pupil plus 600 sq. ft., minimum 960 sq. ft.	3.3 sq. ft. per pupil plus 600 sq. ft. minimum 960 sq. ft.	4.3 sq. ft. per pupil plus 600 sq. ft. minimum 960 sq. ft.

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Kindergarten Classrooms (including Transitional Kindergarten)	1,350 sq. ft. for each replacement classroom.	NA	NA
Classrooms (1 st -12 th grade)	960 sq. ft. for each replacement classroom	960 sq. ft. for each replacement classroom	960 sq. ft. for each replacement classroom
Computer instructional support area, Industrial and Technology/Education Laboratory	960 sq. ft. for each replacement classroom.	960 sq. ft. for each replacement classroom.	960 sq. ft. for each replacement classroom.
Laboratory Classrooms (including science and consumer home economics. (Does not include Industrial and Technology/Education Laboratory)	1,300 sq. ft. for each replacement classroom.	1,300 sq. ft. for each replacement classroom.	1,300 sq. ft. for each replacement classroom.

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APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 05/20 XX/25)

ATTACHMENT C

GENERAL INFORMATION

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

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

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

Requests for funding may be made as follows:

1. A separate apportionment for site acquisition for a new construction project for environmental hardship pursuant to Section 1859.75.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
 - Contingent site approval letter from the CDE.
 - Preliminary appraisal of property.
 - Approval letter from the Department of Toxic Substances Control.
2. A separate apportionment for site acquisition and/or design costs for a new construction project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. Districts may apply for a separate apportionment for the design and for site acquisition on the same project. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
 - Contingent site approval letter from the CDE (site apportionment only).
 - Preliminary appraisal of property (site apportionment only).
3. A separate apportionment for district-owned site acquisition cost pursuant to Section 1859.81.2. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
 - Site approval letter from the CDE.
 - Appraisal of district-owned site.
 - Cost benefit analysis as prescribed in Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
4. A separate apportionment for design cost for a modernization project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. For purposes of this apportionment, the following documents must be submitted with this form (if not previously submitted):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03.
 - Site/plan approval letter from the CDE.
 - Appraisal of property if requesting site acquisition funds.
 - Plans and specifications (P&S) for the project that were approved by the DSA. Submittal of plans may be on CD-ROM or "Zip Drive" readable in AutoCAD 14. The specifications may be provided on a diskette that is IBM compatible.
 - Cost estimate of proposed site development, if requesting site development funding.
 - If this request is pursuant to Section 1859.77.2 and the district's housing plan is other than those listed in the certification section of this form, a copy of the school board resolution and the approved housing plan.
 - If the site apportionment is requested pursuant to Regulation Section 1859.74.5, a cost benefit analysis as prescribed in Regulation Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
 - If this request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, a justification of how the project relieves overcrowding, including but not limited to, the elimination of the use of Concept 6 calendars, four track year-round calendars, or bussing in excess of 40 minutes.
 - Written confirmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.
5. A New Construction Adjusted Grant pursuant to Section 1859.70 or 1859.180. If the funding request includes site acquisition, the proposed site must either be owned by the district, in escrow, or the district has filed condemnation proceedings and received an order of possession of the site. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03.
 - Site/plan approval letter from the CDE.
 - Appraisal of property if requesting site acquisition funds.
 - Plans and specifications (P&S) for the project that were approved by the DSA. Submittal of plans may be on CD-ROM or "Zip Drive" readable in AutoCAD 14. The specifications may be provided on a diskette that is IBM compatible.
 - Cost estimate of proposed site development, if requesting site development funding.
 - If this request is pursuant to Section 1859.77.2 and the district's housing plan is other than those listed in the certification section of this form, a copy of the school board resolution and the approved housing plan.
 - If the site apportionment is requested pursuant to Regulation Section 1859.74.5, a cost benefit analysis as prescribed in Regulation Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
 - If this request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, a justification of how the project relieves overcrowding, including but not limited to, the elimination of the use of Concept 6 calendars, four track year-round calendars, or bussing in excess of 40 minutes.
 - Written confirmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.
6. For purposes of the Overcrowding Relief Grant (ORG), districts must submit the Overcrowding Relief Grant District-Wide Eligibility Determination (Form SAB 50-11) prior to the submittal of this funding application. In addition, districts must have had the CDE deem the site eligible for the ORG (pursuant to Section 1859.181) prior to the submittal of this application. For purposes of this apportionment, the following documents must be submitted with this form as well as the documents listed in section 5 above:
 - Overcrowding Relief Grant Eligibility Determination Form approved by the CDE.
 - Copies of the supporting documentation provided to the CDE when determining the density of the site, including the site diagram.
7. Modernization Adjusted Grant pursuant to Section 1859.70. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-03 (if not previously submitted).
 - P&S for the project that were approved by the DSA.
 - If the request includes funding for accessibility and fire code requirement pursuant to Section 1859.83(f), the DSA approved list of the minimum accessibility work required and a detailed cost estimate for the work in the plans.

The district is not required to submit its current CBEDS enrollment data.

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ATTACHMENT C

- DSA approval letter for elevator to meet ~~handicapped~~ access compliance, if funding is requested.
 - Cost estimate of the proposed site development necessary for the Reconfiguration of an existing high school.
 - Plan approval letter from the CDE.
 - Districtwide enrollment data on Form SAB 50-01 when requesting project assistance (if not previously submitted).
 - If the request includes funding for 50 year old permanent buildings pursuant to Section 1859.78.6, a site diagram identifying all buildings to be modernized in the project. The diagram must specify those buildings that are at least 50 years old.
 - Written confirmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.
 - For requests to replace 75 Years or Older Building(s) per Section 1859.78.7.1, the district must submit the following:
 - A completed 75 Years or Older Building Cost Estimate and Cost/Benefit Analysis (Form SAB 57-75).
 - A copy of the demolition plans, or other supporting documentation, that demonstrate the demolition of the qualifying 75 Years or Older Building(s).
 - A detailed cost estimate that delineates the cost associated with the work to demolish and replace the qualifying 75 Years or Older Building(s), inclusive of the allowable site development costs per 1859.78.7.1, apart from the other Modernization work in the DSA-approved plans.
 - If the request includes funding for the construction of a Minimum Essential Facility (MEF) per Section 1859.78.9.1, or a Transitional Kindergarten classroom(s) per Section 1859.78.9.2, the district must submit a detailed cost estimate that delineates the cost associated with the work for the qualifying facility(s) in the DSA-approved plans apart from the other Modernization work in the DSA-approved plans.
8. Final Charter School Apportionment for Charter School Facilities Rehabilitation pursuant to Section 1859.167.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
- P&S for the project that were approved by DSA.
 - If the request includes funding for accessibility and fire code requirement pursuant to Section 1859.167.3(d), the DSA approved list of the minimum accessibility required and a detailed cost estimate for the work in the plans.
 - DSA approval letter for elevator to meet ~~handicapped~~ access compliance, if funding is requested.
 - High performance incentive (HPI) scorecard from DSA.
 - Plan approval letter from the CDE.
 - Construction cost estimate signed by the architect of record or design professional.
 - Determination of financial soundness from the California School Finance Authority (CSFA).
 - Written confirmation from the applicant's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.
9. If the application includes a request for Financial Hardship, the district must

comply with the requirements of Section 1859.81.

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

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

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

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

SPECIFIC INSTRUCTIONS

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

1. Type of Application

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

If this request is for an addition to an existing site and advance funding for the evaluation and RA costs, check the appropriate box and refer to Section 1859.74.4.

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

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

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

2. Type of Project

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

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

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

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

- b. Check the box if the project is eligible for funding for 50 year or older permanent buildings and report, at the option of the district:
- The total number of eligible classrooms or the total eligible square footage building area at the site. Refer to Section 1859.78.6(b)(1)(A) or (b)(2)(A).
 - The total number of permanent classrooms or the total permanent square footage building area that is at least 50 years old and not been previously modernized with state funds. Refer to Section 1859.78.6(b)(1)(B) or (b)(2)(B).
 - Enter the greater percentage as calculated under Regulation Section 1859.78.6(b)(1)(C) or Regulation Section 1859.78.6(b)(2)(C).
 - If this project includes eligible 50 year or older pupil grants, enter the appropriate number assigned to the project for each grade group. The number of pupils entered cannot exceed the cumulative number of 50 year or older permanent buildings pupil grants requested for all modernization funding applications for the site as determined by using the percentage factor above.
- c. If this request includes pupil grants generated by an Alternative Enrollment Projection Method, enter the number of pupils by grade level.
- d. Check the box if the project is eligible for funding for 75 Years or Older Buildings and report the following, if applicable:
- The total number of eligible classrooms and/or the total eligible square footage building area being demolished. Refer to Section 1859.78.7.1.
 - The total number of eligible classrooms and/or the total eligible square footage building area being constructed. Refer to Section 1859.78.7.1.
 - Enter the appropriate number assigned to the project for each grade group. The number of pupils entered cannot exceed the cumulative number of pupil grants requested in Section 2a. and determined by using the percentage

factor above.

- e.d. Indicate if this request is for funding of a 6–8 school and/or an Alternative Education School.
- f.e. Check the applicable box if the district is requesting additional pupil grants assigned to the project that exceed the capacity of the project or if the pupils assigned represent eligibility determined at another grade level and check the appropriate box to indicate under which regulation the district is applying. The pupil capacity of the project may be determined by multiplying the classrooms reported in box 3 by 25 for K–6; 27 for 7–8, 9–12 grades; 13 for non-severe and 9 for severe.
- g.f. Enter the square footage of the non-toilet area and toilet area contained in the Charter School Facilities Program Rehabilitation project.
- h.g. Indicate the site scenario that best represents the project request.
- i.h. For ORG projects, the district must provide the following information in the space provided:
- Name of the eligible school site(s) where portables will be replaced in this project
 - Number of portables being replaced at each school site
 - Number of site specific eligible pupils being requested for this project for each school site. The total number of site specific eligible pupils assigned to this project must equal the total number of pupils in Section 2a.

3. Number of Classrooms

Enter the:

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

4. Financial Hardship Request

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

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

5. New Construction Additional Grant Request

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

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

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unforeseen circumstances exist, the CDE determines that the site is the best available site, and substantiation that the costs are the minimum required to complete the evaluation and RA.

Enter 50 percent of the actual cost.

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

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

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

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

- 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).
- h. Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.71.2.
- i. If the district is requesting an Additional Grant for High Performance Incentive pursuant to Section 1859.70.4, enter the number of high performance points as prescribed in Section 1859.71.6 or 1859.77.4, as appropriate, subject to Education Code Section 17070.965.

6. Modernization Additional Grant Request

- a. Check the box if the district is requesting project assistance allowance pursuant to Section 1859.78.2. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- 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).
- c. Check the box if the district requests an additional grant for site development utility cost necessary for the modernization of 50 years or older permanent building(s). Enter 60 percent of the eligible costs allowable pursuant to Section 1859.78.7(a).
- d. Check the box if the district requests an additional grant for site development utility cost necessary for the replacement of a 75 Years or Older Building, if not

already provided under the provisions pursuant to Section 1859.78.7(a). Enter 60 percent of the eligible costs allowable.

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

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

g. Check the box if the district is requesting an Additional Grant for a Minimum Essential Facility pursuant to Regulation Section 1859.78.9.1. Check the box for the type of facility being requested (if the facility is a hybrid facility, select 'Hybrid' and indicate the type of facility on the line provided) and indicate the amount of eligible Toilet and Other square footage being built in the project. Check the appropriate box depending on whether the Minimum Essential Facility is permanent or portable construction. Check the box if the district is requesting an additional grant for Site Development pursuant to Regulation Section 1859.78.9.1. At the district's option, the district may request 35 percent of the Minimum Essential Facility supplemental grant or enter 60 percent of the amount calculated pursuant to Regulation Section 1859.78.9.1 (b)(7) or 1859.78.9.1 (c)(7).

h. 1) Check the box if the district is requesting an Additional Grant for Transitional Kindergarten classrooms for the construction of a new transitional kindergarten classroom(s) and/or retrofit of an existing school facility to be a transitional kindergarten classroom(s). Check the appropriate boxes if the district is augmenting the grant with additional supplemental grants respective of the transitional kindergarten classroom project scope. Check the box if the district is requesting an additional grant for Site Development pursuant to Regulation Section 1859.78.9.2. The district may choose to request 35 percent of the Transitional Kindergarten supplemental grant, or enter 60 percent of minimum work amount, pursuant to Regulation Section 1859.78.9.2(c)(4) or 1859.78.9.2(c)(5)(A).

h. 2) The information needed to complete this section is based on the latest California Longitudinal Pupil Achievement Data System (CALPADS) that is available approximately October 15th of each year. Applications filed on or after November 1st must include the current school year enrollment. Report the current year and the three prior years' K-3 enrollment, as appropriate. Enter the CALPADS enrollment at the school site for the current year and the three prior years' K-3 enrollment, as appropriate.

Requests for funding shall include the documents as follows:

- Site map that includes labelling of all facilities and their current use, and identifies all classrooms constructed or previously retrofitted to house kindergarten students.
- Narrative that explains the current classroom and facility usage at the site, what the School District plans to do with the project, and the resulting usage at the completion of the project.

7. Excessive Cost Hardship Request

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

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

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

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

Excessive Cost Hardship Request

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

- b. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant due to Geographic Location pursuant to Section 1859.167.3(a).
- c. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant for a small size project pursuant to Section 1859.167.3(b).
- d. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant due to Urban Location, Security Requirements, and Impacted Site pursuant to Section 1859.167.3(c).
- e. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant due to accessibility and fire code requirements pursuant to Section 1859.167.3(d). Requests for excessive cost grants for accessibility requirements are allowed only if required by the Division of the State Architect (DSA). At the applicant's option, the applicant may request three percent of the Charter School Facilities Program Rehabilitation Grant or enter 50 percent of the amount calculated pursuant to Regulation Section 1859.167.3(d)(2). Attach a copy of the DSA approved list that shows the minimum work necessary for accessibility requirements.

9. Project Priority Funding Order

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

10. Prior Approval Under the LPP

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

11. Prior Apportionment Under the SFP

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

12. Preliminary Apportionment to a Final Apportionment

If this request is to convert a Preliminary Apportionment to a Final Apportion-

ment, enter the application number of the Preliminary Apportionment. Failure to report this information may delay the processing of the application by the OPSC.

13. Alternative Developer Fee

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

14. Adjustment to New Construction Baseline Eligibility

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

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

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

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

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

15. Pending Reorganization Election

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

16. Joint-Use Facility/Leased Property

Check the box if:

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

17. Project Progress Dates

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

18. Prevailing Wage Monitoring and Enforcement Costs

If the construction contract(s) for this project was awarded on January 1, 2012 through June 19, 2014, check the appropriate box to indicate which of the following methods was or is being used to meet the requirement for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3 in effect on

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January 1, 2012 through June 19, 2014:

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

19. Construction Delivery Method

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

20. Career Technical Education Funds Request

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

21. Overcrowding Relief Grant Narrative

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

22. Local Funding Adjustment Grant

Enter the following:

- The district's total assessed valuation, pursuant to Section 1859.70.5(a)(1). The district must provide a letter from the county auditor-controller that certifies the school district's total assessed valuation.
- 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 pursuant to Education Code Section 42238.02, rounded to two decimal places.

d. The district's pupil enrollment, pursuant to Section 1859.70.5(a)(3) based on the latest California Basic Educational 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.

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.

22, 23. Architect of Record or Licensed Architect Certification

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

23, 24. Architect of Record or Design Professional Certification

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

24-25. Certification

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

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3. Number of Classrooms:

Master Plan Acreage Site Size (Useable): _____

Recommended Site Size (Useable): _____

Existing Acres (Useable): _____

Proposed Acres (Useable): _____

4. Type of Financial Hardship Request

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

5. New Construction Additional Grant Request—New Construction Only

- a. Therapy: _____ Toilets (sq. ft.) _____
Other (sq. ft.) _____
- b. Multilevel Construction (CRS): _____
- c. ☐ Project Assistance
- d. Site Acquisition:
- (1) 50 percent Actual Cost: \$ _____
- (2) 50 percent Appraised Value: \$ _____
- (3) 50 percent Relocation Cost: \$ _____
- (4) 2 percent (min. \$25,000): \$ _____
- (5) 50 percent DTSC Fee: \$ _____
- e. 50 percent hazardous waste removal: \$ _____
- ☐ Response Action (RA)
- f. Site Development
- ☐ 50 percent Service-Site: \$ _____
- ☐ 50 percent Off-Site: \$ _____
- ☐ 50 percent Utilities: \$ _____
- ☐ General Site
- g. ☐ Energy Efficiency: _____ %
- h. ☐ Automatic Fire Detection/Alarm System
- ☐ Automatic Sprinkler System
- i. ☐ High Performance Incentive (Indicate Points): _____

6. Modernization Additional Grant Request

- a. ☐ Project Assistance
- b. ☐ Energy Efficiency: _____ %
- c. ☐ Site Development—60 percent utilities: \$ _____
- d. ☐ Site Development—75 Years or Older: \$ _____
- e. ☐ Automatic Fire Detection/Alarm System
- f. ☐ High Performance Incentive (Indicate Points): _____
- g. ☐ Minimum Essential Facility

☐ Multipurpose☐ Gymnasium☐ Library☐ Kitchen☐ Hybrid: _____

Toilet (sq. ft.): _____

Other (sq. ft.): _____

Construction Type☐ Permanent☐ Portable☐ Site Development pursuant to Section 1859.78.9.1☐ 35 percent of supplemental grant; or,☐ 60 percent of minimum work \$ _____**h. 1) Transitional Kindergarten Classroom(s)**☐ New Construction

Number of Classroom(s): _____

☐ Automatic Fire Detection/Alarm System☐ Automatic Sprinkler System☐ Multilevel Classrooms(s) Construction: _____☐ Retrofit

Number of Classroom(s) _____

☐ Automatic Fire Detection/Alarm System☐ 50-year-old utilities☐ Site Development pursuant to Section 1859.78.9.2☐ 35 percent of supplemental grant; or,☐ 60 percent of minimum work \$ _____**h. 2) Enrollment Data for Site**

	3rd Prev.	2nd Prev.	Previous	Current
Grade	/	/	/	/
TK				
K				
1				
2				
3				
TOTAL	0	0	0	0

7. Excessive Cost Hardship Request**New Construction Only**

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

Modernization Only

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

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

- a. ☐ High Performance Incentive (Indicate Points): _____

Excessive Cost Hardship Request

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

**APPLICATION FOR FUNDING
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9. Project Priority Funding Order—New Construction Only

Priority order of this application in relation to other new construction applications submitted by the district at the same time: # _____

Project meets:

- ☐ Density requirement pursuant to Section 1859.92(c)(3).
☐ Stock plans requirement pursuant to Section 1859.92(c)(4).
☐ Energy efficiency requirement pursuant to Section 1859.92(c)(6).

10. Prior Approval Under the LPP

New Construction: 22/ _____
 Modernization: 77/ _____

11. Prior Apportionment Under the SFP

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

12. Preliminary Apportionment to Final Apportionment

Preliminary Apportionment Application Number: # _____

13. Alternative Developer Fee—New Construction Only

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

14. Adjustment to New Construction Baseline Eligibility

a. Classroom(s) provided:

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

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

15. Pending Reorganization Election—New Construction Only ☐ Yes ☐ No**16. Joint-Use Facility/Leased Property**

- a. ☐ Joint-Use Facility
 b. ☐ Leased Property

17. Project Progress Dates

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

18. Prevailing Wage Monitoring and Enforcement Costs

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

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

19. Construction Delivery Method

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

20. Career Technical Education Funds Request

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

21. Overcrowding Relief Grant Narrative

22. Local Funding Adjustment Grant

- a. Total 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

22. 23. Architect of Record or Licensed Architect Certification

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

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

ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

SIGNATURE

DATE

23. 24. Architect of Record or Design Professional Certification

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

- If the request is for a New Construction Grant, not including the ORG, I have developed a cost estimate of the proposed project which indicates that the

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SCHOOL FACILITY PROGRAM**

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mated construction cost of the work in the P&S including deferred items (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share, less site acquisition costs and the High Performance Base Incentive Grant. This cost estimate does not include site acquisition, planning, tests, inspection, or furniture and equipment and is available at the district for review by the OPSC.

- If the request is for a Modernization or Charter School Facilities Program Rehabilitation Grant, I have developed a cost estimate of the proposed project which indicates that the estimated construction cost of the work in the P&S, including deferred items and interim housing (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share, less the High Performance Base Incentive Grant. This cost estimate does not include planning, tests, inspection or furniture and equipment and is available at the district for review by the OPSC.
- If the request is for a Modernization Grant and includes replacement of a 75 Years or Older Building(s), the cost estimate must delineate the costs associated with the work for the qualifying facility(s) pursuant to Sections 1859.78.7.1. in the DSA-approved plans apart from the other Modernization work in the DSA-approved plans and indicate that the estimated construction cost of the work in the P&S, including deferred items (if any) relating to the proposed project, is at least 60 percent of that portion of the grant amount provided by the State and the district's matching share.
- If the request is for a Modernization Grant and includes a Minimum Essential Facility or new or retrofitted Transitional Kindergarten classroom(s), the cost estimate must delineate the costs associated with the work for the qualifying facility(s) pursuant to Sections 1859.78.9.1, or 1859.78.9.2 in the DSA-approved plans apart from the other Modernization work in the DSA-approved plans and indicate that the estimated construction cost of the work in the P&S, including deferred items and interim housing (if any) relating to the proposed project, is at least 60 percent of that portion of the grant amount provided by the State and the district's matching share.

ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

SIGNATURE	DATE

24. 25. Certification

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

- I am an authorized representative of the district as authorized by the governing board of the district; and,
- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et. seq., of the Education Code was adopted by the school district's governing board or the designee of the Superintendent of Public Instruction on, _____; and,
- The district has established a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (refer to Sections 1859.100 through 1859.102); and,
- The district has considered the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
- If this funding request is for the modernization of portable classrooms eligible

for an additional apportionment pursuant to Education Code Section 17073.15, the district certifies that (check the applicable box below):

1. The state modernization funds will be used to replace the portable classrooms and permanently remove the displaced portables from the classroom use within six months of the filing of the Notice of Completion for the project; or,
 2. It has provided documentation to the Office of Public School Construction which indicates that modernizing the portable classrooms eligible for an additional apportionment is better use of public resources than the replacement of these facilities.
- Facilities to be rehabilitated under the Charter School Facilities Program previously funded with School Facility Program State funds meet the requirements of Section 1859.163.6; and,
 - All contracts entered on or after November 4, 1998 for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
 - If this request is for new construction funding, the district has received approval of the site and the plans from the CDE. Plan approval is not required if request is for separate design apportionment; and,
 - If this request is for modernization or Charter School Facilities Program Rehabilitation funding, the district has received approval of the plans for the project from the CDE. Plan approval is not required if request is for separate design apportionment; and,
 - The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
 - This district has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
 - The district matching funds required pursuant to Sections 1859.77.1 or 1859.79 has either been expended by the district, deposited in the County School Facility Fund or will be expended by the district prior to the notice of completion for the project; and,
 - The district has received the necessary approval of the plans and specifications from the Division of the State Architect unless the request is for a separate site and/or design apportionment; and,
 - If the district is requesting site acquisition funds as part of this application, the district has complied with Sections 1859.74 through 1859.75.1 as appropriate; and,
 - With the exception of an apportionment made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105); and,
 - If the apportionment for this project was made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 12 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105.1); and,
 - The district understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Section 1859.90); and,
 - The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
 - All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and

**APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM**

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- other pupils as appropriate to the needs of both; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
 - The district understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Sections 1859.105, 1859.105.1, 1859.106; and,
 - The district has complied with the provisions of Sections 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,
 - If the SFP grants will be used for the construction or modernization of school facilities on leased land, the district has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
 - If the application contains a "Use of New Construction Grant" request, the district has adopted a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board on _____ as specified in Sections 1859.77.2, or 1859.77.3, as appropriate. The district's Approved housing plan is as indicated (check all that apply):
 - ☐ 1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB and the district must identify the source of the funds. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(b)]
 - ☐ 2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom. [Applicable for Sections 1859.77.2(a) and (b) and 1859.73(a) and (b)]
 - ☐ 3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project. [Applicable for Sections 1859.77.2(b) and 1859.77.3(b)].
 - If the district requested additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4, the district will include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project; and,
 - The district has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and the need for vocational and career technical facilities is being adequately met in accordance with Education Code Sections 51224, 51225.3(b), and 51228(b), and 52336.1; and,
 - If the district is requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the increased costs for the energy efficiency components in the project exceeds the amount of funding otherwise available to the district; and,
 - If this application is submitted after January 1, 2004 for modernization funding, the district has considered the potential for the presence of lead-containing materials in the modernization project and will follow all relevant federal, state, and local standards for the management of any identified lead; and,
 - The district has initiated and enforced an LCP that has been approved by the DIR, pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003 and before January 1, 2012; and,
 - The district has contracted with the DIR for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014, if the construction contract was awarded on January 1, 2012 through June 19, 2014 and the district has not obtained a waiver for the requirement, pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014. The district understands that if it fails to meet this requirement, it will be required to repay all state bond funds received including interest; and,
 - Beginning with the 2005/2006 fiscal year, the district has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and,
 - If this application is submitted pursuant to Section 1859.180, the district certifies that within six months of occupancy of the permanent classrooms, it will remove the replaced portables from the eligible school site and K-12 grade classroom use with the exception of schools described in Education Code Section 17079.30(c); and,
 - The district has considered the feasibility of using designs and materials for the new construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and the other characteristics of high performance schools; and,
 - If the district is requesting an additional grant for high performance incentive funding, the school district governing board must have a resolution on file that demonstrates support for the high performance incentive grant request and the intent to incorporate high performance features in future facilities projects; and,
 - If this application is submitted when there is Insufficient Bond Authority, the district has adopted a school board resolution pursuant to Section 1859.95.1; and,
 - The district will comply with all laws pertaining to the construction or modernization of its school building.
 - If the district marked the box for 'Yes' in Section 22 e. 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.
 - If the district is requesting the modernization supplemental grant for Minimum Essential Facilities pursuant to Section 1859.78.9.1 as part of this application, the district certifies that any classrooms displaced as a result of reconfiguration are replaced in the same plan set, or the district certifies that the classrooms are not being replaced due to a demonstrated lack of need and the district acknowledges that no adjustment to the district's new construction eligibility will be made for the removal of these classrooms; and,
 - If this funding request is for the retrofit of kindergarten classrooms, the School District certifies that the classrooms did not meet design requirements for a kindergarten classroom at the time they were built or previously retrofitted to meet kindergarten standards; and,
 - If funding for new or retrofitted Transitional Kindergarten classrooms is being requested, the School District certifies that _____ classrooms were constructed or previously altered to meet the requirements for a kindergarten classroom; and,
 - With regards to providing Transitional Kindergarten instruction as pursuant to Section 1859.78.9.2, the School District certifies that the School District is currently or will provide Transitional Kindergarten at the project site.

NAME OF DISTRICT REPRESENTATIVE (PRINT)	PHONE NUMBER

STATE OF CALIFORNIA

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION**75 YEARS OR OLDER BUILDING COST ESTIMATE AND COST/BENEFIT ANALYSIS (CBA)**
SCHOOL FACILITY PROGRAM
SAB 57-75 (New xx/25)**INSTRUCTIONS**

The 75 Years or Older Building Cost Estimate and Cost/Benefit Analysis (CBA) (Form SAB 57-75) is to be used for the purposes of generating and submitting the cost estimate required to determine eligibility of 75 Years or Older Buildings pursuant to School Facility Program (SFP) Regulation Section 1859.78.7.1.

Refer to the most current published edition of the Current Construction Remodeling Costs publication by Sierra West Publishing, F2 unit costs, for data needed to complete this form. Throughout these instructions, all references to "Sierra West" indicate this publication. All lines in Part I must be broken out to individual items or materials. Do not enter line item requests in a lump sum format. Line item requests in lump sum format may not be eligible.

PART I - Line Item Requests

For each line item request, complete the following:

1. **CSI #** - Enter the Construction Specifications Institute number (CSI #) corresponding to the item or material included in the project as it appears in Sierra West.
2. **Description** - Enter the description corresponding to the item or material as it appears in Sierra West.
3. **Quantity** - Enter the numeric quantity of the item or material used as indicated in the project plans approved by the Division of the State Architect (DSA). For projects that do not require DSA plan approval, enter the quantity as indicated in the supporting documentation submitted with the application.
4. **Unit** - Enter the unit of measure for the specified material or item as it appears in Sierra West.
5. **Cost/Unit** - Enter the total unit cost, or cost per unit, as it is listed in the F2 column in Sierra West. Do not add installation cost as this has been included in the total unit cost amount.
6. **District's Request** - Enter the product of the Quantity (3.) and Cost/Unit (5.) column.
7. **OPSC's Allowance** - Leave blank. This section will be completed by OPSC upon review of the application.

STATE OF CALIFORNIA

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

75 YEARS OR OLDER BUILDING COST ESTIMATE AND COST/BENEFIT ANALYSIS (CBA)
SCHOOL FACILITY PROGRAM
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8. School District Comments - The School District may optionally indicate any relevant plan page numbers or reference information to assist the plan reviewer in the Comments column.

9. OPSC Review Comments - Leave blank. This section will be completed by OPSC upon review of the application.

10. Title 24 Max Requirement - In lieu of requesting individual line items for Access Compliance, the school district may request a 20 percent allowance to cover the costs of the maximum Access Compliance work required by DSA. This allowance is reflective of the maximum requirements in Title 24, Section 11B-202.4, Exemptions, 8.

PART II - Contractor Burden

For the purposes of Part II of this form, refer to the table below to determine the applicable construction classification to use when referencing the most current published edition of Sierra West.

OPSC Project Type: Modernization Rehabilitation of Historical Structures
Sierra West Construction Classification: Unique Structures

General Conditions - Using the total project cost as reported to DSA and the applicable OPSC project type listed above, enter the percentage as indicated in the General Conditions table in Sierra West (CSI# 01.1000 000).

Calculation Detail:

The multiplier is the percentage allowed based on the total project cost reported to DSA and the chart in the Current Construction Remodeling Costs Publication, in Section 01.1000 000. That percentage is representative of the economies of scale for the overall scope of the project and is then applied to the OPSC Allowance Subtotal to arrive at the **General Conditions** allowance.

Overhead, Profit & Bonds - Using the total project cost as reported to DSA, enter the applicable percentage as indicated in the "Bonds" section in Sierra West (CSI# 01.2000 000).

Calculation Detail:

The multiplier is the percentage allowed based on the project's Construction Subtotal and the chart in the Current Construction Remodeling Costs Publication, Section 01.2000 000. That percentage is representative of the economies of scale of the overall scope of the project

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OFFICE OF PUBLIC SCHOOL CONSTRUCTION**75 YEARS OR OLDER BUILDING COST ESTIMATE AND COST/BENEFIT ANALYSIS (CBA)**
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which is then applied to the sum of the OPSC Allowance Subtotal plus the General Conditions allowance, to arrive at the **Overhead, Profit & Bonds** allowance.

Escalation - If the project has not been completed at the time of application submittal, enter the percentage listed for the current year, as indicated in the "Escalation" section of Sierra West (CSI# 01.3000 000).

Calculation Detail:

If the project has not been completed at the time of application submittal, the multiplier is the percentage listed for the current year, as indicated in the "Escalation" section of Sierra West (CSI# 01.3000 000). That percentage is then applied to the sum of the OPSC Allowance subtotal, plus the General Conditions Allowance, and the Overhead Profit & Bond Allowance. If the project is already complete, enter "\$0".

Contingencies - Based on OPSC's Allowance Subtotal and based upon CSI# 01.4000 000 Schematic Plans in Sierra West. Sierra West provides an allowance of "0 percent" when funding is based on work with full DSA approved plans.

Calculation Detail:

The multiplier is the percentage based on the Construction Classification and the Stage of Design outlined in the chart in the Current Construction Remodeling Costs Publication, in Section 1.4000 000. That percentage is then applied to the sum of the OPSC Allowance subtotal plus the allowance for General Conditions, Overhead Profit & Bond, and Escalation. Note: Applications with funding based on plans with final DSA approval are ineligible for contingencies.

Part III - Design Costs & Fees**Project Inspection Allowance – 1.00 percent**

Calculation Detail: Allowance provided for the services of a DSA certified inspector for the duration of the project. The allowance provided is 1.00 percent, based on Construction Subtotal.

Construction Testing Allowance – 1.00 percent

Calculation Detail: For rehabilitation projects that require specialized testing and inspection of

STATE OF CALIFORNIA

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION**75 YEARS OR OLDER BUILDING COST ESTIMATE AND COST/BENEFIT ANALYSIS (CBA)**
SCHOOL FACILITY PROGRAM
SAB 57-75 (New xx/25)

materials during construction such as soil tests, foundation tests, exploratory borings, and similar testing prior to construction, enter 1 percent. The District must submit written verification of the specialized testing required for the scope of work. For all other projects, enter '0'. The allowance is the applicable percentage multiplied by the Construction Subtotal.

Design Specialist Cost Allowance – Based on the Construction Subtotal in Part II.

Calculation Detail: The allowance for the Design Specialist is calculated using the Design Specialist Cost Allowance sliding scale below Part III. Alternatively, the user may manually enter the cost allowance based on this scale.

CDE Plan Review Fee – 0.07 percent

Calculation Detail: Allowance is for the proportionate amount of fees charged by the California Department of Education, as required by law, for the project. The allowance provided will be 0.0007 multiplied by the OPSC Allowed Construction Subtotal.

DSA Plan Review Fee – DSA Project Fee Calculator

Calculation Detail: Allowance is for the proportionate amount of fees charged by DSA, as required by law, for the project. Based on the product of the OPSC Allowed Construction Subtotal applied to the DSA Project Fee Calculator:

<https://www.apps2.dgs.ca.gov/dsa/tracker/FeeCalculator.aspx>

Part III- OPSC Approved Total Project Cost is the Sum of Part II and Part III.

Part IV - Cost Benefit Analysis Calculation for the Existing Building

Square Footage of Qualifying 75 Year Old Building - Insert the square footage of the existing building into the applicable cell depending on its type. The categories are either Permanent or Portable and Toilet or Other.

Current Replacement Cost (Per Square Foot) - Enter the value for each category as approved by the State Allocation Board for the current year pursuant to SFP Regulation Section 1859.2.

Total Current Replacement Cost is the product of the qualifying square footage multiplied by the Current Replacement Cost. The sum of each category is the **Total** for the building.

ATTACHMENT D

STATE OF CALIFORNIA

STATE ALLOCATION BOARD

OFFICE OF PUBLIC SCHOOL CONSTRUCTION

75 YEARS OR OLDER BUILDING COST ESTIMATE AND COST/BENEFIT ANALYSIS (CBA)

SCHOOL FACILITY PROGRAM

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To determine whether the Cost to Modernize exceeds the Cost to Replace the Building by more than 50 percent, divide the OPSC Approved Total Project Cost from Part III by the Total Replacement Cost. Then multiply by 100 to calculate the percentage.

If the percentage is equal to or greater than 50 percent, the building is eligible.

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STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

<u>School District:</u>	<u>Application Number:</u>
<u>School Name:</u>	<u>DSA Number:</u>
<u>County:</u>	

PART I - Line Item Request

[illegible]

STATE OF CALIFORNIA
75 YEARS OR OLDER BUILDING COST ESTIMATE AND COST/BENEFIT ANALYSIS (CBA)
SCHOOL FACILITY PROGRAM
SAB 57-75 (New XX/25)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

School District:	Application Number:
School Name:	DSA Number:
County:	

PART II - Contractor Burden

1. CSI #	2. Description	Multiplier	Allowance	Calculation Detail
1.100 000	General Conditions (insert percentage) Broad categories covered by General Conditions include: • Mobilization. • Non-distributable labor and supervision. • Permits, licenses & fees. • Temporary utilities, structures, and fencing • Material handling equipment, trucks, safety, fuel, scaffolding. • Non-manual labor, benefits, payroll tax, workers compensation insurance • Insurances, comprehensive, builders risk.	0.00%	\$ -	The multiplier is the percentage allowed based on the total project cost reported to DSA and the chart in the Current Construction Remodeling Costs Publication, in Section 01.1000 000. That percentage is representative of the economies of scale for the overall scope of the project, and is then applied to the OPSC Allowance Subtotal to arrive at the General Conditions allowance. The following application types should use the corresponding Sierra West allowance category: • Modernization (historical structures) – “Unique Structures”
1.200 000	Overhead, Profit, and Bonds (insert percentage) Broad categories covered by overhead include: rent, utilities, legal, accounting, estimating, travel, general insurance, taxes, marketing, advertising, computers, etc. and are distinctly not related to the physical construction of the project.	0.00%	\$ -	The multiplier is the percentage allowed based on the project's Construction Subtotal and the chart in the Current Construction Remodeling Costs Publication, Section 01.2000 000. That percentage is representative of the economies of scale of the overall scope of the project which is then applied to the sum of the OPSC Allowance Subtotal plus the General Conditions allowance, to arrive at the Overhead, Profit and Bonds allowance.
1.300 000	Escalation (insert current year percentage) This allowance provides for the general adjustment in construction costs over the duration of an estimating year.	0.00%	\$ -	If the project has not been completed at the time of application submittal, the multiplier is the percentage listed for the current year, as indicated in the "Escalation" section of Sierra West (CSI# 01.3000 000). That percentage is then applied to the sum of the OPSC Allowance subtotal, plus the General Conditions Allowance, and the Overhead Profit & Bond Allowance. If the project is already complete, enter "\$0".
1.400 000	Contingencies (insert percentage or "0") Contingencies are provided for projects when the work in this form is represented in schematic drawings rather than DSA approved plans. Typically, this only applies to Cost Benefit Analysis completed for Modernization for 75 or Older Facilities replacement applications or requests for Conceptual Approval. Note: Sierra West Current Construction Cost publication provides an allowance of "0%" when funding is based on work with full DSA approved plans.	0.00%	\$ -	The multiplier is the percentage based on the Construction Classification and the Stage of Design outlined in the chart in the Current Construction Remodeling Costs Publication, in Section 1.4000 000. That percentage is then applied to the sum of the OPSC Allowance subtotal plus the allowance for General Conditions, Overhead Profit & Bond, and Escalation. Note: Applications with funding based on plans with final DSA approval are ineligible for contingencies.
Part II- Construction Subtotal			\$ -	Sum of Part I and Part II.

PART III- Design Costs & Fees

Design Costs	Multiplier	Allowance	Calculation Detail
Project Inspection Allowance	1.00%	-	Allowance provided for the services of a DSA certified inspector for the duration of the project. The allowance provided is 1.00%, based on Construction Subtotal. Only allowed if project required DSA approval.
Construction Testing Allowance	1.00%	-	For rehabilitation projects that require specialized testing and inspection of materials during construction such as soil tests, foundation tests, exploratory borings, and similar testing prior to construction, enter 1%. The District must submit written verification of the specialized testing required for the scope of work. For all other projects, enter 0%. The allowance is the applicable percentage multiplied by the Construction Subtotal.
Design Specialist Cost Allowance *See Sliding Scale, below.	Sliding Scale	-	Based on Construction Subtotal in Part II, using the Design Specialist Cost Allowance chart below.
CDE Plan Review Fee	0.07%	-	Allowance is for the proportionate amount of fees charged by the California Department of Education, as required by law, for the project. The allowance provided will be 0.0007 multiplied by the OPSC Allowed Construction Subtotal.
DSA Plan Review Fee	DSA Project Fee Calculator	-	Allowance is for the proportionate amount of fees charged by the DSA, as required by law, for the project. Based on the product of the Construction Subtotal applied to the DSA Project Fee Calculator: https://www.apps2.dgs.ca.gov/dsa/tracker/FeeCalculator.aspx .
Part III- OPSC Approved Total Project Cost:			Sum of Part II and Part III

STATE OF CALIFORNIA
75 YEARS OR OLDER BUILDING COST ESTIMATE AND COST/BENEFIT ANALYSIS (CBA)
SCHOOL FACILITY PROGRAM
SAB 57-75 (New XX/25)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

School District:	Application Number:
School Name:	DSA Number:
County:	

For Reference:

Design Specialist Cost Allowance Sliding Scale	Multiplier	Allowance
Construction Subtotal (from above):		\$ -
First \$500,000	12.00%	\$ -
next \$500,000	11.50%	\$ -
next \$1 million	11.00%	\$ -
next \$4 million	10.00%	\$ -
next \$4 million	9.00%	\$ -
Beyond	8.00%	\$ -
Design Cost Allowance:		\$ -

PART IV- Cost Benefit Analysis Calculation

Existing Building Determination of Qualification			
Square Footage of Qualifying 75 Year Old Building		Current Replacement Cost Pursuant to SFP Regulation Section 1859.2	Total Current Replacement Cost
Permanent Toilet	0.00	\$ -	\$ -
Permanent Other	0.00	\$ -	\$ -
Portable Toilet	0.00	\$ -	\$ -
Portable Other	0.00	\$ -	\$ -
Total	0.00		\$ -

Total Project Cost to Modernize the Building (from Part III)	\$ -
Comparison of Cost to Modernize verses Cost to Current Replacement Cost (Divide Total Current Replacement Cost by Total Project Cost to Modernize)	#DIV/0!
Percentage above Exceeds 50% - If 'Yes', Building qualifies	\$ -

*If the cost to repair the building is above 50 percent of the Current Replacement Cost then the building qualifies for Replacement funding. If the cost of repair is below 50 percent, it does not qualify for 75 Year Old replacement grant funding.

STATE OF CALIFORNIA
75 YEARS OR OLDER BUILDING COST ESTIMATE AND COST/BENEFIT ANALYSIS (CBA)
SCHOOL FACILITY PROGRAM
SAB 57-75 (New XX/25)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

<u>School District:</u>	<u>Application Number:</u>
<u>School Name:</u>	<u>DSA Number:</u>
<u>County:</u>	

I certify, as the District Representative, that the information reported on this form is true and correct and that:
• I am designated as an authorized District Representative by the governing board of the School District; and,
• under penalty of perjury, under the laws of the State of California, the foregoing statements are true and correct to the best of my knowledge and belief; and,
• this form is an exact duplicate (verbatim) of the form provided by Office of Public School Construction. No variations of this form may be used.

<u>Name of District Representative (Print):</u>	<u>Phone Number:</u>
<u>Signature of District Representative:</u>	<u>Date:</u>

ATTACHMENT E

OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING January 30, 2025

IMPLEMENTATION OF PROPOSITION 2 FOR THE SCHOOL FACILITY PROGRAM

PURPOSE

The purpose of this meeting is to engage with stakeholders regarding 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:

- Topic 1 – Financial Hardship (Attachment A1)
- Topic 2 – Modernization Eligibility for Schools Located on Military Installations and New Construction Eligibility for Small School Districts (Attachment A2)
- Topic 3 – Eligible Expenditures (Attachment A3)
- Topic 4 – School Facility Program (SFP) Matching Share (Attachment A4)
- Topic 5 – 75-Year Old Building Supplemental Grant (Attachment A5)

BACKGROUND

Proposition 2, or Assembly Bill (AB) 247 (Muratsuchi, Chapter 81, Statutes of 2024), the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024, was approved by a majority of California's voters on November 5, 2024.

The passage of Proposition 2 necessitates modifications to the SFP Regulations to allow school districts to continue submitting eligibility and funding applications to OPSC that are adherent to the amended or additional components of Education Code. Related to these statutory changes, OPSC must implement the provisions of AB 247 by amending existing SFP Regulations to adhere to the new statutory requirements.

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

AUTHORITY

See Attachments A1a, A2a, A3a, A4a, and A5a.

SUMMARY AND NEXT STEPS

Attached is a series of topics related to Financial Hardship, Modernization Eligibility for Schools Located on Military Installations and New Construction Eligibility for Small School Districts, Eligible Expenditures, School Facility Program (SFP)

ATTACHMENT E

Matching Share, and 75-Year Old Building Supplemental Grant. Staff will review any feedback obtained in today's meeting and anything received through close of business February 14, 2025 at noon, for consideration and address those suggestions in the next public meeting on this topic. If you would like to submit written feedback subsequent to today's meeting, please email your suggestions to the OPSC Communications Team at OPSCCommunications@dgs.ca.gov.

ATTACHMENT E

OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING January 30, 2025

PROPOSED REGULATORY AMENDMENTS FOR SCHOOL FACILITY PROGRAM MATCHING SHARES

PURPOSE

To discuss and receive stakeholder input regarding proposed regulatory amendments resulting from the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2), which was approved by a majority of California's voters on November 5, 2024, related to School Facility Program (SFP) Regulation Sections 1859.77.1 and 1859.79. Additionally, the Office of Public School Construction (OPSC) proposes the addition of SFP Regulation Section 1859.92.1. These amendments would implement Proposition 2's points-based determination and sliding scale for the required local match for SFP projects.

AUTHORITY

See Attachment A4a.

BACKGROUND

Fixed State Share Percentage

Historically, SFP New Construction and Modernization projects have been eligible for a fixed state share percentage of the total approved project cost, except for school districts that qualify for financial hardship funding. School districts applying for New Construction funding must provide an equal matching share (50/50). School districts applying for Modernization funding, the state provides 60 percent of the total approved project cost, and the school district provides 40 percent of the total approved project cost.

Proposition 2 – Points-Based Determination and Sliding Scale for Required Matching Share

Proposition 2 establishes a points-based determination and sliding scale for the required state and local matching shares for SFP projects that do not qualify for financial hardship assistance¹. Proposition 2 specifies the number of points awarded based on the school district's gross bonding capacity per enrollment, the school district's unduplicated pupil percentage as determined for purposes of the Local Control Funding Formula, whether the school district has an enrollment of 200 pupils or fewer, and whether the project includes the use of a project labor agreement. Based on the total number of points for a project, the required local matching share will be adjusted as follows, with no change to the total approved project cost. The range of total possible points is between 3 points and 16 points,

¹ School districts eligible for financial hardship assistance may qualify for additional state funding beyond the Proposition 2 points-based determination and sliding scale amounts and may receive up to 100 percent state funding.

ATTACHMENT E

inclusive. These changes are applicable to all SFP applications received on or after October 31, 2024. Proposition 2 specifies that SFP applications received before October 31, 2024 will be processed to the Board in accordance with SFP statutes as they read on January 1, 2024. The relevant statutory changes are as follows:

- Education Code (EC) Section 17070.59 has been added to establish a points-based determination and sliding scale for the required state and local match for SFP projects that do not qualify for financial hardship projects.
- EC Section 17070.87 has been added to require new construction and modernization applications submitted before October 31, 2024, to be processed and apportioned in accordance with the SFP statutes, as they read on January 1, 2024.
- EC Section 17072.30 has been amended to outline the sliding scale and point allocation as it relates to New Construction projects and delete a reference to the fixed 50 percent state share.
- EC 17074.16 has been amended to outline the sliding scale and point allocation as it relates to Modernization projects and delete references to the fixed 60 percent state share and 40 percent local match.

Points-Based Determination and Sliding Scale

EC 17070.59 creates a points-based determination based on four criteria and a sliding scale related to the state share and local share of projects, assigned as the following:

Gross Bonding Capacity* per Total School District Enrollment

\$0 - \$9,999	4 points
\$10,000 - \$19,999	3 points
\$20,000 - \$54,999	2 points
\$55,000+	1 point

Unduplicated Pupil Percentage

75.00% - 100.00%	8 points
50.00% - 74.99%	6 points
25.00% - 49.99%	4 points
<= 24.99%	2 points

School District Enrollment <= 200 pupils = 2 points

Project includes the use of a Project Labor Agreement = 2 points

Based on the number of points for a project, Proposition 2 specifies that the required SFP state and local matching shares will be adjusted as follows:

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New Construction

	State Share	Local Share
>10 points	55%	45%
9 or 10 points	53%	47%
8 points	52%	48%
6 or 7 points	51%	49%
<6 points*	50%*	50%*

Modernization

	State Share	Local Share
>10 points	65%	35%
9 or 10 points	63%	37%
8 points	62%	38%
6 or 7 points	61%	39%
<6 points*	60%*	40%*

* School district projects with a total of fewer than 6 points receive the same state and local matching share percentages as SFP projects prior to Proposition 2.

As a result of these changes, OPSC staff is presenting proposed amendments to SFP Regulation Sections, as seen on Attachment A4b.

STAFF ANALYSIS/DISCUSSION

Proposition 2 necessitates modifications to the SFP Regulations to allow school districts to continue submitting eligibility and funding applications to OPSC that conform to the amended EC. OPSC is asking for stakeholder feedback on proposed amendments pursuant to EC Section 17070.59(e), as reflected in Attachment A4b.

EC Section 17070.59(a) - Gross Bonding Capacity

Gross bonding capacity refers to a school district's capacity to issue debt. The new EC Section 17070.59 specifies how to determine the points used to compute the required local matching funds from local sources (pursuant to EC Sections 17072.30 and 17074.16, for New Construction and Modernization purposes respectively).

Specific to the District's gross bonding capacity and pursuant to EC Section 17070.59(a), for each school district, the department shall divide the district's gross bonding capacity by the district's total enrollment, as determined for purposes of this chapter.

$$\begin{array}{c} \text{District's Gross Bonding Capacity} \\ \textbf{Divided By} \\ \text{District's Total Enrollment} \\ \textbf{Equals} \\ \text{Gross Bonding Capacity per District's Total Enrollment} \end{array}$$

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Enrollment in this case shall be determined by a review of the district's annual enrollment data within the California Department of Education (CDE)'s DataQuest, which provides data and statistics about California's TK/K-12 public educational system. This data is provided through the California Basic Educational Data System (CBEDS), which is an annual data collection administered in October by CDE.

The enrollment year used shall be reflected as November 1 through October 31. For instance, November 1, 2024, through October 31, 2025, would be reflective of the 2024-2025 enrollment year. Regarding the specific enrollment year used, OPSC proposes to use the same enrollment year in which the application is being processed to align with current practices.

Example of Gross Bonding Capacity per Total Enrollment Calculation

If a district has a gross bonding capacity of \$163,000,000, and a total enrollment of 2,282 pupils, their gross bonding capacity per the district's total enrollment will be calculated as the following:

$$\begin{array}{r} \underline{\$263,000,000} \\ \text{Divided By} \\ \underline{2,282 \text{ (pupils)}} \\ \text{Equals} \\ \underline{\$115,249.78 \text{ (rounded to the nearest dollar as \$115,250)}} \end{array}$$

In accordance with the new points-based system and this example, this district has a gross bonding capacity per enrollment of \$115,250. Therefore, this amount exceeds \$55,000, and as a result, the district receives 1 point in the calculation to determine its matching share.

EC Section 17070.59(b) - Unduplicated Pupil Percentage

EC Section 17070.59(b)(1) specifies that for each school district, the department shall identify each district's unduplicated pupil percentage as determined for purposes of the local control funding formula (pursuant to Section 42238.02). EC Sections 17070.59(b)(2)(A), (b)(2)(B), (b)(2)(C), and (b)(2)(D) delineate the points received based upon determination of unduplicated pupil percentages between specified percentages.

The Unduplicated Pupil Percentage (UPP) is a percentage based off of three years of data (the current, prior, and second year) of targeted disadvantaged students. According to CDE's website, "the UPP is not an average of each year's percentage; rather, the sum of the unduplicated pupil count (UPC) for the three years is divided by the sum of enrollment for the three years to produce the current year's UPP. In subsequent years, the newest year will be added, and the oldest will be dropped off."

This data may be found through Local Control Funding Formula (LCFF) Summary Data spreadsheets, available by fiscal year, which are available here: [Statewide LCFF Summary Data - Principal Apportionment \(CA Dept of Education\)](#).

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The LCFF Summary Data spreadsheets for each fiscal year populate with the UPP, allowing for verification of this percentage.

LCFF Summary Data
 2023–24 Second Principal Apportionment
 California Department of Education
 NOTE: Some LEAs may not display funding data due to closures or other changes during the fiscal year.
 Legend: LCFF = Local Control Funding Formula; ADA = Average Daily Attendance; MSA = Minimum State Aid; NSS = Necessary Small Schools; TK = Transitional Kindergarten

County Code	District Code	School Code	Local Educational Agency	Charter Number	Funded TK/K-3 ADA	Funded 4 - 6 ADA	Funded 7 - 8 ADA	Funded 9 - 12 ADA	Total Funded ADA or Alternative Education Grant ADA	Unduplicated Pupil Percentage
01	10017	0000000	Alameda Co. Office of Education	N/A	N/A	N/A	N/A	N/A	177.02	0.8382
01	10017	0112607	Envision Academy for Arts & Technology	0811	-	19.47	23.89	148.31	191.67	0.7715
01	10017	0123968	Community School for Creative Education	1284	71.93	57.92	34.75	-	164.60	0.9089
01	10017	0124172	Yu Ming Charter	1296	544.39	211.85	78.84	-	835.08	0.3538
01	10017	0125567	Urban Montessori Charter	1383	177.39	110.03	30.81	-	318.23	0.3635
01	10017	0129403	Epic Charter	1632	-	-	-	-	-	0
01	10017	0130625	Alternatives in Action	0398	-	-	-	110.29	110.29	0.9647
01	10017	0131581	Oakland Unity Middle School	1707	-	40.15	77.77	-	117.92	0.9007
01	10017	0136101	Connecting Waters Charter School, East Bay	1881	143.84	121.60	76.98	161.49	503.91	0.2769
01	10017	0136226	Opportunity Academy	1888	-	-	-	131.92	131.92	0.5802
01	10017	0137448	Aurum Preparatory Academy	1908	-	46.05	76.18	-	122.23	0.9236
01	10017	0138867	Hayward Collegiate Charter	2027	111.83	73.10	-	-	184.93	0.6559
01	10017	6001788	Cox Academy	0740	292.11	146.48	-	-	438.59	0.9269
01	10017	6002000	Lazear Charter Academy	1464	191.19	153.82	105.61	-	450.62	0.8979
01	61119	0000000	Alameda Unified	N/A	2 583.98	1 918.72	1 193.93	2 867.01	8 563.64	0.3497

Examples of Unduplicated Pupil Percentage Determination

Scenario #1: A district has a UPP of 0.0907, which translates to 9.07 percent. Based upon EC Section 17070.59(b)(2)(D), the district would receive two points.

Scenario #2: A district has a UPP of 0.3727, which translates to 37.27 percent. Based upon EC Section 17070.59(b)(C), the district would receive four points.

EC Section 17070.59(c) - Pupil Enrollment of 200 pupils or fewer

EC Section 17070.59(c) indicates that if a school district has a pupil enrollment of 200 pupils or fewer, it will receive two points.

The district's pupil enrollment is based on the latest California Basic Education Data Systems (CBEDS) that is available approximately the 15th of October each year, Applications filed on or after the 1st of November 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 of type served by the district regardless if the district chartered the school
- Students attending magnet schools
- Community school students

ATTACHMENT E

- Students attending independent study

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 are enrolled in grade levels or type not served by the district
- Students living inside district boundaries but are receiving Classroom-Based Instruction in Charter Schools located outside the district boundaries
- Students receiving Nonclassroom-Based Instruction
- Juvenile court/court school students
- Special Day Class pupils or
- Continuation high school pupils

EC Section 17070.59(d) - Project Labor Agreement

EC Section 17070.59(d)(1) specifies that a school district project that includes the use of a project labor agreement shall receive two points. EC Section 17070.59(d)(2) specifies that for purposes of this subdivision, the definition of "project labor agreement" is pursuant to paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code (PCC). This definition therefore means "...a prehire collective bargaining agreement that establishes terms and conditions of employment for a specific construction project or projects and is in an agreement described in Section 158(f) of Title 29 of the United States Code."

As such, this added section to EC issues points attributed to districts that do or do not include the use of a project labor agreement, pursuant to PCC Section 2500(b)(1). If the district includes the use of a project labor agreement, it receives two points. If they do not, no points are issued.

Matching Share Scale Examples

Example #1

A district submits a SFP Modernization funding application on December 12, 2024 that has:

- A gross bonding capacity per total enrollment of \$50,000 (2 points)
- An unduplicated pupil percentage of 55% (6 points)
- Its School District Enrollment is greater than 200 pupils (0 points)
- Its project doesn't include the use of a Project Labor Agreement (0 points)

ATTACHMENT E

In total, the district would have 8 points. As a result, the State Share of its Modernization project would be 62%, and the Local Share of the project would be 37%.

Example #2

A district submits a SFP New Construction application to OPSC on December 12, 2024 that has:

- A gross bonding capacity per total enrollment of \$56,000 (1 point)
- An unduplicated pupil percentage of 24.50% (2 points)
- Greater than 200 pupils for its school district enrollment (0 points)
- Its project doesn't include the use of a Project Labor Agreement (0 points)

In total, the district would have 3 points. As a result, the State Share of its New Construction project would be 50%, and the Local Share would be 50%. This is due to the district having less than 6 points, which does not meet the new criteria of the sliding match scale.

Summary of Proposed Amendments to SFP Regulations

SFP Regulations Section 1859.77.1 and 1859.79

To implement the sliding scale matching share system pursuant to the new EC Section 17070.59, OPSC proposes the following amendments:

In Section 1859.77.1 (New Construction District Matching Share Requirement), specify that the existing dollar-for-dollar matching share requirement applies to applications received before October 31, 2024. For applications received on or after October 31, 2024, add a requirement that any funding provided by these Regulations shall require a district matching share contribution pursuant to Education Code Sections 17070.59 and 17072.30.

In Section 1859.79 (Modernization Matching Share Requirement):

- In subsection (b), specify that the existing dollar-for-dollar matching share requirement applies to applications received before October 31, 2024.
- Add a subsection (c) specifying that for applications received on or after October 31, 2024, any Modernization Grant, plus any other funding authorized by these Regulations shall require a district matching share contribution pursuant to Education Code Sections 17070.59 and 170704.16.

SFP Regulation Section 1859.70.5

To outline the points process of the new points-based system for determining the district's the local matching share for projects, OPSC proposes adding Section 1859.70.5.

ATTACHMENT E

- Subsection (a) outlines the process for determining points allocated as a result of the district's gross bonding capacity divided by the district's enrollment.
- Subsection (b) outlines the process for determining points allocated as a result of the district's unduplicated pupil percentage.
- Subsection (c) outlines the points allocated to school districts with a pupil enrollment of 200 pupils or fewer.
- Finally, subsection (d) indicates the point amount to be allocated to school districts that include the use of a project labor agreement in the current application.

Application for Funding (Form SAB 50-04) to Include Additional Instructions and Editable Sections for Districts to Include Information Specific to Determination of Matching Shares

Overall, the form amendments make the form consistent with the additions to EC for determination of the percentage for local matching shares for school districts. To streamline the verification process of applications, OPSC proposes adding a Local Matching Share Determination section under Section 22 of the Form SAB 50-04 where school districts will indicate the following:

- District's total assessed valuation
- District's gross bonding capacity as a dollar amount
- District's unduplicated pupil percentage
- District's current school enrollment as a numerical entry
- Whether the district has entered a Project Labor Agreement as a Yes/No field

This would replace the prior Form SAB 50-04's Section 22, Architect of Record or Licensed Architect Certification. Below, please see the outlined changes:

Current Form SAB 50-04

Section 22 (Architect of Record or Licensed Architect Certification)
Section 23 (Architect of Record or Design Professional Certification)
Section 24 (Certification)

Proposed Form SAB 50-04

Section 22 (Local Matching Share Determination)
Section 23 (Architect of Record or Licensed Architect Certification)
Section 24 (Architect of Record or Design Professional Certification)
Section 25 (Certification)

Additionally, under the new proposed Section 22, OPSC requests that the district indicates its total assessed valuation. The intention with the addition of an entry for the total assessed valuation is to assist with the verification process of the district's total gross bonding capacity.

ATTACHMENT E

As such, OPSC proposes renumbering the existing Sections 22 (Architect of Record or Licensed Architect Certification), 23 (Architect of Record or Design Professional Certification), and 24 (Certification), their associated instructions, and references to these sections in the Section 1 instructions and the Certification section.

Attachment A4b includes the proposed amendments to the SFP Regulations and Attachment A4c includes the proposed updates to the Form SAB 50-04 for stakeholder consideration.

ATTACHMENT E

AUTHORITY All Applications

Education Code (EC) 17070.35 – General Provisions

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

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

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

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

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

(b) The board shall review and amend its regulations as necessary to adjust its administration of this chapter to conform with the act that amended this section to add this subdivision. Regulations adopted pursuant to this subdivision shall be adopted by November 5, 2002, and shall be adopted as emergency regulations in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of any emergency regulation pursuant to this subdivision filed with the Office of Administrative Law shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare.

Notwithstanding subdivision (e) of Section 11346.1 of the Government Code, any emergency regulation adopted pursuant to this section shall remain in effect for no more than 365 days unless the board has complied with Sections 11346.2 to 11348, inclusive, of the Government Code.

ATTACHMENT E

AUTHORITY

Applications Received on or before October 30, 2024

EC Section 17072.30 – New Construction Funding Process

(a) Subject to the availability of funds, and to the determination of priority pursuant to Section 17072.25, if applicable, the board shall apportion funds to an eligible school district only upon the approval of the project by the Department of General Services pursuant to the Field Act, as defined in Section 17281, and certification by the school district that the required 50 percent matching funds from local sources have been expended by the district for the project, or have been deposited in the county fund, or will be expended by the district by the time the project is completed, in an amount at least equal to the proposed apportionment pursuant to this chapter, prior to release of the state funds.

(b) This section is operative January 1, 2008.

Education Code Section 17074.16 – Release of funds; applications filed after April 29, 2002

(a) The board shall release disbursements to school districts with approved applications for modernization, to the extent state funds are available for the state's 60-percent share, and the school district has provided its 40-percent local match. Subject to the availability of funds, the board shall apportion funds to an eligible school district only upon the approval of the project by the Department of General Services pursuant to the Field Act, as defined in Section 17281, including, but not limited to, a project that complies with the Field Act by complying with Section 17280.5, and evidence that the certification by the school district that the required 40-percent matching funds from local sources have been expended by the district for the project, or have been deposited in the county fund or will be expended by the district by the time of completion of the project, and evidence that the district has entered into a binding contract for the completion of that project. If state funds are insufficient to fund all qualifying school districts, the board shall fund all qualifying school districts in the order in which the application for funding was approved by the board.

(b) This section shall apply only to an application that was filed after April 29, 2002.

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AUTHORITY

Applications Received on or after October 31, 2024

EC Section 17070.59 – General Provisions

For purposes of determining the points used to compute the required matching funds from local sources applied pursuant to Sections 17072.30 and 17074.16, the department shall compute the sum of the following point computations applicable to each school district:

(a) For each school district, the department shall divide the district's gross bonding capacity by the district's total enrollment, as determined for purposes of this chapter.

(1) A school district determined to have a gross bonding capacity per enrollment of zero dollars (\$0) to nine thousand nine hundred ninety-nine dollars (\$9,999), inclusive, shall receive four points.

(2) A school district determined to have a gross bonding capacity per enrollment of ten thousand dollars (\$10,000) to nineteen thousand nine hundred ninety-nine dollars (\$19,999), inclusive, shall receive three points.

(3) A school district determined to have a gross bonding capacity per enrollment of twenty thousand dollars (\$20,000) to fifty-four thousand nine hundred ninety-nine dollars (\$54,999), inclusive, shall receive two points.

(4) A school district determined to have a gross bonding capacity per enrollment of fifty-five thousand dollars (\$55,000) or more shall receive one point.

(b) (1) For each school district, the department shall identify each district's unduplicated pupil percentage as determined for purposes of the local control funding formula pursuant to Section 42238.02.

(2) (A) A school district determined to have an unduplicated pupil percentage of between 75 percent and 100 percent shall receive eight points.

(B) A school district determined to have an unduplicated pupil percentage of between 50 percent and 74.99 percent shall receive six points.

(C) A school district determined to have an unduplicated pupil percentage of between 25 percent and 49.99 percent shall receive four points.

(D) A school district determined to have an unduplicated pupil percentage that is 24.99 percent or less shall receive two points.

(c) A school district that has a pupil enrollment of 200 pupils or fewer shall receive two points.

(d) (1) A school district project that includes the use of a project labor agreement shall receive two points.

(2) For purposes of this subdivision, "project labor agreement" has the same meaning as defined in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(e) The department shall draft regulations for consideration by the board to further clarify the requirements of this section.

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

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EC Section 17070.87 – General Provisions

New construction and modernization applications submitted before October 31, 2024, shall be processed and apportioned in accordance with this chapter, as it read on January 1, 2024.

(Added by Stats. 2024, Ch. 81, Sec. 7. (AB 247) Effective July 3, 2024. Operative November 6, 2024, pursuant to Sec. 30 of Ch. 81.)

EC Section 17072.30 – New Construction Funding Process

(a) Subject to the availability of funds, the board shall apportion funds to an eligible school district only upon the approval of the project by the Department of General Services pursuant to the Field Act, as defined in Section 17281, and certification by the school district that the required matching funds from local sources have been expended by the district for the project, or have been deposited in the county fund, or will be expended by the district by the time the project is completed, in an amount at least equal to the proposed apportionment pursuant to this chapter, before release of the state funds.

(b) The board shall adjust a school district's required local contribution pursuant to this section and the school district's associated state contribution required pursuant to Article 4 (commencing with Section 17072.10), as follows:

(1) For a school district determined to have a score of more than 10 points pursuant to Section 17070.59, the school district's required local matching funds pursuant to subdivision (a) shall be 45 percent and the associated state contribution pursuant to Article 4 (commencing with Section 17072.10) shall be 55 percent.

(2) For a school district determined to have a score of 9 or 10 points pursuant to Section 17070.59, the school district's required local matching funds pursuant to subdivision (a) shall be 47 percent and the associated state contribution pursuant to Article 4 (commencing with Section 17072.10) shall be 53 percent.

(3) For a school district determined to have a score of eight points pursuant to Section 17070.59, the school district's required local matching funds pursuant to subdivision (a) shall be 48 percent and the associated state contribution pursuant to Article 4 (commencing with Section 17072.10) shall be 52 percent.

(4) For a school district determined to have a score of six or seven points pursuant to Section 17070.59, the school district's required local matching funds pursuant to subdivision (a) shall be 49 percent and the associated state contribution pursuant to Article 4 (commencing with Section 17072.10) shall be 51 percent.

(5) For a school district determined to have a score of less than six points pursuant to Section 17070.59, the required local matching funds pursuant to subdivision (a) shall be 50 percent and the associated state contribution pursuant to Article 4 (commencing with Section 17072.10) shall be 50 percent.

(Amended by Stats. 2024, Ch. 81, Sec. 10. (AB 247) Effective July 3, 2024. Operative November 6, 2024, pursuant to Sec. 30 of Ch. 81.)

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EC Section 17074.16 – Modernization Apportionment

(a) The board shall release disbursements to school districts with approved applications for modernization, to the extent state funds are available for the state's share, and the school district has provided its required local match. Subject to the availability of funds, the board shall apportion funds to an eligible school district only upon the approval of the project by the Department of General Services pursuant to the Field Act, as defined in Section 17281, including, but not limited to, a project that complies with the Field Act by complying with Section 17280.5, and evidence that the certification by the school district that the required matching funds from local sources have been expended by the district for the project, or have been deposited in the county fund or will be expended by the district by the time of completion of the project, and evidence that the district has entered into a binding contract for the completion of that project. If state funds are insufficient to fund all qualifying school districts, the board shall fund all qualifying school districts in the order in which the application for funding was approved by the board.

(b) The board shall adjust a school district's required local contribution pursuant to this section and the school district's associated state contribution required pursuant to this article as follows:

(1) For a school district determined to have a score of more than 10 points pursuant to Section 17070.59, the school district's required local matching funds pursuant to subdivision (a) shall be 35 percent and the associated state contribution pursuant to this article shall be 65 percent.

(2) For a school district determined to have a score of 9 or 10 points pursuant to Section 17070.59, the school district's required local matching funds pursuant to subdivision (a) shall be 37 percent and the associated state contribution pursuant to this article shall be 63 percent.

(3) For a school district determined to have a score of eight points pursuant to Section 17070.59, the school district's required local matching funds pursuant to subdivision (a) shall be 38 percent and the associated state contribution pursuant to this article shall be 62 percent.

(4) For a school district determined to have a score of six or seven points pursuant to Section 17070.59, the school district's required local matching funds pursuant to subdivision (a) shall be 39 percent and the associated state contribution pursuant to this article shall be 61 percent.

(5) For a school district determined to have a score of less than six points pursuant to Section 17070.59, the required local matching funds pursuant to subdivision (a) shall be 40 percent and the associated state contribution pursuant to this article shall be 60 percent.

(Amended by Stats. 2024, Ch. 81, Sec. 14. (AB 247) Effective July 3, 2024. Operative November 6, 2024, pursuant to Sec. 30 of Ch. 81.)

School Facility Program (SFP) Regulation 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 17077.10 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.

SFP Regulation 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 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.

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PROPOSED REGULATIONS

Section 1859.77.1. New Construction District Matching Share Requirement.

For applications received before October 31, 2024, 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.

For applications received on or after October 31, 2024, any funding provided by these Regulations shall require a district matching share contribution pursuant to Education Code Sections 17070.59 and 17072.30, 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 17077.10 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 17077.10, 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 and before October 31, 2024, 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.
- (c) If the Approved Application is received on or after October 31, 2024, any Modernization Grant, plus any other funding authorized by these Regulations shall require a district matching share contribution pursuant to Education Code Sections 17070.59 and 17074.16.

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 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 17077.10, Education Code.

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Section 1859.70.5 Points For Local Matching Share Determination

This Regulation shall only apply to Approved Applications received on or after October 31, 2024 for New Construction and Modernization Grants.

The points used to compute the required matching funds for a New Construction and Modernization Grants request shall be based on the following computations. A project shall receive points for a local matching share based on the total of (a), (b), (c) and (d):

- (a) Points for the district's gross bonding capacity divided by the district's total enrollment at the time OPSC notifies the School District in writing that OPSC is scheduled to begin processing the School District's Form SAB 50-04:
 - (1) Four points for a district determined to have a gross bonding capacity per enrollment of zero dollars (\$0) to nine thousand nine hundred ninety-nine dollars (\$9,999), inclusive.
 - (2) Three points for a district determined to have a gross bonding capacity per enrollment of ten thousand dollars (\$10,000) to nineteen thousand nine hundred ninety-nine dollars (\$19,999), inclusive.
 - (3) Two points for a district determined to have a gross bonding capacity per enrollment of twenty thousand dollars (\$20,000) to fifty-four thousand nine hundred ninety-nine dollars (\$54,999), inclusive.
 - (4) One point for a school district determined to have a gross bonding capacity per enrollment of fifty-five thousand dollars (\$55,000) or more.
- (b) Points for the district's unduplicated pupil percentage at the time OPSC notifies the School District in writing that OPSC is scheduled to begin processing the School District's Form SAB 50-04, based upon:
 - (1) An unduplicated pupil percentage as determined for purposes of the local control funding formula pursuant to EC Section 42238.02
 - (A) Eight points for a district determined to have an unduplicated pupil percentage of between 75 percent and 100 percent, inclusive.
 - (B) Six points for a district determined to have an unduplicated pupil percentage of between 50 percent and 74.99 percent, inclusive.
 - (C) Four points for a district determined to have an unduplicated pupil percentage of between 25 percent and 49.99 percent, inclusive.
 - (D) Two points for a district determined to have an unduplicated pupil percentage that is 24.99 percent or less.
 - (c) Two points for a district with a pupil enrollment of 200 pupils or fewer at the time OPSC notifies the School District in writing that OPSC is scheduled to begin processing the School District's Form SAB 50-04.
 - (d) Two points for a school project that includes the use of a project labor agreement in the application being processed.

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Application for Funding (Form SAB 50-04)

SPECIFIC INSTRUCTIONS

1. Type of Application

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

If this request is for an addition to an existing site and advance funding for the evaluation and RA costs, check the appropriate box and refer to Section 1859.74.4.

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

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

If the district is requesting a separate site and/or design apportionment, complete boxes 2a, 3, 4, the site acquisition data in box 5 (d and e), and boxes 13, 14, 15, 16, and ~~24~~ 25 only.

22. Local Matching Share Determination

Enter the following:

a. The district's total assessed valuation.

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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 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 Systems (CBEDS) that is available approximately October 15th of each year. Applications filed on or after November 1st 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
- Students attending independent study

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 are enrolled in grade levels or type not served by the district
- Students living inside district boundaries but are receiving Classroom-Based Instruction in Charter Schools located outside the district boundaries
- Students receiving Nonclassroom-Based Instruction
- Juvenile court/court school students
- Special Day Class pupils or
- Continuation high school pupils

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

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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.

~~22.~~ 23. Architect of Record or Licensed Architect Certification

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

~~23.~~ 24. Architect of Record or Design Professional Certification

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

~~24.~~ 25. Certification

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

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Application for Funding (Form SAB 50-04)

22. Local Matching Share Determination

For each line item request, complete the following:

a. Assessed valuation: _____

b. District's gross bonding capacity, rounded to 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

23-24. Architect of Record or Design Professional Certification

....

24-25. Certification

I certify, as the District Representative, that the information reported on this form, with the exception of items 22-23 and 23, 24, is true and correct and that:

....

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OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING January 30, 2025

PROPOSED REGULATIONS TO IMPLEMENT A MODERNIZATION GRANT FOR 75-YEAR-OLD BUILDINGS

PURPOSE

To discuss and receive stakeholder feedback regarding proposed regulatory amendments resulting from Assembly Bill (AB) 247, 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, related to the implementation of an additional grant for 75-year-old buildings.

AUTHORITY

See Attachment A5a.

BACKGROUND

Proposition 2 adds Education Code (EC) Section 17074.265 to provide a modernization grant for projects in which the scope of the work includes the demolition and construction of building(s) at least 75 years old.

EC 17074.265 adds to the existing SFP Modernization Program as follows:

(a) Notwithstanding Article 6 (commencing with Section 17073.10), a school district shall be eligible to receive a modernization apportionment to demolish and construct a building or buildings on an existing schoolsite if both of the following conditions are met:

- (1) The building or buildings to be replaced are at least 75 years old.
 - (2) The school district provides a cost-benefit analysis that indicates the total cost to modernize the building or buildings is at least 50 percent of the current replacement cost, as defined by the board, of the building or buildings. The cost-benefit analysis may include applicable site development costs.
- (b) A project that meets the requirements of subdivision (a) shall be eligible for a grant equal to the grant provided under Section 17072.10 multiplied by the capacity of the building or buildings calculated pursuant to Section 17071.25.
- (c) The board may adopt regulations to implement this section.

STAFF ANALYSIS/DISCUSSION

The intention of staff is to provide initial thoughts and interpretation of the amended statute, raise questions on potential processing details to prompt and receive feedback from stakeholders, address any questions and present proposed regulations in a future stakeholder meeting.

Augmentation to the Modernization Grant

Similar to the grants provided for buildings 50 years or older, the grants for 75-year-old buildings would be provided in lieu of the typical per-pupil base grant. For these 75-year-old buildings, the grants can only be used for demolition and replacement. EC stipulates that the district will receive an increased grant amount based on the pupil grant amount designated for new construction projects under EC 17072.10. Additionally, when determining the age of these 75-year-old buildings, staff proposes using the same methodology as the standard SFP modernization eligibility.

EC Section 17074.265 appears to place emphasis on providing more state funds in order to replace buildings that have become 75 years of age and that it is more cost efficient to replace the building than it is to modernize it. EC Section 17074.265 differs from current statute and SFP Regulation Section 1859.78.8. Under current regulation, funding is provided to districts for buildings that are at least 20 or 25 years old, with facilities becoming eligible for modernization grants again every 20 or 25 years thereafter. However, to qualify for the 75-year-old grant, buildings that have reached 75 years of age must be demolished and replaced rather than modernized.

In addition, this grant would not replace the modernization base grant and/or 50-year-old grants, but instead would provide a grant alternative for districts to now replace buildings that have reached 75 years of age. Staff suggests that because there is the potential that a school site will have some buildings that are 50 years of age while other buildings have reached 75 years of age at the same time, the district may utilize both grants on a hybrid modernization project. The modernization base grant and the 50-year-old grant regulations provide the flexibility for the grants to be used towards any eligible modernization work throughout the site. However, the 75-year-old grant could only be used on the building that has generated the eligibility. For the scope of work pertaining to replacing buildings that are at least 75 years old, the regular modernization eligibility and 50-year-old grants could not be used in addition to the 75-year-old grant.

For reimbursement projects, the following would not qualify for the 75-year-old grant:

- The building was replaced using local funds and was not at least 75 years old at the time it was replaced.

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- The building was replaced in any State funded project, irrespective of whether it was a New Construction or Modernization type of project. This exclusion is to prevent double funding from the State.

Building Specific – Eligible Project Scope

As the building being replaced must be at least 75 years old to generate eligibility to receive this grant, the apportionment can only be used for replacing a building that meets this condition. The district must submit plans showing the demolition of the building(s) that were at least 75 years at the time of demolishment and Division of State Architect (DSA) approved plans must show the construction of the new building space. Staff will review the plans to confirm the demolished building age requirements of being at least 75 years old have been met.

In addition, staff considers the language in EC Section 17074.265 indicating “buildings”, to be specific to permanent buildings and not portable buildings. EC Sections 17073.15 and 17074.10(f) already provide a second round of funding for buildings reaching another 20 or 25 years of age past initial apportionment, with the emphasis on replacing portable classroom buildings. As portables are to be replaced through the second round of modernization funding, OPSC interprets that the 75-year-old funding will only apply to the replacement of permanent buildings and not portable classroom buildings.

For a district that qualifies for 50-year-old pupil grants, the grants could be utilized to fund any work throughout the campus, regardless of whether the plans include the building(s) that generated the eligibility. In the instance of 75-year-old grants, they are designated only for building specific funding. Therefore, staff suggests that OPSC processing for this grant should be building focused, in contrast to the site-specific approach used for funding 50-year-old buildings. If the submitted plans include only the modernization of a building that is 75 years old, and it is not being replaced, the project does not meet EC requirements and is therefore ineligible for the 75-year-old grant.

Required Cost-Benefit Analysis to Determine Funding Eligibility

One of the conditions for receiving funding requires the use of a Cost Benefit Analysis (CBA) to determine whether the costs associated with the modernization of a 75-year-old building will be at least 50 percent of what the costs would be to demolish and build it back.

To verify the CBA, the district will need to provide a unit-cost amount that conforms to the Sierra West Red Book for Modernization at F1 Level of difficulty. However, if there is other modernization work in the approved plans, this grant will only be applicable to the 75-year-old building. This cost estimate will then be divided by the Total Replacement Cost as determined in SFP regulations.

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Staff proposes to use the following table that displays the cost-benefit calculation method used in the Facility Hardship Program, pursuant to SFP Regulation Section 1859.82.1.

Table 1

Cost-Benefit Analysis			
	Existing Square Footage (Demolished Building Space)	Current Replacement Cost per Square Foot*	Total Current Replacement Cost (CRC)
Permanent Toilets (includes Shower/Locker Space)	Verify from DSA plans	\$932	Existing sq. ft. X Current Replacement Cost per sq. ft.
Permanent Other (includes Classroom space)	Verify from DSA plans	\$517	Existing sq. ft. X Current Replacement Cost per sq. ft.
Total			Total Toilet and Other CRC

* Based on the 2025 Annual Adjustment Index for Current Replacement Cost.

As the district will need to provide a cost estimate showing the total costs to modernize the building, those costs will then be divided by the total Current Replacement Costs to determine the resulting percentage. If the percentage for the cost to modernize is at least 50 percent of the replacement cost, the project will be eligible for 75-year-old funding, as show in the table below.

Total Cost to Modernize / Total Current Replacement Costs $\geq$ 50%	Project is eligible

Build Back of Demolished Classrooms and/or Ancillary Space

While new construction and modernization eligibility processing through SFP is separated by guidelines tailored to each individual program, the new EC Section appears to combine certain aspects to ensure that a district is able to replace buildings that are 75 years old. EC Section 17074.265 specifies that the calculation for grants that will fund these projects is to take the grant provided in EC Section 17072.10 (per-unhoused pupil grant amount provided for new construction projects) and multiply it by the capacity of the building(s) pursuant EC Section 17071.25 (eligibility determination guidelines for modernization projects).

However, staff proposes that EC Section 17071.25 will need to be addressed only through determining what the building looked like during eligibility establishment by referencing the original snapshot. Because applications requesting the 75-year-old

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grant will need to be building specific, only the building being worked on will be considered with regards to capacity, and not the entire campus to determine the pupil grant amount a district is eligible for. Staff suggests that “capacity” as indicated in the new EC will, for processing purposes, reference the new construction per-pupil grant amount be multiplied by the loading standards per grade level of the classroom(s) in the 75-year-old building(s). The usage of the building space should also be considered in instances where there are both classrooms and ancillary space within the same building.

Classroom Spaces

SFP Regulation 1859.79.2 indicates that for modernization funding, the construction of new facilities is only allowable in very limited cases. However, the new EC Section 17074.265 allows for 75-year-old buildings to be both demolished completely and built back. Staff proposes that while a new facility will be built using 75-year-old grant funding, SFP Regulations regarding how space may be constructed back under the modernization program will still need to be followed.

SFP Regulation Section 1859.79.2 indicates that a modernization project that includes the replacement of buildings in like kind, will not be allowed to build more classrooms or square footage within the replacement area than were there originally. When replacing buildings that have reached 75 years of age, a district may build back the same number of classrooms in that building in like kind or build back fewer and have a net loss of classrooms. If any classroom space is being built back as non-classroom space, then the grant amount should be calculated as ancillary space. However, any increase in classrooms will result in a reduction of the new construction eligibility baseline dependent on the classroom capacity for the additional room(s). In addition, if the build back results in an increase in square footage from the original building area, that additional square footage must be funded exclusively from district funds outside of the SFP project, beyond the district’s required matching share.

As the calculation for 75-year-old classroom buildings will use the per-pupil grant amount provided for new construction projects with the loading capacity of each classroom within the building, staff proposes the following calculation for how a 75-year-old building that has only classrooms will be determined:

Number of Classrooms** X Classroom Loading Capacity*** =	# of 75-Year-Old Pupil Grants

** In the 75-year-old building.

*** 25 pupils per classroom in grades K-6, 27 pupils per classroom in grades 7-12, 13 pupils in Non-Severe classrooms, and 9 pupils in Severe classrooms.

Ancillary Spaces

When considering the replacement of a 75-year-old building that is used for ancillary space instead of classroom space, staff proposes that SFP Regulation 1859.77.3(a) for Minimum Essential Facilities (MEF) be utilized to determine the

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appropriate pupil grants. SFP Regulation allows a district to request grants “that exceed the capacity of the project based on loading standards pursuant to Education Code Section 17071.25(a)(2) and any loading standards adopted by the SAB by these regulations if the project is to construct a multipurpose, gymnasium, Multipurpose/Gymnasium Hybrid, and/or library, or for an Alternative Education school to construct a multipurpose/gymnasium, library, counseling offices, and/or conference rooms.” By applying the guidelines of a MEF for 75-year-old buildings, staff will be able to calculate the capacity of the building in alignment with EC guidelines that require the use of the new construction pupil grant amount against the capacity of the building to fund the replacement.

The following example shows the potential calculation for a building that includes ancillary space:

Example: Calculate the Ancillary Space				
Enter the total number of square footages being like-kind replaced.				
TOTAL:		Square Feet		
Calculate "Other" square footage into a dollar amount:				
OTHER*:	\$517	x		=
*Based on the Annual CCI				
Convert Dollars to pupil grants:				
Divide dollar amount in step above by the per pupil allowance for the grade level being requested.				
Total Pupil Grants for Ancillary Space:				
		Total Allowable Grants		

Both Ancillary and Classroom Space

Staff proposes that in the instance a building includes both classroom space and ancillary space, the MEF calculations be adjusted to account for both spaces. By doing so, staff would be able to accurately determine the capacity for a building that is reliant on both square footages and classroom space. The following example shows the potential calculation:

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Example: Calculate the capacity of a building with both Classroom and Ancillary Space

Number of Classrooms:		
Loading Capacity:		
<u>TOTAL Pupil Grants for Classrooms being constructed:</u>		Pupils

Enter the total number of square footages being like-kind replaced minus the total classroom construction space as verified in the plans.

TOTAL:		Square Feet

Calculate "Other" square footage into a dollar amount:

OTHER*:	\$517	x		=		Total Dollar Amount for

*Based on the Annual CCI

Convert Dollars to pupil grants:
Divide dollar amount in step above by the per pupil allowance for the grade level being requested.

Total Pupil Grants for Ancillary Space:		
Total Pupil Grants for Classroom Space:		
		Total Allowable Grants

Requesting 50-year-old Utilities Within the Project

When a district is demolishing and building back a building that has reached 75 years of age, EC Section 17074.265 indicates that the grant be equivalent to the new construction grant amount. Therefore, the eligible costs included in the project should take into consideration the conditions for new construction funding. Staff proposes that EC Section 17072.35 for new construction funding already takes into account the costs associated with site development by indicating: "a grant for new construction may be used for any and all costs necessary to adequately house new pupils in any approved project, and those costs may only include the cost of design, engineering, testing, inspection, plan checking, construction management, **site acquisition and development** . . ." Therefore, the 50-year-old utility grant should not be provided for a 75-year-old building that is being replaced as the new construction grant being provided already accounts for those costs.

Adjustment to Modernization Eligibility as a Result of Replaced Facility Spaces

As 75-year-old buildings are being demolished and replaced, similar to other programs such as the Overcrowded Relief Grant, Facility Hardship program, and locally funded projects, staff proposes that the SFP Regulation Section 1859.61 be amended to account for these facilities being replaced as well.

Therefore, the modernization eligibility would be impacted by the amended language by the following thoughts:

- The modernization eligibility's snapshot will not be altered, and the total classroom inventory and square footages will remain the same.
- The age of the 75-year-old buildings that were demolished will be reset to the Apportionment date of the modernization project as the new starting point for

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those buildings. This will be accomplished through a one-time adjustment to the modernization eligibility that will ensure the site continues to generate modernization eligibility in a consistent practice.

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AUTHORITY All Applications

Education Code (EC) 17070.35 – General Provisions

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

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

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

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

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

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

EC Section 17072.10 – New Construction Grant Eligibility Determination

(a) The board shall determine the maximum total new construction grant eligibility of an applicant by multiplying the number of unhoused pupils calculated pursuant to Article 3 (commencing with Section 17071.75) in each

ATTACHMENT E

school district with an approved application for new construction, by the per-unhoused-pupil grant as follows:

(1) Five thousand two hundred dollars (\$5,200) for elementary school pupils.

(2) Five thousand five hundred dollars (\$5,500) for middle school pupils.

(3) Seven thousand two hundred dollars (\$7,200) for high school pupils.

(b) The board annually shall adjust the per-unhoused-pupil apportionment to reflect construction cost changes, as set forth in the statewide cost index for class B construction as determined by the board.

(c) Regulations adopted by the board prior to July 1, 2000, that adjust the amounts identified in this section for qualifying individuals with exceptional needs, as defined in Section 56026, as amended after July 1, 2000, in consideration of the recommendations provided pursuant to Section 17072.15, shall continue in effect. An increase made to the per-unhoused-pupil grant amounts set forth in subdivision (a), on or after January 1, 2010, including, but not limited to, those made pursuant to Section 17072.11 on or after January 1, 2010, also shall be made to the per-unhoused-pupil who is a qualifying individual with exceptional needs grant amounts established pursuant to this subdivision. If an increase to the per-unhoused-pupil grant amounts differentiates among the pupil groups based on whether the pupils are elementary, middle, or high school pupils, the Office of Public School Construction shall recommend to the board, within 60 days of that increase, a methodology to adjust the per-unhoused-pupil grant amount for pupils who are qualifying individuals with exceptional needs so that those adjustments appropriately reflect the increases.

(d) The board may establish a single supplemental per-unhoused-pupil grant in addition to the amounts specified in subdivision (a) based on the statewide average marginal difference in costs in instances where a project requires multilevel school facilities due to limited acreage. The application of a school district shall demonstrate that a practical alternative site is not available.

(e) For a school district having an enrollment of 2,500 or less for the prior fiscal year, the board may approve a supplemental apportionment of up to seven thousand five hundred dollars (\$7,500) for any new construction project assistance. The amount of the supplemental apportionment authorized pursuant to this subdivision shall be adjusted in 2008 and every year thereafter by an amount equal to the percentage adjustment for class B construction.

EC Section 17071.25 – Existing School Building Capacity

(a) The existing school building capacity in the applicant school district or, where appropriate, in the attendance area, at the time of initial application shall be calculated pursuant to the following formula:

(1) Identify by grade level all permanent teaching stations existing in the school district or, where appropriate, the attendance area. For the purposes of this section, “teaching station” means any space that was constructed or

reconstructed to serve as an area in which to provide pupil instruction, but shall not include portable buildings, except as provided in Section 17071.30.

(2)(A) The assumed capacity of each calculated teaching station pursuant to paragraph (1) shall be 25 pupils for each teaching station used for kindergarten or for grades 1 to 6, inclusive, and 27 pupils for each teaching station used for grades 7 to 12, inclusive.

(B) On or after January 1, 2000, the board may adopt or amend regulations adjusting the assumed capacity set forth in this subparagraph as appropriate for each teaching station used for nonsevere or severe special day class purposes after considering the recommendations of the Legislative Analyst pursuant to Section 17072.15. These special day class capacity adjustments and any adjustment of existing school capacity related to changes in the assumed capacity of special day class teaching stations shall be approved by the Director of Finance prior to implementation.

EC Section 17072.35 – New Construction Funding Process

A grant for new construction may be used for any and all costs necessary to adequately house new pupils in any approved project, and those costs may only include the cost of design, engineering, testing, inspection, plan checking, construction management, site acquisition and development, evaluation and response action costs relating to hazardous substances at a new or existing schoolsite, demolition, construction, acquisition and installation of portable classrooms, landscaping, necessary utility costs, utility connections and other fees, equipment including telecommunication equipment to increase school security, furnishings, and the upgrading of electrical systems or the wiring or cabling of classrooms in order to accommodate educational technology. A grant for new construction may also be used to acquire an existing government or privately owned building, or a privately financed school building, and for the necessary costs of converting the government or privately owned building for public school use. A grant for new construction may also be used for the costs of designs and materials that promote the efficient use of energy and water, the maximum use of natural lighting and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and other characteristics of high performance schools.

EC Section 17073.15 – Modernization Eligibility Determination

A school district is eligible to receive an apportionment for the modernization of a permanent school building that is more than 25 years old or a portable classroom that is at least 20 years old. A school district is eligible to receive an additional apportionment for the modernization of a permanent school building every 25 years after the date of the previous apportionment or a portable classroom every 20 years after the previous apportionment.

EC Section 17074.10(f) – Modernization Apportionment

(a) The board shall determine the total funding eligibility of a school district for modernization funding by multiplying the following amounts by each pupil of that grade level housed in school buildings that satisfy the requirements of Section 17073.15:

(1) Two thousand two hundred forty-six dollars (\$2,246) for each elementary pupil.

(2) Two thousand three hundred seventy-six dollars (\$2,376) for each middle school pupil.

(3) Three thousand one hundred ten dollars (\$3,110) for each high school pupil.

(b) The board shall annually adjust the factors set forth in subdivision (a) according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the board.

(c) The board may adopt regulations to be effective until July 1, 2000, that adjust the amounts identified in this section for qualifying individuals with exceptional needs, as defined in Section 56026. The regulations shall be amended after July 1, 2000, in consideration of the recommendations provided pursuant to Section 17072.15.

(d) It is the intent of the Legislature that the amounts provided pursuant to this article for school modernization do not include funding for administrative and overhead costs.

(e) For a school district having an enrollment of 2,500 or less for the prior fiscal year, the board may approve a supplemental apportionment of up to two thousand five hundred dollars (\$2,500) for any modernization project assistance. The amount of the supplemental apportionment shall be adjusted in 2001 and every year thereafter by an amount equal to the percentage adjustment for class B construction.

(f) For a portable classroom that is eligible for a second modernization, the board shall require the school district to use the modernization funds to replace the portable classroom and to certify that the existing eligible portable classroom will be removed from any classroom use, unless the school district is able to document that modernizing the portable classroom is a better use of public resources. The capacity and eligibility of the school district shall not be adjusted for replacing a portable classroom pursuant to this subdivision and Section 17073.15.

School Facility Program (SFP) Regulation Section 1859.61. Adjustments to the Modernization Baseline Eligibility

The baseline eligibility for modernization as provided in Section 1859.60 for a specific site will be adjusted as follows:

(a) Reduced by the number of pupils provided grants in a modernization SFP project or a CSFP Rehabilitation project at the specific site.

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- (b) Reduced by the number of pupils housed, based on the loading standards pursuant to Education Code Section 17071.25(a)(2), in a modernization LPP project funded under the LPP pursuant to Sections 1859.14 and 1859.15.
 - (c) Increased by changes in projected enrollment in subsequent enrollment reporting years.
 - (d) Increased for additional facilities not previously modernized with State funds, that become 25 years old, if permanent, or 20 years old, if portable or as a result of audit findings made pursuant to Sections 1859.90, 1859.90.3 and 1859.105.
 - (e) Adjusted as a result of errors or omissions by the district or by the OPSC.
 - (f) Adjusted as a result of amendments to these Subgroup 5.5 Regulations that affect the eligibility.
 - (g) For classroom loading standards adopted by the Board for non-severely disabled individuals with exceptional needs and severely disabled individuals with exceptional needs.
 - (h) As directed by the Board due to a finding of a Material Inaccuracy pursuant to Regulation Section 1859.104.1.
 - (i) Increased for facilities previously modernized with State funds, which qualify for an additional modernization apportionment pursuant to Section 1859.78.8.
 - (j) Decreased for facilities that were deemed eligible for modernization pursuant to Sections 1859.60 and 1859.61(d) and subsequently replaced, or will be replaced under a signed contract for construction or acquisition of facilities, in a project funded by the district without participation from the State.
 - (k) Adjusted as a result of replaced eligible portables funded with the Overcrowding Relief Grant, pursuant to Education Code Section 17079, et seq.
 - (l) Adjusted upon Board receipt of the local school board resolution acknowledging that the buildings have been removed from K-12 use, as follows:
 - (1) School Buildings and/or classrooms that receive replacement funding via the New Construction Grant or the Facility Hardship Square Footage Grant pursuant to Section 1859.82.1 or Section 1859.82.2
 - (2) School Buildings and/or classrooms that were originally included in the district's baseline eligibility and were later demolished or removed from classroom use due to health and/or safety concerns that meet the requirements of Regulation Section 1859.82.1 or 1859.82.2 as verified by OPSC, except the district did not have the current enrollment to support the replacement and funding of those School Buildings and/or classrooms. Buildings and/or classrooms removed from K-12 classroom use that remain on the school site will be identified on a list published on OPSC's website.
- For (l)(1) the building age shall be reset to the date of the Apportionment for the corresponding project. For (l)(2) the building shall be removed from the classroom inventory used to establish modernization eligibility at the site.

SFP Regulation Section 1859.77.3(a) Use of New Construction Grant Funds for Projects Accepted by the DSA after January 22, 2003

New Construction Grant funds and any other funds provided by these Regulations shall be expended as set forth in Education Code Section 17072.35; and may also be utilized for the cost incurred by the district for the development and implementation of remedial action plan approved by the DTSC pursuant to Education Code Section 17213.

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

- (a) A district may request new construction grants that exceed the capacity of the project based on loading standards pursuant to Education Code Section 17071.25(a)(2) and any loading standards adopted by the SAB by these regulations if the project is to construct a multipurpose, gymnasium, Multipurpose/Gymnasium Hybrid, and/or library, or for an Alternative Education school to construct a multipurpose/gymnasium, library, counseling offices, and/or conference rooms, at an existing site that does not have an existing or adequate facility of the type being requested when all of the following is met:
- (1) The district must adopt a school board resolution that has been discussed at a public hearing at a regularly scheduled meeting of the district's governing board on a date preceding the application filing that includes the following:
 - (A) An acknowledgement that funds for the purposes of housing the excess pupils are being diverted to another project.
 - (B) An acknowledgement that the State has satisfied its obligation, pursuant to Section 1859.50, to house the pupils receiving grants in the project.
 - (C) A plan outlined in the resolution that identifies how the district has housed or will house the pupils receiving grants in the project in school buildings as defined in Education Code Section 17368. The plan must certify one of the following methods:
 1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB, and the district must identify the source of the funds; or
 2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom.
 - (2) The existing school site was not constructed under the SFP.
 - (3) The proposed project includes no more than eight classrooms.
 - (4) Grants requests, above 100 percent of the number of pupils to be housed, based on Special Day Class pupil eligibility are only permitted under this subsection (a) when building a Special Day Class facility.
 - (5) For purposes of this Section, a Multipurpose/Gymnasium Hybrid is considered to be both a multipurpose and a gymnasium. A school site with a

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

(6) For purposes of this section to determine if an existing facility is inadequate, the existing square footage is less than 60 percent of the square footage necessary for the current CBEDS for the site plus the Net School Building Capacity of the proposed project as calculated pursuant to Section 1859.82(b), except for Alternative Education Schools. For Alternative Education Schools, refer to the following:

ALTERNATIVE EDUCATION			
Support Facility	Existing Site Plus Proposed Project Contain 1 or 2 Classrooms	Existing Site Plus Proposed Project Contain 3 to 10 Classrooms *	Existing Site Plus Proposed Project Contain 11 or More Classrooms*
Multipurpose Facility or Gymnasium (includes food service)	2,500 sq. ft.	6.3 sq. ft. per pupil minimum 4,000 sq. ft.	6.3 sq. ft. per pupil minimum 7,200 sq. ft., maximum of 18, 000 sq. ft.
Counseling Offices, and/or Conference Rooms	1,000 sq. ft. Combined Total	1,000 sq. ft.	1,000 sq. ft.
Library/Media Space		4.3 sq. ft. per pupil plus 600 sq. ft.	4.3 sq. ft. per pupil plus 600 sq. ft.

*The proposed project cannot include more than eight classrooms.

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

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

1. For Alternative Education Schools, refer to the chart above.
2. For a multipurpose room, gymnasium, and/or library, refer to the chart in Section 1859.82(b).
3. For a Multipurpose/Gym Hybrid:
 - a. For school sites with middle school pupils, use 15.2 square feet per pupil, with a minimum of 8,056 square feet and a maximum of 18,848 square feet.
 - b. For school sites with high school pupils, use 18.6 square feet per pupil, with a minimum of 10,193 square feet and a maximum of 21,874 square feet.

(B) Multiply the product in (a)(7)(A) above by the per square foot grant amount of \$154. This per square foot grant amount will be adjusted in the manner prescribed in Section 1859.71.

(C) Divide the product in (a)(7)(B) above by the New Construction Grant amount for the project grade level, rounded up to the nearest whole number.

...

SFP Regulation Section 1859.78.8. Modernization Grant for Facilities Previously Modernized with State Funds.

The Board shall provide an additional apportionment provided by Education Code 17074.10(a) and Section 1859.78.3, for facilities previously modernized with State funds as follows:

An additional apportionment will be provided for the modernization of a permanent school building every 25 years following the date of its previous State modernization apportionment.

(b) In the case of portable classrooms, an additional apportionment will be permitted every 20 years after the date of its previous State modernization apportionment provided the modernization funds will be used to replace the portable classroom(s) and the school district must certify that the portable classrooms will be removed from any classroom use unless acceptable documentation is provided by the district indicating that the modernization of the portable classrooms is a better use of public resources.

If the previous SFP modernization apportionment includes both permanent and portable facilities, the number of pupil grants that will be added to the site's baseline eligibility shall be determined by the percentage of permanent or portable facilities identified on the Form SAB 50-03 that generated the initial eligibility.

The capacity and eligibility of the school district will not be adjusted for the replacement of the portable classroom pursuant to Education Code Sections 17074.10(f) and 17073.15.

SFP Regulation Section 1859.79.2. Use of Modernization Grant Funds.

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

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

New building area with the exception of the following:

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

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

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

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- (1) Replacement, repair or additions to existing site development.
- (2) Site development items required by the federal ADA Act or by the DSA's handicapped access requirements.
- (c) the evaluation and removal of hazardous or solid waste and/or hazardous substances when the Department of Toxic Substance Control has determined that the site contains dangerous levels of a hazardous substance, hazardous waste, or both that exceed ten percent of the combined adjusted grant and the district matching share for the project.
- (d) Leased facilities not owned by another district or a county superintendent. Modernization Grant funds may be used on any school facilities on the site, with the exception of portable classroom facilities eligible for an additional apportionment pursuant to Education Code Sections 17073.15 and 17074.10(f) and as defined in Section 1859.78.8. If the classroom facilities on the site include areas that are currently ineligible for modernization, it will not disqualify those facilities from future modernization funding.

SFP Regulation Section 1859.82.1 (2)(D) Facility Hardship Program.

"School Building" for the purposes of this Section shall have the same definition as Education Code Section 17283 and shall also exclude any districtwide administrative facilities.

A district is eligible for Facility Hardship funding to repair, replace, or construct School Buildings or related required components that are currently causing a health and safety threat to the students and/or staff. Projects solely to replace components that have reached the end of their useful life, perform routine maintenance or repair, issues resulting from the deferment of routine maintenance or repair, lack of current code compliance, or the addition of components that were not previously existing, do not meet the qualifying criteria of the program. However, this work may be incorporated into a qualifying Facility Hardship application if it is required to be completed to gain DSA approval.

Beginning 90 days after the effective date of this Section [November 29, 2020], Approved Applications requesting Facility Hardship Program funding shall be submitted to OPSC within 12 months of DSA approval for the scope of work mitigating the identified health and safety threat. If the project does not require DSA approval, then the Approved Application for funding must be received within the 6 months following project completion, as demonstrated by the earliest of the following: the date that the notice of completion of the project has been filed; occupancy of any portion of the project Facility; or when the School Buildings or components of the School Buildings in the project are currently in use by the district. If a district demonstrates that extreme or unusual circumstances prevented the submission of an eligible application within the applicable timeline outlined above, OPSC may allow up to an additional 6 months for submittal.

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(a) Districts may qualify for funding to replace or construct new School Buildings. Factors to be considered by the Board to determine eligibility for Facility Hardship program replacement funding may include, but are not limited to:

(1) Damage or loss as a result of a natural disaster such as a fire, flood, or earthquake.

(2) Proximity to a major freeway, airport, electrical facility, high power transmission lines, dam, pipeline, or industrial facility.

(3) Adverse air quality.

(4) Structural deficiency to the School Building, and

(5) Site conditions such as faulting, toxic soil, or liquefaction.

(b) To qualify for replacement funding for School Buildings, the district must submit an Approved Application for funding and either (1) or (2) below:

(1) For School Buildings that are lost, destroyed, or unable to be repaired, the district must submit:

(A) A report from an industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) that states that the only way to mitigate the health and safety threat is to replace the School Building(s).

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

(2) For permanent School Buildings where the cost to rehabilitate the School Building(s) exceeds 50 percent of the Current Replacement Cost, or for Portable Classrooms where the cost to rehabilitate exceeds the Portable Classroom Replacement Grant or Portable Toilet Replacement Grant, the district must submit:

(A) A report by an industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) that outlines the minimum work to mitigate the health and safety threat and remain in the existing School Building. If the threat is due to the presence of mold, OPSC must conduct a site visit to discuss the scope of the project prior to remediation. If the remediation is done prior to a site visit, the application will be ineligible for funding. Requests for asbestos mitigation must include lab test results indicating the asbestos is currently friable, and provides the location, material, and testing methods used.

(B) A letter of concurrence from a governmental agency that has jurisdiction or expertise over the field in which the health and safety threat originates. The letter must concur with the industry specialist report on both 1. and 2. below:

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

2. The mitigation measures outlined in the industry specialist's report are the minimum measures required to mitigate the threat and allow the continued use of the School Building(s).

(C) Applications must include a detailed Form SAB 58-01 that meets the following requirements:

1. The Form SAB 58-01 must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West

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Publishing. For all materials or items listed in the most current edition of the Current Construction Remodeling and Repair Cost publication, amounts entered on the Form SAB 58-01 must use the provided unit costs. For individual materials or items that are not contained in the most current edition of the Current Construction Remodeling and Repair publication, the district must provide supporting documentation for OPSC to review the requested unit cost.

2. All requested line items shall include Construction Specifications Institute reference number (CSI #), description, F3 total unit cost amount, and quantity. Any line items that include amounts in lump-sum formats will not be reviewed or approved.

3. The work in the Form SAB 58-01 shall match the work outlined in the report provided by the industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) for the minimum work required to mitigate the health and safety threat.

4. The estimate submitted to OPSC shall be for the same scope of work reviewed and concurred to by DSA, and that is referenced in the governmental concurrence letter for the project.

5. The Form SAB 58-01 may also include any work required by DSA to obtain plan approval.

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

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February 14, 2025

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

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

To Whom it May Concern:

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

- **Topic 1 – Financial Hardship**
 - For the proposed regulation section 1859.81.(i)(6)c., we request the ability for school districts to include an estimated or “up to” maximum amount of anticipated funding that will be borrowed or transferred, rather than an exact amount of funding. It is often difficult to determine the exact amount of funding that will be required for inter-fund borrowing, so a maximum anticipated amount would provide much-needed flexibility.
- **Topic 2 – Modernization Eligibility for Schools Located on Military Installations and New Construction Eligibility for Small School Districts**
 - For the adjustments to New Construction eligibility, we request the flexibility for school districts to submit current fiscal year enrollment information beginning in September of each year, rather than being required to utilize the prior year’s enrollment data. Those districts who have begun school and are aware of increased enrollment should have the ability to capture and use the increased enrollment data to support their projections and applications.
- **Topic 3 – Eligible Expenditures – n/a**
- **Topic 4 – School Facility Program (SFP) Matching Share**
 - We request clarification on the calculation of the SFP grant amounts when the matching share changes. It is unclear based on a reading of the proposed regulations whether the total project (State + district share) is staying the same or going down, if for example, the matching share goes down to 35 percent for a modernization project. Please see the below examples of a ‘standard’ 60%/40% project and the

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

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

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

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

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

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

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

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

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

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

Sincerely,

Jessica Love
Hancock Park & DeLong

ATTACHMENT E

February 14, 2025

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

Re: Proposition 2 Implementation Stakeholder Meeting #1

Dear Ms. Kirk,

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

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

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

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

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Topic #3 – Eligible Expenditures (Attachment A3)

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

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

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

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

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

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

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

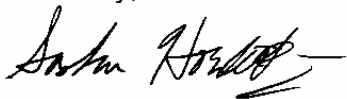
ATTACHMENT E

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

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

Sincerely,

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

Sasha Horwitz
Legislative Advocate
Los Angeles Unified School District

ATTACHMENT E

OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING February 13, 2025

IMPLEMENTATION OF PROPOSITION 2 FOR THE SCHOOL FACILITY PROGRAM

PURPOSE

The purpose of this meeting is to engage with stakeholders regarding 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:

- Topic 6 – Interim Housing and Natural Disaster Assistance (Attachment A6)
- Topic 7 – Five-Year Master Plan (Attachment A7)
- Topic 8 – Small Size School District Program (Attachment A8)
- Topic 9 – Energy Efficiency Supplemental Grant (Attachment A9)
- Topic 10 – Supplemental Grants for Minimum Essential Facilities (Attachment A10)
- Topic 11 – Transitional Kindergarten Supplemental Grant (Attachment A11)

BACKGROUND

Proposition 2, or Assembly Bill (AB) 247 (Muratsuchi, Chapter 81, Statutes of 2024), the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024, was approved by a majority of California's voters on November 5, 2024.

The passage of Proposition 2 necessitates modifications to the SFP Regulations to allow school districts to continue submitting eligibility and funding applications to the Office of Public School Construction (OPSC) that are adherent to the amended or additional components of Education Code. Related to these statutory changes, OPSC must implement the provisions of AB 247 by amending existing SFP Regulations to adhere to the new statutory requirements.

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

AUTHORITY

See Attachments A6, A7, A8, A9, A10, and A11.

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SUMMARY AND NEXT STEPS

Attached is a series of topics related to Interim Housing and Natural Disaster Assistance, the Five-Year Master Plan, Small Size School District Program, Energy Efficiency Supplemental Grant, Supplemental Grants for Minimum Essential Facilities, and Transitional Kindergarten Supplemental Grant.

Staff will review any feedback obtained in today's meeting and anything received through close of business on February 28, 2025, for consideration and will address those suggestions in the next public meeting on this topic.

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

ATTACHMENT E

OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING February 13, 2025

PROPOSED REGULATORY AMENDMENTS FOR MINIMUM ESSENTIAL FACILITIES MODERNIZATION SUPPLEMENTAL GRANT

PURPOSE

To discuss and receive stakeholder feedback regarding proposed regulatory amendments resulting from Assembly Bill (AB) 247, 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, related to the School Facility Program (SFP) Modernization Supplemental Grant for Minimum Essential Facilities (MEF).

AUTHORITY

See Attachment A10a.

BACKGROUND

The SFP currently provides funding for MEF through the New Construction program by means of SFP Regulation Section 1859.77.3(a). It is a Use of Grants (UOG) request (not a supplemental grant) that diverts existing New Construction pupil grants from funding the construction of classrooms to instead build MEFs.

Applicants may request to use New Construction grants that exceed the capacity of a project if the project is to construct a multipurpose room (MPR), gymnasium, multipurpose/gymnasium hybrid, and/or library at an existing site that does not have an existing or adequate facility of the type being requested.

The funding for the grant is calculated on a pupil grant basis by multiplying the current California Basic Educational Data System (CBEDS) enrollment for the site, plus the Net School Building Capacity for the proposed project, by the square footage for the type of facility being requested (refer to the square footage chart from SFP Regulation Section 1859.82.1(b)(3)(b) 2. to determine the maximum pupil grant request for the application).

As the UOG request diverts New Construction pupil grants to fund the MEF, the district's New Construction eligibility baseline is adjusted by the pupil grants requested for the added classroom capacity in the project, plus the grants being diverted for the MEF portion of the project.

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With the passage of Proposition 2 on November 25, 2024, a new way to provide MEF funding was added by means of a Modernization supplemental grant.

STAFF ANALYSIS/DISCUSSION

Staff has prepared potential options to implement the statutory changes to program eligibility and funding criteria for the Modernization supplemental grant for MEF.

Eligibility Criteria

This grant is a Modernization *only* supplemental grant that may be provided *in addition to* any other funding provided for the application. In order to request the grant, the district must have Modernization eligibility, a valid project, and submit an Approved Application for Modernization funding. This is not a stand-alone grant and can only be requested in addition to a complete application for funding.

Application Submittal Timing

If an application has already been received by OPSC, on or after October 31, 2024, and is on the Workload List or the Applications Received Beyond Bond Authority (ARBBA) List but did not request the grant and would like to, districts may do so, provided the existing scope of work in the DSA-approved plans submitted with the original application contains the expansion or construction of an MEF eligible for this supplemental grant. If the scope of work requested in the application does not contain the expansion or construction of an MEF eligible for this supplemental grant, districts may add eligible scope of work to the application and request this supplemental grant, provided that the additional scope of work was approved by the Division of the State Architect (DSA) *prior* to the received date of the funding application. Districts that wish to add eligible scope of work that was approved by DSA *after* the received date of the funding application must withdraw their existing application and resubmit the funding application to OPSC in order to request this supplemental grant.

Reimbursement

Districts may be eligible for reimbursement of projects that include an eligible scope of work specific to this supplemental grant, provided the district executed construction contracts on or after July 3, 2024, in accordance with the effective date of AB 247.

Determining a Minimum Essential Facility

There are four types of eligible facilities for this grant, as identified in statute: MPR, gymnasium, library or school kitchen. In order to be eligible for this supplemental grant, the MEF must meet the requirements of the *California Code of Regulations, Title 5* (Title 5). Permanent or portable construction is allowed.

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STAFF ANALYSIS/DISCUSSION (cont.)

Districts can utilize this supplemental grant to expand an existing facility or construct a new one. In order to be eligible to expand an existing facility, the facility must be 60 percent or less than the recommended size needed to serve the enrollment of the school. Districts may be eligible to construct a new facility if the project's site is lacking one of the eligible facilities.

Hybrid facilities such as a multipurpose/gymnasium or multipurpose/gymnasium/kitchen are eligible to receive this grant. However, sites with an existing multipurpose/gymnasium hybrid are considered to have both an MPR and a gymnasium and therefore are not eligible for a new facility of this type (either MPR or gymnasium). Note that while the site may not be eligible for a new MPR or gymnasium, the district may be able to expand the existing facility if it is determined to be 60 percent or less of the recommended size needed to serve the enrollment of the site.

To maintain consistency with existing SFP Regulations, OPSC proposes that elementary schools (K-6) would not be eligible for a gymnasium and would only be eligible for an MPR. Further, an elementary school would not be eligible for a multipurpose/gymnasium hybrid, only an MPR.

Determining the Recommended Facility Size

In order to determine the recommended size of the facility, OPSC proposes to utilize relevant portions of the current square footage chart (excerpts below) from the Facility Hardship Program in SFP Regulation Section 1859.82.1(b)(4)(B) 2.

Facility	Elementary School Pupils	Middle School Pupils	High School Pupils
Multi-Purpose (includes food service)	5.3 sq. ft. per pupil minimum 4,000 sq. ft.	5.3 sq. ft. per pupil minimum 5,000 sq. ft.	6.3 sq. ft. per pupil minimum 8,200 sq. ft.
Gymnasium (includes shower/locker area)	N/A	12.9 sq. ft. per pupil minimum 6,828 sq. ft. maximum 16,000 sq. ft.	15.3 sq. ft. per pupil minimum 8,380 sq. ft. maximum 18,000 sq. ft.
Library/Media Center	2.3 sq. ft. per pupil plus 600 sq. ft., minimum 960 sq. ft.	3.3 sq. ft. per pupil plus 600 sq. ft. minimum 960 sq. ft.	4.3 sq. ft. per pupil plus 600 sq. ft. minimum 960 sq. ft.

For multipurpose/gymnasium hybrid facilities, OPSC proposes to use the square footage recommendations from SFP Regulation Section 1859.77.3(a)(7)(A)(3), which are:

- Middle Schools: 15.2 square feet per pupil with a minimum of 8,056 square feet and a maximum of 18,848 square feet.
- High Schools: 18.6 square feet per pupil with a minimum of 10,193 square feet and a maximum of 21,874 square feet.

STAFF ANALYSIS/DISCUSSION (cont.)

This is the same method currently used to determine the recommended size of a facility for a UOG request to construct an MEF pursuant to SFP Regulation Section 1859.77.3(a). The chart currently defines the per pupil and minimum square footage amounts for an MPR (including food service), gymnasium and library. The square footage recommendations in this chart utilize space allowances from the Lease Purchase Program (LPP) as a guide.

As the existing chart has the square footage amount for a school kitchen included in the square footage total for an MPR, OPSC proposes utilizing the food service square footage amounts from the LPP Handbook to determine the square footage recommendations for a school kitchen. They are as follows:

- Elementary Schools: 2 square feet per pupil with a minimum of 400 square feet and a maximum of 1,480 square feet.
- Middle Schools: 2 square feet per pupil with a minimum of 400 square feet and a maximum of 1,880 square feet.
- High Schools: 3 square feet per pupil with a minimum of 600 square feet and a maximum of 3,975 square feet.

Conversely, since the chart does not provide the square footage for an MPR-only facility, MPR-only square footage recommendations can be determined by calculating the difference between the recommended square footage for a combined MPR and food service facility and the recommended square footage for only a school kitchen facility. As such, MPR-only recommended square footage is proposed to be as follows:

- Elementary Schools: 3.3 square feet per pupil with a minimum of 3,600 square feet.
- Middle Schools: 3.3 square feet per pupil with a minimum of 4,600 square feet.
- High Schools: 3.3 square feet per pupil with a minimum of 7,600 square feet.

OPSC reviewed Title 5 and found that while Title 5 provides concrete square footage recommendations for instructional spaces, per pupil square footage recommendations for MPR, gymnasium, library and school kitchen facilities were not included.

Determining Enrollment

OPSC will utilize the site's CBEDS enrollment at the time of application processing to determine the recommended size of the facility. The CBEDS year will be determined based on the date of the initial 90-Day Notification of Upcoming Processing. Should the 90-Day window begin before and end after October 31, Districts will have the option of utilizing either CBEDS year.

STAFF ANALYSIS/DISCUSSION (cont.)

Supplemental Grant for Only One Project

A site can only request and receive this supplemental grant once per site, pursuant to Education Code Section 17073.16(b) (i.e., if a district submitted an application and received the supplemental grant for the construction of a new gymnasium at a site, the district could not request the supplemental grant again on the same or any future application, regardless of whether the site's existing MEF is undersized or nonexistent).

Schools that Span Grade Levels

As mentioned above, elementary schools are not eligible for a gymnasium or a multipurpose/gymnasium hybrid, consistent with current SFP Regulations. However, if the site serves mixed grade levels such as a K-8, it would be eligible for a gymnasium or a multipurpose/gymnasium hybrid. In order to determine the square footage amount in the case of a mixed grade level site, OPSC proposes to use the highest grade level served to determine the square footage amounts, consistent with existing OPSC practices.

Minimum Square Footage Built

OPSC proposes that in order to be eligible for this supplemental grant, the project must build more than 60 percent of the recommended facility size needed to serve the school's enrollment, in order to address the need for an inadequately sized or lacking MEF.

Demolition and Replacement Requirements for New Projects

OPSC proposes that in applications where a site lacks an MEF, the conversion or replacement of space that is not that MEF type would be allowed only if the displaced facilities are rebuilt in the same project. For example, if a site lacks a library, the application may convert existing classrooms into a library provided those displaced classrooms are rebuilt in the same project.

Demolition and Replacement Requirements for Expansion Projects

OPSC proposes that the demolition of an undersized MEF and the replacement of that MEF with an MEF that is more than 60 percent of the recommended size needed to serve the school's enrollment would be considered an expansion of that MEF and considered an allowable use of this supplemental grant.

Existing Sites Constructed Under the SFP

If the enrollment of an existing facility that was previously constructed via a UOG request for an MEF has increased to the point that the facility is deemed to be less than 60 percent of the recommended size needed to serve the enrollment of the site, the site could receive the grant to expand the existing facility.

ATTACHMENT E

STAFF ANALYSIS/DISCUSSION (cont.)

Affected Supplemental Grants

The funding for this Modernization supplemental grant would not be increased by any other supplemental grants (i.e. the three percent grant for Access and Fire Life Safety would not be applied to this grant). The only supplemental grant that OPSC proposes to be increased by this supplemental grant is the Geographic Percent Factor supplemental grant (SFP Regulation Section 1859.83(a)).

Funding Methods

The language in Education Code (EC) Section 17073.16 is broad regarding the calculation of the grant. As such, OPSC has developed two options to present to stakeholders for consideration. Both options would be limited to funding the *lesser* of the new space being constructed or the recommended size of the space based on the site's enrollment.

Recommended Size of MEF		
Existing MEF Space (Ineligible for Funding)	New Space Constructed Less Than Recommended Size (Eligible for Funding)	Gap Between Space Constructed and Recommended Size (Ineligible for Funding)
Total Size of Expanded MEF		

When the school district is constructing less than the recommended size.

Recommended Size of MEF		
Existing MEF Space (Ineligible for Funding)	New Space Constructed Up to Recommended Size (Eligible for Funding)	Space Built Beyond Recommended Size (Ineligible for Funding)
Total Size of Expanded MEF		

When the lesser is the recommended size of the space.

Overview of Funding Options

Option 1

In this scenario, the supplemental grant amount would be calculated using the Permanent/Portable Other and Toilet square foot grant amounts. New projects would be funded based on the lesser of the total size of the new MEF or the recommended size of the MEF based on current enrollment. Expansion projects would be funded based on the lesser of the delta between the existing MEF space and the total size of the expanded MEF or the delta between the existing MEF space and the recommended size of the MEF based on current enrollment.

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STAFF ANALYSIS/DISCUSSION (cont.)

Option 2

In this scenario, a calculation to determine the maximum pupil grant amount for the facility, similar to the existing UOG for MEF calculation in SFP Regulation 1859.77.3(a)(7), will determine the supplemental grant amount. The Modernization base grant amount will be used in this calculation to determine funding for the new MEF using per-pupil grants. The site's modernization baseline eligibility will not be adjusted because of this grant (beyond the pupil grants requested in Section 2). New projects would be funded based on the lesser of the total size of the new MEF or the recommended size of the MEF based on current enrollment. Expansion projects would be funded based on the lesser of the delta between the existing MEF space and the total size of the expanded MEF or the delta between the existing MEF space and the recommended size of the MEF based on current enrollment.

Options	Funding Method	New Projects	Expansion Projects
Option 1	The supplemental grant amount would be calculated using the Permanent/Portable Other and Toilet square foot grant amounts.	Funded based on the <i>lesser</i> of: • The total size of the new MEF, or • The recommended size of the MEF based on current enrollment.	Funded based on the <i>lesser</i> of the delta between: • The existing MEF space and the total size of the expanded MEF, or • The delta between the existing MEF space and the recommended size of the MEF based on current enrollment.
Option 2	A calculation to determine the maximum Modernization pupil grant amount for the facility, similar to the existing UOG for MEF calculation in SFP Regulation 1859.77.3(a)(7), will determine the supplemental grant amount.	Funded based on the <i>lesser</i> of: • The total size of the new MEF, or • The recommended size of the MEF based on current enrollment.	Funded based on the <i>lesser</i> of the delta between: • The existing MEF space and the total size of the expanded MEF, or • The delta between the existing MEF space and the recommended size of the MEF based on current enrollment.

STAFF ANALYSIS/DISCUSSION (cont.)

Full Description of Funding Options

Option 1

In this scenario, the supplemental grant amount would be calculated using the Permanent/Portable Other and Toilet square foot grant amounts. New projects would be funded based on the lesser of the total size of the new MEF or the recommended size of the MEF based on current enrollment. Expansion projects would be funded based on the lesser of the delta between the existing MEF space and the total size of the expanded MEF or the delta between the existing MEF space and the recommended size of the MEF based on current enrollment.

- Recommended MEF Size (New Projects)
 - The calculation to determine the supplemental grant amount, when the lesser of the two is the recommended MEF size, is summarized as:

Determine the recommended MEF size utilizing the square footage chart from SFP Regulation Section 1859.82.1(b), multiply that recommended MEF size by the Permanent/Portable Other square foot and Permanent/Portable Toilet square foot grant amounts (Toilet space will be funded first), add the Permanent/Portable Other square footage total and the Permanent/Portable Toilet square footage total for the total supplemental grant amount.

- Actual Size of the Facility (New Projects)
 - The calculation to determine the supplemental grant amount, when the lesser of the two is the new or expanded facility, is summarized as:

Determine the total square footage of the new or expanded facility, multiply that amount by the Permanent/Portable Other square foot and Permanent/Portable Toilet square foot grant amounts (Toilet space will be funded first), add the Permanent/Portable Other square footage total and the Permanent/Portable Toilet square footage total for the total supplemental grant amount.

- Delta of the Existing MEF Size and the Recommended MEF Size (Expansion Projects)
 - The calculation to determine the supplemental grant amount, when the lesser of the two is the delta between the existing MEF size and the recommended MEF size, is summarized as:

STAFF ANALYSIS/DISCUSSION (cont.)

Determine the recommended MEF size utilizing the square footage chart from SFP Regulation Section 1859.82.1(b) and verify that the existing MEF square footage is 60 percent or less than the recommended MEF size. Subtract the existing MEF square footage from the recommended MEF square footage to determine the delta, which is the square footage eligible to be funded. Multiply the delta by the Permanent/Portable Other square foot and Permanent/Portable Toilet square foot grant amounts (Toilet space will be funded first), add the Permanent/Portable Other square footage total and the Permanent/Portable Toilet square footage total for the total supplemental grant amount.

- Delta of the Existing MEF Size and the Total Size of the Expanded Facility (Expansion Projects)
 - The calculation to determine the supplemental grant amount, when the lesser of the two is the delta between the existing MEF size and the total size of the expanded facility, is summarized as:

Determine the recommended MEF size utilizing the square footage chart from SFP Regulation Section 1859.82.1(b) and verify that the existing MEF square footage is 60 percent or less than the recommended MEF size. Subtract the existing MEF square footage from the total square footage of the expanded facility to determine the delta, which is the amount eligible to be funded. Multiply the delta by the Permanent/Portable Other square foot and Permanent/Portable Toilet square foot grant amounts (Toilet space will be funded first), add the Permanent/Portable Other square footage total and the Permanent/Portable Toilet square footage total for the total supplemental grant amount.

Option 1 Considerations

- By basing the funding on the Permanent/Portable Other and Toilet square footage that is being built, it considers the actual type of space built when determining the supplemental grant amount.
- When a new project is funded based on the lesser of the size of the new facility and the recommended square footage, the grant only funds *up to* what is recommended.

ATTACHMENT E

STAFF ANALYSIS/DISCUSSION (cont.)

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

Option 2

In this scenario, a calculation to determine the maximum pupil grant amount for the facility, similar to the existing UOG for MEF calculation in SFP Regulation 1859.77.3(a)(7), will determine the supplemental grant amount. The Modernization base grant amount will be used in this calculation to determine funding for the new MEF using per-pupil grants. The site's modernization baseline eligibility will not be adjusted because of this grant (beyond the pupil grants requested in Section 2). New projects would be funded based on the lesser of the total size of the new MEF or the recommended size of the MEF based on current enrollment. Expansion projects would be funded based on the lesser of the delta between the existing MEF space and the total size of the expanded MEF or the delta between the existing MEF space and the recommended size of the MEF based on current enrollment.

- Recommended Size (New Projects)
 - The calculation to determine the supplemental grant amount, when the lesser of the two is the recommended MEF size, is summarized as:

Determine the recommended MEF size utilizing the square footage chart from SFP Regulation Section 1859.82.1(b). Multiply that recommended MEF size by the Permanent/Portable Other square foot grant amount. Divide that product by the Modernization base grant amount for the project type. Round up. That number is the maximum pupil amount for the facility. The supplemental grant

ATTACHMENT E

STAFF ANALYSIS/DISCUSSION (cont.)

amount is the maximum pupil amount for the facility multiplied by the Modernization base grant amount for the type of project.

- Actual Size of the Facility (New Projects)
 - The calculation to determine the supplemental grant amount, when the lesser of the two is the square footage of the new facility, is summarized as:

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

- Delta of the Existing MEF Size and the Recommended MEF Size (Expansion Projects)
 - The calculation to determine the supplemental grant amount, when the lesser of the two is the delta between the existing MEF size and the recommended MEF size, is summarized as:

Determine the recommended MEF size utilizing the square footage chart from SFP Regulation Section 1859.82.1(b) and verify that the existing MEF square footage is 60 percent or less than the recommended MEF size. Subtract the existing MEF square footage from the recommended MEF square footage to determine the delta, which is the square footage eligible to be funded. Multiply the delta by the Permanent/Portable Other square foot grant amount. Divide that product by the Modernization base grant amount for the project type. Round up. That number is the maximum pupil amount for the facility. The supplemental grant amount is the maximum pupil amount for the facility multiplied by the Modernization base grant amount for the type of project.

- Delta of the Existing MEF Size and the Total Size of the Expanded Facility (Expansion Projects)
 - The calculation to determine the supplemental grant amount, when the lesser of the two is the delta between the existing MEF size and the expanded facility, is summarized as:

STAFF ANALYSIS/DISCUSSION (cont.)

Determine the recommended MEF size utilizing the square footage chart from SFP Regulation Section 1859.82.1(b) and verify that the existing MEF square footage is 60 percent or less than the recommended MEF size. Subtract the existing MEF square footage from the square footage of the expanded facility to determine the delta, which is the square footage eligible to be funded. Multiply the delta by the Permanent/Portable Other square foot grant amount. Divide that product by the Modernization base grant amount for the project type. Round up. That number is the maximum pupil amount for the facility. The supplemental grant amount is the maximum pupil amount for the facility multiplied by the Modernization base grant amount for the type of project.

Option 2 Considerations

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

ATTACHMENT E

AUTHORITY

All Applications

Education Code (EC) Section 17070.35 – General Provisions

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

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

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

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

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

(b) The board shall review and amend its regulations as necessary to adjust its administration of this chapter to conform with the act that amended this section to add this subdivision. Regulations adopted pursuant to this subdivision shall be adopted by November 5, 2002, and shall be adopted as emergency regulations in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of any emergency regulation pursuant to this subdivision filed with the Office of Administrative Law shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare.

Notwithstanding subdivision (e) of Section 11346.1 of the Government Code, any emergency regulation adopted pursuant to this section shall remain in effect for no more than 365 days unless the board has complied with Sections 11346.2 to 11348, inclusive, of the Government Code.

School Facility Program (SFP) Regulation Section 1859.2. Definitions.

“Multipurpose/Gymnasium Hybrid” means a single facility that is comprised of both a multipurpose room and a gymnasium that share common space for purposes of Section 1859.77.3. The facility must be identified as a Multipurpose/Gymnasium Hybrid by the California Department of Education.

ATTACHMENT E

AUTHORITY All Applications (cont.)

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

New Construction Grant funds and any other funds provided by these Regulations shall be expended as set forth in Education Code Section 17072.35; and may also be utilized for the cost incurred by the district for the development and implementation of remedial action plan approved by the DTSC pursuant to Education Code Section 17213.

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

- (a) A district may request new construction grants that exceed the capacity of the project based on loading standards pursuant to Education Code Section 17071.25(a)(2) and any loading standards adopted by the SAB by these regulations if the project is to construct a multipurpose, gymnasium, Multipurpose/Gymnasium Hybrid, and/or library, or for an Alternative Education school to construct a multipurpose/gymnasium, library, counseling offices, and/or conference rooms, at an existing site that does not have an existing or adequate facility of the type being requested when all of the following is met:
- (1) The district must adopt a school board resolution that has been discussed at a public hearing at a regularly scheduled meeting of the district's governing board on a date preceding the application filing that includes the following:
 - (A) An acknowledgement that funds for the purposes of housing the excess pupils are being diverted to another project.
 - (B) An acknowledgement that the State has satisfied its obligation, pursuant to Section 1859.50, to house the pupils receiving grants in the project.
 - (C) A plan outlined in the resolution that identifies how the district has housed or will house the pupils receiving grants in the project in school buildings as defined in Education Code Section 17368. The plan must certify one of the following methods:
 1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB, and the district must identify the source of the funds; or
 2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom.
 - (2) The existing school site was not constructed under the SFP.
 - (3) The proposed project includes no more than eight classrooms.
 - (4) Grants requests, above 100 percent of the number of pupils to be housed, based on Special Day Class pupil eligibility are only permitted under this subsection (a) when building a Special Day Class facility.

ATTACHMENT E

AUTHORITY All Applications (cont.)

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

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

ALTERNATIVE EDUCATION			
Support Facility	Existing Site Plus Proposed Project Contain 1 or 2 Classrooms	Existing Site Plus Proposed Project Contain 3 to 10 Classrooms *	Existing Site Plus Proposed Project Contain 11 or More Classrooms*
Multipurpose Facility or Gymnasium (includes food service)	2,500 sq. ft.	6.3 sq. ft. per pupil minimum 4,000 sq. ft.	6.3 sq. ft. per pupil minimum 7,200 sq. ft., maximum of 18,000 sq. ft.
Counseling Offices, and/or Conference Rooms	1,000 sq. ft. Combined Total	1,000 sq. ft.	1,000 sq. ft.
Library/Media Space		4.3 sq. ft. per pupil plus 600 sq. ft.	4.3 sq. ft. per pupil plus 600 sq. ft.

*The proposed project cannot include more than eight classrooms.

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

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

1. For Alternative Education Schools, refer to the chart above.

ATTACHMENT E

AUTHORITY

All Applications (cont.)

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

3. For a Multipurpose/Gym Hybrid:

a. For school sites with middle school pupils, use 15.2 square feet per pupil, with a minimum of 8,056 square feet and a maximum of 18,848 square feet.

b. For school sites with high school pupils, use 18.6 square feet per pupil, with a minimum of 10,193 square feet and a maximum of 21,874 square feet.

(B). Multiply the product in (a)(7)(A) above by the per square foot grant amount of \$154. This per square foot grant amount will be adjusted in the manner prescribed in Section 1859.71.

(C) Divide the product in (a)(7)(B) above by the New Construction Grant amount for the project grade level, rounded up to the nearest whole number.

...

SFP Regulation Section 1859.82.1. Facility Hardship Program.

...

(b)(4)(B)

2. Using the enrollment determined in 1. any permanent replacement Square Footage provided will be calculated in accordance to a., b., c., below and the chart below.

a. If the actual square footage being constructed in the replacement project is less than the amount allowable in the chart for each facility type, the replacement Square Footage shall be limited to the actual square footage constructed.

b. Non-specialized classroom space provided is limited by the enrollment determined in 1. rounded up to the nearest whole classroom based on 1859.82.1(b)(4)(A)2., and then reduced for any classroom space available at the site to house the pupils at the site.

c. Classrooms with specialized design such as auto shop, metal shop, music rooms, consumer home economic laboratories, industrial technology laboratories, or science laboratories will qualify for funding if used for its specialized purpose in the current enrollment reporting year or immediately preceding enrollment reporting year. Additionally, these spaces will not count as available capacity for purposes of providing funding in this section when calculating space available to house displaced pupils.

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

ATTACHMENT E

AUTHORITY All Applications (cont.)

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

...

ATTACHMENT E

AUTHORITY All Applications (cont.)

SFP Regulation Section 1859.83. Excessive Cost Hardship Grant.

In addition to any other funding authorized by these Regulations, a district is eligible for funding as a result of unusual circumstances that created excessive project costs beyond the control of the district. The Excessive Cost Hardship Grant shall be based on any of the following:

(a) Excessive Cost due to Geographic Location.

A district with a project that is located in a geographic area designated in the Geographic Percentage Chart below is eligible for the sum of the Excessive Cost Hardship Grant(s) determined by multiplying the indicated percentage factor shown in the Geographic Percentage Chart below by each of the following amounts:

(1) The New Construction Grant and the Modernization Grant.

(2) The funding provided by Sections 1859.71.2, 1859.71.3, 1859.72, 1859.73, 1859.73.2, 1859.76(d)(1) and (2), 1859.78.4, 1859.78.5, 1859.82.1, 1859.82.2, 1859.83(b), (c), (d) and (e) and 1859.125(a)(1) through (a)(2).

...

ATTACHMENT E

AUTHORITY

Applications Received on or after October 31, 2024

EC Section 17073.16 – Modernization Eligibility Determination

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

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

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

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

...

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

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

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

ATTACHMENT E

OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING February 13, 2025

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

PURPOSE

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

AUTHORITY

Education Code (EC) Section 17073.16 states in part:

- (c) (1) A school district eligible for a modernization apportionment may also receive a supplemental grant for either of the following:
 - (A) Retrofitting an existing school facility to adequately house transitional kindergarten pupils.
 - (B) Constructing new transitional kindergarten classrooms if the site is lacking sufficient school facilities to house transitional kindergarten pupils.
- (2) A school district that receives a supplemental grant to house transitional kindergarten pupils pursuant to paragraph (1) shall meet the requirements of subparagraphs (A) and (B) of paragraph (5) of subdivision (b) of, paragraphs (2) and (3) of subdivision (f) of, and subdivision (g) of, Section 17375.

See Attachment A11a for the remainder of the Authority.

BACKGROUND

In July 2021, Assembly Bill 130 expanded the existing Full-Day Kindergarten Facilities Grant Program (FDK Program) to include preschool and transitional kindergarten. The last apportionments for those funds were approved in June 2024. A new opportunity for districts seeking funding for transitional kindergarten facilities was approved through AB 247 (Muratsuchi, Chapter 81, Statutes of 2024).

On November 5, a majority of California's voters approved Proposition 2, which implements the provisions of AB 247 (Muratsuchi, Chapter 81, Statutes of 2024). Among the provisions of Proposition 2, EC Section 17073.16 has been added and establishes three new supplemental grants for School Facility Program (SFP) Modernization funding applications. One of these provides funding for the retrofit of existing school facilities or new construction of a transitional kindergarten classroom(s) for school districts receiving an apportionment for modernization funding.

STAFF ANALYSIS/DISCUSSION

The passage of Proposition 2 necessitates modifications to the SFP Regulations to allow school districts to submit funding applications that allow for the inclusion of transitional kindergarten supplemental grants, as referenced in the amended EC. The Office of Public School Construction (OPSC) is asking for stakeholder feedback on proposed implementation, pursuant to the new EC Section 17073.16.

Supplemental Grant for Retrofit and New Construction of Transitional Kindergarten Classrooms – EC Section 17073.16(c) through (e)

With the passage of Proposition 2, Section 17073.16(c) through (e) was added to the EC to provide a supplemental grant to build new or retrofit existing school facilities to house transitional kindergarten pupils. This grant is a modernization *only* supplemental grant that will be provided *in addition to* any other funding provided for the application. In order to request the grant, the district must first have modernization eligibility, a valid project that has modernization scope of work that is in addition to the transitional kindergarten portion of the project and must submit an application for modernization funding. This is not a stand-alone grant and can only be requested in addition to an otherwise complete application for funding.

OPSC notes that although the referenced subdivisions in EC Section 17375 refer to preschool classrooms, the supplemental grant provided in EC Section 17073.16(c) is limited to providing funding for transitional kindergarten classrooms. The references to EC Section 17375 strictly pertain to eligibility requirements to receive the supplemental grant. However, pursuant to amendments in EC Sections 17072.35(b) and 17074.25(b), a district is not precluded from using a new construction or modernization base grant to support the construction of preschool classrooms. This new eligible use of new construction and modernization base grant funding was addressed as part of the January 30, 2025, stakeholder meeting discussing all new eligible uses of SFP funding.

Qualifying Criteria for Funding

Based on OPSC staff's initial review of the new statute, the qualifying criteria described below would apply to projects requesting the additional grant to construct new transitional kindergarten classrooms or retrofit existing classrooms to house transitional kindergarten pupils.

Application Submittal Timing

Applications on the Workload List or Applications Received Beyond Bond Authority (ARBBA) List, received by OPSC on or after October 31, 2024, may request the supplemental grant, provided the existing scope of work in the approved plan set includes the retrofit or construction of a transitional kindergarten classroom(s) that is eligible for this supplemental grant. Districts may add eligible scope of work to the application and request this supplemental grant, provided that the additional scope of work was approved by the Division of the State Architect (DSA) *prior* to the received date of the funding application. Districts that wish to add eligible scope of

STAFF ANALYSIS/DISCUSSION (cont.)

work that was approved by DSA *after* the received date of the funding application must withdraw their existing application and resubmit the funding application to OPSC in order to request this supplemental grant. Additionally, the California Department of Education (CDE) approval letter submitted with any *Application for Funding* (Form SAB 50-04) on or after October 31, 2024, must include the work eligible for the transitional kindergarten supplemental grants requested.

Reimbursement

Districts may be eligible for reimbursement of the new supplemental grant for projects that include an eligible scope of work, provided the district executed construction contracts on or after July 3, 2024, in accordance with the effective date of AB 247.

Portable Classrooms

EC Section 17073.16(c)(2) cites EC Section 17375(f)(3), which specifies that a school district shall not use funds to purchase or install portable classrooms. Therefore, portable classrooms are not eligible to be purchased when constructing new transitional kindergarten classrooms nor when replacing existing classrooms as part of a retrofit project.

Adjustments for New Capacity

The FDK Program provided an exclusion for new classrooms constructed with program funds in that the new capacity was not included in the New Construction baseline. However, SFP regulations require an adjustment to the district's new construction baseline if new transitional kindergarten classrooms are constructed with funding from the new supplemental grant, as they are not specifically exempted in the way new transitional kindergarten classrooms were in the FDK Program. The new classrooms would also be included in the gross classroom inventory for purposes of establishing New Construction eligibility.

Title 5 Requirements

EC Section 17073.16 (c)(2) states that districts receiving a supplemental grant to house transitional kindergarten shall meet several requirements outlined in EC Section 17375(g). Chief among them is the provision that districts receiving a supplemental transitional kindergarten grant must construct or retrofit facilities that result in Title 5-compliant classrooms. Key requirements for Title 5 include, but are not limited to:

- Kindergarten classroom size for permanent structures is not less than 1,350 square feet, including restrooms, storage, teacher preparation, wet and dry areas.
- Kindergarten classrooms are designed to allow supervision of play yards (unless prevented by site shape or size) and all areas of the classroom.

STAFF ANALYSIS/DISCUSSION (cont.)

- Play yard design provides a variety of activities for development of large motor skills.
- Classrooms are located close to parent drop-off and bus loading areas.
- Storage, casework, and learning stations are functionally designed for use in free play and structured activities, e.g., shelves are deep and open for frequent use of manipulative materials.
- Windows, marking boards, sinks, drinking fountains, and furniture are appropriate heights for kindergarten-age students.
- Restrooms are self-contained within the classroom or within the kindergarten complex.

Eligibility Determination for the Transitional Kindergarten Supplemental Grant

Lacking Sufficient School Facilities to House Transitional Kindergarten Pupils

EC Section 17073.16(c)(2) requires school district to meet the requirements of EC Section 17375(b)(5)(A) to determine program eligibility. This section directs districts to provide the enrollment data for the year in which its application is processed and the three immediately preceding years. This data, in addition to a review conducted by CDE, will be used to determine the school site's need for transitional kindergarten classrooms and their eligibility for the supplemental grant. Districts would be instructed to provide the appropriate enrollment documents as part of the 90-Day Notification of Upcoming Application Processing. The eligibility review process for the supplemental grant would mirror that of Program applications submitted during the Third and Fourth filing rounds of the FDK program.

Pursuant to EC Section 17375(b)(5)(A), part of the verification process will also include consulting with CDE to determine if an application should be limited to a retrofit project. Additionally, OPSC in partnership with CDE, will conduct site reviews for any classrooms onsite originally designed to house kindergarten pupils. Kindergarten classrooms determined to have met Title 5 requirements at the time of construction will be counted towards the total usable kindergarten classrooms onsite.

A project site will be considered lacking transitional kindergarten facilities if the projected transitional kindergarten enrollment at the site exceeds the kindergarten classroom capacity at the site using the SFP loading standard of 25 (K-6) pupils per classroom. For purposes of determining existing classroom capacity, districts will specify if they intend to operate full or part-day transitional kindergarten/kindergarten programming.

STAFF ANALYSIS/DISCUSSION (cont.)

Options for Calculating the Grant

Statute does not stipulate how funding shall be calculated for the transitional kindergarten supplemental grant. Therefore, OPSC is currently contemplating various options for calculating funding for this supplemental grant.

Option 1: Square Footage-Funding

Funding could be calculated based on a square footage grant. The total allowable square footage would meet the minimum Title 5 requirements for transitional kindergarten classrooms following the current funding model for the replacement of facilities under the Facility Hardship/Seismic Mitigation Programs. There are established grant amounts for Other and Toilet square footage.

Considerations:

- This method would limit funding to the confines of the enclosed classroom space.
- Does not account for playground, path of travel, or pick-up drop-off work that is typically required for Title 5 compliance.

Option 2: FDK Funding Model

Funding could be calculated following the funding model for classrooms funded through the FDK Program. The equivalent of 25 New Construction pupil grants is provided for new transitional kindergarten classrooms. The equivalent of 25 Modernization pupil grants is provided to retrofit existing classrooms. In addition, this supplemental grant could potentially include other FDK Program and SFP supplemental grants as applicable to the project scope.

Considerations:

- Maintains consistent methodology used by the FDK Program to construct or retrofit new, Title 5-compliant classrooms.
- This supplemental grant could exceed the Modernization base grant that it is supplementing.
- District providing new or retrofitted transitional kindergarten classrooms could add additional supplemental grants to the transitional kindergarten portion of the Modernization project. See the chart below for additional grants.
- Determining how to apply a new construction grant into the 60/40 State/District funding share concept for Modernization applications would be necessary.

STAFF ANALYSIS/DISCUSSION (cont.)*Option 3: Percentage-Based Funding*

Funding could be based on the percentage of the value of the Modernization per-pupil grants requested. This method is similar to other Modernization supplemental grants.

Consideration:

- Depending on the number of Modernization pupil grants, this method may not provide adequate grants or may provide excessive grants, to retrofit or construct the facilities in the project.

Supplementing the Transitional Kindergarten Supplemental Grant

For each of the options presented above, OPSC is also continuing to evaluate the applicability of the other Modernization program supplemental grants to determine which grants can be considered on top of the transitional kindergarten supplemental grant. OPSC will bring those findings back to the next stakeholder meeting. Below are some initial concepts regarding which projects may be eligible for existing supplemental grants to augment the transitional kindergarten supplemental grant.

Supplemental Grants	New Construction	Retrofit	Additional Information
Automatic Fire Detection/Alarm System	Eligible	Eligible	
Automatic Sprinkler System	Eligible	Not Eligible	
Site Development (FDK Program model)	Eligible	Eligible	The transitional kindergarten Supplemental Grant will be increased by 35 percent
Site Development (SFP model)	Eligible	Eligible	Districts may request site development for the transitional kindergarten classroom(s) by submitting a cost estimate
Multilevel Classroom Construction	Eligible	Not Eligible	
50-Year Old Utilities	Not Eligible	Eligible	The retrofit base grant will be increased by 15 percent

ATTACHMENT E

AUTHORITY All Applications

Education Code (EC) 17070.35 – General Provisions

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

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

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

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

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

(b) The board shall review and amend its regulations as necessary to adjust its administration of this chapter to conform with the act that amended this section to add this subdivision. Regulations adopted pursuant to this subdivision shall be adopted by November 5, 2002, and shall be adopted as emergency regulations in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of any emergency regulation pursuant to this subdivision filed with the Office of Administrative Law shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare.

Notwithstanding subdivision (e) of Section 11346.1 of the Government Code, any emergency regulation adopted pursuant to this section shall remain in effect for no more than 365 days unless the board has complied with Sections 11346.2 to 11348, inclusive, of the Government Code.

EC Section 17375 – Full-Day Kindergarten Facilities Grant Program

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

ATTACHMENT E

AUTHORITY All Applications (cont.)

pursuant to Section 8973, and for the construction of new preschool classrooms, the modernization of existing preschool classrooms, or the modernization of existing kindergarten and grade 1 to 12, inclusive, classrooms that would be converted to provide California state preschool programs operated by school districts on a public school site, pursuant to this section.

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

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

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

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

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

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

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

(5) New school facilities built pursuant to this section shall not be included in the eligibility determination used for purposes of the Leroy F. Greene School

ATTACHMENT E

AUTHORITY All Applications (cont.)

Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10).

(b) (1) The State Allocation Board shall award grants to school districts that lack the facilities to provide transitional kindergarten or full-day kindergarten as required for eligibility pursuant to Sections 17071.25 and 17072.10, that lack facilities that satisfy the design requirements required for new kindergarten classrooms as specified in paragraph (2) of subdivision (h) of Section 14030 of Title 5 of the California Code of Regulations, or that lack the facility capacity to increase California state preschool program services.

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

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

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

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

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

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

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

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

ATTACHMENT E

AUTHORITY All Applications (cont.)

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

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

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

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

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

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

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

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

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AUTHORITY All Applications (cont.)

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

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

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

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

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

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

(2) (A) A school district may use grant funds awarded for a retrofit project to retrofit an existing school facility to adequately house preschool, transitional kindergarten, and kindergarten pupils, which shall only include the costs of design, engineering, testing, inspection, plan checking, construction management, demolition, construction, necessary utility costs, utility connection and other related fees, the purchase and installation of air-conditioning equipment and insulation materials and related costs, furniture and equipment, including telecommunication equipment to increase school security, fire safety improvements, playground safety improvements, the identification, assessment, or abatement of hazardous asbestos, seismic safety improvements, the upgrading of electrical systems, and the wiring or cabling of classrooms in order to accommodate educational technology.

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AUTHORITY All Applications (cont.)

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

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

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

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

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

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

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

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

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

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

(k) The Department of General Services may charge its administrative costs against the California Preschool, Transitional Kindergarten, and Full-Day

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AUTHORITY All Applications (cont.)

Kindergarten Facilities Account, which shall be subject to the approval of the Department of Finance and which shall not exceed 2.5 percent of the account. These administrative funds shall be subject to the encumbrance or expenditure availability for the appropriations described in paragraph (4) of subdivision (a).

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

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

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

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

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

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

(5) "School district" means as follows:

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

(B) For preschool facilities grants, "school district" means a school district, county office of education, or a community college district that operates a preschool program on behalf of, or in lieu of, a school district or county office of education.

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

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

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

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

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

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

...

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AUTHORITY

Applications Received on or after October 31, 2024

EC Section 17072.35 – New Construction Funding Process

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

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

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

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

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Applications Received on or after October 31, 2024 (cont.)

EC Section 17073.16 – Modernization Eligibility Determination

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

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

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

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

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

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

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

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

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

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

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

EC Section 17074.25 – Modernization Apportionment

(a) (1) A modernization apportionment may be used for an improvement to extend the useful life of, or to enhance the physical environment of, the school. The improvement may only include the cost of design, engineering, testing, inspection, plan checking, construction management, demolition, construction, the replacement of portable classrooms, necessary utility costs, utility connection and other fees, the purchase and installation of air-conditioning equipment and insulation materials and related costs, furniture and equipment, including telecommunication equipment to increase school security, fire safety improvements, playground safety improvements, the identification, assessment, or abatement of hazardous asbestos, seismic safety improvements, and the upgrading of electrical systems or the wiring or cabling of classrooms in order to accommodate educational technology, including schoolsite-based infrastructure necessary to provide access to broadband internet within the schoolsite. A

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Applications Received on or after October 31, 2024 (cont.)

modernization apportionment may be used for the costs of design, materials, demolition, and construction to advance state energy goals pursuant to state law, support outdoor learning environments, or to directly shade and protect pupils from higher average temperatures, which may include incorporating nature and natural materials. A modernization grant may not be used for costs associated with acquisition and development of real property or for routine maintenance and repair.

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

(A) The cost of designs and materials that promote the efficient use of energy and water, the maximum use of natural lighting and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and other characteristics of high-performance schools.

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

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

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

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

(c) (1) A modernization apportionment may be used to limit pupil exposure to harmful air pollutants by updating air filtration systems.

(2) (A) This subdivision is declaratory of existing law.

(B) It is the intent of the Legislature in enacting Chapter 714 of the Statutes of 2018 (Assembly Bill 2453 of the 2017–18 Regular Session) to encourage school districts to add air filtration systems to applications for modernization apportionments when air pollution occasionally or regularly exceeds levels known to be harmful to public health.

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

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

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Applications Received on or after October 31, 2024 (cont.)

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

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February 28, 2025

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

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

To Whom it May Concern:

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

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

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

- **Topic 7 – Five-Year Master Plan**

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

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

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

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

- No comments

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

- No comments

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

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

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

Sincerely,

Jessica Love
Hancock Park & DeLong



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

Brian,

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

Item 1:

REVISIONS TO THE SUPPLEMENTAL GRANT FOR ENERGY EFFICIENCY

Our understanding is that there are two options for discussion.

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

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

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

Item 2:

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

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

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

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

Item 3:

PROPOSED REGULATORY AMENDMENTS FOR MINIMUM ESSENTIAL FACILITIES
MODERNIZATION SUPPLEMENTAL GRANT

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

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



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ATTACHMENT E

February 28, 2025

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

Re: Proposition 2 Implementation Stakeholder Meeting #2

Dear Ms. Kirk,

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

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

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

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

Classroom Inventory Adjustments for Disaster-Related Replacements

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

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

Charter School Eligibility for Interim Housing Assistance

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

Funding Challenges and Timing of Assistance

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

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

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

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

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

Master Plan Updates and Timing:

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

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

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Eligibility Determination and Funding Considerations:

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

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

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

Master Plan and Closeout Audits:

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

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

Stakeholder Engagement and Master Plan Cost Reimbursement:

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

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

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

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

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"Modernization" (EC 17070.54(d))

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

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

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

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

Requesting the Supplemental Grant: Options 1 and 2

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

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

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

ATTACHMENT E

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

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

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

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

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

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

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

Sincerely,



Sasha Horwitz
Legislative Advocate
Los Angeles Unified School District

ATTACHMENT E

OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING March 13, 2025

IMPLEMENTATION OF PROPOSITION 2 FOR THE SCHOOL FACILITY PROGRAM AND GLOBAL SCHOOL FACILITY PROGRAM REGULATORY AMENDMENTS

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 proposed “global cleanup” School Facility Program (SFP) regulatory amendments that are unrelated to Proposition 2.

Proposition 2 Implementation

The Office of Public School Construction (OPSC) is presenting proposed regulations and addressing feedback received for one topic that was introduced at the January 30, 2025 stakeholder meeting:

- SFP Matching Share (Attachment A4)

OPSC is also introducing the following new topic:

- Career Technical Education Facilities Modernization Supplemental Grant (Attachment A12)

Global SFP Regulation Cleanup

Separate from Proposition 2 implementation, OPSC is introducing various proposed amendments to clean up, clarify, and update the SFP regulations (Attachment B1).

BACKGROUND

Proposition 2

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

Global SFP Regulation Cleanup

Separate from Proposition 2 implementation, OPSC is taking the opportunity while other regulatory changes are taking place to amend SFP regulations and forms that would be beneficial to provide additional clarity and/or corrections.

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

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AUTHORITY

See Attachments A4a, A12a, and B1a.

SUMMARY AND NEXT STEPS

Attached is a series of topics related to SFP Matching Shares, Career Technical Education Facilities Modernization Supplemental Grant, and Global SFP Regulation Clean-Up.

Staff will review any feedback obtained in today's meeting and anything received through close of business on Friday, March 28, 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 E

OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING March 13, 2025

PROPOSED REGULATORY AMENDMENTS FOR SCHOOL FACILITY PROGRAM MATCHING SHARES

PURPOSE

To continue to discuss and receive stakeholder input regarding proposed regulatory amendments resulting from the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2), which was approved by a majority of California's voters on November 5, 2024, to implement a points-based determination and sliding scale for the required local match for School Facility Program (SFP) projects.

AUTHORITY

See Attachment A4a.

DESCRIPTION

This report continues discussion of the proposed regulatory amendments presented to stakeholders on January 30, 2025. This report addresses the written comments Office of Public School Construction (OPSC) staff received from four school districts and agencies and proposes additional clarifying amendments.

There are two attachments to this report:

1. Attachment A4b is the proposed SFP Regulation Section 1859.70.5.
2. Attachment A4c is the proposed amendments to the Form SAB 50-04

BACKGROUND

Stakeholder Feedback

On January 30, 2025, OPSC presented proposed regulatory amendments to SFP Regulation Sections 1859.77.1 and 1859.79, the proposed addition of SFP Regulation Section 1859.70.5, as well as changes to the Form SAB 50-04 resulting from the following additions and amendments to Education Code (EC):

- EC Section 17070.59
- EC Section 17070.87
- EC Section 17072.30
- EC Section 17074.16

ATTACHMENT E

BACKGROUND (cont.)

The amendments presented at the first stakeholder meeting included:

1. Clarifying language that the current existing dollar-for-dollar matching share requirement applies to New Construction applications (SFP Regulation Section 1859.77.1) and Modernization applications (SFP Regulation Section 1859.79[b]) received before October 31, 2024.
2. Addition of language for SFP Regulation Section 1859.77.1 specifying that applications received on or after October 31, 2024 shall require a district matching share contribution pursuant to EC Sections 17070.59 and 17072.30.
3. Addition of language for SFP Regulation Section 1859.79 specifying that applications received on or after October 31, 2024 shall require a district matching share pursuant to EC Sections 17070.59 and 17074.16.
4. Addition of SFP Regulation Section 1859.70.5 to outline the points process of the new points-based system for determining the district's local matching share for projects.

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

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

STAFF ANALYSIS/DISCUSSION

Summary of Stakeholder Feedback

Staff would like to thank stakeholders that participated in this meeting and provided valuable feedback.

ATTACHMENT E

STAFF ANALYSIS/DISCUSSION (cont.)

Below is a summary of the stakeholder feedback and OPSC's responses as a result of the meeting held on January 30, 2025:

Stakeholder Feedback	OPSC response
1. If a District is choosing a Lease-Lease Back delivery method that requires a skilled and trained workforce which potentially exceeds the 60 percent of the trades currently, will that be equitable to a project labor agreement?	1. OPSC determined that this question is a legal question referring to Public Contract Code. OPSC recommends school districts refer to legal counsel as to what meets the criteria of a project labor agreement.
2. EC Section 17072.30(a) which is cited as an authority for SFP Regulation Section 1859.77.1, conflicts with the new Proposition 2 matching share guidance for new construction grants. The EC states that before state funds will be released, a school district must meet certain provisions, including making a certification that the required matching funds "in an amount at least equal to the proposed apportionment" be expended or deposited in the county fund, or will be expended by project completion. Due to the Proposition 2 updates to this EC section, it is no longer possible to have a matching share that is equal to an apportionment unless a school district is determined to have a score of less than six points pursuant to Section 17070.59. Clarification is needed on how to address this conflict.	2. OPSC interprets that EC Section 17072.30(b) clarifies this issue, wherein: "The board shall adjust a school district's required local contribution pursuant to this section and the school district's associated state contribution required pursuant to Article 4 (commencing with Section 17072.10), as follows..." Subsection (b) clarifies that this required local contribution may be adjusted, dependent on points allocated. Additionally, OPSC notes that the current certifications in the Fund Release Authorization (Form SAB 50-05) refer to the "applicable matching share."

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC response
3. The proposed regulations for SFP Regulation Section 1859.70.5(a) suggest the points for a district's bonding capacity, unduplicated pupil counts, and pupil enrollment of 200 pupils or fewer, be calculated when OPSC provides notification of application processing. Perhaps the points for the local matching share can be calculated at the time of processing for the New Construction Program and be calculated at the time of application submission for the Modernization program. Pursuant to SFP Regulation Section 1859.51(e), for New Construction funding requests, a district must submit an eligibility update at the time of processing. This eligibility update directly impacts the funding request by potentially reducing or changing the number of pupil grants available for use in the funding request. Accordingly, other calculations that directly impact the funding request, such as the matching share, should also be determined at that time to provide a consistent approach to determining the apportionment. Conversely, for Modernization funding requests, eligibility is determined at the time of application submission. The matching share should also be determined at that time, to provide a consistent approach to determining the apportionment.	3. For Modernization funding applications, school districts may submit eligibility applications and either retain their "locked in" eligibility or choose to update their eligibility in companion with any eligible facilities of age. For instance, a school district may have submitted an eligibility update with enrollment reported for the 2005/06 enrollment year. If enrollment has declined since then, it is in the school district's best interest to retain that enrollment data. For purposes of processing consistency and equity as it relates to the determination of matching shares, OPSC intends to calculate the local matching share at the time of processing for both New Construction and Modernization applications.

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STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC response
4. Section 22 discusses how to calculate the matching share and includes steps to calculate a district's enrollment as "pursuant to the Form SAB 50-01 instructions for reporting enrollment data." However, the suggested Form SAB 50-04 language fails to include all the Form SAB 50-01 instructions and specifically excludes enrollment accounted for in Part C (Continuation High School Pupils) and Part D (Special Day Class Pupils). We recommend that Part C and Part D be added to the SAB Form SAB 50-04 language.	4. OPSC agrees that the inclusion of Continuation High pupils and Special Day Class pupils would be appropriate. Within the amended Form SAB 50-04 (see Attachment A4c), Continuation high pupils and Special Day Class pupils have been incorporated within the Section 22 instructions under the section outlining what the enrollment data must include. Continuation high school pupils and Special Day Class pupils have been removed from the section outlining pupils that are not to be included.
5. The calculation of a district's gross bonding capacity relies on the district's assessed value, which, per EC Section 17070.54(c)(6), must be verified by the "appropriate local government entity that collects and maintains this information." However, this data is not publicly available and is often sourced from non-governmental entities. Please consider alternative sources for verification.	5. OPSC is not aware of any alternative sources for this data. Financial Hardship applicants currently provide a letter from the County Auditor-Controller that certifies the school districts current year assessed valuation. OPSC proposes using this same approach for purposes of determining the district's assessed value. Any feedback on alternative sources for verification is welcomed, although OPSC notes the statutory language specifies verification of data would come from an appropriate local government entity.
6. Clarification on the calculation of the SFP grant amounts when the matching share changes is needed. It is unclear based on a reading of the proposed regulations whether the total project cost (State + district share) is staying the same or going down, if for example, the matching share goes down to 35 percent for a modernization project. If the total approved project cost stays the same with the state share going up and the matching share going down, it	6. The total project cost will not be adjusted, and no pupil grants will be required to be adjusted. For example, for a total Modernization project cost of \$1,000,000 for a total of 100 K-6 pupils, the total project cost will remain \$1,000,000 regardless of the matching share determination. For a normal 60/40 match, the State Share would be \$600,000, and the

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC response
6. (cont.) seems that this would necessitate a change in the actual pupil grants.	6. (cont.) District Contribution would be \$400,000. For a 65/35 match, the State Share would be \$650,000 (including \$50,000 for a Local Funding Adjustment Grant), and the District Contribution would be \$350,000. See pages 6-7 for further clarification and a detailed example. OPSC does not anticipate modifying the currently proposed regulations to clarify.

Additional Clarification: Total Project Cost and Project Labor Agreement

Based on stakeholder questions and feedback, OPSC is providing further clarification on the following two subjects:

1. The determination of matching shares and its impact on the total project cost and associated pupil grant requests, and
2. Certifying to the use of a project labor agreement and the associated points contributing to the matching shares determination.

1. Matching Shares Determination – Total Project Cost

As indicated in the response to stakeholder feedback #6, the total project cost will not be affected by the new sliding percentage scale for matching shares. The total approved project cost will comprise of four components:

1. State Share
2. Financial Hardship (as applicable)
3. District Contribution
4. **Local Funding Adjustment Grant (new, as applicable)**

For purposes of calculating the matching shares for a Modernization grant, the State share will remain unchanged. Financial Hardship, dependent on a district's financial hardship status, would cover some or all of the District Contribution. The District Contribution will vary, dependent on the points allocated to the district for their project. Finally, the Local Funding Adjustment Grant will offset a portion of the

ATTACHMENT E

STAFF ANALYSIS/DISCUSSION (cont.)

local matching share according to the school district's point allocation. To see this in practice, an example is presented below:

Example of 65/35 Matching Shares

With 2025 Construction Cost Index costs, a school district is requesting 100 K-6 pupils as a base grant for a Modernization project. This results in a total project cost of \$1,159,013.33 with Small Size project and Fire Code supplemental grants added.

The applicant received 11 points for purposes of determining the matching share of this application, which means the matching shares determination is 65 percent, comprised of 60 percent State Share, 5 percent Local Funding Adjustment Grant, and 35 percent District Contribution.

Modernization	65/35
State Share (60%)	\$ 695,408.00
Financial Hardship Share	\$ -
District Contribution (35%)	\$ 405,654.67
Local Funding Adjustment Grant (5%)	\$ 57,950.67
Total Approved Project Cost	\$ 1,159,013.33

Example of 65/35 Matching Shares Determination Calculation

The State Share will remain as 60 percent of the total project cost. The District Contribution is 35 percent of the total project cost, and the Local Funding Adjustment Grant accounts for the remaining five percent. The "total approved project cost" is \$1,159,013.33.

For a standard 60/40 project, the overall "total approved project cost" is the same, but the District Contribution is greater and the Local Funding Adjustment Grant is zero:

Modernization	60/40
State Share (60%)	\$ 695,408.00
Financial Hardship Share	\$ -
District Contribution (40%)	\$ 463,605.33
Local Funding Adjustment Grant (0%)	\$ -
Total Approved Project Cost	\$ 1,159,013.33

Example of 60/40 Matching Shares Determination Calculation

The stakeholder noted that it appears an adjustment to the actual pupil grants being requested would be needed as a result of the calculation of the matching share determination. OPSC emphasizes that there would be **no adjustment to pupil grants being requested**. This is because the total project cost does not change, and the only adjustment is to the percentages of the State and District shares. The

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STAFF ANALYSIS/DISCUSSION (cont.)

matching shares determination only impacts the funding sources (State and District), not the total funding provided per pupil.

For a full breakdown of point allocations impacting the State Share, District Contribution, and Local Funding Adjustment Grant, please see the chart below:

	< 6 Points	6 or 7 Points	8 Points	9 or 10 Points	> 10 Points
Modernization	60/40	61/39	62/38	63/37	65/35
State Share	\$695,408.00	\$695,408.00	\$695,408.00	\$695,408.00	\$695,408.00
Financial Hardship Share	\$ -	\$ -	\$ -	\$ -	\$ -
District Contribution	\$463,605.33	\$452,015.20	\$440,425.07	\$428,834.93	\$405,654.67
Local Funding Adjustment Grant	\$ -	\$11,590.13	\$23,180.27	\$34,770.40	\$57,950.67
Total Approved Project Cost	\$1,159,013.33	\$1,159,013.33	\$1,159,013.33	\$1,159,013.33	\$1,159,013.33

Example of Matching Shares Determination Calculations

2. Clarification on the Process of Certifying to the use of a Project Labor Agreement

OPSC understands that it may not be known with certainty at the time of application processing whether or not a school district will be using a project labor agreement.

As a result, OPSC proposes amending SFP Regulation Section 1859.70.5 and the Form SAB 50-04, as presented in the January 30, 2025 stakeholder meeting, to clarify the process of certifying to the use of a project labor agreement at the time of application processing as it relates to the audit process as required in EC Section 41024.

The amendment would include language outlining that if it is determined a project labor agreement was not used, the funding associated with the two points assigned will be required to be returned to OPSC with interest. In parallel, OPSC proposes adding this clarification to the Form SAB 50-04 for purposes of transparency as to the certifications the District Representative signs to upon submission of an application and fund release, respectively.

The proposed additions to SFP Regulation Section 1859.70.5 and the Form SAB 50-04 are summarized below.

STAFF ANALYSIS/DISCUSSION (cont.)

Summary of Proposed Amendments to SFP Regulation Section 1859.70.5.

To add subsection (d)(1), indicating the following:

- Applicants that indicate the use of a project labor agreement are subject to verification at the time of the audit as required in EC Section 41024.
- If it is determined that a project labor agreement was not used, the funding associated with the two points (as provided in [d]) will be required to be returned with interest (based on the interest rate earned in the Pooled Money Investment Account at the time of fund release) from the time of fund release until funds are returned.

Attachment A4b includes the proposed amendments to the Form SAB 50-04.

Summary of Proposed Amendments to the Form SAB 50-04

During the January 30, 2025, stakeholder meeting, OPSC presented changes to the Form SAB 50-04, which included adding an editable entry section for Local Matching Share Determination, noted as a new Section 22, which shifted the subsequent sections on the form to be renumbered as 23, 24, and 25.

OPSC proposes additional certification language within Section 25 of the Form SAB 50-04 to clarify that the use of a project labor agreement will be verified as part of the audit as required in EC Section 41024. This certification further specifies that if it is determined a project labor agreement was not used, the district acknowledges that the funding associated with the corresponding 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 the PMIA at the time of fund release) from the time of fund release until funds are returned.

Attachment A4c includes the proposed updates to the Form SAB 50-04 for stakeholder consideration.

Seismic Mitigation Program Matching Shares – EC Section 17075.10

Separately from the EC Section amendments mentioned above, EC Section 17075.10 was repealed and reenacted as a result of Proposition 2. Amendments resulting from this change altered the funding source for some applications under the Seismic Mitigation Program, and therefore the matching shares. These changes will be discussed during the March 20, 2025 stakeholder meeting, and may be referenced within the stakeholder item.

ATTACHMENT E

AUTHORITY

Education Code (EC) Section 41024 – Accounting Regulations, Budget Controls, and Audits

Link: [EC Section 41024](#)

EC 17070.35 – General Provisions

Link: [EC Section 17070.35](#)

EC Section 17070.59 – General Provisions

Link: [EC Section 17070.59](#)

EC Section 17070.87 – General Provisions

Link: [EC Section 17070.87](#)

EC Section 17072.30 – New Construction Funding Process

Link: [EC Section 17072.30](#)

EC Section 17074.16 – Modernization Apportionment

Link: [EC Section 17074.16](#)

EC Section 17075.10 – Hardship Application

ATTACHMENT E

PROPOSED REGULATIONS

Section 1859.70.5 Points For Local Matching Share Determination

This Regulation shall apply to Approved Applications received on or after October 31, 2024 for New Construction and Modernization Grants, including Approved Applications for funding pursuant to Sections 1859.82.1 and 1859.82.2.

The points used to compute the required matching funds for a New Construction Adjusted Grant and a Modernization Adjusted Grant request shall be based on the following computations. An Approved Application shall receive points for a local matching share based on the total of (a), (b), (c) and (d):

- (a) Points for the School District's gross bonding capacity divided by the School District's total enrollment at the time OPSC notifies the School District in writing that OPSC is scheduled to begin processing the School District's Form SAB 50-04:
 - (1) Four points for a School District determined to have a gross bonding capacity per enrollment of zero dollars (\$0) to nine thousand nine hundred ninety-nine dollars (\$9,999), inclusive.
 - (2) Three points for a School District determined to have a gross bonding capacity per enrollment of ten thousand dollars (\$10,000) to nineteen thousand nine hundred ninety-nine dollars (\$19,999), inclusive.
 - (3) Two points for a School District determined to have a gross bonding capacity per enrollment of twenty thousand dollars (\$20,000) to fifty-four thousand nine hundred ninety-nine dollars (\$54,999), inclusive.
 - (4) One point for a School District determined to have a gross bonding capacity per enrollment of fifty-five thousand dollars (\$55,000) or more.
- (b) Points for the School District's unduplicated pupil percentage at the time OPSC notifies the School District in writing that OPSC is scheduled to begin processing the School District's Form SAB 50-04, based upon:
 - (1) An unduplicated pupil percentage as determined for purposes of the local control funding formula pursuant to EC Section 42238.02
 - (A) Eight points for a School District determined to have an unduplicated pupil percentage of between 75 percent and 100 percent, inclusive.
 - (B) Six points for a School District determined to have an unduplicated pupil percentage of between 50 percent and 74.99 percent, inclusive.
 - (C) Four points for a School District determined to have an unduplicated pupil percentage of between 25 percent and 49.99 percent, inclusive.
 - (D) Two points for a School District determined to have an unduplicated pupil percentage that is 24.99 percent or less.
- (c) Two points for a School District with a pupil enrollment of 200 pupils or fewer at the time OPSC notifies the School District in writing that OPSC is scheduled to begin processing the School District's Form SAB 50-04.
- (d) Two points for a project that includes the use of a project labor agreement in the application being processed.
 - (1) Projects that indicate use of a project labor agreement will be verified as part of the audit process required in EC Section 41024. If it is determined that a project labor agreement was not used, the funding associated with the points assigned in (d) to determine the matching share percentage will be required to be returned, with interest (based on the interest rate earned in the Pooled Money Investment Account at the time of fund release) from the time of fund release until funds are returned.

ATTACHMENT E

GENERAL INFORMATION

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

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

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

Requests for funding may be made as follows:

1. A separate apportionment for site acquisition for a new construction project for environmental hardship pursuant to Section 1859.75.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
 - Contingent site approval letter from the CDE.
 - Preliminary appraisal of property.
 - Approval letter from the Department of Toxic Substances Control.
 2. A separate apportionment for site acquisition and/or design costs for a new construction project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. Districts may apply for a separate apportionment for the design and for site acquisition on the same project. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
 - Contingent site approval letter from the CDE (site apportionment only).
 - Preliminary appraisal of property (site apportionment only).
 3. A separate apportionment for district-owned site acquisition cost pursuant to Section 1859.81.2. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
 - Site approval letter from the CDE.
 - Appraisal of district-owned site.
 - Cost benefit analysis as prescribed in Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
 4. A separate apportionment for design cost for a modernization project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. For purposes of this apportionment, the Form SAB 50-03 must accompany this form (if not previously submitted).
 5. A New Construction Adjusted Grant pursuant to Section 1859.70 or 1859.180. If the funding request includes site acquisition, the proposed site must either be owned by the district, in escrow, or the district has filed condemnation proceedings and received an order of possession of the site. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03.
 - Site/plan approval letter from the CDE.
 - Appraisal of property if requesting site acquisition funds.
 - Plans and specifications (P&S) for the project that were approved by the DSA. Submittal of plans may be on CD-ROM or "Zip Drive" readable in AutoCAD 14. The specifications may be provided on a diskette that is IBM compatible.
 - Cost estimate of proposed site development, if requesting site development funding.
 - If this request is pursuant to Section 1859.77.2 and the district's housing plan is other than those listed in the certification section of this form, a copy of the school board resolution and the approved housing plan.
 - If the site apportionment is requested pursuant to Regulation Section 1859.74.5, a cost benefit analysis as prescribed in Regulation Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
 - If this request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, a justification of how the project relieves overcrowding, including but not limited to, the elimination of the use of Concept 6 calendars, four track year-round calendars, or bussing in excess of 40 minutes.
 - Written confirmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.
 6. For purposes of the Overcrowding Relief Grant (ORG), districts must submit the Overcrowding Relief Grant District-Wide Eligibility Determination (Form SAB 50-11) prior to the submittal of this funding application. In addition, districts must have had the CDE deem the site eligible for the ORG (pursuant to Section 1859.181) prior to the submittal of this application. For purposes of this apportionment, the following documents must be submitted with this form as well as the documents listed in section 5 above:
 - Overcrowding Relief Grant Eligibility Determination Form approved by the CDE.
 - Copies of the supporting documentation provided to the CDE when determining the density of the site, including the site diagram.
- The district is not required to submit its current CBEDS enrollment data.
7. Modernization Adjusted Grant pursuant to Section 1859.70. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-03 (if not previously submitted).
 - P&S for the project that were approved by the DSA.
 - If the request includes funding for accessibility and fire code requirement pursuant to Section 1859.83(f), the DSA approved list of the minimum accessibility work required and a detailed cost estimate for the work in the plans.

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- DSA approval letter for elevator to meet handicapped compliance, if funding is requested.
- Cost estimate of the proposed site development necessary for the Reconfiguration of an existing high school.
- Plan approval letter from the CDE.
- Districtwide enrollment data on Form SAB 50-01 when requesting project assistance (if not previously submitted).
- If the request includes funding for 50 year old permanent buildings pursuant to Section 1859.78.6, a site diagram identifying all buildings to be modernized in the project. The diagram must specify those buildings that are at least 50 years old.
- Written confirmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.

8. Final Charter School Apportionment for Charter School Facilities Rehabilitation pursuant to Section 1859.167.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- P&S for the project that were approved by DSA.
- If the request includes funding for accessibility and fire code requirement pursuant to Section 1859.167.3(d), the DSA approved list of the minimum accessibility work required and a detailed cost estimate for the work in the plans.
- DSA approval letter for elevator to meet handicapped compliance, if funding is requested.
- High performance incentive (HPI) scorecard from DSA.
- Plan approval letter from the CDE.
- Construction cost estimate signed by the architect of record or design professional.
- Determination of financial soundness from the California School Finance Authority (CSFA).
- Written confirmation from the applicant's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.

9. If the application includes a request for Financial Hardship, the district must comply with the requirements of Section 1859.81.

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

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

For a list of the documents that must be submitted in order for the OPSC to deem a funding request for new construction or modernization complete and ready for OPSC

processing, consult the SFP handbook and other information located on the OPSC Web site at www.dgs.ca.gov/opsc.

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

SPECIFIC INSTRUCTIONS

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

1. Type of Application

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

If this request is for an addition to an existing site and advance funding for the evaluation and RA costs, check the appropriate box and refer to Section 1859.74.4.

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

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

If the district is requesting a separate site and/or design apportionment, complete boxes 2a, 3, 4, the site acquisition data in box 5 (d and e), and boxes 13, 14, 15, 16, and 24 25 only.

2. Type of Project

- a. Select the type of project that best represents this application request and enter the total number of pupils assigned to the project for each grade group. Include pupils to be housed in a new or replacement school authorized by

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Section 1859.82 (a). The amount entered cannot exceed the district's baseline eligibility determined on Form SAB 50-03 and will be the basis for the amount of the new construction or modernization grants provided for the project.

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

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

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

- b. Check the box if the project is eligible for funding for 50 year or older permanent buildings and report, at the option of the district:
 - The total number of eligible classrooms or the total eligible square footage building area at the site. Refer to Section 1859.78.6(b)(1)(A) or (b)(2)(A).
 - The total number of permanent classrooms or the total permanent square footage building area that is at least 50 years old and not been previously modernized with state funds. Refer to Section 1859.78.6(b)(1)(B) or (b)(2)(B).
 - Enter the greater percentage as calculated under Regulation Section 1859.78.6(b)(1)(C) or Regulation Section 1859.78.6(b)(2)(C).
 - If this project includes eligible 50 year or older pupil grants, enter the appropriate number assigned to the project for each grade group. The number of pupils entered cannot exceed the cumulative number of 50 year or older permanent buildings pupil grants requested for all modernization funding applications for the site as determined by using the percentage factor above.
- c. If this request includes pupil grants generated by an Alternative Enrollment Projection Method, enter the number of pupils by grade level.
- d. Indicate if this request is for funding of a 6–8 school and/or an Alternative Education School.
- e. Check the applicable box if the district is requesting additional pupil grants assigned to the project that exceed the capacity of the project or if the pupils assigned represent eligibility determined at another grade level and check the appropriate box to indicate under which regulation the district is applying. The pupil capacity of the project may be determined by multiplying the classrooms reported in box 3 by 25 for K–6; 27 for 7–8, 9–12 grades; 13 for non-severe and 9 for severe.
- f. Enter the square footage of the non-toilet area and toilet area contained in the Charter School Facilities Program Rehabilitation project.
- g. Indicate the site scenario that best represents the project request.
- h. For ORG projects, the district must provide the following information in the space provided:
 - Name of the eligible school site(s) where portables will be replaced in this project
 - Number of portables being replaced at each school site
 - Number of site specific eligible pupils being requested for this project for each school site. The total number of site specific eligible pupils assigned to this project must equal the total number of pupils in Section 2a.

3. Number of Classrooms

Enter the:

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

4. Financial Hardship Request

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

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

5. New Construction Additional Grant Request

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

- a. Therapy area in square feet as provided in Section 1859.72.
- b. Multilevel classrooms in the P&S pursuant to Section 1859.73.
- c. Check the box if the district is requesting project assistance pursuant to Section 1859.73.1. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- d. If the project the district is requesting SFP funding for does not require an RA, refer to Section 1859.74. If a RA is required on a site that is not leased or an addition to an existing site, refer to Section 1859.74.2. If RAs are required on a leased site or an addition to an existing site, refer to Sections 1859.74.3 or 1859.74.4, respectively. The limitation of 50 percent may be exceeded when unforeseen circumstances exist, the CDE determines that the site is the best available site, and substantiation that the costs are the minimum required to complete the evaluation and RA.
 - 1) Enter 50 percent of the actual cost.
 - 2) Enter 50 percent of the appraised value of the site. If the request is made pursuant to Regulation Section 1859.74.5, enter 50 percent of the appraised value.
 - 3) Enter 50 percent of the allowable relocation cost.
 - 4) Enter two percent of the lesser of the actual cost or appraised value of the site (minimum \$25,000).
 - 5) Enter 50 percent of the Department of Toxic Substances Control (DTSC) fee for review and approval of the phase one environmental site assessment and preliminary endangerment assessment reports. Refer to Sections 1859.74, 1859.74.1, 1859.74.5, 1859.75, 1859.75.1 and 1859.81.1.

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

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

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

- 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).
- h. Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.71.2.
- i. If the district is requesting an Additional Grant for High Performance Incentive pursuant to Section 1859.70.4, enter the number of high performance points as prescribed in Section 1859.71.6 or 1859.77.4, as appropriate, subject to Education Code Section 17070.965.

6. Modernization Additional Grant Request

- a. Check the box if the district is requesting project assistance allowance pursuant to Section 1859.78.2. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- 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).
- c. Check the box if the district requests an additional grant for site development utility cost necessary for the modernization of 50 years or older permanent building(s). Enter 60 percent of the eligible costs allowable pursuant to Section 1859.78.7(a).
- d. Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.78.4.
- e. If the district is requesting an Additional Grant for High Performance Incentive pursuant to Section 1859.70.4, enter the number of high performance points as prescribed in Section 1859.77.4, subject to Education Code Section 17070.965.

7. Excessive Cost Hardship Request

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

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

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

Additional Grant Request

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

Excessive Cost Hardship Request

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

- b. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant due to Geographic Location pursuant to Section 1859.167.3(a).
- c. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant for a small size project pursuant to Section 1859.167.3(b).
- d. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant due to Urban Location, Security Requirements, and Impacted Site pursuant to Section 1859.167.3(c).
- e. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant due to accessibility and fire code requirements pursuant to Section 1859.167.3(d). Requests for excessive cost grants for accessibility requirements are allowed only if required by the Division of the State Architect (DSA). At the applicant's option, the applicant may request three percent of the Charter School Facilities Program Rehabilitation Grant or enter 50 percent of the amount calculated pursuant to Regulation Section 1859.167.3(d)(2). Attach a copy of the DSA approved list that shows the minimum work necessary for accessibility requirements.

9. Project Priority Funding Order

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

10. Prior Approval Under the LPP

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

11. Prior Apportionment Under the SFP

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

12. Preliminary Apportionment to a Final Apportionment

If this request is to convert a Preliminary Apportionment to a Final Apportionment, enter the application number of the Preliminary Apportionment. Failure to report this information may delay the processing of the application by the OPSC.

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13. Alternative Developer Fee

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

14. Adjustment to New Construction Baseline Eligibility

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

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

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

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

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

15. Pending Reorganization Election

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

16. Joint-Use Facility/Leased Property

Check the box if:

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

17. Project Progress Dates

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

18. Prevailing Wage Monitoring and Enforcement Costs

If the construction contract(s) for this project was awarded on January 1, 2012 through June 19, 2014, check the appropriate box to indicate which of the following methods was or is being used to meet the requirement for prevailing wage

monitoring and enforcement pursuant to Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014:

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

19. Construction Delivery Method

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

20. Career Technical Education Funds Request

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

21. Overcrowding Relief Grant Narrative

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

22. Local Matching Share Determination

Enter the following:

- a. The district's total 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 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 (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
- 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 are enrolled in grade levels of type not served by the district
- Students living inside district boundaries but are 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.

23. Architect of Record or Licensed Architect Certification

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

24. Architect of Record or Design Professional Certification

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

25. Certification

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

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

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

1. Type of Application—Check Only One

- ☐ New Construction

☐ New Construction (Final Apportionment)

☐ New Construction (Final Charter School Apportionment)

☐ New Construction (Overcrowding Relief Grant)

☐ Rehabilitation (Final Charter School Apportionment)

☐ Modernization

☐ Modernization of California Schools for Deaf/Blind

☐ Facility Hardship [Section 1859.82.1]

☐ Conceptual Approval [Section 1859.82.3(a)]

☐ Replacement Site

☐ Replacement School Building(s):

Toilets (sq. ft.) _____

Other (sq. ft.) _____

☐ Rehabilitation Costs: \$ _____

☐ Seismic Mitigation [Section 1859.82.2]

☐ Conceptual Approval [Section 1859.82.3(b)]

☐ Replacement Site

☐ Replacement School Building(s):

Toilets (sq. ft.) _____

Other (sq. ft.) _____

☐ Seismic Rehabilitation Grant: \$ _____

Separate Apportionment

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

2. Type of Project

- a. ☐ Elementary School **Total Pupils Assigned:**
☐ Middle School K-6: _____
☐ High School 7-8: _____
 9-12: _____
 Non-Severe: _____
 Severe: _____
- b. ☐ 50 Years or Older Building Funding (Modernization Only)
 Total Eligible Classrooms/Square Footage: _____
 Classroom/Square Footage at Least 50 Years Old: _____
 Ratio of 50 Years Old Classrooms/Square Footage: _____ %

From 2a above, how many are 50 Year or Older Pupil Grants?

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

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

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

Non-Severe: _____
Severe: _____

- d. Is this a 6–8 school? ☐ Yes ☐ No

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

Is this an Alternative Education School? ☐ Yes ☐ No

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

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

If yes, enter date of successful bond election:

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

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

If yes, enter date of successful bond election:

- f. Charter School Facilities Program Rehabilitation Request:

Toilets (sq. ft.) _____

Other (sq. ft.)

- g. Project to be located on:

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

- #### h. ORG Projects Only

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

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3. Number of Classrooms:

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

4. Type of Financial Hardship Request

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

5. New Construction Additional Grant Request—New Construction Only

- a. Therapy: Toilets (sq. ft.) _____
 Other (sq. ft.) _____
 b. Multilevel Construction (CRS): _____
 c. ☐ Project Assistance
 d. Site Acquisition:
 (1) 50 percent Actual Cost: \$ _____
 (2) 50 percent Appraised Value: \$ _____
 (3) 50 percent Relocation Cost: \$ _____
 (4) 2 percent (min. \$25,000): \$ _____
 (5) 50 percent DTSC Fee: \$ _____
 e. 50 percent hazardous waste removal: \$ _____
☐ Response Action (RA)
 f. Site Development
☐ 50 percent Service-Site: \$ _____
☐ 50 percent Off-Site: \$ _____
☐ 50 percent Utilities: \$ _____
☐ General Site
 g. ☐ Energy Efficiency: _____ %
 h. ☐ Automatic Fire Detection/Alarm System
☐ Automatic Sprinkler System
 i. ☐ High Performance Incentive (Indicate Points): _____

6. Modernization Additional Grant Request

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

7. Excessive Cost Hardship Request

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

Modernization Only

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

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

Additional Grant Request

- a. ☐ High Performance Incentive (Indicate Points): _____

Excessive Cost Hardship Request

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

9. Project Priority Funding Order—New Construction Only

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

10. Prior Approval Under the LPP

New Construction: 22/ _____
 Modernization: 77/ _____

11. Prior Apportionment Under the SFP

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

12. Preliminary Apportionment to Final Apportionment

Preliminary Apportionment Application Number: # _____

13. Alternative Developer Fee—New Construction Only

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

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14. Adjustment to New Construction Baseline Eligibility

a. Classroom(s) provided:

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

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

15. Pending Reorganization Election—New Construction Only ☐ Yes ☐ No

16. Joint-Use Facility/Leased Property

- a. ☐ Joint-Use Facility
b. ☐ Leased Property

17. Project Progress Dates

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

18. Prevailing Wage Monitoring and Enforcement Costs

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

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

19. Construction Delivery Method

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

20. Career Technical Education Funds Request

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

21. Overcrowding Relief Grant Narrative

22. Local Matching Share Determination

For each line request, 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

23. Architect of Record or Licensed Architect Certification

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

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

ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

SIGNATURE

DATE

24. Architect of Record or Design Professional Certification

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

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

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ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

SIGNATURE

DATE

25. Certification

I certify, as the District Representative, that the information reported on this form, with the exception of items ~~22~~ 23 and ~~23~~ 24, is true and correct and that:

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

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

NAME OF DISTRICT REPRESENTATIVE (PRINT)

PHONE NUMBER

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE

ATTACHMENT E

March 28, 2025

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

Re: Proposition 2 Implementation Stakeholder Meeting #5

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 March 13, 2025, Implementation Stakeholder Meeting #5.

SFP Matching Share

In the initial materials provided for the January 30th stakeholder meeting, OPSC appeared to indicate that the additional percentage points provided through the sliding scale were to be directly applied to the State and Local Shares (Jan 30th Stakeholder Materials - Attachment A4 Page 7). It was this example in the materials that led to the recommendations and comments surrounding the timing of the matching share determination and whether pupil changes would be necessary and allowed.

However, in the materials provided for the March 13th stakeholder meeting, OPSC labeled the additional matching share percentages as a "Local Funding Adjustment Grant" which is to be applied and accounted for separately from the 60 percent State Share. Los Angeles Unified would like to

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confirm that the methodology provided in the March 13th materials, treating the additional matching share percentages as a separate line item, is the methodology OPSC will be proceeding with for the matching share changes.

Los Angeles Unified currently receives assessed valuation from a third party—not the Los Angeles County Assessor—which is then used as part of the District’s bond sales and disclosures. Los Angeles Unified is in conversation with the County Assessor to confirm whether it will provide the necessary information required for us to meet Education Code Section 17074.54(c)(6) or certify the accuracy of the information received from the third party. Should the assessor prefer to certify the third party information, Los Angeles Unified requests that this be deemed compliant within the requirements of the Ed Code.

Career Technical Education Facilities Modernization Supplemental Grant

Based on experience with the Career Technical Education Facilities Program (CTEFP), Los Angeles Unified recommends adopting Option 1, because typical cost estimates for Career Technical Education upgrades far exceed five percent of the modernization scope of work they are typically tied to.

Global SFP Regulation Clean-up

Section 1859.60 Calculation to Determine Modernization Baseline Eligibility

Section 1859.78.6 Modernization Grant for 50 year or Older Permanent Buildings

Los Angeles Unified has concerns related to the proposed amendment detailing when the 20/25/50 year period for a building’s aging should begin. While the proposed amendment appears to provide guidance for the aging of stockpile buildings, it prompts the need for additional guidance around the nuances of stockpile building placement, and how this impacts the aging for other types of buildings.

The proposed amendment indicates it is the placement on the current campus that begins the aging of a building. However, the amendment does not consider that a portable’s current campus may not have been the first campus it was placed and occupied on, in effect restarting the clock simply because a portable was relocated to another campus. Los Angeles Unified recommends OSPC consider the DSA approval of a portable building’s first campus placement, rather than the current campus placement, as the start of a building’s aging.

Next, by specifying the DSA approval date will be the start of a building’s aging, the amendment warrants additional guidance for buildings constructed or placed on a site before DSA came into existence. Los Angeles Unified requests OSPC provide guidance on what aging start date should be used, in place of the DSA approval date, to establish a building’s age in cases where a building pre-dates DSA.

Los Angeles Unified recommends that the proposed methodology outlined in Regulation Sections 1859.60 and 1859.76.6 for calculating a building’s age be applied prospectively—used *only* for establishing new modernization baselines moving forward—and not applied retroactively to baselines that have already been established.

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Currently, OPSC permits, and SAB has approved, Form SAB 50-03 submissions, using stockpile dates to determine the age of portable classrooms. The proposed methodology directly conflicts with this long-standing practice and the correction of this information would impose an unnecessary administrative burden on staff. Moreover, applying the methodology retroactively would place districts that have relied on previously accepted stockpile dates into inadvertent non-compliance. Therefore, Los Angeles Unified further recommends that OPSC continue to honor and allow the use of previously approved stockpile data for modernization eligibility purposes.

OPSC's statement that the proposed amendment in EC Section 17074.25(a)(1) will align with Regulation Sections 1859.60 and 1859.78.6 by clarifying that a building's age will be reset to the date of its previous apportionment, does not clarify how districts are to reset a building's age when the current modernization program practices do not track apportionments by building. As previously mentioned in its response letter to Stakeholder Meeting #3 dated March 7, 2025, Los Angeles Unified recommends a broader discussion be held to evaluate the current practices and methodology for calculating and using second round eligibility.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Sasha Horwitz", with a horizontal line extending from the end of the signature.

Sasha Horwitz
Legislative Advocate
Los Angeles Unified School District

ATTACHMENT E

OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING April 3, 2025

IMPLEMENTATION OF PROPOSITION 2 FOR THE SCHOOL FACILITY PROGRAM

PURPOSE

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

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

BACKGROUND

Proposition 2

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

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

AUTHORITY

See Attachments A5a, A10a, and A11a.

SUMMARY AND NEXT STEPS

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

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

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

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OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING April 3, 2025

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

PURPOSE

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

AUTHORITY

See Attachment A5a.

BACKGROUND

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

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

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

STAFF ANALYSIS/DISCUSSION

Stakeholder Feedback

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

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STAFF ANALYSIS/DISCUSSION (cont.)

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

ATTACHMENT E

STAFF ANALYSIS/DISCUSSION (cont.)

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

ATTACHMENT E

STAFF ANALYSIS/DISCUSSION (cont.)

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

STAFF ANALYSIS/DISCUSSION (cont.)

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

STAFF ANALYSIS/DISCUSSION (cont.)

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

Additional Clarification: Pupil Grants Request

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

Pupil Grant Funding Model

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

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

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STAFF ANALYSIS/DISCUSSION (cont.)

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

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

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

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

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

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

Proposed New Regulations and Regulatory Amendments

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

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STAFF ANALYSIS/DISCUSSION (cont.)

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

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

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

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

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

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

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

AUTHORITY

Education Code (EC) Section 17071.25. Existing School Building Capacity

Link: [EC Section 17071.25](#)

EC Section 17072.35.

Link: [EC Section 17072.35](#)

EC Section 17074.10. Modernization Apportionment

Link: [EC Section 17074.10](#)

EC Section 17074.25. Modernization Apportionment

Link: [EC Section 17074.25](#)

EC Section 17074.265. Modernization Apportionment

Link: [EC Section 17074.265](#)

**School Facility Program (SFP) Regulation Section 1859.78.7. Modernization
Additional Grant for Site Development Necessary for 50 Years or Older
Permanent Buildings.**

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

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

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

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

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

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

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

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

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

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

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

SFP Regulation Section 1859.79.2. Use of Modernization Grant Funds.

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

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

New building area with the exception of the following:

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

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

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

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

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

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

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

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

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

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

(2) at least 36 Severe grants, or

(3) at least 101 grants, or

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

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

SFP Regulation Section 1859.82.1 (2)(D) Facility Hardship Program.

"School Building" for the purposes of this Section shall have the same definition as Education Code Section 17283 and shall also exclude any districtwide administrative facilities.

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A district is eligible for Facility Hardship funding to repair, replace, or construct School Buildings or related required components that are currently causing a health and safety threat to the students and/or staff. Projects solely to replace components that have reached the end of their useful life, perform routine maintenance or repair, issues resulting from the deferment of routine maintenance or repair, lack of current code compliance, or the addition of components that were not previously existing, do not meet the qualifying criteria of the program. However, this work may be incorporated into a qualifying Facility Hardship application if it is required to be completed to gain DSA approval.

Beginning 90 days after the effective date of this Section [November 29, 2020], Approved Applications requesting Facility Hardship Program funding shall be submitted to OPSC within 12 months of DSA approval for the scope of work mitigating the identified health and safety threat. If the project does not require DSA approval, then the Approved Application for funding must be received within the 6 months following project completion, as demonstrated by the earliest of the following: the date that the notice of completion of the project has been filed; occupancy of any portion of the project Facility; or when the School Buildings or components of the School Buildings in the project are currently in use by the district. If a district demonstrates that extreme or unusual circumstances prevented the submission of an eligible application within the applicable timeline outlined above, OPSC may allow up to an additional 6 months for submittal.

(a) Districts may qualify for funding to replace or construct new School Buildings. Factors to be considered by the Board to determine eligibility for Facility Hardship program replacement funding may include, but are not limited to:

- (1) Damage or loss as a result of a natural disaster such as a fire, flood, or earthquake.
- (2) Proximity to a major freeway, airport, electrical facility, high power transmission lines, dam, pipeline, or industrial facility.
- (3) Adverse air quality.
- (4) Structural deficiency to the School Building, and
- (5) Site conditions such as faulting, toxic soil, or liquefaction.

(b) To qualify for replacement funding for School Buildings, the district must submit an Approved Application for funding and either (1) or (2) below:

(1) For School Buildings that are lost, destroyed, or unable to be repaired, the district must submit:

(A) A report from an industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) that states that the

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

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

(2) For permanent School Buildings where the cost to rehabilitate the School Building(s) exceeds 50 percent of the Current Replacement Cost, or for Portable Classrooms where the cost to rehabilitate exceeds the Portable Classroom Replacement Grant or Portable Toilet Replacement Grant, the district must submit:

(A) A report by an industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) that outlines the minimum work to mitigate the health and safety threat and remain in the existing School Building. If the threat is due to the presence of mold, OPSC must conduct a site visit to discuss the scope of the project prior to remediation. If the remediation is done prior to a site visit, the application will be ineligible for funding. Requests for asbestos mitigation must include lab test results indicating the asbestos is currently friable, and provides the location, material, and testing methods used.

(B) A letter of concurrence from a governmental agency that has jurisdiction or expertise over the field in which the health and safety threat originates. The letter must concur with the industry specialist report on both 1. and 2. below:

1. An imminent health and safety threat to student and/or staff exists.
2. The mitigation measures outlined in the industry specialist's report are the minimum measures required to mitigate the threat and allow the continued use of the School Building(s).

(C) Applications must include a detailed Form SAB 58-01 that meets the following requirements:

1. The Form SAB 58-01 must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. For all materials or items listed in the most current edition of the Current Construction Remodeling and Repair Cost publication, amounts entered on the Form SAB 58-01 must use the provided unit costs. For individual materials or items that are not contained in the most current edition of the Current Construction Remodeling and Repair publication, the district must provide supporting documentation for OPSC to review the requested unit cost.
2. All requested line items shall include Construction Specifications Institute reference number (CSI #), description, F3 total unit cost amount, and quantity. Any line items that include amounts in lump-sum formats will not be reviewed or approved.
3. The work in the Form SAB 58-01 shall match the work outlined in the report provided by the industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) for the minimum work required to mitigate the health and safety threat.

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4. The estimate submitted to OPSC shall be for the same scope of work reviewed and concurred to by DSA, and that is referenced in the governmental concurrence letter for the project.

5. The Form SAB 58-01 may also include any work required by DSA to obtain plan approval.

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

...

SFP Regulation Section 1859.82.2. Seismic Mitigation Program.

“School Building” for the purposes of this Section shall have the same definition as Education Code Section 17283 and shall also exclude any districtwide administrative facilities.

A school district is eligible for funding to repair, reconstruct, or replace the Most Vulnerable Category 2 Buildings which were originally constructed to be used as School Facilities and pose an unacceptable risk of injury to its occupants in the event of seismic activity. Program eligibility is determined by the DSA while determination of grant funding is determined by the Board based on the following criteria.

Notwithstanding Sections 1859.93 and 1859.93.1, all applications for the seismic mitigation of the Most Vulnerable Category 2 Buildings shall be funded in the order of receipt of an Approved Application for funding. Any grants provided for the purpose of this section shall be provided as a new construction project and allocated on a 50 percent state share basis.

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PROPOSED REGULATIONS

Section 1859.61. Adjustments to the Modernization Baseline Eligibility.

The baseline eligibility for modernization as provided in Section 1859.60 for a specific site will be adjusted as follows:

- (a) Reduced by the number of pupils provided grants in a modernization SFP project or a CSFP Rehabilitation project at the specific site.
- (b) Reduced by the number of pupils housed, based on the loading standards pursuant to Education Code Section 17071.25(a)(2), in a modernization LPP project funded under the LPP pursuant to Sections 1859.14 and 1859.15.
- (c) Increased by changes in projected enrollment in subsequent enrollment reporting years.
- (d) Increased for additional facilities not previously modernized with State funds, that become 25 years old, if permanent, or 20 years old, if portable or as a result of audit findings made pursuant to Sections 1859.90, 1859.90.3 and 1859.105.
- (e) Adjusted as a result of errors or omissions by the district or by the OPSC.
- (f) Adjusted as a result of amendments to these Subgroup 5.5 Regulations that affect the eligibility.
- (g) For classroom loading standards adopted by the Board for non-severely disabled individuals with exceptional needs and severely disabled individuals with exceptional needs.
- (h) As directed by the Board due to a finding of a Material Inaccuracy pursuant to Regulation Section 1859.104.1.
- (i) Increased for facilities previously modernized with State funds, which qualify for an additional modernization apportionment pursuant to Section 1859.78.8.
- (j) Decreased for facilities that were deemed eligible for modernization pursuant to Sections 1859.60 and 1859.61(d) and subsequently replaced, or will be replaced under a signed contract for construction or acquisition of facilities, in a project funded by the district without participation from the State.
- (k) Adjusted as a result of replaced eligible portables funded with the Overcrowding Relief Grant, pursuant to Education Code Section 17079, et seq.
- (l) Adjusted upon Board receipt of the local school board resolution acknowledging that the buildings have been removed from K-12 use, as follows:
 - (1) School Buildings and/or classrooms that receive replacement funding via the New Construction Grant or the Facility Hardship Square Footage Grant pursuant to Section 1859.82.1 or Section 1859.82.2
 - (2) School Buildings and/or classrooms that were originally included in the district's baseline eligibility and were later demolished or removed from classroom use due to health and/or safety concerns that meet the requirements of Regulation Section 1859.82.1 or 1859.82.2 as verified by OPSC, except the district did not have the current enrollment to support the replacement and funding of those School Buildings and/or classrooms. Buildings and/or classrooms removed from K-12 classroom use that remain on the school site will be identified on a list published on OPSC's website.
- (m) 75 years or older buildings that receive replacement funding, pursuant to Education Code Section 17074.265.

For (l)(1) the building age shall be reset to the date of the Apportionment for the corresponding project. For (l)(2) the building shall be removed from the classroom inventory used to establish modernization eligibility at the site.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.51, 17071.25, 17072.15, 17072.20, 17073.15, 17074.10, 17075.10 and 17079.30, Education Code.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.35 and 17072.12, Education Code.

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

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

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

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

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

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

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17074.26, Education Code.

Reference: Sections 17074.10 and 17073.15, Education Code.

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Section 1859.78.65 Modernization Grant for 75 Years or Older Facilities

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

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

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17074.265, Education Code.

Section 1859.79.2. Use of Modernization Grant Funds.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Note: Authority cited: Section 17070.35, Education Code.

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

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GENERAL INFORMATION

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

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

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

Requests for funding may be made as follows:

1. A separate apportionment for site acquisition for a new construction project for environmental hardship pursuant to Section 1859.75.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
 - Contingent site approval letter from the CDE.
 - Preliminary appraisal of property.
 - Approval letter from the Department of Toxic Substances Control.
 2. A separate apportionment for site acquisition and/or design costs for a new construction project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. Districts may apply for a separate apportionment for the design and for site acquisition on the same project. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
 - Contingent site approval letter from the CDE (site apportionment only).
 - Preliminary appraisal of property (site apportionment only).
 3. A separate apportionment for district-owned site acquisition cost pursuant to Section 1859.81.2. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
 - Site approval letter from the CDE.
 - Appraisal of district-owned site.
 - Cost benefit analysis as prescribed in Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
 4. A separate apportionment for design cost for a modernization project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. For purposes of this apportionment, the Form SAB 50-03 must accompany this form (if not previously submitted).
 5. A New Construction Adjusted Grant pursuant to Section 1859.70 or 1859.180. If the funding request includes site acquisition, the proposed site must either be owned by the district, in escrow, or the district has filed condemnation proceedings and received an order of possession of the site. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03.
 - Site/plan approval letter from the CDE.
 - Appraisal of property if requesting site acquisition funds.
 - Plans and specifications (P&S) for the project that were approved by the DSA. Submittal of plans may be on CD-ROM or "Zip Drive" readable in AutoCAD 14. The specifications may be provided on a diskette that is IBM compatible.
 - Cost estimate of proposed site development, if requesting site development funding.
 - If this request is pursuant to Section 1859.77.2 and the district's housing plan is other than those listed in the certification section of this form, a copy of the school board resolution and the approved housing plan.
 - If the site apportionment is requested pursuant to Regulation Section 1859.74.5, a cost benefit analysis as prescribed in Regulation Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
 - If this request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, a justification of how the project relieves overcrowding, including but not limited to, the elimination of the use of Concept 6 calendars, four track year-round calendars, or bussing in excess of 40 minutes.
 - Written confirmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.
 6. For purposes of the Overcrowding Relief Grant (ORG), districts must submit the Overcrowding Relief Grant District-Wide Eligibility Determination (Form SAB 50-11) prior to the submittal of this funding application. In addition, districts must have had the CDE deem the site eligible for the ORG (pursuant to Section 1859.181) prior to the submittal of this application. For purposes of this apportionment, the following documents must be submitted with this form as well as the documents listed in section 5 above:
 - Overcrowding Relief Grant Eligibility Determination Form approved by the CDE.
 - Copies of the supporting documentation provided to the CDE when determining the density of the site, including the site diagram.
- The district is not required to submit its current CBEDS enrollment data.
7. Modernization Adjusted Grant pursuant to Section 1859.70. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-03 (if not previously submitted).
 - P&S for the project that were approved by the DSA.
 - If the request includes funding for accessibility and fire code requirement pursuant to Section 1859.83(f), the DSA approved list of the minimum accessibility work required and a detailed cost estimate for the work in the plans.

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

comply with the requirements of Section 1859.81.

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

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

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

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

SPECIFIC INSTRUCTIONS

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

1. Type of Application

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

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

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

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

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

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

2. Type of Project

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

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

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

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

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

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

• The total number of eligible classrooms or the total eligible square footage building area being demolished. Refer to Section 1859.78.65(a)(1)(2).

• The total number of eligible classrooms or the total eligible square footage building area being constructed. Refer to Section 1859.78.65(a)(1)(2).

• Enter the appropriate number assigned to the project for each grade group. The number of pupils entered cannot exceed the cumulative number of 50 year or older permanent buildings pupil grants requested for all modernization funding applications for the site as determined by using the percentage factor above.

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

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

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

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

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

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

3. Number of Classrooms

Enter the:

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

4. Financial Hardship Request

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

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

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5. New Construction Additional Grant Request

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

- a. Therapy area in square feet as provided in Section 1859.72.
 - b. Multilevel classrooms in the P&S pursuant to Section 1859.73.
 - c. Check the box if the district is requesting project assistance pursuant to Section 1859.73.1. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
 - d. If the project the district is requesting SFP funding for does not require an RA, refer to Section 1859.74. If a RA is required on a site that is not leased or an addition to an existing site, refer to Section 1859.74.2. If RAs are required on a leased site or an addition to an existing site, refer to Sections 1859.74.3 or 1859.74.4, respectively. The limitation of 50 percent may be exceeded when unforeseen circumstances exist, the CDE determines that the site is the best available site, and substantiation that the costs are the minimum required to complete the evaluation and RA.
require an RA, refer to Section 1859.74. If a RA is required on a site that is not leased or an addition to an existing site, refer to Section 1859.74.2. If RAs are required on a leased site or an addition to an existing site, refer to Sections 1859.74.3 or 1859.74.4, respectively. The limitation of 50 percent may be exceeded when unforeseen circumstances exist, the CDE determines that the site is the best available site, and substantiation that the costs are the minimum required to complete the evaluation and RA.
- Name of the eligible school site(s) where portables will be replaced in this project
 - Number of portables being replaced at each school site
 - Number of site specific eligible pupils being requested for this project for each school site. The total number of site specific eligible pupils assigned to this project must equal the total number of pupils in Section 2a.

Enter 50 percent of the actual cost.

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

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

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

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

- 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).
- h. Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.71.2.
- i. If the district is requesting an Additional Grant for High Performance Incentive pursuant to Section 1859.70.4, enter the number of high performance points as prescribed in Section 1859.71.6 or 1859.77.4, as appropriate, subject to Education Code Section 17070.965.

6. Modernization Additional Grant Request

- a. Check the box if the district is requesting project assistance allowance pursuant to Section 1859.78.2. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- 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).
- c. Check the box if the district requests an additional grant for site development utility cost necessary for the modernization of 50 years or older permanent building(s). Enter 60 percent of the eligible costs allowable pursuant to Section 1859.78.7(a).
- d. Check the box if the district requests an additional grant for site development utility cost necessary for the replacement of a 75 years or older building, if not already provided under the provisions pursuant to Section 1859.78.7(a). Enter 60 percent of the eligible costs allowable.

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

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

7. Excessive Cost Hardship Request

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

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

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

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

Additional Grant Request

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

Excessive Cost Hardship Request

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

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

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

9. Project Priority Funding Order

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

10. Excessive Cost Hardship Request

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

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

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

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

11. Prior Approval Under the LPP

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

12. Prior Apportionment Under the SFP

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

13. Preliminary Apportionment to a Final Apportionment

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

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14. Alternative Developer Fee

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

15. Adjustment to New Construction Baseline Eligibility

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

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

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

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

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

16. Pending Reorganization Election

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

17. Joint-Use Facility/Leased Property

Check the box if:

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

18. Project Progress Dates

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

19. Prevailing Wage Monitoring and Enforcement Costs

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

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

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

20. Construction Delivery Method

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

21. Career Technical Education Funds Request

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

22. Overcrowding Relief Grant Narrative

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

23. Architect of Record or Licensed Architect Certification

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

24. Architect of Record or Design Professional Certification

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

25. Certification

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

ATTACHMENT E

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

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

1. Type of Application—Check Only One

- ☐ New Construction
☐ New Construction (Final Apportionment)
☐ New Construction (Final Charter School Apportionment)
☐ New Construction (Overcrowding Relief Grant)
☐ Rehabilitation (Final Charter School Apportionment)
☐ Modernization
☐ Modernization of California Schools for Deaf/Blind
☐ Facility Hardship [Section 1859.82.1]
☐ Conceptual Approval [Section 1859.82.3(a)]
☐ Replacement Site
☐ Replacement School Building(s):

Toilets (sq. ft.) _____

Other (sq. ft.) _____

☐ Rehabilitation Costs: \$ _____

- ☐ Seismic Mitigation [Section 1859.82.2]
☐ Conceptual Approval [Section 1859.82.3(b)]
☐ Replacement Site
☐ Replacement School Building(s):

Toilets (sq. ft.) _____

Other (sq. ft.) _____

☐ Seismic Rehabilitation Grant: \$ _____

Separate Apportionment

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

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

Total Eligible Classrooms/Square Footage: _____

Classroom/Square Footage at Least 50 Years Old: _____

Ratio of 50 Years Old Classrooms/Square Footage: _____ %

From 2a above, how many are 50 Year or Older Pupil Grants?

K–6: _____

7–8: _____

9–12: _____

Non-Severe: _____

Severe: _____

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

K–6: _____

7–8: _____

9–12: _____

Non-Severe: _____

Severe: _____

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

Number of existing classrooms being demolished _____

The total square footage of non-classroom space being demolished _____

The number of classrooms being constructed _____

The total square footage of non-classroom space being constructed _____

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

K–6: _____

7–8: _____

9–12: _____

Non-Severe: _____

Severe: _____

d.e. Is this a 6–8 school? ☐ Yes ☐ No

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

Is this an Alternative Education School? ☐ Yes ☐ No

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

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

If yes, enter date of successful bond election _____

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

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

If yes, enter date of successful bond election: _____

f.g. Charter School Facilities Program Rehabilitation Request:

Toilets (sq. ft.) _____

Other (sq. ft.) _____

2. Type of Project

- ☐ Elementary School
☐ Middle School
☐ High School

Total Pupils Assigned:

K–6: _____

7–8: _____

9–12: _____

Non-Severe: _____

Severe: _____

ATTACHMENT E

g.h. Project to be located on:

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

h.i. ORG Projects Only

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

ATTACHMENT E

3. Number of Classrooms:

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

4. Type of Financial Hardship Request

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

5. New Construction Additional Grant Request—New Construction Only

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

6. Modernization Additional Grant Request

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

7. Excessive Cost Hardship Request

New Construction Only

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

Modernization Only

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

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

Additional Grant Request

- a. ☐ High Performance Incentive (Indicate Points): _____

Excessive Cost Hardship Request

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

9. Project Priority Funding Order—New Construction Only

Priority order of this application in relation to other new construction applications submitted by the district at the same time: # _____

Project meets:

- ☐ Density requirement pursuant to Section 1859.92(c)(3).
- ☐ Stock plans requirement pursuant to Section 1859.92(c)(4).
- ☐ Energy efficiency requirement pursuant to Section 1859.92(c)(6).

10. Prior Approval Under the LPP

New Construction: 22/ _____

Modernization: 77/ _____

11. Prior Apportionment Under the SFP

Site/Design—New Construction: 50/ _____

Design—Modernization: 57/ _____

12. Preliminary Apportionment to Final Apportionment

Preliminary Apportionment Application Number: # _____

13. Alternative Developer Fee—New Construction Only

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

ATTACHMENT E

14. Adjustment to New Construction Baseline Eligibility

a. Classroom(s) provided:

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

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

15. Pending Reorganization Election—New Construction Only ☐ Yes ☐ No

16. Joint-Use Facility/Leased Property

- a. ☐ Joint-Use Facility
b. ☐ Leased Property

17. Project Progress Dates

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

18. Prevailing Wage Monitoring and Enforcement Costs

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

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

19. Construction Delivery Method

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

20. Career Technical Education Funds Request

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

21. Overcrowding Relief Grant Narrative

22. Architect of Record or Licensed Architect Certification

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

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

ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

SIGNATURE

DATE

23. Architect of Record or Design Professional Certification

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

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

ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

SIGNATURE

DATE

ATTACHMENT E

24. Certification

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

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

ATTACHMENT E

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

NAME OF DISTRICT REPRESENTATIVE (PRINT)	PHONE NUMBER
SIGNATURE OF DISTRICT REPRESENTATIVE	DATE

ATTACHMENT E

OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING APRIL 3, 2025

PROPOSED REGULATORY AMENDMENTS FOR MINIMUM ESSENTIAL FACILITIES MODERNIZATION SUPPLEMENTAL GRANT

PURPOSE

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

AUTHORITY

See Attachment A10a.

BACKGROUND

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

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

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

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

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

STAFF ANALYSIS/DISCUSSION**Summary of Stakeholder Feedback**

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

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

ATTACHMENT E

STAFF ANALYSIS/DISCUSSION (cont.)

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

ATTACHMENT E

STAFF ANALYSIS/DISCUSSION (cont.)

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

ATTACHMENT E

STAFF ANALYSIS/DISCUSSION (cont.)

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

ATTACHMENT E

STAFF ANALYSIS/DISCUSSION (cont.)

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

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STAFF ANALYSIS/DISCUSSION (cont.)

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

Proposed Funding Methods

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

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

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

Facility	Elementary School Pupils	Middle School Pupils	High School Pupils
Multi-Purpose (includes food service)	5.3 sq. ft. per pupil minimum 4,000 sq. ft.	5.3 sq. ft. per pupil minimum 5,000 sq. ft.	6.3 sq. ft. per pupil minimum 8,200 sq. ft.
Toilet	3 sq. ft. per pupil minimum 300 sq. ft.	4 sq. ft. per pupil minimum 300 sq. ft.	5 sq. ft. per pupil minimum 300 sq. ft.
Gymnasium (includes shower/locker area)	N/A	12.9 sq. ft. per pupil minimum 6,828 sq. ft. maximum 16,000 sq. ft.	15.3 sq. ft. per pupil minimum 8,380 sq. ft. maximum 18,000 sq. ft.
Library/Media Center	2.3 sq. ft. per pupil plus 600 sq. ft., minimum 960 sq. ft.	3.3 sq. ft. per pupil plus 600 sq. ft. minimum 960 sq. ft.	4.3 sq. ft. per pupil plus 600 sq. ft. minimum 960 sq. ft.

Overview of Funding Methods

Option 1

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

ATTACHMENT E

STAFF ANALYSIS/DISCUSSION (cont.)

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

Option 2

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

Options	Funding Method	New Projects	Expansion Projects
Option 1	The supplemental grant amount would be calculated using the Permanent/Portable Other and Toilet square foot grant amounts.	Funded based on the <i>lesser</i> of: • The total size of the new MEF, or • The recommended size of the MEF based on current enrollment.	Funded based on the <i>lesser</i> of the delta between: • The existing MEF space and the total size of the expanded MEF, or • The delta between the existing MEF space and the recommended size of the MEF based on current enrollment.
Option 2	A calculation to determine the maximum Modernization pupil grant amount for the facility, similar to the existing UOG for MEF calculation in SFP Regulation 1859.77.3(a)(7), would determine the supplemental grant amount.	Funded based on the <i>lesser</i> of: • The total size of the new MEF, or • The recommended size of the MEF based on current enrollment.	Funded based on the <i>lesser</i> of the delta between: • The existing MEF space and the total size of the expanded MEF, or • The delta between the existing MEF space and the recommended size of the MEF based on current enrollment.

STAFF ANALYSIS/DISCUSSION (cont.)

Full Description of Funding Options and Calculations

Option 1

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

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

New Projects

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

Determine the *lesser* of the following:

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

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

STAFF ANALYSIS/DISCUSSION (cont.)

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

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

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

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

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

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

Expansion Projects

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

Determine the *lesser* of the following:

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

STAFF ANALYSIS/DISCUSSION (cont.)

Subtract the existing MEF square footage from the lesser of the two above to determine the delta. The delta is the square footage eligible to be funded.

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

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

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

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

STAFF ANALYSIS/DISCUSSION (cont.)

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

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

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

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

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

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

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

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

Considerations

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

STAFF ANALYSIS/DISCUSSION (cont.)

Option 2

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

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

New Projects

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

Determine the *lesser* of the following:

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

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

STAFF ANALYSIS/DISCUSSION (cont.)**Option 2 (New Projects) Example – Recommended Size**

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

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

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

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

Expansion Projects

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

Determine the *lesser* of the following:

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

STAFF ANALYSIS/DISCUSSION (cont.)

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

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

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

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

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

STAFF ANALYSIS/DISCUSSION (cont.)

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

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

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

Considerations

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

Existing Use of Grants (UOG) - MEF Calculation

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

STAFF ANALYSIS/DISCUSSION (cont.)

The calculation is summarized as:

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

MEF (UOG) Request Example

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

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

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STAFF ANALYSIS/DISCUSSION (cont.)

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

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

Summary of Funding Outcomes

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

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

Staff Recommendation

Staff recommends Option 1.

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

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

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

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

STAFF ANALYSIS/DISCUSSION (cont.)

Proposed Amendments to SFP Regulations

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

Below is a summary of the proposed amendments.

Section 1859.2 – Definitions

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

Article 8 – New Construction and Modernization Grant Determinations

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

Section 1859.79.2 – Use of Modernization Grant Funds

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

Proposed Amendments to the Form SAB 50-04

Instructions

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

The instructions will read:

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

Section 6 – Modernization Additional Grant Request

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

STAFF ANALYSIS/DISCUSSION (cont.)

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

Below is a visual of what this might look like:

Section 6

...

f. Minimum Essential Facilities

- ☐ Multipurpose
- ☐ Gymnasium
- ☐ Library
- ☐ Kitchen
- ☐ Hybrid _____

Toilet (sq. ft.) _____

Other (sq. ft.) _____

Is the MEF Permanent Construction?

- ☐ Yes
- ☐ No

ATTACHMENT E

AUTHORITY

Education Code Section 17073.16 – Modernization Eligibility Determination

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

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

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

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

...

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

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

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

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

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

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

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

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

ATTACHMENT E

AUTHORITY (cont.)

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

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

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

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

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

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

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

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

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

ATTACHMENT E

AUTHORITY (cont.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*The proposed project cannot include more than eight classrooms.

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

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

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

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

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

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

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

- (1) The final plans for the modernization project were submitted to the Division of the State Architect for review and approval between September 1, 2001 and June 30, 2002.
- (2) The final plans for the modernization project included an automatic fire detection and alarm system as described in Education Code Section 17074.52 or the project will include the system prior to the completion of the project.

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

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

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

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

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

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

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

In addition to any other funding authorized by these Regulations, a district is eligible for funding as a result of unusual circumstances that created excessive project costs beyond the control of the district. The Excessive Cost Hardship Grant shall be based on any of the following:

(a) Excessive Cost due to Geographic Location.

A district with a project that is located in a geographic area designated in the Geographic Percentage Chart below is eligible for the sum of the Excessive Cost Hardship Grant(s) determined by multiplying the indicated percentage factor shown in the Geographic Percentage Chart below by each of the following amounts:

- (1) The New Construction Grant and the Modernization Grant.
- (2) The funding provided by Sections 1859.71.2, 1859.71.3, 1859.72, 1859.73, 1859.73.2, 1859.76(d)(1) and (2), 1859.78.4, 1859.78.5, 1859.82.1, 1859.82.2, 1859.83(b), (c), (d) and (e) and 1859.125(a)(1) through (a)(2).

SFP Regulation Section 1859.82.1. Facility Hardship Program.

“School Building” for the purposes of this Section shall have the same definition as Education Code Section 17283 and shall also exclude any districtwide administrative facilities.

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A district is eligible for Facility Hardship funding to repair, replace, or construct School Buildings or related required components that are currently causing a health and safety threat to the students and/or staff. Projects solely to replace components that have reached the end of their useful life, perform routine maintenance or repair, issues resulting from the deferment of routine maintenance or repair, lack of current code compliance, or the addition of components that were not previously existing, do not meet the qualifying criteria of the program. However, this work may be incorporated into a qualifying Facility Hardship application if it is required to be completed to gain DSA approval.

Beginning 90 days after the effective date of this Section [November 29, 2020], Approved Applications requesting Facility Hardship Program funding shall be submitted to OPSC within 12 months of DSA approval for the scope of work mitigating the identified health and safety threat. If the project does not require DSA approval, then the Approved Application for funding must be received within the 6 months following project completion, as demonstrated by the earliest of the following: the date that the notice of completion of the project has been filed; occupancy of any portion of the project Facility; or when the School Buildings or components of the School Buildings in the project are currently in use by the district. If a district demonstrates that extreme or unusual circumstances prevented the submission of an eligible application within the applicable timeline outlined above, OPSC may allow up to an additional 6 months for submittal.

(a) Districts may qualify for funding to replace or construct new School Buildings. Factors to be considered by the Board to determine eligibility for Facility Hardship program replacement funding may include, but are not limited to:

(1) Damage or loss as a result of a natural disaster such as a fire, flood, or earthquake.

(2) Proximity to a major freeway, airport, electrical facility, high power transmission lines, dam, pipeline, or industrial facility.

(3) Adverse air quality.

(4) Structural deficiency to the School Building, and

(5) Site conditions such as faulting, toxic soil, or liquefaction.

(b) To qualify for replacement funding for School Buildings, the district must submit an Approved Application for funding and either (1) or (2) below:

(1) For School Buildings that are lost, destroyed, or unable to be repaired, the district must submit:

(A) A report from an industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) that states that the

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

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

(2) For permanent School Buildings where the cost to rehabilitate the School Building(s) exceeds 50 percent of the Current Replacement Cost, or for Portable Classrooms where the cost to rehabilitate exceeds the Portable Classroom Replacement Grant or Portable Toilet Replacement Grant, the district must submit:

(A) A report by an industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) that outlines the minimum work to mitigate the health and safety threat and remain in the existing School Building. If the threat is due to the presence of mold, OPSC must conduct a site visit to discuss the scope of the project prior to remediation. If the remediation is done prior to a site visit, the application will be ineligible for funding. Requests for asbestos mitigation must include lab test results indicating the asbestos is currently friable, and provides the location, material, and testing methods used.

(B) A letter of concurrence from a governmental agency that has jurisdiction or expertise over the field in which the health and safety threat originates. The letter must concur with the industry specialist report on both 1. and 2. below:

1. An imminent health and safety threat to student and/or staff exists.
2. The mitigation measures outlined in the industry specialist's report are the minimum measures required to mitigate the threat and allow the continued use of the School Building(s).

(C) Applications must include a detailed Form SAB 58-01 that meets the following requirements:

1. The Form SAB 58-01 must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. For all materials or items listed in the most current edition of the Current Construction Remodeling and Repair Cost publication, amounts entered on the Form SAB 58-01 must use the provided unit costs. For individual materials or items that are not contained in the most current edition of the Current Construction Remodeling and Repair publication, the district must provide supporting documentation for OPSC to review the requested unit cost.
2. All requested line items shall include Construction Specifications Institute reference number (CSI #), description, F3 total unit cost amount, and quantity. Any line items that include amounts in lump-sum formats will not be reviewed or approved.
3. The work in the Form SAB 58-01 shall match the work outlined in the report provided by the industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) for the minimum work required to mitigate the health and safety threat.

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4. The estimate submitted to OPSC shall be for the same scope of work reviewed and concurred to by DSA, and that is referenced in the governmental concurrence letter for the project.

5. The Form SAB 58-01 may also include any work required by DSA to obtain plan approval.

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

...

SFP Regulation Section 1859.82.2. Seismic Mitigation Program.

“School Building” for the purposes of this Section shall have the same definition as Education Code Section 17283 and shall also exclude any districtwide administrative facilities.

A school district is eligible for funding to repair, reconstruct, or replace the Most Vulnerable Category 2 Buildings which were originally constructed to be used as School Facilities and pose an unacceptable risk of injury to its occupants in the event of seismic activity. Program eligibility is determined by the DSA while determination of grant funding is determined by the Board based on the following criteria.

Notwithstanding Sections 1859.93 and 1859.93.1, all applications for the seismic mitigation of the Most Vulnerable Category 2 Buildings shall be funded in the order of receipt of an Approved Application for funding. Any grants provided for the purpose of this section shall be provided as a new construction project and allocated on a 50 percent state share basis.

...

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PROPOSED REGULATIONS

Section 1859.2. Definitions.

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

...

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

...

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

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

Section 1859.77.5. Modernization Additional Grant for Minimum Essential Facilities.

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

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

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

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

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

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

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

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

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

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

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

(b) If all conditions in Subsection (a) are met, and the site is lacking one or more of the Minimum Essential Facilities, the application is eligible to receive a supplemental grant based on the square footage of the new Minimum Essential Facility constructed justified by enrollment at the project site as follows:

(1) Determine the current enrollment at the site using the latest CBEDS Report.

(2) The eligible Square Footage for the Minimum Essential Facility shall be the lesser of the actual Square Footage constructed or the Square Footage justified by enrollment pursuant to the chart in Section 1859.82.1(b)(4)(B)2.

(3) If a School District submits documentation that demonstrates additional toilet space must be constructed to obtain plan approval from DSA, the eligible Toilet Square Footage may be increased by the amount of Square Footage required to obtain plan approval.

(4) Beginning January 22, 2025, the permanent Square Footage amount(s) determined in (b)(2) above shall be multiplied by \$312 per square foot for all non-Toilet Facilities and by \$559 for Toilet Facilities (includes shower/locker area and physical therapy area for individuals with Exceptional Needs). The amounts shown will be adjusted in the manner prescribed in Section 1859.71.

(5) Beginning January 22, 2025, the portable Square Footage amount(s) determined in (b)(2) above shall be multiplied by \$69 per square foot for all non-Toilet Facilities and by \$181 for Toilet Facilities (includes shower/locker area and physical therapy area for individuals with Exceptional Needs). The amounts shown will be adjusted in the manner prescribed in Section 1859.71.

(c) If all conditions in Subsection (a) are met, and the site's existing Minimum Essential Facility is not adequate to serve the enrollment of the school, the application is eligible to receive a supplemental grant based on the square footage of the expanded Minimum Essential Facility constructed justified by enrollment at the project site as follows:

(1) Determine the current enrollment at the site using the latest CBEDS Report.

(2) The eligible Square Footage for the Minimum Essential Facility shall be the lesser of the delta between the Square Footage of the existing Minimum Essential Facility and actual Square Footage constructed or the delta between the Square Footage of the existing Minimum Essential Facility and the Square Footage justified by enrollment pursuant to the chart in Section 1859.82.1(b)(4)(B)2.

(3) If a School District submits documentation that demonstrates that additional toilet space must be constructed to obtain plan approval from DSA, the eligible Toilet Square Footage may be increased by the amount of Square Footage required to obtain plan approval.

(4) Beginning January 22, 2025, the permanent Square Footage amount(s) determined in (b)(2) above shall be multiplied by \$312 per square foot for all non-Toilet Facilities and by \$559 for Toilet Facilities (includes shower/locker area and physical therapy area for individuals with Exceptional Needs). The amounts shown will be adjusted in the manner prescribed in Section 1859.71.

(5) Beginning January 22, 2025, the portable Square Footage amount(s) determined in (b)(2) above shall be multiplied by \$69 per square foot for all non-Toilet Facilities and by \$181 for Toilet Facilities (includes shower/locker area and physical therapy area for individuals with Exceptional Needs). The amounts shown will be adjusted in the manner prescribed in Section 1859.71.

Note: Authority cited: Section 17074.25, Education Code.

Reference: Section 17073.16 and 17074.25, Education Code

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Section 1859.79.2. Use of Modernization Grant Funds.

The Modernization Grant plus any other funds provided by these Regulations shall be expended as set forth in Education Code Sections 17073.16, 17074.25, 17074.10(f) and 17070.15(i) and may also be utilized for other purposes as set forth in Education Code Section 100420(c), and Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014. Modernization funding may also be used for the costs incurred by the district directly or through a contract with a third party provider for the initiation and enforcement of a LCP. Modernization funding, with the exception of savings, is limited to expenditure on the specific site where the modernization grant eligibility was generated. The grant may not be used for the following:

(a) New building area, with the exception of the following:

(1) Replacement building area of like kind. Additional classrooms constructed within the replacement area will reduce the new construction baseline eligibility for the district.

(2) Building area required by the federal Americans with Disabilities Act (ADA) or by the Division of the State Architect's (DSA) handicapped access requirements.

(3) A Minimum Essential Facility receiving funding pursuant to Section 1859.77.5. Only the funding provided by Section 1859.77.5 may be used on the Minimum Essential Facility.

(b) New site development items, with the exception of:

(1) Replacement, repair or additions to existing site development.

(2) Site development items required by the federal ADA Act or by the DSA's handicapped access requirements.

(c) the evaluation and removal of hazardous or solid waste and/or hazardous substances when the Department of Toxic Substance Control has determined that the site contains dangerous levels of a hazardous substance, hazardous waste, or both that exceed ten percent of the combined adjusted grant and the district matching share for the project.

(d) Leased facilities not owned by another district or a county superintendent.

Modernization Grant funds may be used on any school facilities on the site, with the exception of portable classroom facilities eligible for an additional apportionment pursuant to Education Code Sections 17073.15 and 17074.10(f) and as defined in Section 1859.78.8. If the classroom facilities on the site include areas that are currently ineligible for modernization, it will not disqualify those facilities from future modernization funding.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.15, 17073.16, 17074.25 and 100420(c), Education Code, and Section 1771.3 in effect on January 1, 2012 through June 19, 2014, Labor Code.

ATTACHMENT E

OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING April 3, 2025

PROPOSED REGULATORY AMENDMENTS FOR SCHOOL FACILITY PROGRAM SUPPLEMENTAL GRANT FOR TRANSITIONAL KINDERGARTEN CLASSROOMS

PURPOSE

To discuss and receive stakeholder input regarding proposed regulatory amendments resulting from provisions of Proposition 2, related to the establishment of a new School Facility Program (SFP) supplemental grant for the retrofit or new construction of transitional kindergarten (TK) classrooms for school districts receiving an apportionment for modernization funding.

AUTHORITY

Education Code (EC) Section 17073.16 states in part:

(c) (1) A school district eligible for a modernization apportionment may also receive a supplemental grant for either of the following:

(A) Retrofitting an existing school facility to adequately house transitional kindergarten pupils.

(B) Constructing new transitional kindergarten classrooms if the site is lacking sufficient school facilities to house transitional kindergarten pupils.

(2) A school district that receives a supplemental grant to house transitional kindergarten pupils pursuant to paragraph (1) shall meet the requirements of subparagraphs (A) and (B) of paragraph (5) of subdivision (b) of, paragraphs (2) and (3) of subdivision (f) of, and subdivision (g) of, Section 17375.

See Attachment A11a for the remainder of the Authority.

BACKGROUND

The Office of Public School Construction (OPSC) held a public meeting on February 13, 2025, to discuss proposed criteria for the implementation of the TK supplemental grant. Various questions were answered during the meeting, and those that were not, are addressed in this item. Additionally, OPSC has developed proposed regulations to implement the new grant.

STAFF ANALYSIS/DISCUSSION

Following the February 13 meeting, OPSC staff received additional questions and support for the funding option presented as #2 in the prior meeting report. This option most closely follows the existing California, Preschool, Transitional Kindergarten, Full-Day Kindergarten Facilities Grant Program (FDK Program) grant calculation methodology. Stakeholders also requested that OPSC provide examples of the proposed grant calculations for the TK supplemental grant, which are included in this report.

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STAFF ANALYSIS/DISCUSSION (cont.)

Staff reviewed the questions presented at the February meeting and submitted by email. The following responses are provided:

- Q1. Regarding the State/District share - Did the law state it is a 50/50 match? Is the 60/40 model a reasonable option? Full-Day TK classes were funded at 75 percent in the FDK program. If a 60/40 model is an option, it keeps the math simple for the program.
- A1. The statute provides the grant as a supplement to Modernization funding. Therefore, it follows the standard 60/40 funding model. OPSC has developed an example of how to apply this model beginning on Page 3 below.
- Q2. Can a district request a Title 5 exemption from the California Department of Education (CDE) for retrofitted classrooms under 1,250 square feet?
- A2. Consistent with the FDK Program, districts that request funding to retrofit a TK classroom, where the TK classroom is designed to be less than 1,350 square feet, must request an exemption from CDE and the classrooms shall not be less than 1,250 square feet.
- Q3. Is there an option to look at the reimbursement date prior to July 3, 2024, given that with the expansion of Universal TK, districts couldn't wait to accommodate these new students and had to move forward with their construction plans, and intended to request reimbursement from the FDK program, understanding that there was future intent to provide additional funding for the program?
- A3. Because the statute was chaptered on July 3, 2024, reimbursement should be limited to projects with construction contracts on or after July 3, 2024. This is consistent with past implementation of new statutes as amendments to SFP Regulations by the State Allocation Board.

The prior item on this topic presented three options for calculating the new TK supplemental grant: pupil grant, square footage grant, or a percentage of the modernization base grant. Stakeholder feedback included support for funding the TK supplemental grant based on the current funding model for the FDK Program, which uses the New Construction and Modernization pupil grant amounts and state loading standards as the basis for grant determination. OPSC considered the options presented and concurred with stakeholders' preference. Therefore, examples of the grant calculation based on the pupil grant funding model are presented below.

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STAFF ANALYSIS/DISCUSSION (cont.)

Pupil Grant Funding Model

The pupil grant funding model was used in the FDK Program. It provides a TK base grant equivalent to 25 Modernization pupil grants to retrofit an existing classroom or 25 New Construction pupil grants for each new TK classroom. The number of classrooms included in the DSA-approved plans that are supported by the enrollment justification will determine the total number of pupil grants provided. Commonly requested supplemental grants are included in the examples to demonstrate how other additional grants will be calculated. The proposed calculations recognize that there will be a portion of the scope of the overall project related to modernizing the school site and a portion specifically related to the retrofit or construction of TK classroom(s).

Example #1 - Retrofit One TK Classroom in a Qualifying Modernization Project

The example below assumes that the applicant is requesting 101 Modernization pupil grants and is retrofitting one existing classroom that is 50 years (or older) into a Title V compliant TK classroom (five classrooms total). OPSC proposes that for these projects, a flat percentage increase would be provided for site development to cover the costs of dedicated kindergarten playgrounds and other required elements for simplicity of administration and also to align with the way site development is funded in the FDK Program. The same approach applies to an increase for 50-year-old utilities on a percentage basis to cover those costs. While not shown here, the Mod base grant could also be increased to the 50-year-old pupil grant amount if available.

Modernization Grant	Calculation	Grant Amount
Modernization Base Grant	101 pupil grants X \$6,034	\$609,434
Fire Alarm Grant	101 X \$196	19,796
	Mod Subtotal	\$629,230
TK Supplemental Grant	Calculation	
TK Base Grant for 1 Classroom	25 Mod pupil grants x \$6,034	150,850
Site Development Grant	35% of TK base grant	52,798
Fire Alarm Grant	25 X \$196	4,900
50-Year-Old Utilities Grant	15% of TK base grant	22,628
	TK Supp. Grant Subtotal	\$231,176
	Mod + TK Subtotal	\$860,406
Project Assistance Grant (Mod)		5,170
	Total State Share (60%)	865,576
	Total District Share (40%)	577,051
	Total Project Cost	\$1,442,627

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STAFF ANALYSIS/DISCUSSION (cont.)

Example #2 - New Construction of 1 TK Classroom in a Qualifying Modernization Project

The example below is similar to the preceding example. However, the TK supplemental grant allocations have been updated to reflect the New Construction pupil grant amounts and the associated supplemental grants.

Staff is presenting the following pupil grant funding model to show how the TK base grant, fire alarm, and fire sprinkler grants are calculated from the annual new construction per pupil grants.

While the base grant under new construction is calculated on a 50/50 state/district share basis, the TK supplemental grant is going to be processed under the modernization program on a 60/40 basis (see Table 1). The following example (see Table 2) shows how the funding model will be determined for new TK classrooms constructed.

Base Grant Conversion from New Construction to Modernization (Table 1):

Grade Level	New Construction Per Pupil Grant	60/40 Adjusted New Construction Per Pupil Grant
Elementary (K-6)	\$15,847	\$19,016
Fire Alarm	\$19	\$23
Fire Sprinkler	\$265	\$318

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STAFF ANALYSIS/DISCUSSION (cont.)

Example – Based on a 60/40 calculation of New Construction Grant (Table 2):

Modernization Request	Calculation	Grant Amount
Modernization Base Grant	101 pupil grants X \$6,034	\$609,434
Fire Alarm Grant	101 X \$196	19,796
	Mod Subtotal	\$629,230
TK Supplemental Grant	Calculation	
TK Base Grant	25 NC pupil grants X \$19,016	\$475,400
Site Development Grant	35% of TK base grant	166,390
Fire Alarm Grant	25 X \$23	575
Fire Sprinkler Grant	25 X \$318	7,950
	TK Subtotal	\$650,315
	Mod + TK Subtotal	\$1,279,545
Project Assistance Grant (Mod)		\$5,170
	Total State Share (60%)	1,284,715
	Total District Share (40%)	856,477
	Total Project Cost	\$2,141,192

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STAFF ANALYSIS/DISCUSSION (cont.)

Summary of Proposed Amendments to SFP Regulations

The following amendments to the regulatory language for the SFP are presented for consideration below in order of appearance (Attachment A11b).

Section 1859.51- Adjustments to the New Construction Baseline Eligibility as a result of constructing new TK classrooms

The FDK Program provides an exclusion for new classrooms constructed with program funds in that the new capacity was not included in the New Construction baseline in EC Section 17375. Therefore, the proposed SFP regulation amendments include an adjustment to the district's new construction baseline if new TK classrooms are constructed with funding from the new supplemental grant, as they are not specifically exempted by EC Section 17071.25. Therefore, SFP Regulation Section 1859.51 has been amended to add a new adjustment type to specify that classrooms added to a site through a TK supplemental grant in an SFP modernization project will be added to the district's gross classroom inventory for purposes of adjusting New Construction eligibility. The proposed amendment also notes an exception for classrooms funded through the FDK Program.

Section 1859.77.6- Add a Section for the TK Supplemental Grant

A new SFP Regulation Section 1859.77.6 is proposed to address the inclusion of a new supplemental grant for TK classrooms. OPSC proposes that the supplemental grant for TK shall be limited to four classrooms per school site. A district may elect to split their request over multiple applications. The purpose of this limitation is to prevent excessive use of the SFP Modernization program to add new classroom area in retrofit projects and to construct new classrooms when a school district may lack New Construction eligibility. School districts with New Construction eligibility may apply for New Construction funding if available after adjusting for new capacity added with the TK supplemental grant.

Future amendments to the Form SAB 50-04 shall include a certification acknowledging this provision.

Section 1859.79.2- Use of Modernization Grant Funds

EC 17073.16 allows for the retrofit and new construction of TK classroom(s) as part of a modernization project. Current SFP Regulations stipulate that modernization grant funds may not be used for new building area. However, in addition to new construction TK classrooms being new building area by nature, new building area is often necessary to retrofit a TK classroom to meet the requirements for Title 5 compliance. Therefore, Section 1859.79.2 is being amended to include TK classrooms as one of the exclusions for new building area within a modernization project.

NEXT STEPS

At this time, OPSC welcomes any questions, comments and discussion on this topic.

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AUTHORITY All Applications

Education Code (EC) 17070.35 – General Provisions

(a) In addition to all other powers and duties as are granted to the board by this chapter, other statutes, or the California Constitution, the board shall do all of the following:

(1) Adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter. However, the board shall have no authority to set the level of the fees of any architect, structural engineer, or other design professional on any project. The initial regulations adopted pursuant to this chapter shall be adopted as emergency regulations, and the circumstances related to the initial adoption are hereby deemed to constitute an emergency for this purpose. The initial regulations adopted pursuant to this chapter shall be adopted by November 4, 1998. If the initial regulations are not adopted by that date, the board shall report to the Legislature by that date, explaining the reasons for the delay.

(2) Establish and publish any procedures and policies in connection with the administration of this chapter as it deems necessary.

(3) Determine the eligibility of school districts to receive apportionments under this chapter.

(4) Apportion funds to eligible school districts under this chapter.

(b) The board shall review and amend its regulations as necessary to adjust its administration of this chapter to conform with the act that amended this section to add this subdivision. Regulations adopted pursuant to this subdivision shall be adopted by November 5, 2002, and shall be adopted as emergency regulations in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of any emergency regulation pursuant to this subdivision filed with the Office of Administrative Law shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare. Notwithstanding subdivision (e) of Section 11346.1 of the Government Code, any emergency regulation adopted pursuant to this section shall remain in effect for no more than 365 days unless the board has complied with Sections 11346.2 to 11348, inclusive, of the Government Code.

EC Section 17375 – Full-Day Kindergarten Facilities Grant Program

(a)(1) The California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program is hereby established, under the administration of the State Allocation Board pursuant to the requirements of this section, to provide one-time grants to school districts to construct new school facilities or retrofit existing school facilities for the purpose of providing transitional kindergarten classrooms and full-day kindergarten classrooms pursuant to Section 8973, and for the construction of new preschool classrooms, the modernization of existing preschool classrooms, or the

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modernization of existing kindergarten and grade 1 to 12, inclusive, classrooms that would be converted to provide California state preschool programs operated by school districts on a public schoolsite, pursuant to this section.

(2) Moneys appropriated pursuant to this section shall be deposited in the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Account, hereby created in the State Treasury, administered by the State Allocation Board.

(3) For the 2018–19 fiscal year, the sum of one hundred million dollars (\$100,000,000) is hereby appropriated from the General Fund to the State Allocation Board to provide one-time grants as specified in this section, as it read on December 31, 2020.

(4) (A) For the 2021–22 fiscal year, the sum of four hundred ninety million dollars (\$490,000,000) is hereby appropriated from the General Fund to the State Allocation Board to provide one-time grants as specified in this section. The funds appropriated in this subparagraph shall be available for encumbrance or expenditure by the State Allocation Board until June 30, 2027.

(B) For the 2022–23 fiscal year, the sum of one hundred million dollars (\$100,000,000) is hereby appropriated from the General Fund in the 2021–22 fiscal year to the State Allocation Board to provide one-time grants as specified in this section. The funds appropriated in this subparagraph shall be available for encumbrance or expenditure by the State Allocation Board until June 30, 2028.

(C) (i) Of the moneys allocated to a school district from the appropriation made pursuant to this paragraph, savings and interest achieved upon full completion of an approved project, and as a result of a school district's efficient and prudent expenditure of the moneys allocated, may be used for professional development or instructional materials to build capacity for the implementation of a California state preschool program, a transitional kindergarten program, a full-day kindergarten program, or high priority capital outlay purposes identified by the school district and in accordance with subdivision (f), associated regulations, and any accompanying grant agreement.

(ii) Notwithstanding any other law, for purposes of the funds appropriated in support of this paragraph only, a school district may retain and use savings and interest pursuant to clause (i) even if it receives financial hardship assistance pursuant to Section 17075.10.

(iii) Savings and interest retained by a school district shall be expended within one year of project completion or returned to the state as required by associated regulations and any accompanying grant agreement.

(5) New school facilities built pursuant to this section shall not be included in the eligibility determination used for purposes of the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10).

(b) (1) The State Allocation Board shall award grants to school districts that lack the facilities to provide transitional kindergarten or full-day kindergarten as required for eligibility pursuant to Sections 17071.25 and 17072.10, that lack facilities that satisfy the design requirements required for new kindergarten

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classrooms as specified in paragraph (2) of subdivision (h) of Section 14030 of Title 5 of the California Code of Regulations, or that lack the facility capacity to increase California state preschool program services.

(2) Priority for grants shall be given to school districts that meet either of the following criteria:

(A) The school district is financially unable to contribute a portion of, or all of, the local matching share required pursuant to paragraph (3) for a project, and meets the requirements for financial hardship pursuant to Sections 17075.10 and 17075.15. For purposes of this section, paragraph (5) of subdivision (d) of Section 17075.15 shall not apply.

(B) (i) For school districts seeking a transitional kindergarten or full-day kindergarten facilities grant, the school district is located in an underserved community with a high population of pupils who are eligible for free or reduced-price meals pursuant to subdivision (a) of Section 42238.01.

(ii) For school districts seeking a preschool facilities grant, the school district is located in an underserved area, as defined in Section 8205, that is prioritized to receive funds for the California state preschool program according to the prioritization process described in Section 8210.

(3) Except for school districts that meet the requirements for financial hardship pursuant to Section 17075.10 and as specified in paragraph (4), a school district that applies for a grant pursuant to this section for new construction shall provide 50 percent of the cost of the project, and a school district that applies for a grant pursuant to this section for a retrofit project shall provide 40 percent of the cost of the project.

(4) Except for school districts that meet the requirements for financial hardship pursuant to Section 17075.10, a school district shall provide 25 percent of the cost of the project, whether the project is for new construction or retrofit, if the school district does either of the following:

(A) Converts a part-day kindergarten program to a full-day kindergarten program. A school district that was awarded a grant from funds appropriated pursuant to paragraph (3) of subdivision (a) and met the requirements of this paragraph shall have its grant amount adjusted from funds appropriated pursuant to paragraph (4) of subdivision (a) to reflect the requirements of this paragraph.

(B) Commencing with the 2021–22 fiscal year, offers, or expands enrollment in, a California state preschool program or transitional kindergarten program.

(5) (A) A school district seeking a transitional kindergarten or full-day kindergarten facilities grant from moneys in the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Account shall provide the Office of Public School Construction with schoolsite enrollment data for the year in which its application is processed and the three immediately preceding years. The Office of Public School Construction shall use this data to verify the schoolsite's overall need for funding pursuant to this section based on the schoolsite's enrollment patterns. As part of this verification, the Office of Public School Construction, in consultation with the State Department of

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Education, shall determine if the schoolsite's need for funding shall be limited to retrofit projects.

(B) For a school district seeking a new construction grant for preschool classrooms from moneys in the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Account, the school district shall demonstrate that its existing classrooms, including outdoor play areas and equipment, are insufficient to meet the needs of providing preschool, and that the school district's projected enrollment in the preschool program exceeds the current preschool program classroom capacity at the applicable schoolsite. A school district shall use both of the following to demonstrate enrollment for purposes of determining eligibility:

(i) The most recent childcare needs assessment conducted by its regional local planning council for preschool age children.

(ii) A current or future contract with the State Department of Education to operate a preschool program.

(6) A school district, county office of education, or community college district seeking a preschool facilities grant shall hold title to the real property where the facilities will be located.

(c) The State Allocation Board shall disburse grant funds to school districts with approved applications for new construction or retrofit projects, to the extent funds are available for the state's applicable matching share, if the school district has provided its applicable local matching share, unless the school district meets the requirements for financial hardship pursuant to Section 17075.10, and upon certification by the school district that the school district has entered into a binding contract for completion of the approved project.

(d) The State Allocation Board shall allocate funds to school districts using the same maximum grant eligibility amounts that are used for purposes of the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10), as set forth in Sections 17072.10 and 17072.11 for new construction, and as set forth in Section 17074.10 for retrofit projects.

(e) As a condition of receiving grant funds pursuant to this section, and before the release of those funds, the school district shall do all of the following:

(1) Execute and submit a grant agreement consistent with the applicable sections of the grant agreement specified in Section 1859.90.4 of Title 2 of the California Code of Regulations.

(2) For a school district applying for grant funds for a transitional kindergarten facilities project, pass a resolution at a public meeting of the governing board of the school district stating the school district's intent to offer, or expand enrollment in, a transitional kindergarten program.

(3) For a school district applying for grant funds for a California state preschool program facilities project, pass a resolution at a public meeting of the governing board of the school district stating the school district's intent to expand enrollment in a preschool program and apply for expanded program service funding, and certify that the school district has or will apply for a contract to operate a preschool program before occupying the to-be-constructed or retrofitted facility.

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(f) (1) A school district may use grant funds awarded for new construction on costs necessary to adequately house preschool, transitional kindergarten, and kindergarten pupils in an approved project, which shall include only the following:

(A) The costs of design, engineering, testing, inspections, plan checking, construction management, site acquisition and development, evaluation and response action costs relating to hazardous substances at a new or existing schoolsite, demolition, construction, landscaping, necessary utility costs, utility connections and other related fees, equipment including telecommunication equipment to increase school security, furnishings, the upgrading of electrical systems, and the wiring or cabling of classrooms in order to accommodate educational technology.

(B) The costs of acquiring an existing government-owned or privately owned building, or a privately financed school building, and the necessary costs of converting the government-owned or privately owned building for public school use.

(2) (A) A school district may use grant funds awarded for a retrofit project to retrofit an existing school facility to adequately house preschool, transitional kindergarten, and kindergarten pupils, which shall only include the costs of design, engineering, testing, inspection, plan checking, construction management, demolition, construction, necessary utility costs, utility connection and other related fees, the purchase and installation of air-conditioning equipment and insulation materials and related costs, furniture and equipment, including telecommunication equipment to increase school security, fire safety improvements, playground safety improvements, the identification, assessment, or abatement of hazardous asbestos, seismic safety improvements, the upgrading of electrical systems, and the wiring or cabling of classrooms in order to accommodate educational technology.

(B) Grant funds awarded for a retrofit project shall not be used for costs associated with acquisition and development of real property or for routine maintenance and repair.

(3) A school district shall not use funds to purchase or install portable classrooms. For purposes of this article, "portable classroom" means a classroom building of one or more stories that is designed and constructed to be relocatable and transportable over public streets, and for a single-story portable classroom, is designed and constructed for relocation without the separation of the roof or floor from the building and when measured at the most exterior walls, has a floor area that does not exceed 2,000 square feet.

(g) For a modernization grant pursuant to this article to retrofit an existing preschool classroom, including outdoor play areas and installed equipment, the applicable classroom shall comply with all of the following:

(1) The Field Act, as set forth in Article 3 (commencing with Section 17280) and Article 6 (commencing with Section 17365).

(2) The California Building Standards Code, as set forth in Title 24 of the California Code of Regulations.

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(3) The regulations for early learning and care programs as set forth in Chapter 19 (commencing with Section 18000) of Division 1 of Title 5 of, and Chapter 1 (commencing with Section 101151) of Division 12 of Title 22 of, the California Code of Regulations, as applicable.

(4) Written approval from the State Department of Education that the building plans comply with the standards set forth in Subchapter 1 (commencing with Section 14001) of Chapter 13 of Division 1 of Title 5 of the California Code of Regulations.

(h) The State Allocation Board may adopt regulations to implement this section. Any regulations adopted pursuant to this section may be adopted as emergency regulations in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of the Title 2 of the Government Code). The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare.

(i) Notwithstanding any other law, a school district shall be subject, with regard to this section, to an audit conducted pursuant to Section 41024.

(j) The Office of Public School Construction shall report to the Director of Finance, and shall post on its internet website, information regarding the use of grant funds that have been made available to school districts during each fiscal year grant funds are disbursed pursuant to this section. A final report shall also be issued after projects have been audited pursuant to Section 41024 and any savings have been spent or returned to the state.

(k) The Department of General Services may charge its administrative costs against the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Account, which shall be subject to the approval of the Department of Finance and which shall not exceed 2.5 percent of the account. These administrative funds shall be subject to the encumbrance or expenditure availability for the appropriations described in paragraph (4) of subdivision (a).

(l) Funds made available to school districts pursuant to this article shall supplement, not supplant, existing funds available for school facilities construction.

(m) For purposes of this section, the following definitions apply:

(1) "Kindergarten" includes transitional kindergarten, as defined in Section 48000.

(2) "Preschool classroom" means a preschool classroom used or proposed to be used for instructional purposes in a California state preschool program.

(3) "Preschool program" means a full-day California state preschool program pursuant to Article 2 (commencing with Section 8207) of Chapter 2 of Part 6.

(4) "Schoolsite" or "site" means the project site for which the school district is applying for grants under this article.

(5) "School district" means as follows:

(A) For transitional kindergarten and full-day kindergarten facilities grants, "school district" means a school district.

(B) For preschool facilities grants, "school district" means a school district, county office of education, or a community college district that operates a

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preschool program on behalf of, or in lieu of, a school district or county office of education.

(Amended by Stats. 2024, Ch. 38, Sec. 8. (SB 153) Effective June 29, 2024.)

School Facility Program Regulation Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

The baseline eligibility for new construction determined on the Form SAB 50-03 will be adjusted as follows:

- (a) Reduced by the number of pupils provided grants in a new construction SFP project and by the number of pupils that received a Preliminary Apportionment pursuant to Section 1859.140 or a Preliminary Charter School Apportionment pursuant to Section 1859.162.2.
- (b) Reduced by the number of pupils housed, based on the loading standards pursuant to Education Code Section 17071.25(a)(2)(A), in a new construction LPP project funded under the provisions of the LPP pursuant to Sections 1859.12 or 1859.13.
- (c) Reduced by the number of pupils housed in additional classrooms constructed or purchased based on the loading standards, pursuant to Education Code Section 17071.25(a)(2)(A), in a modernization SFP project.

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AUTHORITY

Applications Received on or after October 31, 2024

EC Section 17072.35 – New Construction Funding Process

(a) A grant for new construction may be used for any and all costs necessary to adequately house new pupils in any approved project, and those costs may only include the cost of design, engineering, testing, inspection, plan checking, construction management, site acquisition and development, evaluation and response action costs relating to hazardous substances at a new or existing schoolsite, demolition, construction, acquisition and installation of portable classrooms, landscaping, necessary utility costs, utility connections and other fees, equipment including telecommunication equipment to increase school security, furnishings, and the upgrading of electrical systems or the wiring or cabling of classrooms in order to accommodate educational technology, including schoolsite-based infrastructure necessary to provide access to broadband internet within the schoolsite. A grant for new construction may also be used to acquire an existing government or privately owned building, or a privately financed school building, and for the necessary costs of converting the government or privately owned building for public school use. A grant for new construction may also be used for the costs of designs and materials that promote the efficient use of energy and water, the maximum use of natural lighting and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and other characteristics of high performance schools. A grant for new construction may be used for the costs of design, materials, and construction to advance state energy goals pursuant to state law, support outdoor learning environments, or to directly shade and protect pupils from higher average temperatures, which may include incorporating nature and natural materials. A grant for new construction may be used for seismic mitigation purposes and for related design, study, and testing costs.

(b) This section does not preclude a school district from using a grant for new construction to support the construction of a school kitchen, a transitional kindergarten classroom, a facility to support a local educational agency-administered preschool program, including, but not limited to, a California state preschool program set forth in Article 2 (commencing with Section 8207) of Chapter 2 of Part 6, that is operated by a school district and located on a schoolsite operated by the district, or a facility to support school nurses and counselors to increase access to health care and mental health services.

(c) In developing guidelines and regulations for consideration by the board, the State Department of Education shall provide a school district with maximum flexibility in the design and new construction of school facilities.

(Amended by Stats. 2024, Ch. 81, Sec. 11. (AB 247) Effective July 3, 2024. Operative November 6, 2024, pursuant to Sec. 30 of Ch. 81.)

EC Section 17073.16 – Modernization Eligibility Determination

- (a) A school district eligible for funding pursuant to this article may receive a supplemental grant for either of the following:
 - (1) Expanding an existing gymnasium, multipurpose room, library, or school kitchen, if the facility is 60 percent or less than the department's recommended size needed to serve the enrollment of the school.
 - (2) Constructing a new gymnasium, multipurpose room, library, or school kitchen if the site is lacking one or more of the specified facilities.
- (b) A site may receive a supplemental grant for only one project described in subdivision (a).
- (c) (1) A school district eligible for a modernization apportionment may also receive a supplemental grant for either of the following:
 - (A) Retrofitting an existing school facility to adequately house transitional kindergarten pupils.
 - (B) Constructing new transitional kindergarten classrooms if the site is lacking sufficient school facilities to house transitional kindergarten pupils.
- (2) A school district that receives a supplemental grant to house transitional kindergarten pupils pursuant to paragraph (1) shall meet the requirements of subparagraphs (A) and (B) of paragraph (5) of subdivision (b) of, paragraphs (2) and (3) of subdivision (f) of, and subdivision (g) of, Section 17375.
- (d) The funding provided under this section shall be in addition to any other funding provided pursuant to this article.
- (e) The board, in consultation with the Superintendent, shall develop regulations implementing this section.

(Added by Stats. 2024, Ch. 81, Sec. 13. (AB 247) Effective July 3, 2024. Operative November 6, 2024, pursuant to Sec. 30 of Ch. 81.)

EC Section 17074.25 – Modernization Apportionment

- (a) (1) A modernization apportionment may be used for an improvement to extend the useful life of, or to enhance the physical environment of, the school. The improvement may only include the cost of design, engineering, testing, inspection, plan checking, construction management, demolition, construction, the replacement of portable classrooms, necessary utility costs, utility connection and other fees, the purchase and installation of air-conditioning equipment and insulation materials and related costs, furniture and equipment, including telecommunication equipment to increase school security, fire safety improvements, playground safety improvements, the identification, assessment, or abatement of hazardous asbestos, seismic safety improvements, and the upgrading of electrical systems or the wiring or cabling of classrooms in order to accommodate educational technology, including schoolsite-based infrastructure necessary to provide access to broadband internet within the schoolsite. A modernization apportionment may be used for the costs of design, materials, demolition, and construction to advance state energy goals pursuant to state law, support outdoor learning environments, or to directly shade and protect pupils from higher average temperatures, which may include incorporating nature and

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natural materials. A modernization grant may not be used for costs associated with acquisition and development of real property or for routine maintenance and repair.

(2) A modernization apportionment may also be used for any of the following:

(A) The cost of designs and materials that promote the efficient use of energy and water, the maximum use of natural lighting and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and other characteristics of high-performance schools.

(B) Seismic mitigation purposes and related design, study, and testing costs.

(C) To remediate any water outlet used for drinking or preparing food with lead levels in excess of 15 parts per billion.

(D) The control, management, or abatement of lead.

(b) This section shall not preclude a school district from using a grant for modernization to support the modernization of a school kitchen, a transitional kindergarten classroom, a facility to support a local educational agency-administered preschool program, including, but not limited to, a California state preschool program set forth in Article 2 (commencing with Section 8207) of Chapter 2 of Part 6, that is operated by a school district and located on a schoolsite operated by the district, or a facility to support school nurses and counselors to increase access to health care and mental health services.

(c) (1) A modernization apportionment may be used to limit pupil exposure to harmful air pollutants by updating air filtration systems.

(2) (A) This subdivision is declaratory of existing law.

(B) It is the intent of the Legislature in enacting Chapter 714 of the Statutes of 2018 (Assembly Bill 2453 of the 2017–18 Regular Session) to encourage school districts to add air filtration systems to applications for modernization apportionments when air pollution occasionally or regularly exceeds levels known to be harmful to public health.

(d) Notwithstanding any other provision of this article, a school district that is apportioned funds pursuant to Section 17073.16 shall use the supplemental grant for expanding an existing, or constructing a new, gymnasium, multipurpose room, library, or school kitchen.

(e) In developing guidelines and regulations for consideration by the board, the department, in consultation with the State Department of Education, shall provide a school district with maximum flexibility in the design and modernization of school facilities.

(Amended by Stats. 2024, Ch. 81, Sec. 15. (AB 247) Effective July 3, 2024. Operative November 6, 2024, pursuant to Sec. 30 of Ch. 81.)

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PROPOSED AMENDMENTS

Section 1859.32. Adjustments to Gross Classroom Inventory.

After the gross classroom inventory has been prepared pursuant to Section 1859.31, it will be reduced by the following. Any classrooms:

...

(n) New school facilities built with funds provided by the EC Section 17375 shall not be included in the eligibility determination used for the purposes of the School Facilities Program pursuant to EC Section 17071.25.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17052, 17071.25, 17071.30, 17375 and 17077.40, Education Code.

Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

The baseline eligibility for new construction determined on the Form SAB 50-03 will be adjusted as follows:

- (a) Reduced by the number of pupils provided grants in a new construction SFP project and by the number of pupils that received a Preliminary Apportionment pursuant to Section 1859.140 or a Preliminary Charter School Apportionment pursuant to Section 1859.162.2.

...

(t) Reduced by the number of pupils housed in additional transitional kindergarten classrooms constructed, pursuant to Education Code Section 17073.16(c) in an SFP modernization project.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17052, 17070.51, 17071.25, 17071.75, 17071.76, 17072.20, 17077.40, 17078.72, 17079.20, 17375, 42268, and 42270, Education Code.

...

Section 1859.77.6 Modernization Additional Grant for Transitional Kindergarten

Article 8. New Construction and Modernization Grant Determinations

(a) In addition to any other funding authorized by these Regulations, the Board shall provide the grant amounts determined in (b) for each eligible transitional kindergarten classroom, up to a maximum of four classrooms, in an application for modernization if the School District demonstrates a need to adequately house transitional kindergarten pupils as described in Education Code Section 17073.16, and the following conditions are met:

(1) The Approved Application was received on or after October 31, 2024.

(2) Construction contracts for the construction or retrofit of transitional kindergarten classrooms were signed on or after July 3, 2024.

(3) Final DSA and CDE plan approvals for the eligible transitional kindergarten classrooms were obtained prior to the received date of the Approved Application.

(4) The School District lacks the facilities to provide transitional kindergarten instruction at the project school site. A project school site will be considered lacking transitional kindergarten facilities if the calculated transitional kindergarten need, exceeds the existing transitional kindergarten classroom capacity, as determined in (5) below.

(5) The maximum calculated transitional kindergarten classroom need shall be determined by one of the following:

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- (A) Calculating the mean of the first grade, second grade, and third grade enrollment at the time of application processing. The mean shall be rounded up to the nearest whole number.
- (B) Calculating the mean of the transitional kindergarten enrollment at the time of application processing plus two prior enrollment years. The mean shall be rounded up to the nearest whole number.
- (C) Classrooms constructed as kindergarten or transitional kindergarten classrooms or altered to house kindergarten or transitional kindergarten students, regardless of current use, will be included when determining the existing kindergarten and transitional kindergarten classroom capacity, as determined by CDE. For purposes of determining classroom capacity, a loading standard of 25 kindergarten pupils per classroom will be used and all transitional kindergarten classrooms will be loaded for full-day instruction unless the School District indicates that an existing classroom(s) will continue to be used for non-full-day instruction at the completion of the project.
- (6) OPSC shall consult with CDE prior to determination of the Approved Application's need for funding based on the school site's enrollment pattern as determined in (a)(5).
- (7) Applicants requesting the additional grant for transitional kindergarten shall include the following documentation:
- (1) A description of the proposed project including, but not limited to, the following information:
- (A) The total number of transitional kindergarten and kindergarten classrooms on the site prior to the Program project.
- (B) The current CBEDS Report, at the time of application processing, including transitional kindergarten students pursuant to EC Section 48000. To determine the appropriate enrollment reporting year, refer to the following:

<u>OPSC 90 Day Notification of Processing</u>	<u>Enrollment Reporting Year</u>
<u>July 1 through October 31</u>	<u>Submit Prior Fiscal Year Enrollment Data</u>
<u>November 1 through June 30</u>	<u>Submit Current Fiscal Year Enrollment Data</u>

- (C) The enrollment at the site for the three years immediately preceding the enrollment reporting year determined in (7)(B) above.
- (D) The total number of transitional kindergarten and kindergarten classrooms on the site after the completion of the Program project.
- (E) Site map that includes labelling of all facilities and their current use, identifies all classrooms constructed or previously retrofitted to house preschool, transitional kindergarten, and kindergarten students, and identifies any facilities that will be retrofitted in the project. If a School District is requesting a 50-year old utilities grant, identify the age of the building(s).
- (F) The funding must construct or retrofit facilities that result in classroom(s) that meets the design requirements required for new kindergarten classrooms as specified in paragraph (2) of subdivision (h) of Section 14030 of Title 5 of the California Code of Regulations.
- (G) For new construction projects, classrooms must be not less than 1,350 square feet, including restrooms, storage, teacher preparation, wet and dry areas.
- (8) For retrofit projects, classrooms shall not be less than 1,350 square feet, including restrooms, storage, teacher preparation, wet and dry areas unless both of the following conditions are met:
- (A) The project qualifies for an exemption through CDE pursuant to Title 5, Section 14030(r) of the California Code of Regulations to retrofit a classroom that will be less than 1,350 square feet.
- (B) The classroom shall not be less than 1,250 square feet.
- (9) The School District shall not use funds to purchase, or install, a Portable Classroom(s).
- (b) The additional grant for the new construction of a transitional kindergarten classroom(s) shall be equal to the sum of (1) through (6) beginning January 2025:
- (1) \$19,016 for each pupil housed multiplied by 25 for each transitional kindergarten classroom in the DSA-approved plans.

ATTACHMENT E

(2) \$23 for each pupil housed multiplied by 25 if the classroom(s) in the DSA-approved plans for the project includes an automatic fire detection and alarm system.

(3) \$318 for each pupil housed multiplied by 25 if the DSA-approved plans for the project includes an automatic sprinkler system.

(4) An amount equal to 35 percent of the amount determined in (1) for costs associated with site development, demolition, landscaping and other costs incurred when adding a transitional kindergarten classroom(s) to a site, utility costs, utility connections and other related fees necessary for the transitional kindergarten project.

(5) An amount equal to 12 percent of the amount determined in (a) for each pupil housed in a multilevel building that will house pupils in all levels of the building if the usable site acreage is less than 75 percent of the site size recommended by CDE, pursuant to Title 5, California Code of Regulations, Section 14010(a), for the master-planned project capacity.

(6) \$11,630 for Small School Districts for the cost necessary for project assistance, as defined in Education Code Section 17072.10(e).

(7) The grant amounts shown in (1), (2), (3) and (4) above shall be adjusted annually based on the change in the Class B Construction Cost Index as approved by the Board each January, pursuant to Education Code Section 17072.10.

(c) The additional grant for the retrofit of a transitional kindergarten classroom(s) shall be equal to the sum of (1) through (6) below beginning January 2025:

(1) \$6,034 for each pupil housed multiplied by 25 for each transitional kindergarten classroom in the DSA-approved plans.

(2) \$196 for each pupil housed multiplied by 25 for each classroom(s) in the DSA-approved plans if the project includes an automatic fire detection and alarm system.

(3) An amount equal to 35 percent of the amount determined in (a) for costs associated with demolition, landscaping, playground safety improvements and other costs incurred when adding a preschool, transitional kindergarten or kindergarten classroom(s) to a site, utility costs, utility connections and other related fees necessary for the project.

(4) An amount equal to 15 percent of the amount determined in (a) for upgrading existing site development (utilities) work as necessary for the retrofit of 50 years or older permanent buildings.

(5) \$5,170 for Small School Districts for the cost necessary for project assistance, as defined in Education Code Section 17074.10(e).

(6) The grant amounts shown in (1) and (2) above shall be adjusted annually based on the change in the Class B Construction Cost Index as approved by the Board each January, pursuant to Education Code Section 17074.10(b).

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17375 and 17073.16, Education Code.

Section 1859.79.2. Use of Modernization Grant Funds.

The Modernization Grant plus any other funds provided by these Regulations shall be expended as set forth in Education Code Sections 17074.25, 17074.10(f) and 17070.15(i) and may also be utilized for other purposes as set forth in Education Code Section 100420(c), and Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014. Modernization funding may also be used for the costs incurred by the district directly or through a contract with a third party provider for the initiation and enforcement of a LCP. Modernization funding, with the exception of savings, is limited to expenditure on the specific site where the modernization grant eligibility was generated. The grant may not be used for the following:

(a) New building area with the exception of the following:

(1) Replacement building area of like kind. Additional classrooms constructed within the replacement area will reduce the new construction baseline eligibility for the district.

ATTACHMENT E

(2) Replacement of existing buildings that are at least 75 years old, pursuant to 1859.78.85, with increased area needed to meet the minimum CDE Title 5 requirements. Additional classrooms constructed within the replacement area will reduce the new construction baseline eligibility for the district.

(2)(3) Building area required by the federal Americans with Disabilities Act (ADA) or by the Division of the State Architect's (DSA) handicapped access requirements.

(4) A new or expanded Minimum Essential Facility receiving funding pursuant to Section 1859.77.5

(5) New construction or retrofit transitional kindergarten classrooms receiving funding pursuant to Section 1859.77.6

(b) New site development items with the exception of:

(1) Replacement, repair or additions to existing site development.

(2) Site development items required by the federal ADA Act or by the DSA's handicapped access requirements.

(3) A new or expanded Minimum Essential Facility receiving funding pursuant to Section 1859.77.5

(4) New construction or retrofit transitional kindergarten classroom(s) receiving funding pursuant to Section 1859.77.6

(c) the evaluation and removal of hazardous or solid waste and/or hazardous substances when the Department of Toxic Substance Control has determined that the site contains dangerous levels of a hazardous substance, hazardous waste, or both that exceed ten percent of the combined adjusted grant and the district matching share for the project.

(d) Leased facilities not owned by another district or a county superintendent.

Modernization Grant funds may be used on any school facilities on the site, with the exception of portable classroom facilities eligible for an additional apportionment pursuant to Education Code Sections 17073.15 and 17074.10(f) and as defined in Section 1859.78.8. If the classroom facilities on the site include areas that are currently ineligible for modernization, it will not disqualify those facilities from future modernization funding.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.15, 17074.25 and 100420(c), Education Code, and Section 1771.3 in effect on January 1, 2012 through June 19, 2014, Labor Code.



LOS ANGELES UNIFIED SCHOOL DISTRICT
Facilities Services Division

April 18, 2025

Rebecca Kirk, Executive Director
Office of Public School Construction
707 3rd Street
West Sacramento, CA 95605

RE: PROPOSITION 2 IMPLEMENTATION STAKEHOLDER MEETING #7

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 provided below correspond to the topics raised and materials provided for the April 3, 2025, Implementation Stakeholder Meeting #7.

75-Year-old Building Supplemental Grant

Stakeholder Feedback #2 – OPSC's response addressed how proposed regulations affect the funding of ancillary spaces but comes short of answering the question posed by the stakeholder, which was how the increased area required by Title 5 for TK/K classrooms is to be funded. The example that OPSC references from the January 30, 2025 Stakeholder Meeting does not account for Title 5-required increases in square footage. Rather it states that classroom construction square footage should be removed from the calculation of like-kind square footage, meaning districts would not receive funding for the required increases. Los Angeles Unified requests further clarification on how funding for Title 5-required increases in classroom square footage will be calculated.

Stakeholder Feedback #3 – In its feedback letter to Stakeholder Meeting #5 dated March 27th, 2025, Los Angeles Unified requested OPSC provide guidance on what aging start date should be used to establish a building's age in cases where a building pre-dates DSA and the DSA approval date does not exist. In the same letter, Los Angeles Unified also recommended OPSC consider the DSA approval of a portable building's first campus placement, rather than the current campus placement, as the start of a building's aging. The response provided by OPSC warrants additional guidance for the situations posed by Los Angeles Unified in its previous feedback letter. Guidance on these situations will also affect the regulations changes proposed for 2 CCR Section 1859.78.65.

ATTACHMENT E

Stakeholder Feedback #8 – OPSC’s response did not clarify whether it was agreeable to the stakeholder suggestion to use Sierra West Construction Remodeling Cost Level F3 for the required 75 years or older funding cost benefit analysis. Additionally, Los Angeles Unified would like to clarify that the Sierra West book does not state that Level F3 is specifically designed for Facility Hardship projects, rather it states Level F3 is for situations that “are a less than common type of construction, involve very small quantities, are in a remote location or have difficult access.” Los Angeles Unified continues to recommend that the F3 level be used for the cost-benefit analysis, as Level F1 would not adequately account for the challenges associated with buildings over 75 years old. These challenges include the presence of asbestos, lead, and other unknown conditions commonly found in older facilities, all of which can significantly impact scope and cost.

Stakeholder Feedback #9 – Los Angeles Unified recommends SP1As, in addition to “as-use plans,” be allowed in cases where original DSA plans are unavailable.

Stakeholder Feedback #10 – OPSC’s response stated that it has taken the feedback regarding viewing buildings per their current use rather than the snapshot use but did not provide the outcome of their consideration. Los Angeles Unified requests clarification on what OPSC concluded regarding this situation, and by what reasoning.

OPSC stated in the Pupil Grant Funding Model section (pp. 22-23) that the base grant would be calculated from the new construction per pupil grant whereas the 75 years or older supplemental grant will be processed under the modernization program. The materials do not clarify how the modernization baseline eligibility will be adjusted, whether the pupil grants will be adjusted or whether a building will receive a new aging date. Los Angeles Unified requests clarification on how eligibility will be adjusted.

OPSC’s proposed revision to 2 CCR Section 1859.78.7 (pp. 32-33) indicates that site-development funding will be either (a) the lesser of 60% of the costs needed to upgrade utility service or (b) 20% of the funding authorized by SFP regulation 1859.78.6. The funding authorized by regulation 1859.78.6 is based on 50-year pupil grants. Los Angeles Unified requests clarification on OPSC’s rationale for basing the 75-year-old site-development utilities grant on 50-year rather than 75-year pupil grants when a 75-year building is being replaced.

Proposed Form SAB 50-04 Updates (p.37) – “General Information” language reads as follows: “This apportionment is available for projects that only demolished existing 75 years old facilities and construct in eligible like kind replacement.” Los Angeles Unified believes this may be a drafting error and requests clarification or a correction to the proposed change.

Proposed Form SAB 50-04 Updates (p.38) – Los Angeles Unified requests clarification on Section 2.d where the first and second bullet points state “the total number of eligible classrooms or the total eligible non-classroom square footage.” The District would like clarification on whether these bullet points should read “the total number of eligible classrooms and/or the total eligible non-classroom square footage.”

Supplemental Grants for Minimum Essential Facilities (MEF)

Los Angeles Unified understands that OPSC intends to use the most current enrollment at the time an application is processed to determine funding under the Modernization Eligibility Fund (MEF). We also understand that OPSC advises that projects constructed in advance of receiving state funding approval are undertaken at the district's own risk. Given the extended processing times for applications and the potential impact on funding calculations, Los Angeles Unified suggests establishing a priority processing option for projects where current enrollment is a critical factor in the funding calculation. Implementing such an option would help mitigate the effects of delayed processing timelines, which are outside the control of applicant districts.

Los Angeles Unified thanks OPSC for the example calculations which help illustrate how the supplemental grant would be calculated. Regarding the example funding methods on pages 57-65, OPSC calculates Permanent "Other" square footage at \$312 per square foot and Permanent "Toilet" square footage at \$559 per square foot. These dollar amounts are also cited in the proposed 2 CCR Section 1859.77.5 language. However, these dollar amounts do not appear in the current School Facility Program Grant Amount tables. Clarification is requested as to whether new grant amounts for MEF will be added to the existing SFP Grant Amount Tables.

Regarding the Proposed Funding Methods (pp. 60–63), Los Angeles Unified notes that under Option 1, funding for toilet space is limited to the amount needed to serve current CBEDS enrollment. Based on typical site conditions, this limitation would likely result in reduced or no grant funding for additional toilet space. Under Option 2, the grant amount is applied uniformly across all square footage without differentiating between classroom, toilet, or other types of space. However, it is not clear whether toilet space will still be limited to the amount needed to serve current CBEDS enrollment. Clarification is requested regarding how toilet space need will be evaluated under Option 2.

In addition, Los Angeles Unified suggests allowing school districts the flexibility to choose between Option 1 and Option 2 based on what best meets the needs of each project. Providing this flexibility would better accommodate varying site conditions and ensure equitable access to available grant funding.

Proposed 2 CCR Section 1859.77.5 provides that if a School District submits documentation demonstrating that additional toilet space must be constructed to obtain plan approval from DSA, the eligible toilet square footage may be increased by the amount necessary to meet that requirement. We respectfully request clarification regarding the specific documentation that will be accepted to substantiate this need, as well as confirmation from DSA on the associated documentation and approval procedure.

Stakeholder Feedback #5 – Reference to 2 CCR Section 1859.50 does not seem directly connected to a requirement for certifying that the state has satisfied its obligation, as that section does not appear to address such an obligation. While we acknowledge the state's position that a site's modernization eligibility will be adjusted to account for the replacement of the classroom, we are unclear how the age of the replaced facility will be reset, particularly in cases where modifications are limited to only two spaces and constitute a reconfiguration rather than a modernization of the building and its systems. We respectfully request further clarification on these topics.

ATTACHMENT E

Transitional Kindergarten Supplemental Grant

Los Angeles Unified appreciates the work that went into developing and presenting the three options outlined in the February 13, 2025, stakeholder materials. To support a clear and shared understanding of the option evaluation process, we respectfully request a summary of the stakeholder feedback received for each option, along with example calculations for all three scenarios. Providing this additional information will help ensure that all stakeholders are able to fully understand and engage in the decision-making process.

Regarding the Pupil Grant Funding Model (pp. 82–84), clarification is requested as to whether the TK supplemental grant will be capped based on the number of modernization pupil grants requested, or if the full TK supplemental grant will be awarded regardless.

If you have any questions regarding these comments, please contact Amy Meenan at amy.meenan@lausd.net, (213) 973-2412, or Sasha Horwitz, Legislative Advocate at sasha.horwitz@lausd.net, (916) 443-4405.

Sincerely,

Amy

 Digitally signed by Amy
Meenan
Date: 2025.04.18 14:34:22
-07'00'

Amy Meenan, Deputy Director
Facilities Legislation, Grants & Funding
Los Angeles Unified School District

ATTACHMENT E



April 21, 2025

Communications Team
Office of Public School Construction (OPSC)
707 Third St, 4th Floor
West Sacramento, CA 95605

RE: FEEDBACK ON TOPICS PRESENTED DURING APRIL 3, 2025 STAKEHOLDER MEETING FOR IMPLEMENTATION OF PROPOSITION 2 FOR THE SCHOOL FACILITY PROGRAM

To Whom it May Concern:

Hancock Park & DeLong, Inc. appreciates the opportunity to continue providing feedback regarding the topics presented during the seventh Proposition 2 Stakeholder meeting held on April 3, 2025. Below is a summary of our comments and concerns:

- **Proposed Regulations to Implement a Modernization Grant for 75 Years or Older Buildings**
 - SFP Reg. Section 1859.61. (m) – we propose that the language be “*Adjusted as a result of the 75 years or older buildings receiving replacement funding, pursuant to Education Code Section 17074.265.*”
 - Will the “m” adjustment also cause the building age to be reset to the date of the Apportionment for the corresponding project, similar to adjustment (l)(1)? If so, can this be noted as well?
 - Section 1859.78.65. – please clarify the intended calculation of 75-year eligibility as currently outlined in (a)(1). The proposed regulatory language currently references new construction capacity for a district, High School Attendance Area (HSAA), or Super HSAA and references the adjustments to districtwide or HSAA classroom inventory based upon SFP Regulation Section 1859.32, and Substantial Enrollment Requirement adjustments, neither of which are currently contemplated in modernization eligibility calculations.
 - Please clarify the restrictions on reimbursement in section (b)(5) using only “local funds.”
 - Section 1859.78.7 – is the site development for 75-year-old buildings also intended to be limited to the lessor of (a) or (b)? 1859.78.7.(b) equates to 20% of the 50-Year grant funding outlined in Regulation Section 1859.78.6., which does not contemplate replacement of facilities, only upgrades to 50-year facilities. This limitation seems overly restrictive if a district needs to update or completely replace the existing 75-year utilities infrastructure associated with a new building.

ATTACHMENT E

- Similarly, is the site development for water, sewer and gas connections for the replaced building required to be limited to “five feet of the 50 years or older building, or 75 years or older building”? The 50-year site development grant was intended to upgrade an existing building, and did not contemplate the ability to replace an existing building and possibly relocating it elsewhere on the school site. It may be more appropriate to build the replacement building elsewhere on the existing school site, and the associated site development should be allowed to tie into existing utilities infrastructure similar to a new construction addition project.
 - Section 1859.79.2(a)(2) is being revised to incorporate provisions for increased square footage within a modernization project to replace 75-year-old facilities, to account for Title 5 requirements for specific minimum dimensions for classrooms, ancillary spaces, etc. We believe that this use of modernization grants should be allowed for *any* modernization project replacing undersized classrooms with Title 5-compliant classrooms, not only if the classrooms being replaced are over 75-years old.
 - Form SAB 50-04: Under General Information (7.), please clarify whether the application can be for future or proposed demolition of existing 75 year old buildings that are being replaced.
 - Please also clarify that the replacement does not need to be “like kind” (i.e., a portable building can be replaced with a permanent building).
 - Please confirm that the anticipated cost estimate for the modernization/rehabilitation of the 75-year-old building can be embedded in the required cost-benefit analysis, and does not need to be a separate document.
 - For the hybrid projects, please clarify what is meant by “locally funded work”. Does this include the anticipated district contribution?
 - Under Specific Instructions under sections 2. (c) and (d); it appears that pupil grants in each section and/or in total should not exceed the pupil grants being requested in section 2. (a). Please also clarify whether proposed section 2 (d.) is intended to be limited by available 50-year eligibility or whether it is intended to be limited by the associated calculation of 75-year pupil grants.
- **Proposed Regulatory Amendments for Minimum Essential Facilities Modernization Supplemental Grant**
 - Regarding 1859.79.2(a)(3), “A Minimum Essential Facility receiving funding pursuant to Section 1859.77.5. Only the funding provided by Section 1859.77.5 may be used on the Minimum Essential Facility.” By amending this regulation section, will the additional square footage costs need to be broken out and compared to the actual, exact cost of the newly built MEF? We note that it will be cumbersome and difficult to break out costs of just the new MEF square footage if included as part of a larger project in the same set of plans.
 - OPSC notes that this is not a stand-alone grant, there must be additional modernization work beyond the construction of a new MEF or expansion of an existing MEF, and that modernization work must have sufficient cost to justify a minimum grant request pursuant to SFP Regulation

ATTACHMENT E

Section 1859.79.3. Will there be a separate 60% commensurate requirement for each component of the application, as if it were a 'hybrid' project with multiple funding sources?

- We encourage OPSC to reconsider allowing the option of looking at enrollment at the time of submittal verses at the time of processing, in order to determine if an existing MEF is adequately sized. Additionally, please clarify whether it will be an option to use a 3-year average instead of current enrollment at the time of processing- the OPSC response to stakeholder feedback #8 was that current enrollment must be used, yet proposed reg section 1859.77.5(1)(A) states, "For the purposes of this Section, to determine if an existing Minimum Essential Facility is inadequate, the existing square footage is 60 percent or less than the square footage necessary for the current CBEDS at the site as calculated pursuant to Section 1859.82.1(b)(4)(B)2." This referenced section allows the option of current enrollment and a 3-year average:

1. The enrollment at the project site, is determined by the higher of a. or b. below, or c.:
 - a. The CBEDS Report of the current enrollment reporting year at the existing project site.
 - b. The average CBEDS Report of the current enrollment reporting year and two immediately preceding enrollment reporting years at the existing project site.
 - c. If the site is closed, use the CBEDS Report of the last enrollment reporting year in which the site was open.

2. Using the enrollment determined in 1. any permanent replacement Square Footage provided will be calculated in accordance to a., b., c., below and the chart below.

- Regarding the process to determine the fundable toilet square footage by looking at the total site-wide toilet square footage, we suggest that only student restroom area be included in the calculations (for both the MEF supplemental grant as well as the facility hardship grant calculations). The need for *student plus staff* toilet area does not correlate to the calculated, allowed area needed for *just students*, and it just doesn't make logical sense.
- We appreciate the option of the two funding methods presented and concur with OPSC's staff recommendation of Option #1.

- **Proposed Regulatory Amendments for School Facility Program Supplemental Grant for Transitional Kindergarten (TK) Classrooms**

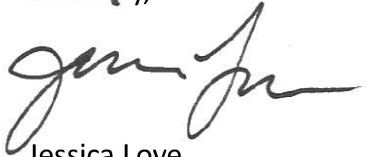
- We note that grant amounts for the supplemental grant for new TK classrooms are not nearly adequate to help a district to construct a modular or stick-built classroom, as has been shown in multiple applications under the Full-Day Kindergarten (FDK) program which were rescinded or needed to reduce the scope of the project due to costs. We however, also recognize that the requirement to construct a *non-portable* classroom with this grant is statutory and not able to be changed by OPSC or the SAB.
- We agree with the funding model that OPSC is supporting, following the same model as the FDK funding model.

ATTACHMENT E

- Please clarify the proposed adjustment under Section 1859.51, (t). Transitional kindergarten pupils are not currently recognized in existing School Facility Program regulations, nor are they currently recognized under New Construction Eligibility calculations.

Please let us know if you have any questions or would like additional information regarding these topics. We look forward to continuing conversations as these topics progress with development.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jessica Love', with a stylized flourish at the end.

Jessica Love

Hancock Park & DeLong, Inc.

ATTACHMENT E

OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING May 8, 2025

IMPLEMENTATION OF PROPOSITION 2 FOR THE SCHOOL FACILITY PROGRAM, SECOND ROUND MODERNIZATION, AND GLOBAL SCHOOL FACILITY PROGRAM REGULATORY AMENDMENTS

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 topics of Second Round Modernization and Global School Facility Program (SFP) Regulation Updates, including their respective proposed SFP regulatory amendments and stakeholder feedback.

Proposition 2 Implementation

- 75-Year Old Modernization Supplemental Grant (Attachment A5) – previously presented at the January 30 and April 3, 2025 stakeholder meetings.
- Career Technical Education Supplemental Grant (Attachment A12) – previously presented at the March 13, 2025 stakeholder meeting.

Non-Proposition 2 Topics

- Global SFP Regulation Updates (Attachment B1) – previously presented at the March 13, 2025 stakeholder meeting.
- Second Round Modernization (Attachment C1) – previously presented at the February 20, 2025 stakeholder meeting.

BACKGROUND

Proposition 2, Second Round Modernization, and Global SFP Regulation Updates
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. Additionally, the Office of Public School Construction (OPSC) seeks continued input on proposed regulatory amendments unrelated to Proposition 2 implementation.

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 A5a, A12a, Attachment B1a, and Attachment C1a.

ATTACHMENT E

SUMMARY AND NEXT STEPS

For the 75-Year Old Modernization Supplemental Grant and Career Technical Education Supplemental Grant, stakeholder feedback received from the last meeting for each topic may be found on Attachment D.

For Global SFP Regulation Updates and Second Round Modernization, stakeholder feedback received from the last meeting on each topic may be found on Attachment E.

Staff will review any feedback on these four topics obtained in today's meeting and anything received through close of business on Friday, May 23, 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.

ATTACHMENT E

OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING May 8, 2025

PROPOSED REGULATIONS TO IMPLEMENT A MODERNIZATION GRANT FOR 75 YEARS OR OLDER BUILDINGS

PURPOSE

To continue discussion regarding proposed School Facility Program (SFP) Regulation changes resulting from California's voter-approved Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety, and Safety Bond Act of 2024 (Proposition 2).

AUTHORITY

See Attachment A5a.

BACKGROUND

The Office of Public School Construction (OPSC) held a public meeting on April 3, 2025, to discuss proposed criteria for determining the eligibility and funding for a modernization grant for buildings at least 75 years old, and to receive stakeholder input.

The full text of the previous stakeholder meeting item may be found here: [April 3, 2025 OPSC Proposition 2 Stakeholder Meeting #2- Item](#)

The recording of the April 3, 2025 Stakeholder Meeting is available at the link below. It includes feedback that OPSC was able to respond to at the time of the meeting that did not impact the proposed regulations: [April 3, 2025 OPSC Proposition 2 Stakeholder Meeting #2 - Recording](#)

STAFF ANALYSIS/DISCUSSION

OPSC would like to thank the stakeholders who were able to view, attend, or participate in this meeting and those who provided feedback at either the meeting or through written correspondence to OPSC. This meeting presented proposed changes which included both additions and amendments to the SFP Regulations regarding the 75-years-or-older supplemental grant. This follow up meeting is being presented as there are important changes to the proposed regulations from what was previously presented. Attachment A5b addresses the new proposed regulations that have been discussed since the April 3, 2025 meeting and OPSC seeks stakeholder feedback regarding the changes.

In addition, staff has consolidated all questions asked after the previous stakeholder meeting on this topic and provides the following responses to them.

ATTACHMENT E

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
1. The District requests further clarification on how funding for Title 5-required increases in classroom square footage will be calculated after it is separated from the calculation of like-kind square footage.	1. OPSC will allow for an increase in square footage for the reconstruction of 75-years-or-older buildings to comply with Title 5 requirements, with the additional square footage qualifying as an eligible expenditure. Additional funding is not being provided for any extra square footage beyond this requirement.
2. The District recommends that the Division of the State Architect (DSA) approval date of a portable building's first campus placement be considered the start of a building's aging, rather than the current campus placement date.	2. OPSC has clarified that the effective start date for determining the age of a portable will be 12 months after the plans for the construction or first placement of the building on a school site were approved by DSA. If a portable building is moved from one site to another, the District would need to submit evidence to indicate the date that the portable was initially placed on the first site.
3. The District continues to recommend that the F3 level be used for the cost benefit analysis, as Level F1 would not adequately account for the challenges associated with buildings over 75 years old. These challenges include the presence of asbestos, lead, and other unknown conditions commonly found in older facilities, all of which can significantly impact scope and cost.	3. OPSC maintains the position of providing the F1 level for 75-years-or-older projects. The F3 level is specifically designed for Facility Hardship projects addressing imminent health and safety threats to students and/or staff where repair work is more difficult to perform, and productivity levels are diminished.
4. The District recommends SP1As, in addition to "as-use plans," be allowed in cases where original DSA plans are unavailable.	4. OPSC acknowledges that, in some cases, original DSA plans may be unavailable and therefore SP1A diagrams along with "as-use plans" will be acceptable documentation for the building age start date. Other acceptable documentation may be determined to be appropriate on a case-by-case basis.

ATTACHMENT E

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
5. The District requests clarification on OPSC's conclusion regarding viewing buildings per their current use, rather than what is on the snapshot, and by what reasoning.	5. OPSC has taken into consideration the similar approach that is used in the Seismic Mitigation Program, which views the building per its current usage, rather than what was captured in the snapshot. Because the 75-years-or-older building will be demolished and replaced in like-kind (with any additional square footage due to Title 5), OPSC acknowledges that it must be assessed based on its current usage rather than its appearance in the snapshot, ensuring accurate funding for the replacement of either the existing classroom count or square footage.
6. It is the District's understanding that the base grant would be calculated from the new construction per pupil grant whereas the 75-years-or-older supplemental grant will be processed under the modernization program. The District would like to know how the modernization baseline eligibility will be adjusted, whether the pupil grants will be adjusted or whether a building will receive a new aging date.	6. As stated in the previous item, the funding for 75-years-or-older buildings will be similar to the funding provided for 50-years-or-older buildings in that the total grants requested to replace the 75-years-or-older building cannot exceed the cumulative grant request in Section 2.a of the Specific Instructions for the <i>Application for Funding</i> (Form SAB 50-04). However, although the 50-years-or-older eligibility is provided on a separate bank, the 75-years-or-older eligibility will be derived from the site's total eligibility and will not be separated. Rather, the pupil grants requested will be determined as they are in the new construction program, by the number of grade-level classrooms and/or the square footage being replaced. Section 2.d. of the Form SAB 50-04 will be used to verify, and to distinguish the number of classrooms and/or square footage of the 75-years-or-older portion of the project from the rest of the project scope for funding purposes. Because the grant is provided as a supplemental grant like the 50-years-or-older grant, there will be no separate adjustments or redating of the facilities and the new building will still be eligible

ATTACHMENT E

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
6.	6. (cont.) for an additional apportionment every 20/25 years from the apportionment per Education Code (EC)Section 17073.15.
7. OPSC’s proposed revision to 2 CCR Section 1859.78.7 (pp. 32-33 of the April 3, 2025 stakeholder item) indicates that site development funding will be either (a) the lesser of 60 percent of the costs needed to upgrade utility service or (b) 20 percent of the funding authorized by SFP Regulation Section 1859.78.6. The funding authorized by Regulation Section 1859.78.6 is based on 50-year pupil grants. The District requests clarification on OPSC’s rationale for basing the 75-year-old site-development utilities grant on 50-year rather than 75-year pupil grants when a 75-year building is being replaced.	7. OPSC’s proposal would only allow the site development funding for utilities for 75-years-or-older buildings if the district did not already receive site development funding at the building’s 50-year mark. The intent of permitting 50-year utility work on buildings that are 75 years or older is to ensure it is provided at the 75-year mark, but only if the work was not completed at the 50-year mark.
8. Proposed Form SAB 50-04 Updates (p.37 of the April 3, 2025 stakeholder item) – “General Information” language reads as follows: “This apportionment is available for projects that only demolished existing 75 years old facilities and construct <u>in eligible</u> like kind replacement.” The District believes this may be a drafting error and requests clarification or a correction to the proposed change.	8. OPSC proposed modifications to this statement for clarification. OPSC has specified “eligible” to distinguish like-kind replacement project scopes that include an increase in square footage exceeding Title 5 requirements and projects with a scope that includes an increase in square footage that is not due to Title 5 requirements, which are ineligible. Eligible like-kind replacement of square footage may be included as an eligible expenditure and any ineligible like-kind replacement of square footage will need to be locally funded by the district.
9. The District requests clarification on Section 2.d of the Specific Instructions for the Form SAB 50-04, in which the first and second bullet points state, “the total number of eligible classrooms or the total eligible non-classroom square footage.” The District would like clarification on	9. OPSC agrees with the District’s assessment and has adjusted this section to read “and/or” to recognize buildings that have both classroom space and non-classroom space.

ATTACHMENT E

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
9. (cont.) whether these bullet points should read “the total number of eligible classrooms and/or the total eligible non-classroom square footage.”	9.
10. SFP Reg. Section 1859.61 (m) – We propose that the language be modified to read, “<i>Adjusted as a result of the 75 years or older buildings receiving replacement funding, pursuant to Education Code Section 17074.265.</i>” Will the “m” adjustment also cause the building age to be reset to the date of the Apportionment for the corresponding project, similar to adjustment (i)(1)? If so, can this be noted as well?	10. This proposed regulatory addition has been removed. Because the 75-years-or-older funding is now proposed to be provided as a supplemental grant, there will be no adjustment to the modernization baseline eligibility. Rather, the established snapshot would remain untouched, and grants requested for the 75-years-or-older supplemental grant will be a subset of the site’s total eligibility; therefore, there would be no duplication of the grant request.
11. Section 1859.78.65 – Please clarify the intended calculation of 75-year eligibility as currently outlined in (a)(1). The proposed regulatory language currently references new construction capacity for a district, High School Attendance Area (HSAA), or super HSAA and references the adjustments to districtwide or HSAA classroom inventory based upon SFP Regulation Section 1859.32, and Substantial Enrollment Requirement adjustments, neither of which are currently contemplated in modernization eligibility calculations. Please also clarify the restrictions on reimbursement in section (b)(5) using only “local funds.”	11. Per EC Section 17074.265(b), the funding for the 75-years-or-older supplemental grant will be provided in an amount equal to the grant provided under Education Code 17072.10 multiplied by the capacity of the building/s pursuant to EC Section 17071.25. Therefore, the new construction per pupil grant will be multiplied by the capacity determined by the modernization calculation of the building, and not the capacity as determined by the new construction calculations. OPSC has revised the proposed regulation that previously referenced restrictions on reimbursement for projects that used “local funds” (please see proposed Section 1859.78.65(b)(5)).
12. Section 1859.78.7 – Is the site development for 75-years-old buildings also intended to be limited to the lesser of (a) or (b)? 1859.78.7 (b) equates to 20 percent of the 50-year grant funding outlined in Regulation Section 1859.78.6.,	12. Staff has taken stakeholder feedback into consideration and added to the new proposed regulatory Section 1859.78.7.1, which would allow site development utilities for 75-years-or-older buildings. This Section will allow for the costs

ATTACHMENT E

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
12. (cont.) which does not contemplate replacement of facilities, only upgrades to 50-year facilities. This limitation seems overly restrictive if a district needs to update or completely replace the existing 75-year utilities infrastructure associated with the new building.	12. (cont.) associated with the demolition of the 75-years-or-older building. The utilities request is proposed to be calculated at 35 percent of the new construction grant multiplied by the original capacity of the qualifying 75-years-or-older building.
13. Is the site development for water sewer and gas connections for the replaced building required to be limited to “five feet of the 50-years-or-older building, or the 75-years-or-older building?” The 50-year site development grant was intended to upgrade an existing building and did not contemplate the ability to replace an existing building and possibly relocate it elsewhere on the school site. It may be more appropriate to build the replacement building elsewhere on the existing school site, and the associated site development should be allowed to tie into existing utilities infrastructure similar to a new construction addition project.	13. For projects that are demolishing the building and constructing at a new location on the site, any site development costs associated with the move would need to be locally funded by the district and cannot be included in the 75-years-or-older utilities request.
14. Section 1859.79.2(a)(2) is being revised to incorporate provisions for increased square footage within a modernization project to replace 75-year-old facilities, to account for Title 5 requirements for specific minimum dimensions for classrooms, ancillary spaces, etc. We believe that this use of modernization grants should be allowed for <i>any</i> modernization project replacing undersized classrooms with Title 5-compliant classrooms, not only if the classrooms being replaced are over 75-years old.	14. Staff has taken stakeholder feedback into consideration and has proposed regulation amendments to address additional square footage requirements due to Title 5 requirements as part of the stakeholder item for Proposed Regulatory Amendments for General Updates to SFP Regulations.

ATTACHMENT E

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
15. Form SAB 50-04: Under General Information (7.), please clarify whether the application can be for future or proposed demolition of existing 75-year-old buildings that are being replaced.	15. Staff has taken stakeholder feedback into consideration and made adjustments to the proposed Form SAB 50-04 amendments to include “proposed.”
16. Form SAB 50-04: Under General Information (7.), Please clarify that the replacement does not need to be "like kind" (i.e., a portable building can be replaced with a permanent building).	16. Staff has taken stakeholder feedback into consideration and made adjustments to the proposed Form SAB 50-04 to indicate like-kind “square footage” to ensure that any 75-years-or-older building will be eligible.
17. Form SAB 50-04: Under General Information (7.), Please confirm that the anticipated cost estimate for the modernization/rehabilitation of the 75-year-old building can be embedded in the required cost-benefit analysis and does not need to be a separate document.	17. Staff has taken stakeholder feedback into consideration and has proposed a new form, the <i>75 Years or Older Building Cost Estimate and Cost/Benefit Analysis</i> (Form SAB 57-75).
18. Form SAB 50-04: Under General Information (7.), - For the hybrid projects, please clarify what is meant by "locally funded work." Does this include the anticipated district contribution?	18. Staff clarified that the demolition and replacement had to be in a project not previously funded through SFP.
19. Form SAB 50-04: Under Specific Instructions under Sections 2. (c) and (d), it appears that pupil grants in each section and/or in total should not exceed the pupil grants being requested in Section 2. (a).	19. Staff has taken stakeholder feedback into consideration and made adjustments to the proposed Form SAB 50-04.
20. Form SAB 50-04: Please also clarify whether proposed section 2 (d.) is intended to be limited by available 50-year eligibility or whether it is intended to be limited by the associated calculation of 75-year pupil grants.	20. Staff has taken stakeholder feedback into consideration and made adjustments to the proposed Form SAB 50-04 to classify this supplemental grant as a subset of the site’s total eligibility.

STAFF ANALYSIS/DISCUSSION (cont.)

Proposed New Regulations and Regulatory Amendments

The new and updated proposed regulatory amendments as a result of discussions and stakeholder feedback after the April 3, 2025 meeting are on Attachment A5b.

After reviewing the feedback, staff determined that more detailed regulations are necessary to ensure that future applicants have clear guidance on how to qualify for these grants. In particular, staff expanded the list of qualifying criteria, added requirements for the cost-benefit analysis, and listed the allowable site development costs that may be requested.

A new proposed regulation section for the 75-years-or-older grants, titled SFP Regulation Section 1859.78.7.1: Modernization Grant for 75 Years or Older Buildings, is included as Attachment A5b. The proposed regulations establish eligibility criteria to replace buildings that are at least 75 years old. The proposed regulations also include a new Form SAB 57-75, which will serve as the cost estimate form for preparing the cost-benefit analysis required by the statute. In addition, the option to submit a cost estimate for allowable on-site and utilities site development costs is added that caps these funding at 35 percent of the total 75-year old funding amount. The proposed Form SAB 57-75 may be found on Attachment A5d.

Staff proposes the following changes to the new regulation section for the 75-years-or-older grants:

SFP Regulation Section 1859.2 includes a new definition for the proposed Form SAB 57-75, which will be incorporated by reference.

SFP Regulation Section 1859.78.7.1 Modernization Grant for 75 Years or Older Buildings. This regulation section has been adjusted to consider the increased funding pursuant to EC Section 17074.265(b) that is provided for the replacement of 75-years-or-older facilities. The following Sections have also been modified:

- Section (a)(1-4) defines the eligibility criteria for buildings
- Section (a)(5) defines the requirements for developing a cost-benefit analysis to determine if the cost to modernize the building exceeds the 50 percent threshold stated in EC Section 17074.265.
- Section (b) provides the calculation method to determine the corresponding pupil grant amount for the replacement of qualifying classrooms.
- Section (c) provides the calculation method to determine the corresponding grant amount for the replacement of qualifying non-classroom square footage.

ATTACHMENT E

STAFF ANALYSIS/DISCUSSION (cont.)

- Section (d) provides the option to request allowable site development costs or 35 percent of the replacement grant determined in (b) or (c).
- Section (e) specifies that portable buildings replaced under these provisions shall be replaced with permanent square footage.
- Section (f) provides the timeline requirement for demolition of the qualifying building(s).

Staff updated the following proposed amendments to the SFP Regulations and the Form SAB 50-04 that are impacted by the new statute:

Staff has removed the new adjustment type (m) from SFP Regulation Section 1859.61 to align the process of 75-years-or-older funding with 50-years-or-older funding. Because the pupil grants for 75-years-or-older supplemental funding are already being claimed in Section 2.a. of the Form SAB 50-04, there will be no adjustment to the modernization baseline to avoid duplication of the grant request.

- The General Information Section of the Form SAB 50-04 under #7 has been modified to include the following changes:
 - The first bullet point pertaining to 75-years-or-older buildings will allow for “proposed” projects and not only reimbursement projects for the demolished and constructed 75-years-or-older buildings.
 - The second and third bullet points pertaining to 75-years-or-older buildings have been replaced to require submittal of the proposed new form, the *75 Years or Older Building Cost Estimate and Cost/Benefit Analysis* (Form SAB 57-75).
- The Specific Instructions on the proposed Form SAB 50-04 for Section 2.d. have been modified to include the following:
 - Staff has adjusted the language to indicate “and/or” in bullet points one and two to account for buildings that include both classroom and non-classroom square footage.
 - The third bullet point now clarifies that the 75-years-or-older pupil grant request will be a subset of the cumulative number of pupil grants requested in Section 2.a. and may not exceed that request.

ATTACHMENT E

STAFF ANALYSIS/DISCUSSION (cont.)

- The Specific Instructions on the proposed Form SAB 50-04 for Section 6.d. have been modified to specify that up to 35 percent of allowable eligible costs will be provided for site development costs necessary for the replacement of a 75-years-or-older building.

Proposed amendments to the Form SAB 50-04 are reflected on Attachment A5c.

ATTACHMENT E

AUTHORITY

Education Code (EC) Section 17071.25. Existing School Building Capacity

(a) The existing school building capacity in the applicant school district or, where appropriate, in the attendance area, at the time of initial application shall be calculated pursuant to the following formula:

(1) Identify by grade level all permanent teaching stations existing in the school district or, where appropriate, the attendance area. For the purposes of this section, "teaching station" means any space that was constructed or reconstructed to serve as an area in which to provide pupil instruction, but shall not include portable buildings, except as provided in Section 17071.30.

(2) (A) The assumed capacity of each calculated teaching station pursuant to paragraph (1) shall be 25 pupils for each teaching station used for kindergarten or for grades 1 to 6, inclusive, and 27 pupils for each teaching station used for grades 7 to 12, inclusive.

(B) On or after January 1, 2000, the board may adopt or amend regulations adjusting the assumed capacity set forth in this subparagraph as appropriate for each teaching station used for nonsevere or severe special day class purposes after considering the recommendations of the Legislative Analyst pursuant to Section 17072.15. These special day class capacity adjustments and any adjustment of existing school capacity related to changes in the assumed capacity of special day class teaching stations shall be approved by the Director of Finance prior to implementation.

(C) On or after January 1, 2001, the board may adopt regulations establishing assumed capacity standards after consideration of the recommendations developed by the Director of General Services for continuation high school, community day school, county community school, and county community day school, teaching stations pursuant to Section 17072.17. Teaching station assumed capacity adjustments pursuant to these regulations and any other adjustments of existing school capacity related to changes in the assumed capacity of continuation high school, community day school, county community school, and county community day school, teaching stations shall be approved by the Director of Finance prior to implementation.

(3) Multiply the assumed capacity of each teaching station as specified in paragraph (2) by the number of teaching stations calculated under paragraph (1).

(4) The result of this computation shall be the number of pupils housed by grade level in the existing school building capacity of the applicant school district.

(b) The existing school building capacity of the applicant school district calculated under this section shall not include, in any school operated on a year-round schedule, any teaching station that has been in continuous use

ATTACHMENT E

AUTHORITY (cont.)

during the preceding five-year period primarily for the operation of a preschool program or programs.

EC Section 17074.265. Modernization Apportionment

(a) Notwithstanding Article 6 (commencing with Section 17073.10), a school district shall be eligible to receive a modernization apportionment to demolish and construct a building or buildings on an existing schoolsite if both of the following conditions are met:

(1) The building or buildings to be replaced are at least 75 years old.

(2) The school district provides a cost-benefit analysis that indicates the total cost to modernize the building or buildings is at least 50 percent of the current replacement cost, as defined by the board, of the building or buildings. The cost-benefit analysis may include applicable site development costs.

(b) A project that meets the requirements of subdivision (a) shall be eligible for a grant equal to the grant provided under Section 17072.10 multiplied by the capacity of the building or buildings calculated pursuant to Section 17071.25.

(c) The board may adopt regulations to implement this section.

ATTACHMENT E

PROPOSED REGULATIONS

1859.2 Definitions

....

'Form SAB 57-75' means the 75 Year Old Building Cost/Benefit Analysis, Form SAB 57-75, (Revised xx/25), which is incorporated by reference.

....

Section 1859.78.7.1 Modernization Additional Grant for 75 Years or Older Buildings

In lieu of the funding provided by subdivision (a) of Education Code Section 17074.10 and Section 1859.78.3, the Board shall provide funding to Approved Applications received on or after October 31, 2024 for projects that include the demolition and replacement of 75 years or older permanent or portable school building(s) if a contract for the work was awarded on or after July 3, 2024.

- (a) To receive 75 years or older funding pursuant to Education Code Section 17074.265, all of the following must be met:
- (1) The existing permanent or portable building must be at least 75 years or older. For purposes of determining the age of the building, the 75 years or older period shall begin 12 months after the original plans for the construction of the building were approved by the Department or DSA as applicable.
 - (2) Each building on the site that is 75 years or older must qualify on an individual basis.
 - (3) If the school building was demolished prior to OPSC's receipt of an Approved Application, the school building must have been 75 years old prior to the demolition.
 - (4) The existing permanent or portable building must be replaced at the same site.
 - (5) The School District must complete and submit to OPSC a 75 Year Old Building Cost/Benefit Analysis (Form SAB 57-75) that demonstrates the total cost to modernize the school building(s) and comply with current Title 24 Building Code are at least 50 percent of the Current Replacement Cost for the applicable building type; permanent or portable. The cost/benefit analysis must meet the following criteria:
 - (A) The Form SAB 57-75 must demonstrate the minimum work required to modernize and remain in the School Building is at least 50 percent of the Current Replacement Cost of the existing Square Footage of the school building.
 - (B) The modernization work required may only include work directly related to the demolition and replacement of the 75 year old school building(s), which may include improvements to extend the useful life of, or to enhance the physical environment of the qualifying 75 year old building. The Form SAB 57-75 may only include:
 1. The cost of design, engineering, testing, inspection, plan checking, construction management, demolition, construction, the replacement of portable classrooms, necessary utility costs, utility connection and other fees, the purchase and installation of air-conditioning equipment and insulation materials and related costs, costs to limit pupil exposure to harmful air pollutants by updating air filtration systems, furniture and equipment, including telecommunication equipment to increase school security, fire safety improvements, and the upgrading of electrical systems or wiring or cabling of classrooms in order to accommodate educational technology.
 2. The cost of designs and materials that promote the efficient use of energy and water, the maximum use of natural lighting and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and other characteristics of high-performance schools.
 - (C) The Form SAB 57-75 may not include costs associated with the acquisition of real property or costs for routine maintenance and repair.

ATTACHMENT E

- (D) The Form SAB 57-75 must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. For all materials or items listed in the most current edition of the Current Construction Remodeling and Repair Cost publication, the amounts entered on the Form SAB 57-75 must use the provided unit costs. For individual materials or items that are not contained in the most current edition of the Current Construction Remodeling and Repair publication, the School District must provide supporting documentation to demonstrate that the costs for the unique work are reasonable and appropriate.
- (E) All requested line items shall include Construction Specifications Institute reference number (CSI #), description, F2 total unit cost amount, and quantity. Any line items that include amounts in lump-sum formats will not be reviewed or approved.

(b) For each 75 years old or older classroom replaced, funding shall be provided on a per pupil grant basis for the number of pupils to be housed as follows: 25 for each K-6 Classroom, 27 for each 7-12 Classroom, 13 for each Special Day Class Non-Severe Classroom, and 9 for each Special Day Class Severe Classroom. The grant amounts shown below shall be adjusted annually based on the change in the Class B Construction Cost Index as approved by the Board each January, pursuant to Education Code Section 17072.10.

- (1) \$19,016 for each elementary pupil.
- (2) \$20,113 for each middle school pupil.
- (3) \$25,592 for each high school pupil.
- (4) \$53,437 for each Special Day Class Severe pupil.
- (5) \$35,738 for each Special Day Class Non-Severe pupil.

(c) For 75 years old or older non-classroom Square Footage replaced, the eligible Square Footage shall be the lesser of the delta between the Square Footage of the existing non-classroom Square Footage determined by Section 1859.60 and actual Square Footage constructed or the delta between the Square Footage of the existing non-classroom Square Footage per the snapshot and the Square Footage justified by enrollment pursuant to the chart in Section 1859.82.1(b)(4)(B)2. Excess square footage required as part of Title 5 requirements needed to obtain plan approval are permissible per Regulation Section 1859.79.2 and considered an eligible expenditure, not to exceed square footage provided in Regulation Section 1859.82.1. Any excess Square Footage not due to Title 5 requirements will not be eligible and must be locally funded by the School District. The funding provided will be calculated as follows:

- (1) Multiply the resulting Square Footage of the qualifying building by \$312.
- (2) Divide the product by the per pupil allowance in subsection (b) to determine the total allowable pupil grants for the square footage being constructed.

(d) An additional grant for site development for the minimum work required to replace the qualifying building. Any site development provided will be reduced, on a prorated basis, by the percentage of excess square footage constructed. The School District may request the lesser of either (1) or (2):

(1) 60 percent of the following approved site development and applicable design costs:

- (A) Service site development cost, within school property lines, attributable only to the replacement 75 year old building for:
 - 1. Site clearance including the removal of trees, brush, and debris within footprint of the replacement 75 year old building.
 - 2. Demolition and removal of the qualifying 75 year old building and existing buildings and site improvements which lie in the footprint of a proposed replacement 75 year old building.
 - 3. Removal and rerouting of existing utility service which lie in the footprint of a proposed replacement 75 year old building.
 - 4. Rough grading including cut and fill and leveling and terracing operations required in the design.
 - 5. Soil compaction adhering to common engineering practices and engineered fill that is required by a soils report that is available for review by the OPSC.

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6. On-site drainage facilities including inlets below grade drainage facilities and retention basins.
 7. Erosion control improvements such as plant material, temporary sprinkler systems, jute mesh and straw, due to embankments having a slope of at least two to one and a vertical height greater than six feet.
 8. Outside stairways, handicap ramps and retaining walls due to embankments having a slope of at least two to one and a vertical height greater than six feet.
 9. Fire code requirements on site that are not a part of the building.
 - (B) Utility service costs that are necessary to serve replacement 75 years or older building:
 1. Water: Replacement or repair of main water service line(s) between the utility company connection and to five feet of the 50 years or older building(s) on the site, connection fees if applicable, meter (if not provided by the serving utility), and replacement or repair of a domestic water appurtenances (i.e., well, pump, tank) as needed for the proper operation of the system.
 2. Sewage: Replacement or repair of main sewer line between the utility company connection and to five feet of the 50 years or older building(s) on the site and connection fees, if applicable. Replacement or repair of sewage appurtenances (i.e., treatment/disposal system) as needed for the proper operation of the system and a main disposal line from the treatment system to five feet of the 50 years or older building(s) on the site.
 3. Gas: Replacement or repair of main gas service line between the utility company connection and to five feet of the 50 years or older building(s) on the site, connection fee (if applicable), meter (if not provided by serving utility) or replacement or repair of gas service appurtenances (i.e., liquefied petroleum system and tank) as needed for proper operation of the system and a new main supply line from the tank to five feet of the 50 years or older building(s) on the site.
 4. Electric: Replacement or repair of electrical service between the utility company connection and the building's main switchboard. Primary electric service runs between the utility company's point of connection and the transformer. Secondary electric service runs between the transformer and the main switchboard. Connection fee, transformer pads and protective devices (i.e., bollards) as required by the utility company.
 5. Communication systems: Replacement or repair of service between the utility company connection and the nearest distribution center.
- (2) Site development and design costs equal to 35 percent of the funding provided in (b) or (c).
- (e) Portable buildings replaced pursuant to this section shall be replaced with a permanent Square Footage.
- (f) The qualifying permanent or portable 75 year old or older building must be demolished before the Notice of Completion of the project.

Note: Authority cited: Section 17070.35, Education Code.
Reference: Section 17074.265, Education Code.

ATTACHMENT E

GENERAL INFORMATION

If this application is submitted when there is Insufficient Bond Authority, as defined in Regulation Section 1859.2, the School District must adopt and submit a school board resolution, pursuant to Regulation Section 1859.95.1. For information regarding remaining bond authority, contact the Office of Public School Construction (OPSC) prior to submittal of this application.

If not previously submitted, a district may file an application for modernization funding by use of this form concurrently with a determination of or an adjustment to the district's modernization eligibility. The district must submit a determination of or an adjustment to the district's new construction baseline eligibility upon request, as described in Regulation Sections 1859.51 or 1859.70, as applicable. The Board will only provide new construction funding if this form is submitted prior to the date of occupancy of any classrooms included in the construction contract. If the district has a pending reorganization election that will result in the loss of eligibility for the proposed project, the district must submit an adjustment to the district's new construction baseline eligibility as required in Section 1859.51 upon request. This may be accomplished by completion and submittal of Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 for the current enrollment year. Failure to submit the requested Forms may result in OPSC returning the funding application to the district unprocessed.

For purposes of Education Code Section 17073.25, the California Department of Education (CDE) is permitted to file modernization applications on behalf of the California Schools for the Deaf and Blind.

Requests for funding may be made as follows:

1. A separate apportionment for site acquisition for a new construction project for environmental hardship pursuant to Section 1859.75.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
 - Contingent site approval letter from the CDE.
 - Preliminary appraisal of property.
 - Approval letter from the Department of Toxic Substances Control.
 2. A separate apportionment for site acquisition and/or design costs for a new construction project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. Districts may apply for a separate apportionment for the design and for site acquisition on the same project. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
 - Contingent site approval letter from the CDE (site apportionment only).
 - Preliminary appraisal of property (site apportionment only).
 3. A separate apportionment for district-owned site acquisition cost pursuant to Section 1859.81.2. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
 - Site approval letter from the CDE.
 - Appraisal of district-owned site.
 - Cost benefit analysis as prescribed in Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
 4. A separate apportionment for design cost for a modernization project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. For purposes of this apportionment, the Form SAB 50-03 must accompany this form (if not previously submitted).
 5. A New Construction Adjusted Grant pursuant to Section 1859.70 or 1859.180. If the funding request includes site acquisition, the proposed site must either be owned by the district, in escrow, or the district has filed condemnation proceedings and received an order of possession of the site. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03.
 - Site/plan approval letter from the CDE.
 - Appraisal of property if requesting site acquisition funds.
 - Plans and specifications (P&S) for the project that were approved by the DSA. Submittal of plans may be on CD-ROM or "Zip Drive" readable in AutoCAD 14. The specifications may be provided on a diskette that is IBM compatible.
 - Cost estimate of proposed site development, if requesting site development funding.
 - If this request is pursuant to Section 1859.77.2 and the district's housing plan is other than those listed in the certification section of this form, a copy of the school board resolution and the approved housing plan.
 - If the site apportionment is requested pursuant to Regulation Section 1859.74.5, a cost benefit analysis as prescribed in Regulation Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
 - If this request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, a justification of how the project relieves overcrowding, including but not limited to, the elimination of the use of Concept 6 calendars, four track year-round calendars, or bussing in excess of 40 minutes.
 - Written confirmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.
 6. For purposes of the Overcrowding Relief Grant (ORG), districts must submit the Overcrowding Relief Grant District-Wide Eligibility Determination (Form SAB 50-11) prior to the submittal of this funding application. In addition, districts must have had the CDE deem the site eligible for the ORG (pursuant to Section 1859.181) prior to the submittal of this application. For purposes of this apportionment, the following documents must be submitted with this form as well as the documents listed in section 5 above:
 - Overcrowding Relief Grant Eligibility Determination Form approved by the CDE.
 - Copies of the supporting documentation provided to the CDE when determining the density of the site, including the site diagram.
- The district is not required to submit its current CBEDS enrollment data.
7. Modernization Adjusted Grant pursuant to Section 1859.70. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-03 (if not previously submitted).
 - P&S for the project that were approved by the DSA.
 - If the request includes funding for accessibility and fire code requirement pursuant to Section 1859.83(f), the DSA approved list of the minimum accessibility work required and a detailed cost estimate for the work in the plans.

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- DSA approval letter for elevator to meet handicapped compliance, if funding is requested.
 - Cost estimate of the proposed site development necessary for the Reconfiguration of an existing high school.
 - Plan approval letter from the CDE.
 - Districtwide enrollment data on Form SAB 50-01 when requesting project assistance (if not previously submitted).
 - If the request includes funding for 50 year old permanent buildings pursuant to Section 1859.78.6, a site diagram identifying all buildings to be modernized in the project. The diagram must specify those buildings that are at least 50 years old.
 - Written confirmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.
 - For 75 years old Apportionments per Section 1859.78.7.1. This apportionment is available for proposed projects that only demolish existing 75 years old facilities and construct replacement square footage. In addition to submitting the same required paperwork as outlined above for a modernization adjustment grant, the following will need to be submitted:
 - A 75 Year Old Building Cost Estimate and Cost/Benefit Analysis (Form SAB 57-75).
 - A copy of the demolition plans that indicate which 75 year old facilities are being demolished.
 - For hybrid projects that include a 75 years old apportionment and regular and/or 50 years old apportionment. In addition to submitting required paperwork as outlined above for a modernization adjustment grant and required paperwork for 75 year old apportionment, the following will need to be submitted:
 - A cost estimate clearly delineating between the work associated with the 75 years old demolishment and replacement in a project not previously funded through SFP.
8. Final Charter School Apportionment for Charter School Facilities Rehabilitation pursuant to Section 1859.167.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
- P&S for the project that were approved by DSA.
 - If the request includes funding for accessibility and fire code requirement pursuant to Section 1859.167.3(d), the DSA approved list of the minimum accessibility required and a detailed cost estimate for the work in the plans.
 - DSA approval letter for elevator to meet handicapped compliance, if funding is requested.
 - High performance incentive (HPI) scorecard from DSA.
 - Plan approval letter from the CDE.
 - Construction cost estimate signed by the architect of record or design professional.
 - Determination of financial soundness from the California School Finance Authority (CSFA).
 - Written confirmation from the applicant's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.
9. If the application includes a request for Financial Hardship, the district must comply with the requirements of Section 1859.81.

- If the application is submitted when there is Insufficient Bond Authority, as defined in Section 1859.2, the district must adopt a school board resolution pursuant to Section 1859.95.1(b).

If the district is requesting New Construction funding after the initial baseline eligibility was approved by the Board and the district's current CBEDS enrollment reporting year is later than the enrollment reporting year used to determine the district's baseline eligibility or adjusted eligibility, the district must complete a new Form SAB 50-01 based on the current year CBEDS enrollment data, and submit it to the OPSC with this form. In addition, if the district's request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, the district must update the Alternative Enrollment Projection to correspond with the CBEDS enrollment data for the current year. A small district with 2,500 or less enrollment as defined in Section 1859.2 will not have its eligibility reduced for a period of three years from the date the district's baseline eligibility was approved by the Board as a result of reduction in projected enrollment.

For a list of the documents that must be submitted in order for the OPSC to deem a funding request for new construction or modernization complete and ready for OPSC processing, consult the SFP handbook and other information located on the OPSC Web site at www.dgs.ca.gov/opsc.

For purposes of completing this form for a Final Charter School Apportionment, a charter school shall be treated as a school district.

SPECIFIC INSTRUCTIONS

The district must assign a Project Tracking Number (PTN) to this project. The same PTN is used by the OPSC, the DSA and the CDE for all project applications submitted to those agencies to track a particular project through the entire state application review process. If the district has already assigned a PTN to this project by prior submittal of the P&S to either the DSA or the CDE for approval, use that PTN for this application submittal. If no PTN has been previously assigned for this project, a PTN may be obtained from the OPSC Web site at www.dgs.ca.gov/opsc "PT Number Generator."

1. Type of Application

Check the appropriate box that indicates the type of School Facility Program (SFP) grant the district is requesting for purposes of new construction, modernization, a separate design and/or site apportionment, site apportionment as an environmental hardship or New Construction (Final Apportionment). If the application is for the modernization of school facilities and includes facilities that are eligible for an additional apportionment pursuant to Section 1859.78.8, include a site diagram with this application that specifies the age of each facility eligible for modernization. The diagram should also indicate the date of its original DSA plan approval and the date the facility received its prior modernization apportionment. If known include the project modernization number on the diagram. If the application is for modernization of a California School for the Deaf or Blind, the CDE shall check the box identified as Modernization of California Schools for the Deaf/Blind. If the request is for a separate design apportionment, the CDE shall check the appropriate box. If the eligibility for this project was established as a result of a health and safety threat pursuant to Section 1859.82.1, or a seismic replacement or seismic rehabilitation for the Most Vulnerable Category 2 Buildings pursuant to Section 1859.82.2, and/or the request is for a conceptual approval for a Facility Hardship application pursuant to Section 1859.82.3(a) or a Seismic Mitigation Program application pursuant to Section 1859.82.3(b), check the appropriate box(es).

If this request is for an addition to an existing site and advance funding for the evaluation and RA costs, check the appropriate box and refer to Section 1859.74.4.

If this request is for an Overcrowding Relief Grant, check the New Construction

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(Overcrowding Relief Grant) box.

If this request is to convert a Preliminary Apportionment or a Preliminary Charter School Apportionment to a Final Apportionment, check the New Construction Final Apportionment, New Construction Final Charter School Apportionment or the Rehabilitation Final Charter School Apportionment box, as appropriate.

If the district is requesting a separate site and/or design apportionment, complete boxes 2a, 3, 4, the site acquisition data in box 5 (d and e), and boxes 13, 14, 15, 16, and 24 only.

2. Type of Project

- a. Select the type of project that best represents this application request and enter the total number of pupils assigned to the project for each grade group. Include pupils to be housed in a new or replacement school authorized by Section 1859.82 (a). The amount entered cannot exceed the district's baseline eligibility determined on Form SAB 50-03 and will be the basis for the amount of the new construction or modernization grants provided for the project.

If this request is for a Final Apportionment, the pupils assigned to the project must be at least 75 percent, but not more than 100 percent, of the pupils that received the Preliminary Apportionment. Refer to Section 1859.147.

For ORG projects, the amount entered cannot exceed the Overcrowding Relief Pupil Eligibility (pursuant to Section 1859.182 and 1859.183) as reflected in the total number of eligible pupils determined by the Form SAB 50-11 or the CDE Overcrowding Relief Grant Eligibility Determination form.

For Charter School Facilities Program Rehabilitation, leave the number of pupils blank.

- b. Check the box if the project is eligible for funding for 50 year or older permanent buildings and report, at the option of the district:
- The total number of eligible classrooms or the total eligible square footage building area at the site. Refer to Section 1859.78.6(b)(1)(A) or (b)(2)(A).
 - The total number of permanent classrooms or the total permanent square footage building area that is at least 50 years old and not been previously modernized with state funds. Refer to Section 1859.78.6(b)(1)(B) or (b)(2)(B).
 - Enter the greater percentage as calculated under Regulation Section 1859.78.6(b)(1)(C) or Regulation Section 1859.78.6(b)(2)(C).
 - If this project includes eligible 50 year or older pupil grants, enter the appropriate number assigned to the project for each grade group. The number of pupils entered cannot exceed the cumulative number of 50 year or older permanent buildings pupil grants requested for all modernization funding applications for the site as determined by using the percentage factor above.
- c. If this request includes pupil grants generated by an Alternative Enrollment Projection Method, enter the number of pupils by grade level.
- d. Check the box if the project is eligible for funding for 75 year or older buildings and report the following, if applicable:
- The total number of eligible classrooms and/or the total eligible square footage building area being demolished. Refer to Section 1859.78.7.1.
 - The total number of eligible classrooms and/or the total eligible square footage building area being constructed. Refer to Section 1859.78.7.1.
 - Enter the appropriate number assigned to the project for each grade group. The number of pupils entered cannot exceed the cumulative number of pupil grants requested in Section 2a. and determined by using the percentage factor above.

e.d. Indicate if this request is for funding of a 6–8 school and/or an Alternative Education School.

f.e. Check the applicable box if the district is requesting additional pupil grants assigned to the project that exceed the capacity of the project or if the pupils assigned represent eligibility determined at another grade level and check the appropriate box to indicate under which regulation the district is applying. The pupil capacity of the project may be determined by multiplying the classrooms reported in box 3 by 25 for K–6; 27 for 7–8, 9–12 grades; 13 for non-severe and 9 for severe.

g.f. Enter the square footage of the non-toilet area and toilet area contained in the Charter School Facilities Program Rehabilitation project.

h.-g. Indicate the site scenario that best represents the project request.

i.-h. For ORG projects, the district must provide the following information in the space provided:

- Name of the eligible school site(s) where portables will be replaced in this project
- Number of portables being replaced at each school site
- Number of site specific eligible pupils being requested for this project for each school site. The total number of site specific eligible pupils assigned to this project must equal the total number of pupils in Section 2a.

3. Number of Classrooms

Enter the:

- Number of classrooms as shown on the plans and specifications (P&S). If there was demolition at the site, report the net increase in the number of classrooms showing in the P&S.
- Master plan site size, as recommended by the California Department of Education.
- Recommended site size, as determined by the California Department of Education.
- Existing Useable Acres already owned at that location (if any).
- Proposed Useable Acres that was/will be purchased as part of the application (if any).

4. Financial Hardship Request

Check the appropriate box(es) if the district is requesting financial hardship assistance because it is unable to meet its matching share requirement.

- If the application includes a request for Financial Hardship, the district must comply with the requirements of Section 1859.81.
- If there is Insufficient Bond Authority for the type of application, check the second box and attach a school board resolution pursuant to Section 1859.95.1(b).

5. New Construction Additional Grant Request

Check the appropriate box(es) if the district requests an augmentation to the new construction grant for "additional" grants for the items listed. Refer to Sections 1859.72 through 1859.76 for eligibility criteria. Enter the:

- a. Therapy area in square feet as provided in Section 1859.72.
- b. Multilevel classrooms in the P&S pursuant to Section 1859.73.
- c. Check the box if the district is requesting project assistance pursuant to Section 1859.73.1. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- d. If the project the district is requesting SFP funding for does not require an RA, refer to Section 1859.74. If a RA is required on a site that is not leased or an addition to an existing site, refer to Section 1859.74.2. If RAs are required on a leased site or an addition to an existing site, refer to Sections 1859.74.3 or 1859.74.4, respectively. The limitation of 50 percent may be exceeded when unforeseen circumstances exist, the CDE determines that the site is the best

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available site, and substantiation that the costs are the minimum required to complete the evaluation and RA.

Enter 50 percent of the actual cost.

- 1) Enter 50 percent of the appraised value of the site. If the request is made pursuant to Regulation Section 1859.74.5, enter 50 percent of the appraised value.
- 2) Enter 50 percent of the allowable relocation cost.
- 3) Enter two percent of the lesser of the actual cost or appraised value of the site (minimum \$25,000).
- 4) Enter 50 percent of the Department of Toxic Substances Control (DTSC) fee for review and approval of the phase one environmental site assessment and preliminary endangerment assessment reports. Refer to Sections 1859.74, 1859.74.1, 1859.74.5, 1859.75, 1859.75.1 and 1859.81.1.

A project that received site acquisition funds under the Lease-Purchase Program (LPP) as a priority two project is not eligible for site acquisition funds under the SFP. A district-owned site acquired with LPP, SFP or Proposition 1A funds is not eligible for funding under Regulation Section 1859.74.5.

- e. Enter 50 percent of the amount allowable for hazardous materials/waste removal and/or remediation for the site acquired pursuant to Sections 1859.74.2, 1859.74.3, 1859.74.4, 1859.75.1 or 1859.81.1. If an RA is required, check the box.
- f. Enter 50 percent of eligible service-site development, off-site development including pedestrian safety paths and utilities costs allowed pursuant to Section 1859.76. Attach cost estimates of the proposed site development work which shall be supported and justified in the P&S. All cost estimates shall reflect 100 percent of the proposed work.

Check the box if the district is requesting an Additional Grant for General Site Development pursuant to Section 1859.76

- 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).
- h. Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.71.2.
- i. If the district is requesting an Additional Grant for High Performance Incentive pursuant to Section 1859.70.4, enter the number of high performance points as prescribed in Section 1859.71.6 or 1859.77.4, as appropriate, subject to Education Code Section 17070.965.

6. Modernization Additional Grant Request

- a. Check the box if the district is requesting project assistance allowance pursuant to Section 1859.78.2. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- 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).
- c. Check the box if the district requests an additional grant for site development utility cost necessary for the modernization of 50 years or older permanent building(s). Enter 60 percent of the eligible costs allowable pursuant to Section 1859.78.7(a).
- d. Check the box if the district requests an additional grant for site development utility cost necessary for the replacement of a 75 years or older building, if not already provided under the provisions pursuant to Section 1859.78.7(a). Enter

60 percent of the eligible costs allowable or 35 percent of the 75 years old pupil grant.

e.d. Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.78.4.

f.e. If the district is requesting an Additional Grant for High Performance Incentive pursuant to Section 1859.70.4, enter the number of high performance points as prescribed in Section 1859.77.4, subject to Education Code Section 17070.965.

7. Excessive Cost Hardship Request

Check the appropriate box to request an augmentation to the New Construction or Modernization Grants for an excessive cost hardship for the items listed. Refer to Section 1859.83 for eligibility criteria. Requests for excessive cost grants for accessibility requirements are allowed only if required by the Division of the State Architect (DSA). At the district's option, the district may request three percent of the modernization base grant or enter the amount calculated pursuant to Regulation Section 1859.83(f). Attach a copy of the DSA approved list that shows the minimum work necessary for accessibility requirements.

If the request is for the excessive cost grant for a new Alternative Education school pursuant to Section 1859.83(c)(2) and the district wishes to request less than the maximum allowance, please submit a letter along with application indicating the desired amount.

8. Charter School Facilities Program Rehabilitation – Additional Grant and Excessive Cost Hardship Request

Additional Grant Request

- a. If the applicant is requesting an Additional Grant for High Performance Incentive pursuant to Section 1859.77.4, enter the number of high performance points as prescribed in Section 1859.77.4.

Excessive Cost Hardship Request

Check the appropriate box to request an augmentation to the Charter School Facilities Program Rehabilitation grants for an excessive cost hardship for the items listed. Refer to Section 1859.167.4 for eligibility criteria.

- b. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant due to Geographic Location pursuant to Section 1859.167.3(a).
- c. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant for a small size project pursuant to Section 1859.167.3(b).
- d. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant due to Urban Location, Security Requirements, and Impacted Site pursuant to Section 1859.167.3(c).
- e. Check the box if the applicant requests and qualifies for an Excessive Cost Hardship Grant due to accessibility and fire code requirements pursuant to Section 1859.167.3(d). Requests for excessive cost grants for accessibility requirements are allowed only if required by the Division of the State Architect (DSA). At the applicant's option, the applicant may request three percent of the Charter School Facilities Program Rehabilitation Grant or enter 50 percent of the amount calculated pursuant to Regulation Section 1859.167.3(d)(2). Attach a copy of the DSA approved list that shows the minimum work necessary for accessibility requirements.

9. Project Priority Funding Order

Enter the priority order of this project in relation to other new construction applications submitted by the district on the same date. If applications are not received on the same date, the OPSC will assign a higher district priority to the application received first. Check the box(es) if the project meets the criteria outlined in Section 1859.92(c)(3),(4) and (6), as appropriate. This information is needed for purposes of priority points.

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10. Prior Approval Under the LPP

If the project the district is requesting SFP grants for received a Phase P, S, or C approval under the LPP, report the application number of that project, regardless if the project actually received funding or was included on an "unfunded" list. Failure to report this information may delay the processing of the application by the OPSC.

11. Prior Apportionment Under the SFP

If the project received a separate apportionment under the SFP for either site and/ or design, or site environmental hardship, enter the application number of the project. Failure to report this information may delay the processing of the application by the OPSC.

12. Preliminary Apportionment to a Final Apportionment

If this request is to convert a Preliminary Apportionment to a Final Apportionment, enter the application number of the Preliminary Apportionment. Failure to report this information may delay the processing of the application by the OPSC.

13. Alternative Developer Fee

The district must report certain alternative fees collected pursuant to Government Code Section 65995.7, as of the date of application submittal to the OPSC. Refer to Section 1859.77 for details. Districts are advised that the OPSC may perform an audit of the developer fees collected prior to application approval by the Board.

14. Adjustment to New Construction Baseline Eligibility

Pursuant to Section 1859.51 certain adjustments to the district's new construction baseline eligibility must be made each time a district submits Form SAB 50-04, to the OPSC for SFP new construction or modernization grants. These adjustments are made by the OPSC based on information reported by the district on this form.

- a. Report all classroom(s) provided after the district submitted its request for determination of its new construction baseline eligibility for the grades shown, or indicate N/A if there are none. Refer to Section 1859.51(i).

In the additional classroom column, indicate the number of additional net classrooms provided if not previously reported.

In the replacement classroom column, indicate the number of classrooms that were included in the determination of the district's new construction eligibility pursuant to Education Code Section 17071.75 but replaced in a locally funded project.

Enter the date the initial construction contract was signed for additional or replacement classrooms.

15. Pending Reorganization Election

Complete only for new construction projects. Indicate if there is a pending reorganization election that will result in a loss of eligibility for this project. If the answer is "yes", the district must complete Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03, to adjust the district's new construction baseline eligibility as a result of the reorganization and submit them with this form.

16. Joint-Use Facility/Leased Property

Check the box if:

- a. The facilities to be constructed/modernized as part of this project will be for

joint use by other governmental agencies.

- b. The new construction or modernization grants will be used for facilities located or to be located on leased property.

17. Project Progress Dates

- a. Enter the date(s) the construction contract(s) was awarded for this project(s). If a construction contract has not been executed, enter N/A. (If the space provided is not sufficient for all applicable contract dates, please list all dates on a separate attachment to this form.)
- b. Enter the issue date(s) for the Notice to Proceed for the construction phase of the project, or enter N/A if a Notice to Proceed has not been issued.
- c. If a construction contract was awarded prior to January 1, 2012, check the appropriate box to indicate whether or not the district has initiated and enforced a Labor Compliance Program (LCP) approved by the Department of Industrial Relations (DIR) pursuant to Labor Code Section 1771.7 for this project.

18. Prevailing Wage Monitoring and Enforcement Costs

If the construction contract(s) for this project was awarded on January 1, 2012 through June 19, 2014, check the appropriate box to indicate which of the following methods was or is being used to meet the requirement for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014:

- DIR Public Works administration and enforcement
- A DIR-approved internal LCP
- A collective bargaining agreement that meets the criteria set forth in Labor Code Section 1771.3(b)(3) in effect on January 1, 2012 through June 19, 2014.

19. Construction Delivery Method

Check the box that best represents the construction delivery method that the district has or will use for this project, if known.

20. Career Technical Education Funds Request

Indicate if Career Technical Education (CTE) funds will be requested for classroom(s) included in the plans and specifications for this project pursuant to Section 1859.193. If "Yes", enter the number of CTE classroom(s) shown on the P&S.

21. Overcrowding Relief Grant Narrative

The district must either provide an explanation in the space provided or attach a letter signed by the district representative detailing how this project will relieve overcrowding.

22. Architect of Record or Licensed Architect Certification

The architect of record or the licensed architect must complete this section.

23. Architect of Record or Design Professional Certification

The architect of record or the appropriate design professional must complete this section.

24. 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.

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3. Number of Classrooms:

Master Plan Acreage Site Size (Useable): _____
Recommended Site Size (Useable): _____
Existing Acres (Useable): _____
Proposed Acres (Useable): _____

4. Type of Financial Hardship Request

- ☐ Submittal pending OPSC approval pursuant to Section 1859.81(h)
☐ Submittal with school board resolution, pursuant to Section 1859.95.1
(Insufficient Bond Authority)

5. New Construction Additional Grant Request—New Construction Only

- a. Therapy: Toilets (sq. ft.) _____
Other (sq. ft.) _____
- b. Multilevel Construction (CRS): _____
- c. ☐ Project Assistance
- d. Site Acquisition:
(1) 50 percent Actual Cost: \$ _____
(2) 50 percent Appraised Value: \$ _____
(3) 50 percent Relocation Cost: \$ _____
(4) 2 percent (min. \$25,000): \$ _____
(5) 50 percent DTSC Fee: \$ _____
- e. 50 percent hazardous waste removal: \$ _____
☐ Response Action (RA)
- f. Site Development
☐ 50 percent Service-Site: \$ _____
☐ 50 percent Off-Site: \$ _____
☐ 50 percent Utilities: \$ _____
☐ General Site
- g. ☐ Energy Efficiency: _____ %
- h. ☐ Automatic Fire Detection/Alarm System
☐ Automatic Sprinkler System
- i. ☐ High Performance Incentive (Indicate Points): _____

6. Modernization Additional Grant Request

- a. ☐ Project Assistance
- b. ☐ Energy Efficiency: _____ %
- c. ☐ Site Development—60 percent utilities: \$ _____
- d. ☐ Site Development—75 years-or-older \$ _____
- e. ☐ Automatic Fire Detection/Alarm System
- f. ☐ High Performance Incentive (Indicate Points): _____

7. Excessive Cost Hardship Request

New Construction Only

- ☐ Geographic Percent Factor: _____ %
- ☐ New School Project [Section 1859.83(c)(1)]
- ☐ New School Project [Section 1859.83(c)(2)]
- ☐ Small Size Project
- ☐ Urban/Security/Impacted Site;
- If a new site, \$ _____ per Useable Acre [Section 1859.83(d)(2)(C)]

Modernization Only

- ☐ Geographic Percent Factor: _____ %
- ☐ Small Size Project
- ☐ Urban/Security/Impacted site
- ☐ Accessibility/Fire Code
☐ 3 percent of base grant; or,
☐ 60 percent of minimum work \$ _____
- ☐ Number of 2-Stop Elevators: _____
- ☐ Number of Additional Stops: _____

8. Charter School Facilities Program Rehabilitation Additional Grant and Excessive Cost Hardship Request

Additional Grant Request

- a. ☐ High Performance Incentive (Indicate Points): _____

Excessive Cost Hardship Request

- b. ☐ Geographic Percent Factor: _____ %
- c. ☐ Small Size Project
- d. ☐ Urban/Security/Impacted site
- e. ☐ Accessibility/Fire Code
☐ 3 percent of base grant; or,
☐ 50 percent of minimum work \$ _____
- ☐ Number of 2-Stop Elevators: _____
- ☐ Number of Additional Stops: _____

9. Project Priority Funding Order—New Construction Only

Priority order of this application in relation to other new construction applications submitted by the district at the same time: # _____

Project meets:

☐ Density requirement pursuant to Section 1859.92(c)(3).

☐ Stock plans requirement pursuant to Section 1859.92(c)(4).

☐ Energy efficiency requirement pursuant to Section 1859.92(c)(6).

10. Prior Approval Under the LPP

New Construction: 22/ _____

Modernization: 77/ _____

11. Prior Apportionment Under the SFP

Site/Design—New Construction: 50/ _____

Design—Modernization: 57/ _____

12. Preliminary Apportionment to Final Apportionment

Preliminary Apportionment Application Number: # _____

13. Alternative Developer Fee—New Construction Only

Alternative developer fee collected and reportable pursuant to Regulation Section 1859.77: \$ _____

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14. Adjustment to New Construction Baseline Eligibility

a. Classroom(s) provided:

Additional	Replacement
K-6: _____	K-6 _____
7-8: _____	7-8 _____
9-12: _____	9-12 _____
Non-Severe: _____	Non-Severe _____
Severe: _____	Severe _____

Construction Contract(s) for the project signed on: _____

15. Pending Reorganization Election—New Construction Only ☐ Yes ☐ No

16. Joint-Use Facility/Leased Property

- a. ☐ Joint-Use Facility
b. ☐ Leased Property

17. Project Progress Dates

- a. Construction Contract(s) awarded on: _____
(If the space provided is not sufficient for all applicable contract dates, please list all dates on a separate attachment to this form.)
- b. Notice(s) to Proceed issued on: _____
- c. If the Construction Contract(s) was awarded prior to January 1, 2012, have you initiated and enforced an LCP approved by the DIR pursuant to Labor Code Section 1771.7 for this project? ☐ Yes ☐ No

18. Prevailing Wage Monitoring and Enforcement Costs

If the Construction Contract(s) was awarded on January 1, 2012 through June 19, 2014, please indicate which monitoring requirement was or is being used, pursuant to Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014:

- ☐ DIR Public Works administration and enforcement
☐ DIR approved District LCP
☐ Collective bargaining agreement, pursuant to Labor Code Section 1771.3(b)(3) in effect on January 1, 2012 through June 19, 2014

19. Construction Delivery Method

- ☐ Design-Bid-Build
☐ Design-Build
☐ Developer Built
☐ Lease Lease-Back
☐ Energy Performance Contract
☐ This project includes or will include piggyback contract(s) as defined in Section 1859.2
☐ Other: _____

20. Career Technical Education Funds Request

Will CTE Funds be requested for classroom(s) included in the plans and specifications for this project? ☐ Yes ☐ No
Number of CTE classroom(s): _____

21. Overcrowding Relief Grant Narrative

22. Architect of Record or Licensed Architect Certification

I certify as the architect of record for the project or as a licensed architect that:

- The P&S for this project were submitted to the OPSC by electronic medium (i.e., CD-ROM, zip disk or diskette) or as an alternative, if the request is for a modernization Grant, the P&S were submitted in hard copy to the OPSC.
- Any portion of the P&S requiring review and approval by the Division of the State Architect (DSA) were approved by the DSA on _____ (enter DSA approval date).
- Any portion of the P&S not requiring review and approval by the DSA meets the requirements of the California Code of Regulations, Title 24, including any handicapped access and fire code requirements.
- If the request is for a Modernization or Charter School Facilities Program Rehabilitation Grant, the P&S include the demolition of more classrooms than those to be constructed in the project, the difference is _____ classroom(s). (Indicate N/A if there are none.)
- If the request is for a Modernization or Charter School Facilities Program Rehabilitation Grant, the P&S include the construction of more classrooms than those to be demolished in the project, the difference is _____ classroom(s). (Indicate N/A if there are none.)

ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

SIGNATURE

DATE

23. Architect of Record or Design Professional Certification

I certify as the architect of record for the project or the appropriate design professional, that:

- If the request is for a New Construction Grant, not including the ORG, I have developed a cost estimate of the proposed project which indicates that the estimated construction cost of the work in the P&S including deferred items (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share, less site acquisition costs and the High Performance Base Incentive Grant. This cost estimate does not include site acquisition, planning, tests, inspection, or furniture and equipment and is available at the district for review by the OPSC.
- If the request is for a Modernization or Charter School Facilities Program Rehabilitation Grant, I have developed a cost estimate of the proposed project which indicates that the estimated construction cost of the work in the P&S, including deferred items and interim housing (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share, less the High Performance Base Incentive Grant. This cost estimate does not include planning, tests, inspection or furniture and equipment and is available at the district for review by the OPSC.

ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

SIGNATURE

DATE

24. Certification

I certify, as the District Representative, that the information reported on this form, with the exception of items 22 and 23, is true and correct and that:

- I am an authorized representative of the district as authorized by the governing board of the district; and,
- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et. seq., of the Education Code was adopted by the school district's governing board or the designee of the Superintendent of Public Instruction on, _____; and,
- The district has established a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (refer to Sections 1859.100 through 1859.102); and,
- The district has considered the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
- If this funding request is for the modernization of portable classrooms eligible for an additional apportionment pursuant to Education Code Section 17073.15, the district certifies that (check the applicable box below):
 - ☐ 1. The state modernization funds will be used to replace the portable classrooms and permanently remove the displaced portables from the classroom use within six months of the filing of the Notice of Completion for the project; or,
 - ☐ 2. It has provided documentation to the Office of Public School Construction which indicates that modernizing the portable classrooms eligible for an additional apportionment is better use of public resources than the replacement of these facilities.
- Facilities to be rehabilitated under the Charter School Facilities Program previously funded with School Facility Program State funds meet the requirements of Section 1859.163.6; and,
- All contracts entered on or after November 4, 1998 for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
- If this request is for new construction funding, the district has received approval of the site and the plans from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- If this request is for modernization or Charter School Facilities Program Rehabilitation funding, the district has received approval of the plans for the project from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This district has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- The district matching funds required pursuant to Sections 1859.77.1 or 1859.79 has either been expended by the district, deposited in the County School Facility Fund or will be expended by the district prior to the notice of completion for the project; and,
- The district has received the necessary approval of the plans and specifications from the Division of the State Architect unless the request is for a separate site and/or design apportionment; and,
- If the district is requesting site acquisition funds as part of this application, the district has complied with Sections 1859.74 through 1859.75.1 as appropriate; and,
- With the exception of an apportionment made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105); and,
- If the apportionment for this project was made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 12 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105.1); and,
- The district understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Section 1859.90); and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
- The district understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Sections 1859.105, 1859.105.1, 1859.106; and,
- The district has complied with the provisions of Sections 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,
- If the SFP grants will be used for the construction or modernization of school facilities on leased land, the district has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- If the application contains a "Use of New Construction Grant" request, the district has adopted a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board on _____
- as specified in Sections 1859.77.2, or 1859.77.3, as appropriate. The district's approved housing plan is as indicated (check all that apply):
 - ☐ 1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB and the district must identify the source of the funds. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
 - ☐ 2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
 - ☐ 3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project. [Applicable for Sections 1859.77.2(b) and 1859.77.3(b)]

ATTACHMENT E

- If the district requested additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4, the district will include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project; and,
- The district has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and the need for vocational and career technical facilities is being adequately met in accordance with Education Code Sections 51224, 51225.3(b), and 51228(b), and 52336.1; and,
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the increased costs for the energy efficiency components in the project exceeds the amount of funding otherwise available to the district; and,
- If this application is submitted after January 1, 2004 for modernization funding, the district has considered the potential for the presence of lead-containing materials in the modernization project and will follow all relevant federal, state, and local standards for the management of any identified lead; and,
- The district has initiated and enforced an LCP that has been approved by the DIR, pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003 and before January 1, 2012; and,
- The district has contracted with the DIR for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014, if the construction contract was awarded on January 1, 2012 through June 19, 2014 and the district has not obtained a waiver for the requirement, pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014. The district understands that if it fails to meet this requirement, it will be required to repay all state bond funds received including interest; and,
- Beginning with the 2005/2006 fiscal year, the district has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and,
- If this application is submitted pursuant to Section 1859.180, the district certifies that within six months of occupancy of the permanent classrooms, it will remove the replaced portables from the eligible school site and K–12 grade classroom use with the exception of schools described in Education Code Section 17079.30(c); and,
- The district has considered the feasibility of using designs and materials for the new construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and the other characteristics of high performance schools; and,
- If the district is requesting an additional grant for high performance incentive funding, the school district governing board must have a resolution on file that demonstrates support for the high performance incentive grant request and the intent to incorporate high performance features in future facilities projects; and,
- If this application is submitted when there is Insufficient Bond Authority, the district has adopted a school board resolution pursuant to Section 1859.95.1; and,
- The district will comply with all laws pertaining to the construction or modernization of its school building.

NAME OF DISTRICT REPRESENTATIVE (PRINT)	PHONE NUMBER
SIGNATURE OF DISTRICT REPRESENTATIVE	DATE

ATTACHMENT E

INSTRUCTIONS

The *75 Years or Older Building Cost Estimate and Cost/Benefit Analysis (Form SAB 57-75)* is to be used for the purposes of generating and submitting the cost estimate required for eligible **75 Years or Older Facilities** projects pursuant to SFP Regulation Section **1859.78.7.1**.

Refer to the most current published edition of the *Current Construction Remodeling Costs* publication by Sierra West Publishing, **F1** unit costs, for data needed to complete this form. Throughout these instructions, all references to "Sierra West" indicate this publication.

All lines in Part I must be broken out to individual items or materials. Do not enter line item requests in a lump sum format. Line item requests in lump sum format may not be eligible for funding.

PART I - Line Item Requests

For each line item request, complete the following:

1. **CSI #** - Enter the Construction Specifications Institute number (CSI #) corresponding to the item or material included in the project as it appears in Sierra West.
2. **Description** - Enter the description corresponding to the item or material as it appears in Sierra West.
3. **Quantity** - Enter the numeric quantity of the item or material used as indicated in the project plans approved by the Division of the State Architect (DSA). For projects that do not require DSA plan approval, enter the quantity as indicated in the supporting documentation submitted with the application.
4. **Unit** - Enter the unit of measure for the specified material or item as it appears in Sierra West.
5. **Cost/Unit** - Enter the total unit cost, or cost per unit, as it is listed in the F1 column in Sierra West. Do not add installation cost as this has been included in the total unit cost amount.
6. **District's Request** - Enter the product of the Quantity and Cost/Unit column.
7. **OPSC's Allowance** - Leave blank. This section will be completed by OPSC upon review of the application.
8. **District Comments** - The district may optionally indicate any relevant plan page numbers or reference information to assist the plan reviewer in the comments column.
9. **OPSC Review Comments** - Leave blank. This section will be completed by OPSC upon review of the application.
10. **Title 24 Max Requirement** - In lieu of requesting individual line items for Access Compliance, the district may request a 20% allowance to cover the costs of the maximum Access Compliance work required by the Division of the State Architect. This allowance is reflective of the maximum requirements in Title 24, Section 11B-202.4, Exemptions, 8.

PART II - Contractor Burden

For the purposes of Part II of this form, refer to the table below to determine the applicable construction classification to use when referencing the most current published edition of Sierra West.

OPSC Project Type	Sierra West Construction Classification
<u>Modernization</u> rehabilitation of historical structures	<u>"Unique Structures"</u>

Contractor Burden:

General Conditions - Using the total project cost as reported to DSA and the applicable OPSC project type listed above, enter the percentage as indicated in the General Conditions table in Sierra West (CSI# 01.1000 000).

ATTACHMENT E

Overhead, Profit & Bonds - Using the total project cost as reported to DSA, enter the applicable percentage as indicated in the "Bonds" section in Sierra West (CSI# 01.2000 000).

Escalation - If the project has not been completed at the time of application submittal, enter the percentage listed for the current year, as indicated in the "Escalation" section of Sierra West (CSI# 01.3000 000).

Contingencies - Based on OPSC's Allowance Subtotal and based upon CSI# 01.4000 000 Schematic Plans in Sierra West. Sierra West provides an allowance of "0%" when funding is based on work with full DSA approved plans.

Part III - Design Costs & Fees

DSA Inspection Fee - For projects that require DSA plan approval, enter 1%. For projects that do not require DSA plan approval, enter 0%.

Construction Testing Allowance - For rehabilitation projects that require specialized testing and inspection of materials during construction such as soil tests, foundation tests, exploratory borings, and similar testing prior to construction, enter 1%. The District must submit written verification of the specialized testing required for the scope of work. For all other projects, enter 0%.

Design Specialist Cost Allowance - Based on the Construction Subtotal (Part II), the allowance for the Design Specialist will be automatically calculated using the Design Specialist Cost Allowance sliding scale at the end of the estimate. Alternatively, the District may manually enter the cost allowance based on this scale.

CDE Plan Review Fee - Allowance is for the proportionate amount of fees charged by the California Department of Education, as required by law, for the hardship portion of the project. The allowance provided will be 0.07% of the OPSC Allowed Construction Subtotal as published on CDE's website:

<https://www.cde.ca.gov/ls/fa/sf/forms.asp>

DSA Plan Review Fee - Allowance is for the proportionate amount of fees charged by the Department of the State Architect, as required by law, for the hardship portion of the project. Based on the product of the OPSC Allowed Construction Subtotal applied to the DSA Project Fee Calculator:

<https://www.apps2.dgs.ca.gov/dsa/tracker/FeeCalculator.aspx>

Part IV - Cost Benefit Analysis Calculation for the Existing Building

Square Footage of Qualifying 75 Year Old Building - Insert the square footage of the existing building into the applicable cell depending on its type. The categories are either Permanent or Portable and Toilet or Other.

Current Replacement Cost Per SQFT as of 1/2025 - The amount entered is based on the Annual Adjustment to SFP Grants as adopted by the SAB for the current year.

Total Current Replacement Cost is the product of the qualifying square footage multiplied by the Current Replacement Cost. The sum of each category is the Total for the building.

To determine whether the Cost to Modernize exceeds the Cost to Replace the Building by more than 50 percent, divide the OPSC Verified Total Project Cost from Part III by the Total Replacement Cost. Then multiply by 100 to calculate the percentage. If the percentage is equal to or greater than 50 percent, the building qualifies for the 75 year old grant.

ATTACHMENT E

STATE OF CALIFORNIA
75 YEARS OR OLDER BUILDING COST ESTIMATE AND COST/BENEFIT ANALYSIS (CBA)
SCHOOL FACILITY PROGRAM
SAB 57-75 (XX/25)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

School District:	Application Number:
School Name:	DSA Number:
County:	

PART I - Line Item Request

[illegible]

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STATE OF CALIFORNIA
75 YEARS OR OLDER BUILDING COST ESTIMATE AND COST/BENEFIT ANALYSIS (CBA)
SCHOOL FACILITY PROGRAM
SAB 57-75 (XX/25)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

School District:	Application Number:
School Name:	DSA Number:
County:	

PART II - Contractor Burden

1. CSI #	2. Description	Multiplier	Allowance	Calculation Detail
1.100 000	General Conditions (insert percentage) Broad categories covered by General Conditions include: • Mobilization. • Non-distributable labor and supervision. • Permits, licenses & fees. • Temporary utilities, structures, and fencing • Material handling equipment, trucks, safety, fuel, scaffolding. • Non-manual labor, benefits, payroll tax, workers compensation insurance • Insurances, comprehensive, builders risk.	0.00%	\$ -	The multiplier is the percentage allowed based on the total project cost reported to DSA and the chart in the Current Construction Remodeling Costs Publication, in Section 01.1000 000. That percentage is representative of the economies of scale for the overall scope of the project, and is then applied to the OPSC Allowance Subtotal to arrive at the allowance. The following application types should use the corresponding Sierra West allowance category: • Modernization (historical structures) – “Unique Structures”
1.200 000	Overhead, Profit, and Bonds (insert percentage) Broad categories covered by overhead include: rent, utilities, legal, accounting, estimating, travel, general insurance, taxes, marketing, advertising, computers, etc. and are distinctly not related to the physical construction of the project.	0.00%	\$ -	The multiplier is the percentage allowed based on the project's Construction Subtotal and the chart in the Current Construction Remodeling Costs Publication, Section 01.2000 000. That percentage is representative of the economies of scale of the overall scope of the project which is then applied to the sum of the OPSC Allowance Subtotal plus the General Conditions allowance, to arrive at the allowance. - include language to reflect line 54 Construction Subtotal)
1.300 000	Escalation (insert current year percentage) This allowance provides for the general adjustment in construction costs over the duration of an estimating year.	0.00%	\$ -	If the project has not been completed at the time of application submittal, the multiplier is the percentage listed for the current year, as indicated in the "Escalation" section of Sierra West (CSI# 01.3000 000). That percentage is then applied to the sum of the OPSC Allowance subtotal, plus the General Conditions Allowance, and the Overhead Profit & Bond Allowance. If the project is already complete, enter "0".
1.400 000	Contingencies (insert percentage or "0") Contingencies are provided for projects when the work in this form is represented in schematic drawings rather than DSA approved plans. Typically, this only applies to Cost Benefit Analysis completed for Modernization for 75 or Older Facilities replacement applications or requests for Conceptual Approval. Note: Sierra West Current Construction Cost publication provides an allowance of "0%" when funding is based on work with full DSA approved plans.	0.00%	\$ -	The multiplier is the percentage based on the Construction Classification and the Stage of Design outlined in the chart in the Current Construction Remodeling Costs Publication, in Section 1.4000 000. That percentage is then applied to the sum of the OPSC Allowance subtotal plus the allowance for General Conditions, Overhead Profit & Bond, and Escalation. Note: Applications with funding based on plans with final DSA approval are ineligible for contingencies.
Part II- Construction Subtotal			\$ -	Sum of Part I and Part II.

PART III- Design Costs & Fees

Design Costs	Multiplier	Allowance	Calculation Detail
Project Inspection Allowance	1.00%	-	Allowance provided for the services of a DSA certified inspector for the duration of the project. The allowance provided is 1.00%, based on Construction Subtotal. Only allowed if project required DSA approval.
Construction Testing Allowance	1.00%	-	For rehabilitation projects that require specialized testing and inspection of materials during construction such as soil tests, foundation tests, exploratory borings, and similar testing prior to construction, enter 1%. The District must submit written verification of the specialized testing required for the scope of work. For all other projects, enter 0%. The allowance is the applicable percentage multiplied by the Construction Subtotal.
Design Specialist Cost Allowance *See Sliding Scale, below.	Sliding Scale	-	Based on Construction Subtotal, using the Design Cost Allowance chart below.
CDE Plan Review Fee	0.07%	-	Allowance is for the proportionate amount of fees charged by the California Department of Education, as required by law, for the hardship portion of the project. The allowance provided will be CDE's fee calculation applied to the Construction Subtotal.
DSA Plan Review Fee	DSA Project Fee Calculator	-	Allowance is for the proportionate amount of fees charged by the DSA, as required by law, for the hardship portion of the project. Based on the product of the Construction Subtotal applied to the DSA Project Fee Calculator: https://www.apps2.dgs.ca.gov/dsa/tracker/FeeCalculator.aspx .
Part III- OPSC Approved Total Project Cost:			- Sum of Part II and Part III

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STATE OF CALIFORNIA
75 YEARS OR OLDER BUILDING COST ESTIMATE AND COST/BENEFIT ANALYSIS (CBA)
SCHOOL FACILITY PROGRAM
SAB 57-75 (XX/25)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

School District:	Application Number:
School Name:	DSA Number:
County:	

For Reference:

Design Specialist Cost Allowance Sliding Scale	Multiplier	Allowance
Construction Subtotal (from above):		\$ -
First \$500,000	12.00%	\$ -
next \$500,000	11.50%	\$ -
next \$1 million	11.00%	\$ -
next \$4 million	10.00%	\$ -
next \$4 million	9.00%	\$ -
Beyond	8.00%	\$ -
Design Cost Allowance:		\$ -

PART IV- Cost Benefit Analysis Calculation

Existing Building Determination of Qualification			
Square Footage of Qualifying 75 Year Old Building		Current Replacement Cost Per SQFT as of 1/2025	Total Current Replacement Cost
Permanent Toilet	0.00	\$ 932.00	\$ -
Permanent Other	0.00	\$ 517.00	\$ -
Portable Toilet	0.00	\$ 302.00	\$ -
Portable Other	0.00	\$ 118.00	\$ -
Total	0.00		\$ -

Total Project Cost to Modernize the Building (from Part III)	\$ -
Comparison of Cost to Modernize verses Cost to Current Replacement Cost (Divide Total Current Replacement Cost by Total Project Cost to Modernize)	#DIV/0!
Percentage above Exceeds 50% - If 'Yes', Building qualifies	\$ -

*If the cost to repair the building is above 50 percent of the Current Replacement Cost then the building qualifies for Replacement funding. If the cost of repair is below 50 percent, it does not qualify for 75 Year Old replacement grant funding.

ATTACHMENT E

STATE OF CALIFORNIA
75 YEARS OR OLDER BUILDING COST ESTIMATE AND COST/BENEFIT ANALYSIS (CBA)
SCHOOL FACILITY PROGRAM
SAB 57-75 (XX/25)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

School District:	Application Number:
School Name:	DSA Number:
County:	

I certify, as the District Representative, that the information reported on this form is true and correct and that:

- I am designated as an authorized district representative by the governing board of the district; and,
- under penalty of perjury, under the laws of the State of California, the foregoing statements are true and correct to the best of my knowledge and belief; and,
- this form is an exact duplicate (verbatim) of the form provided by Office of Public School Construction. No variations of this form may be used.

Name of District Representative (Print):	Phone Number:
Signature of District Representative:	Date:

ATTACHMENT E

May 23, 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 #10

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 May 8, 2025, Implementation Stakeholder Meeting #10.

75-Year-Old Modernization Supplemental Grant

Stakeholder Feedback #3 - OPSC's response states that F1 level is to be used for 75-years-or-older projects. However, OPSC references three different Sierra West Levels in the subsequent pages: F2 level (pp. 16), F1 level (pp. 28), and F3 level (pp. 30). Los Angeles Unified continues to advocate for the appropriateness of using the F3 level, consistent with the definitions provided in the *Sierra West Current Construction Remodeling Costs 2025* publication. Nonetheless, LA Unified would also support the use of the F2 level. As illustrated by Sierra West (see Image 1), the F1 level is not appropriate for the modernization of a 75-year-old facility, as Sierra West indicates that F1 is typically applied to new construction or tenant improvements in large, open, unfinished spaces—conditions that do not reflect the complexities of modernizing an aging structure.

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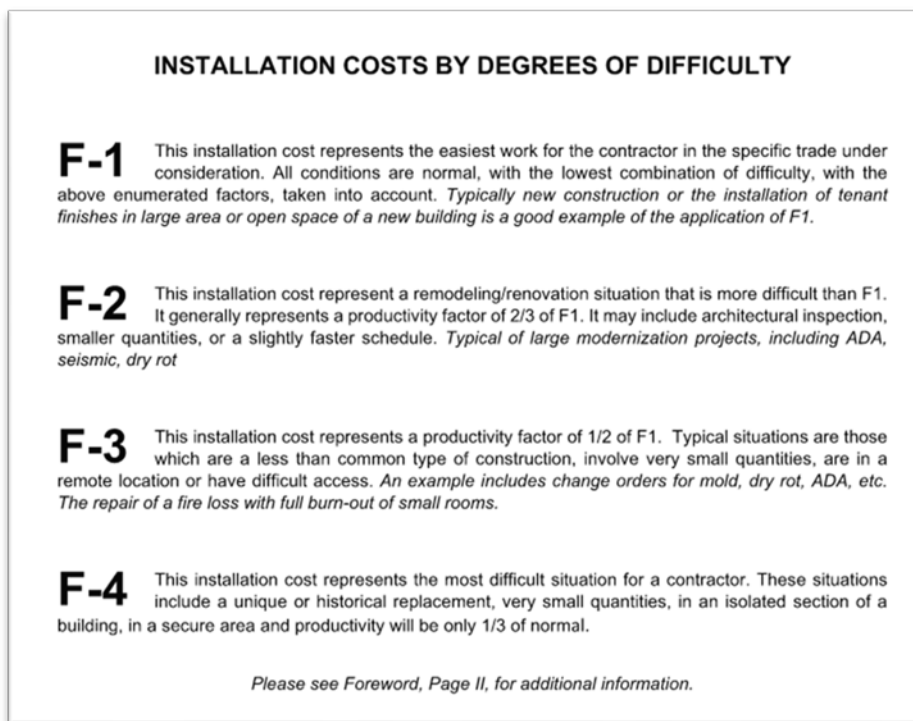


Image 1

Accordingly, LA Unified urges OPSC to authorize the use of the F2 or F3 levels (with a preference for the F3 level) for modernization projects involving aging facilities, and to update the associated regulations and forms to reflect a consistent and appropriate application of these cost levels.

Stakeholder Feedback #7 – OPSC’s response does not address the stakeholder’s request for the rationale for basing 75-year-old site development utilities grant on 50-year pupil grants. Los Angeles Unified requests further clarity on OPSC’s rationale on this item.

Stakeholder Feedback #11 – The revisions to 2 CCR Section 1859.78.65(b)(5) were not included as part of the May 8, 2025, meeting materials. Los Angeles Unified requests the proposed revisions be provided for stakeholder review before they are finalized

Stakeholder Feedback #12 – Los Angeles Unified requests the rationale behind the 35 percent cap that is being proposed for site development related to 75-year-old buildings.

Stakeholder Feedback #13 – OPSC states its opposition to funding site development costs for replacement of a 75-year-old building elsewhere on the same campus. Los Angeles Unified requests the basis for this determination.

Proposed 2 CCR Section 1859.78.7.1 – Please see the Attachment at the end of this letter, which includes Los Angeles Unified’s in-line comments on the “Modernization Additional Grant for 75 Years or Older Buildings” section.

ATTACHMENT E

Proposed SAB Form 50-04

- Based on the information provided, the first two bullet points under Section 2.d (p. 20) should read: “The total number of eligible classrooms and/or the total non-classroom square footage...”.
- Based on the information provided, Section D (p. 23) should be clarified to state: “The total square footage of eligible non-classroom space being demolished”.

Proposed Form SAB 57-75

- For clarity, Los Angeles Unified suggests the proposed categories under Part IV (p. 29) be revised to read “Permanent Toilet,” “Permanent Other,” “Portable Toilet,” and “Portable Other.”
- Part IV (p. 29) references “OPSC Verified Total Project Cost” but Los Angeles Unified believes it should read “OPSC Approved Total Project Cost” to reflect the language on the form. The “Calculation Detail” (p. 31) appears to include an internal OPSC note in error.

Career Technical Education Supplemental Grant

Proposed 2 CCR Section 1859.78.10(b)(2) – OPSC proposes use of Sierra West F1 Level costs for the detailed cost estimate associated with the career technical education (CTE) scope of work under the supplemental grant. This approach deviates from 2 CCR §1859.193(b)(A) and (c)(A), which allow CTEFP project costs to be determined by the project architect. Requiring F1 Level estimates introduces duplicative effort for LEAs who elect to pursue the CTE supplemental grant for high-scoring CTEFP applications that did not receive funding, and creates inconsistency within the SFP regulations for CTE scopes of work. Los Angeles Unified recommends that architect-prepared estimates be accepted for the supplemental grant to reduce administrative burden and for alignment with CTEFP application documentation.

Global SFP Regulation Updates

Stakeholder Feedback #2 – OPSC’s response to the stakeholder comment does not fully address the question posed. It is understood that buildings without DSA approval should not be included in the snapshot to determine modernization eligibility, however this does not address how buildings built before DSA existed should be aged. Any building built before 1933 did not receive a DSA approval stamp until after 1933, which means the building’s age is being misrepresented. This misrepresentation affects school districts’ ability to apply for supplemental grants determined by a building’s age, such as the 75-year-old modernization supplemental grant. Los Angeles Unified recommends that, for buildings constructed prior to the establishment of DSA, the date of the original construction plans be used to determine age eligibility under the 75-year-old supplemental grant.

2 CCR Section 1859.193 Career Technical Education Facilities Grant Determination – Los Angeles Unified would like clarification on whether reducing specific equipment to fewer items (e.g., purchasing two units of an item instead of four units) or removal of equipment altogether, due to descope during design or lack of availability, is still considered a change in scope, and would therefore continue to require an appeal be submitted to the SAB.

ATTACHMENT E

Proposed 2 CCR Section 1859.106 Revisions – Los Angeles Unified disagrees with OPSC's interpretation that the penalty for a finding of ineligible expenditures must equal 100% of the funds in question. The School Facility Program is fundamentally structured around a matching share model, where both the State and Local Education Agency contributes proportionally to eligible projects. Accordingly, any repayment obligation should be limited to the State's matching share of the ineligible expenditures, as determined by the local auditor, rather than the aggregate amount.

The intent of the penalty provision is to protect the State's financial interest—not to recover funds beyond its contribution. Requiring repayment of 100% effectively includes both the State and local shares, which exceeds the scope of the State's interest and imposes an undue financial burden on the Local Education Agency.

Second Round Modernization

Item #5 (p. 295) - This item specifies that when a portable classroom is replaced by a permanent building, it will continue to generate eligibility as a portable every 20 years. Los Angeles Unified seeks clarification on what happens when a portable classroom is replaced with a permanent classroom. Additionally, Los Angeles Unified requests further explanation on the rationale to continue to classify a permanent building as a portable building.

Determination of Second Round Modernization Pupil Types – Los Angeles Unified has concerns with OPSC's current methodology for determining the type of pupil grant (permanent or portable) returned to districts during second-round modernization funding. Because funding applications do not require districts to identify whether the grant request was for permanent or portable pupils, Los Angeles Unified recommends that districts be given discretion to determine the type of pupil grant being returned. A proration based on square footage of permanent versus portable facilities may not accurately reflect the original intent of the application, particularly when permanent construction was proposed. As such, it may result in an inequitable return of eligibility after the aging period.

For example, if a district had 400 eligible pupils, with 200 being permanent pupils and 200 being portable pupils, and submitted a funding request for 150 pupils, the district should be permitted to designate whether that request reflected permanent pupils, portable pupils, or a combination of both when those pupils become eligible for second-round funding. This is particularly important when the original funding application proposed constructing permanent facilities.

Thank you for the opportunity to provide feedback on this item.

Sincerely,



Sasha Horwitz
Legislative Advocate
Los Angeles Unified School District

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1859.2 Definitions

....
'Form SAB 57-75' means the 75 Year Old Building Cost/Benefit Analysis, Form SAB 57-75, (Revised xx/25), which is incorporated by reference.
....

Section 1859.78.7.1 Modernization Additional Grant for 75 Years or Older Buildings

In lieu of the funding provided by subdivision (a) of Education Code Section 17074.10 and Section 1859.78.3, the Board shall provide funding to Approved Applications received on or after October 31, 2024 for projects that include the demolition and replacement of 75 years or older permanent or portable school building(s) if a contract for the work was awarded on or after July 3, 2024.

(a) To receive 75 years or older funding pursuant to Education Code Section 17074.265, all of the following must be met:

- (1) The existing permanent or portable building must be at least 75 years or older. For purposes of determining the age of the building, the 75 years or older period shall begin 12 months after the original plans for the construction of the building were approved by the Department or DSA as applicable.
- (2) Each building on the site that is 75 years or older must qualify on an individual basis.
- (3) If the school building was demolished prior to OPSC's receipt of an Approved Application, the school building must have been 75 years old prior to the demolition.
- (4) The existing permanent or portable building must be replaced at the same site.
- (5) The School District must complete and submit to OPSC a 75 Year Old Building Cost/Benefit Analysis (Form SAB 57-75) that demonstrates the total cost to modernize the school building(s) and comply with current Title 24 Building Code are at least 50 percent of the Current Replacement Cost for the applicable building type; permanent or portable. The cost/benefit analysis must meet the following criteria:
 - (A) The Form SAB 57-75 must demonstrate the minimum work required to modernize and remain in the School Building is at least 50 percent of the Current Replacement Cost of the existing Square Footage of the school building.

LAUSD Comments:

The Los Angeles Unified School District respectfully seeks clarification on who is responsible for determining what constitutes "minimum work."

(B) The modernization work required may only include work directly related to the demolition and replacement of the 75 year old school building(s), which may include improvements to extend the useful life of, or to enhance the physical environment of the qualifying 75 year old building. The Form SAB 57-75 may only include:

1. The cost of design, engineering, testing, inspection, plan checking, construction management, demolition, construction, the replacement of portable classrooms, necessary utility costs, utility connection and other fees, the purchase and installation of air-conditioning equipment and insulation materials and related costs, costs to limit pupil exposure to harmful air pollutants by updating air filtration systems, furniture and equipment, including

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telecommunication equipment to increase school security, fire safety improvements, and the upgrading of electrical systems or wiring or cabling of classrooms in order to accommodate educational technology.

2. The cost of designs and materials that promote the efficient use of energy and water, the maximum use of natural lighting and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and other characteristics of high-performance schools.

(C) The Form SAB 57-75 may not include costs associated with the acquisition of real property or costs for routine maintenance and repair.

(D) The Form SAB 57-75 must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. For all materials or items listed in the most current edition of the Current Construction Remodeling and Repair Cost publication, the amounts entered on the Form SAB 57-75 must use the provided unit costs. For individual materials or items that are not contained in the most current edition of the Current Construction Remodeling and Repair publication, the School District must provide supporting documentation to demonstrate that the costs for the unique work are reasonable and appropriate.

(E) All requested line items shall include Construction Specifications Institute reference number (CSI #), description, F2 total unit cost amount, and quantity. Any line items that include amounts in lump-sum formats will not be reviewed or approved.

LAUSD Comments:

Per OPSC's response to Stakeholder Feedback Item No. 3: "OPSC maintains the position of providing the F1 level for 75-years-or-older projects." The Los Angeles Unified School District respectfully seeks clarification regarding which unit cost amount should be used on Form SAB 57-75. As currently written, the regulation instructs the use of the F2 total unit cost, which appears to conflict with OPSC's stated position of applying the F1 level for projects involving facilities that are 75 years or older.

(b) For each 75 years old or older classroom replaced, funding shall be provided on a per pupil grant basis for the number of pupils to be housed as follows: 25 for each K-6 Classroom, 27 for each 7-12 Classroom, 13 for each Special Day Class Non-Severe Classroom, and 9 for each Special Day Class Severe Classroom. The grant amounts shown below shall be adjusted annually based on the change in the Class B Construction Cost Index as approved by the Board each January, pursuant to Education Code Section 17072.10.

- (1) \$19,016 for each elementary pupil.
- (2) \$20,113 for each middle school pupil.
- (3) \$25,592 for each high school pupil.
- (4) \$53,437 for each Special Day Class Severe pupil.
- (5) \$35,738 for each Special Day Class Non-Severe pupil.

(c) For 75 years old or older non-classroom Square Footage replaced, the eligible Square Footage shall be the lesser of the delta between the Square Footage of the existing non-classroom Square Footage determined by Section 1859.60 and actual Square Footage constructed or the delta between the Square Footage of the existing non-classroom Square Footage per the snapshot and the Square Footage justified by enrollment pursuant to the chart in Section 1859.82.1(b)(4)(B)2. Excess square

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footage required as part of Title 5 requirements needed to obtain plan approval are permissible per Regulation Section 1859.79.2 and considered an eligible expenditure, not to exceed square footage provided in Regulation Section 1859.82.1. Any excess Square Footage not due to Title 5 requirements will not be eligible and must be locally funded by the School District. The funding provided will be calculated as follows:

- (1) Multiply the resulting Square Footage of the qualifying building by \$312.

LAUSD Comments:

The Los Angeles Unified School District respectfully seeks clarification on how the \$312 amount was determined. Furthermore, the Los Angeles Unified School District seeks clarification on whether the \$312 will be subject to an annual adjustment.

- (2) Divide the product by the per pupil allowance in subsection (b) to determine the total allowable pupil grants for the square footage being constructed.

(d) An additional grant for site development for the minimum work required to replace the qualifying building. Any site development provided will be reduced, on a prorated basis, by the percentage of excess square footage constructed. The School District may request the lesser of either (1) or (2):

- (1) 60 percent of the following approved site development and applicable design costs:

- (A) Service site development cost, within school property lines, attributable only to the replacement 75 year old building for:

1. Site clearance including the removal of trees, brush, and debris within footprint of the replacement 75 year old building.
2. Demolition and removal of the qualifying 75 year old building and existing buildings and site improvements which lie in the footprint of a proposed replacement 75 year old building.
3. Removal and rerouting of existing utility service which lie in the footprint of a proposed replacement 75 year old building.
4. Rough grading including cut and fill and leveling and terracing operations required in the design.
5. Soil compaction adhering to common engineering practices and engineered fill that is required by a soils report that is available for review by the OPSC.
6. On-site drainage facilities including inlets below grade drainage facilities and retention basins.
7. Erosion control improvements such as plant material, temporary sprinkler systems, jute mesh and straw, due to embankments having a slope of at least two to one and a vertical height greater than six feet.
8. Outside stairways, handicap ramps and retaining walls due to embankments having a slope of at least two to one and a vertical height greater than six feet.
9. Fire code requirements on site that are not a part of the building.

- (B) Utility service costs that are necessary to serve replacement 75 years or older building:

1. Water: Replacement or repair of main water service line(s) between the utility company connection and to five feet of the 50 years or older building(s) on the site, connection fees if applicable, meter (if not provided by the serving utility), and replacement or repair of a domestic water appurtenances (i.e., well, pump, tank) as needed for the proper operation of the system.

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2. Sewage: Replacement or repair of main sewer line between the utility company connection and to five feet of the 50 years or older building(s) on the site and connection fees, if applicable. Replacement or repair of sewage appurtenances (i.e., treatment/disposal system) as needed for the proper operation of the system and a main disposal line from the treatment system to five feet of the 50 years or older building(s) on the site.
3. Gas: Replacement or repair of main gas service line between the utility company connection and to five feet of the 50 years or older building(s) on the site, connection fee (if applicable), meter (if not provided by serving utility) or replacement or repair of gas service appurtenances (i.e., liquefied petroleum system and tank) as needed for proper operation of the system and a new main supply line from the tank to five feet of the 50 years or older building(s) on the site.
4. Electric: Replacement or repair of electrical service between the utility company connection and the building's main switchboard. Primary electric service runs between the utility company's point of connection and the transformer. Secondary electric service runs between the transformer and the main switchboard. Connection fee, transformer pads and protective devices (i.e., bollards) as required by the utility company.
5. Communication systems: Replacement or repair of service between the utility company connection and the nearest distribution center.

(2) Site development and design costs equal to 35 percent of the funding provided in (b) or (c).

(e) Portable buildings replaced pursuant to this section shall be replaced with a permanent Square Footage.

(f) The qualifying permanent or portable 75 year old or older building must be demolished before the Notice of Completion of the project.

Note: Authority cited: Section 17070.35, Education Code. Reference: Section 17074.265, Education Code.

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May 23, 2025

Communications Team
Office of Public School Construction (OPSC)
707 Third St, 4th Floor
West Sacramento, CA 95605

RE: FEEDBACK ON TOPICS PRESENTED DURING THE MAY 8, 2025 STAKEHOLDER MEETING FOR IMPLEMENTATION OF PROPOSITION 2 FOR THE SCHOOL FACILITY PROGRAM

To Whom it May Concern:

Hancock Park & DeLong, Inc. appreciates the opportunity to continue providing feedback regarding the topics presented during the tenth Proposition 2 Stakeholder meeting held on May 8, 2025.

Below is a summary of our comments and concerns:

- **Modernization Grant for 75 years or Older Buildings**

- We encourage OPSC to reconsider allowing the relocation of certain 75-year old buildings, and the associated site development costs, when the relocation includes a Multipurpose/Cafeteria building or a Gymnasium/Locker building. Title 5 requires Gymnasiums/Shower/Lockers to be secured from other parts of the campus for evening and weekend events and/or for public use (including emergencies). Similarly, Title 5 requires Multipurpose buildings to be located on the campus where the building will be easily accessible for public use, but close to the street for delivery truck access. Districts should have the ability to relocate these buildings on their school campuses in order to meet Title 5 requirements and increase school security while also allowing public access.

- **CTE Facilities: Modernization Supplemental Grant**

- We request clarification regarding contract dates for prior modernization projects that include CTE facilities. May a project be submitted with a current CDE score letter if the contract for the work was executed prior to July 3, 2024?

- **Regulatory Amendments for General Clean-up**

- The current instructions for Part D of the *Enrollment Certification/Projection* (Form SAB 50-01) include outdated references for how special education enrollment information is reported to CDE. The form currently asks for the information "as shown and reported within the California Special Education Management Information System [CASEMIS] to the CDE in December prior to

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the latest CBEDS report.” Data collection for special education pupils was transitioned from CASEMIS to the California Longitudinal Pupil Achievement Data System (CALPADS) over five years ago, during the 2019-20 school year. Under CALPADS, special education pupil data is collected at the same time as the rest of the K-12 data is collected, in early October of each year; there is no longer special ed data reporting being done in December of each year. As special education enrollment is no longer reported to CASEMIS, and no longer reported in December, clarification on the appropriate reporting process would be appreciated. It may be appropriate and timely to update the Form SAB 50-01 instructions to better align with the current practice by school districts.

- **Modernization Grant for Facilities Previously Modernized with State Funds**

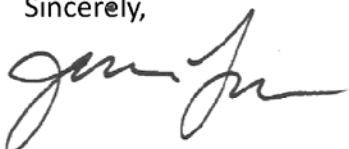
- Regarding the situations where a district replacing a portable classroom eligible for second round funding with a different usage, assuming classroom space is no longer needed, we encourage OPSC to take another look at the previously proposed request.

The language of EC Section 17074.10(f) states “for a portable classroom that is eligible for a second modernization, the board shall require the school district to use the modernization funds to replace the portable classroom and to certify that the existing eligible portable classroom will be removed from any classroom use...” We concur with staff’s interpretation to mean that the replacement building must be for classroom use and that the district is required to replace the portable classroom space with classroom space (permanent or portable), *under this first section of the EC*. However, the remainder of ECS 17074.10(f) states, “...unless the school district is able to document that modernizing the portable classroom is a better use of public resources.”

We request that OPSC allow the replacement-in-kind of different usage to be considered “a better use of public resources”, as certified to by the district. Per SFP Reg Section 1859.79.2(a)(1) “modernization” is allowed to be “Replacement building area of like kind”, therefore it follows that a district “modernizing” a classroom should be able to replace it with like-kind building area. Further, OPSC has previously opined that “replacement area of like kind” refers to replacement *square footage* and not the *type of area*. Again, statewide K-12 enrollment is currently declining, many districts are needing to now re-evaluate their spaces and make the decisions that are best for their student population.

Please let us know if you have any questions or would like additional information regarding these topics. We look forward to continuing conversations as these topics progress with development.

Sincerely,



Jessica Love

Hancock Park & DeLong

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Stakeholder Feedback and Staff Responses

Matching Shares

Stakeholder Comment	Staff Response
1. In the initial materials provided for the 1/30 meeting, the Office of Public School Construction (OPSC) indicated that the additional percentage points provided through the sliding scale were to be directly applied to the State and Local Shares. In the 3/13 meeting, OPSC labeled the additional matching share percentages as a “Local Funding Adjustment Grant” which is to be applied and accounted for separately from the 60 percent state share. Confirmation is needed that the methodology provided in the 3/13 materials will be used in determining the matching share change.	1. OPSC proposes using the methodology outlined in the March 13, 2025 stakeholder item materials in determining the matching share changes. The implementation of the points-based determination for matching shares necessitated establishment of a mechanism that illustrates the adjustment, or the sliding scale, of matching shares based upon the amended Education Code (EC) Sections 17072.30 and 17074.25. OPSC determined that the “Local Funding Adjustment Grant” illustrated this adjustment to simplify how the new sliding scale matching share is broken down.

75 Years-or-Older Building Supplemental Grant

Stakeholder Comment	Staff Response
1. OPSC’s response states that the F1 level is to be used for 75 Years or Older projects. However, OPSC references three different Sierra West Levels in the subsequent pages: F2 level (pp. 16), F1 level (pp. 28), and F3 level (pp. 30). The stakeholder continues to advocate for the appropriateness of using the F3 level, consistent with the definitions provided in the <i>Sierra West Current Construction Remodeling Costs 2025</i> publication. Nonetheless, the stakeholder would also support the use of the F2 level. As illustrated by Sierra West, the F1 level is not appropriate for the modernization of a 75 Years or Older facility, as Sierra West indicates that F1 is typically applied to new construction or tenant improvements in large, open, unfinished spaces—	1. OPSC appreciates the stakeholder’s feedback and considerations. Upon further review and consideration, OPSC has modified the proposed regulations to use the F2 level for this purpose. According to the definition of F2 level within the <i>Sierra West Current Construction Remodeling Costs 2025</i>, “this installation cost represents a remodeling/renovation situation that is more difficult than F1... It may include architectural inspection, smaller quantities, or a slightly faster schedule. Typical of large modernization projects, including ADA, seismic, dry rot.” Although the 75 Years or Older statute requires replacement of the facility,

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Stakeholder Comment	Staff Response
1. (cont.) conditions that do not reflect the complexities of modernizing an aging structure. Accordingly, the stakeholder urges OPSC to authorize the use of the F2 or F3 levels (with a preference for the F3 level) for modernization projects involving aging facilities, and to update the associated regulations and forms to reflect a consistent and appropriate application of these cost levels.	1. (cont.) which may be more similar to new construction than modernization, OPSC recognizes that work on 75 Years or Older facilities may involve a higher level of difficulty than that commonly associated with the F1 level. Therefore, the proposed regulations require the F2 level. As mentioned in the previous stakeholder item on May 8, 2025, the F3 level is designated for Facility Hardship and Seismic projects. OPSC notes that the F levels are only applicable to the cost estimate for purposes of the Cost Benefit Analysis and determination of whether the building qualifies for replacement funding.
2. The stakeholder requests the rationale for basing 75 Years or Older site development utilities grant on 50-year pupil grants and requests further clarity on OPSC's rationale on this item.	2. At the April 3, 2025 stakeholder meeting, staff proposed that a district may request Site Development (utilities only) for the replacement of a 75 Years or Older building, provided that the grant was not included in a prior funding application for a 50 Years or Older building. This utility request is separate from the 50 Years or Older utilities and has its own set of direction and rules. The reason that the site development grant requests have been separated is that unlike 50 Years or Older requests, the 75 Years or Older statute requires a district to demolish the building, which will require additional work and costs that surpass the work and costs that would be associated with 50-year utilities.

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Stakeholder Comment	Staff Response
3. The revisions to 2 CCR Section 1859.78.65(b)(5) were not included as part of the May 8, 2025, meeting materials. The stakeholder requests the proposed revisions be provided for stakeholder review before they are finalized.	3. The stakeholder comments and responses published as part of the May 8, 2025 stakeholder meeting indicated that School Facility Program (SFP) Regulation Section 1859.78.65(b)(5) was amended, but this was a clerical error. Staff presented a wholly new set of proposed regulations for stakeholder consideration at the May 8 meeting (Section 1859.78.7.1).
4. The stakeholder requests the rationale behind the 35-percent cap proposed for site development related to 75 Years or Older buildings.	4. One of the reasons the site development grant requests have been separated is that, unlike 50 Years or Older requests, the 75 Years or Older statute requires a district to demolish the building, which requires work that surpasses the work that would be completed for 50 Years or Older utilities. Due to the additional costs associated with the demolition of the building, OPSC determined that the State Allocation Board shall provide 60 percent of the approved site development and applicable design costs, without the previously proposed 35-percent cap. The 60-percent option is intended to provide funding that better aligns site development grants with the work in the plans and specifications.
5. Multiple stakeholders indicated that OPSC should reconsider its opposition to funding site development costs for replacement of a 75 Years or Older building elsewhere on the same campus. The stakeholders requested the basis for this determination, and noted that districts should have the ability to relocate these buildings on their school campuses to meet Title 5 requirements and increase school security, while also allowing public access.	5. OPSC appreciates the stakeholder feedback and modified the proposed regulations to specify that districts may replace a 75 Years or Older building in the same location or an alternate location on the same site, and that site development funding for the minimum work required to replace the qualifying building may be provided in either case. An amendment to SFP Regulation Section 1859.79.2 is also proposed to specify that replacement of existing 75 Years or Older buildings with increased area necessary to meet minimum Title 5

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Stakeholder Comment	Staff Response
5. (cont.)	5. (cont.) requirements is an allowable use of SFP modernization funding.
6. The stakeholder had comments on SFP Regulation Section 1859.78.7.1, requesting clarification on the following: 1) Who is responsible for determining what constitutes “minimum work?” 2) Clarification is requested on which unit cost amount should be used on the Form SAB 57-75. As currently written, the regulation instructs the use of the F2 total unit cost, which appears to conflict with OPSC’s stated position of applying the F1 level for projects involving facilities that are 75 Years or Older. 3) The stakeholder seeks clarification on how the \$312 amount was determined, and if it is subject to an annual adjustment (SFP Regulation Section 1859.78.7.1[c][1]).	6. OPSC’s response is broken out below to each respective number: 1) OPSC’s Plan Verification Team (PVT) will be responsible for determining what constitutes “minimum work.” 2) The unit cost amount that should be used on the Form SAB 57-75 is the F2 total unit cost. The proposed regulations have been updated to align accordingly. 3) The \$312 amount was determined by considering the Facility Hardship replacement amount of \$260 per square foot, which are funded on a 50/50 basis. The \$312 amount accounts for the fact that 75 Years or Older buildings will be funded on a 60/40 basis, and as a result, the replacement amount has been adjusted to account for this. This amount is subject to an annual adjustment based on the change in the Class B Construction Cost Index.
7. Stakeholders had several comments suggesting technical changes to the Form SAB 50-04 and the Form SAB 57-75.	7. OPSC appreciates the stakeholder feedback but maintains the language being used within the Form SAB 50-04 and 57-75 for the suggested technical language changes.
8. Related to the proposed Form SAB 57-75, the stakeholder suggests that the proposed categories under Part IV be revised to read “Permanent Toilet,” “Permanent Other,” “Portable Toilet,” and “Portable Other.”	8. OPSC appreciates the stakeholder’s suggestion, which was incorporated in the proposed Form SAB 57-75.
9. Part IV references “OPSC Verified Total Project Cost,” but the stakeholder believes it should read “OPSC Approved Total Project Cost” to reflect the language on the form. Additionally, “Calculation Detail” appears to include an internal OPSC note in error.	9. OPSC concurs that the language should be consistent throughout the form and has amended Part IV of the instructions to indicate “OPSC Approved Total Project Cost.” OPSC appreciates the stakeholder bringing the internal OPSC note to attention and has removed the note.

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Minimum Essential Facilities (MEF) Supplemental Grant

Stakeholder Comment	Staff Response
1. OPSC received stakeholder feedback regarding the use of current enrollment at the site at the time of processing the application to determine the grant amount. The stakeholder mentions that given the extended processing times for applications, there could be an impact on funding. The feedback suggests establishing a priority processing option for projects where current enrollment is a critical factor in the funding calculation.	1. In order to more closely align with the Modernization program, OPSC proposes using the enrollment in the current CBEDS Report at the time of receipt of an Approved Application at the site.
2. OPSC received stakeholder feedback requesting clarification of the Permanent/Portable “Other” and “Toilet” grant amounts at the 60-percent amount and whether they will be added to the existing SFP Grant Amount tables.	2. The Permanent/Portable “Other” and “Toilet” grant amounts currently found in the SFP Grant Amount tables are New Construction grant amounts and are therefore subject to the 50/50 State and District shares. As this is a Modernization supplemental grant, the grant amounts are subject to the 60/40 State and District shares. Therefore, they are shown at the 60-percent amount. To determine 60 percent of the Permanent/Portable “Other” and “Toilet” grant amounts, OPSC took the existing grant amount totals (which are at 50 percent) and doubled them to get the 100 percent amount. Then OPSC applied 60 percent to get the grant amounts used in the calculations presented to stakeholders at the April 3, 2025 Stakeholder Meeting. These amounts would be subject to an annual adjustment based on the change in the Class B Construction Cost Index.

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Stakeholder Comment	Staff Response
3. OPSC received stakeholder feedback requesting clarification regarding how toilet space need will be evaluated under Option 2.	3. The proposed regulations are based on previously presented Option 1. For reference, Option 2 did not differentiate between Other and Toilet square footage and instead focused on total square footage. All Permanent space would be funded at the same amount and all Portable space would be funded at the same amount. The grant amount would be determined by using a square footage calculation to determine the maximum pupil grant amount for the facility based on the current enrollment at the site. Toilet space was not a consideration in this Option.
4. OPSC received stakeholder feedback suggesting OPSC allow districts the flexibility to choose between Option 1 or Option 2 based on what best meets the needs of each project.	4. By basing the funding on the Permanent/Portable Other and Toilet square footage that is being built, Option 1 considers the actual type of space built when determining the supplemental grant amount. Therefore, Option 1 aligns more with the needs of each individual project more so than Option 2.
5. OPSC received stakeholder feedback requesting clarification on the proposed regulation for the MEF grant that would allow districts to submit documentation demonstrating that additional toilet space must be constructed to obtain approval from the Division of the State Architect (DSA) and what specific documentation will be accepted to substantiate this need as well as confirmation from DSA on the associated documentation and approval procedure.	5. To substantiate the need for additional toilet space, OPSC would accept written confirmation from DSA that states the <i>amount</i> of toilet space that is necessary to obtain plan approval.

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Stakeholder Comment	Staff Response
6. OPSC received stakeholder feedback requesting clarification on 2 CCR Section 1859.50 and how it relates to the required certification indicating that the state has satisfied its obligation to house students, as 1859.50 is about calculations to determine new construction baseline eligibility and does not directly speak to such an obligation, in instances when classrooms are demolished and replaced with an MEF (and the classrooms are not rebuilt anywhere else on the site) and how the age of that facility will be reset. There does not appear to be a link to the obligation referenced.	6. This proposal was modeled after existing SFP Regulation Section 1859.77.3(a)(1)(B), which is in regard to utilizing a Use of Grants request to construct an MEF with new construction pupil grants, requires an acknowledgment that the state has satisfied its obligation pursuant to Section 1859.50 to house the pupils receive grants in the project. However, OPSC amended the proposed Form SAB 50-04 certification to remove reference to the state's obligation and instead clarify that if the district is displacing classrooms as a result of reconfiguration for an MEF, and is not replacing the classrooms in the same plan set due to a demonstrated lack of need, the district acknowledges no adjustment to the district's new construction eligibility will be made for the removal of these classrooms. Therefore, the district will not generate future new construction eligibility associated with the displacement of the previous classrooms to reconfigure for an MEF.
7. OPSC received stakeholder feedback regarding the additional square footage costs and whether they will need to be broken out and compared to the actual, exact cost of the new facility.	7. Yes, if the MEF results in additional square footage (beyond the lesser of the recommended MEF size or the total square footage of the new facility for new projects, or the lesser of the delta between the existing MEF size and the recommended MEF size or the delta between the existing MEF size and the total size of the expanded facility for expansion projects), it will need to be broken out, as any square footage beyond the above is considered an ineligible expenditure and not fundable under the Modernization program.

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Stakeholder Comment	Staff Response
8. OPSC received stakeholder feedback requesting clarification on whether there will be a separate 60 percent commensurate requirement for each component of the application as if it were a “hybrid” project with multiple funding sources.	8. Yes, similar to a “hybrid” project with multiple funding sources, the modernization work would be required to meet the 60 percent commensurate requirement on its own without the inclusion of the MEF work.
9. OPSC received stakeholder feedback requesting clarification on whether there will be an option to use a three-year average as referenced in SFP Regulation Section 1859.82.1(b)(4)(B)2.	9. OPSC would also like to clarify that the use of regulation SFP Regulation Section 1859.82.1(b)(4)(B)(2) was in reference to the square footage chart in that section.
10. OPSC received stakeholder feedback suggesting that only the student restroom area be included in the calculations (for both the MEF supplemental grant AND the Facility Hardship Program calculations).	10. OPSC has determined that toilet space in non-classroom administration buildings and any not on the actual site (such as bathrooms at a track or field across the street from the site) may be excluded from the calculation. As restrooms in these spaces are not intended to be utilized by students during regular school hours, this approach will ensure that funding provides students with adequate access to restrooms.
11. OPSC received stakeholder feedback indicating a preference for the Option 1 funding method.	11. OPSC acknowledges and appreciates the input. The proposed regulations follow the Option 1 method.

Transitional Kindergarten (TK) Supplemental Grant

Stakeholder Comment	Staff Response
1. Additional clarification was requested on the proposed adjustment under SFP Regulation Section 1859.51 for New Construction eligibility, as Transitional Kindergarten pupils are not recognized under the existing SFP regulation, and are not currently recognized in New Construction Eligibility calculations.	1. Pursuant to Education Code Section 48000, transitional kindergarten means the first year of a two-year kindergarten program. As transitional kindergarten classrooms must meet the Title 5 kindergarten classroom requirements, any new construction transitional kindergarten classrooms funded through the TK Supplemental grant will be reduced from the district's New Construction K-6 eligibility baseline, as a Title 5 kindergarten classroom was built with SFP Modernization funds.

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Stakeholder Comment	Staff Response
2. There are concerns about grant adequacy of the TK supplemental grant because it is based on the California Preschool, TK and Full-Day Kindergarten Facilities Grant Program (FDK Program) funding model.	2. OPSC notes that approximately 90 percent of projects awarded in the first and second FDK Program filing rounds were successfully completed. FDK Program projects from the third and fourth filing rounds have not yet reached their project completion deadlines.
3. Clarification is requested as to whether the TK supplemental grant will be capped based on the number of modernization pupil grants requested, or if the full TK supplemental grant will be awarded regardless.	3. The TK supplemental grant may only be requested with a qualifying modernization project, exclusive of the TK classrooms. Although the modernization pupil request will not dictate how many TK classrooms can be requested, the TK classrooms associated with the supplemental grant will be capped at four classrooms.