

REPORT OF THE EXECUTIVE OFFICER
State Allocation Board Meeting, August 19, 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 funding assistance following a natural disaster for which the Governor has declared a state of emergency.

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 Natural Disaster Assistance.

Based upon staff proposals at these stakeholder meetings and the feedback received, OPSC determined that the proposed regulatory amendments related to this topic are able to move forward for Board consideration after some minor adjustments to the version presented in the most recent stakeholder meeting, which are summarized in the Staff Analysis/Statements 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 new *Application for Natural Disaster Assistance* (Form SAB 195).

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 held four stakeholder meetings for the proposed regulatory amendments presented in this item, on February 13, April 10, June 12, and July 24, 2025. This item includes the third set of proposed regulatory amendments for the Board's consideration to

BACKGROUND (cont.)

implement Proposition 2 provisions for applications received on or after October 31, 2024. Additional proposed amendments will be presented at future Board meetings.

Below is an overview of the relevant Proposition 2 statute.

Natural Disaster Assistance

EC Section 17075.20 was added to statute, and is summarized as follows:

- Subdivision (a), notwithstanding any other law, allows the Board to provide assistance for purposes of procuring interim housing, including, but not limited to, the lease or acquisition of Portable Classrooms and any work associated with placing them on a site, to school districts and County Offices of Education (COE) impacted by a natural disaster for which the Governor has declared a state of emergency. In addition, funds provided shall supplement funding from insurance or any other local, state, or federal government disaster assistance.
- Subdivision (b) qualifies school districts and COEs that are impacted by a natural disaster as described in (a) to have met the requirements set forth in EC Section 17075.10, known as the Facility Hardship Program in SFP Regulation Section 1859.82. Under this program, districts and COEs may receive funding to replace lost or damaged necessary school facilities.
- Subdivision (c) allows school districts and COEs to retain savings from a project that received funds under this section and to use those savings for other high-priority capital outlay purposes consistent with the requirements of EC Section 17070.63(c).
- Subdivision (d)(1) indicates that a grant pursuant to this section will not affect the applicant's eligibility for the SFP, except as specified in subdivision (d)(2).
- Subdivision (d)(2) specifies that Portable Classrooms purchased pursuant to (a) shall be included in the determination of eligibility for new construction funding, pursuant to EC Section 17071.75. This means that any such Portable Classrooms must be included in a district's classroom inventory during establishment of new construction eligibility or added to a district's existing inventory via an adjustment to new construction eligibility if already established.
- Subdivision (e) indicates that the Board may provide any other assistance to a school district or COE determined by the Board to be impacted by a natural disaster described in (a).

STAFF ANALYSIS/STATEMENTS

Stakeholder Meetings

At the February 13 stakeholder meeting, staff introduced EC Section 17075.20 and discussed broader components of implementing the statute.

STAFF ANALYSIS/STATEMENTS (cont.)

At the April 10 stakeholder meeting, staff responded to stakeholder feedback and continued the discussion of implementation. Staff also presented proposed amendments to the SFP regulations, as well as concepts for a new form and checklist with the goal of providing guidance and support to school districts requesting natural disaster assistance. This stakeholder meeting item also discussed the statutory language of EC Section 17075.20(e) and several applications approved by the Board prior to the passage of Proposition 2, which staff provided as examples illustrating that in the future, districts may request accelerated processing and funding of applications under the “any other assistance” provision.

At the June 12 stakeholder meeting, staff continued to respond to stakeholder feedback and presented additional proposed regulatory amendments, a new *Application for Natural Disaster Assistance* (Form SAB 195), and a new checklist. Staff also clarified impacts to New Construction eligibility.

Finally, at the July 24 stakeholder meeting, staff responded to stakeholder feedback, proposed additional regulatory amendments to clarify reporting requirements and build in a mechanism for school districts who qualify for Financial Hardship assistance to request advance design funding, presented two grant agreement templates for Interim Housing and Other Assistance Following a Natural Disaster, and refined the proposed Form SAB 195 and companion checklist to conform to the proposed regulations.

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 H, alongside the items as previously presented. A summary of stakeholder feedback received since the last stakeholder meeting and staff’s response is provided on Attachment I. Collectively, staff’s recommendations presented in this item were informed by stakeholder feedback and represent staff’s final recommendations for implementation of the natural disaster assistance provisions in Proposition 2.

Proposed SFP Regulations

Below is a summary of the proposed SFP Regulation amendments, which are included as Attachment B:

SFP Regulation Section 1859.2 – Definitions

- The new “Form SAB 195,” which means the *Application for Natural Disaster Assistance* (Form SAB 195), is proposed to be incorporated by reference.
- The existing definition for the term “Interim Housing” is amended to mean the rental or lease of classrooms used to house pupils temporarily displaced as a result of the modernization or construction of classroom facilities; or the lease or purchase of classrooms or ancillary facilities including but not limited to, restrooms, administrative space,

STAFF ANALYSIS/STATEMENTS (cont.)

or minimum essential facilities obtained due to a natural disaster for which the Governor has declared a state of emergency, pursuant to EC Section 17075.20.

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

Since the most recent stakeholder meeting, a minor amendment was made to the proposed amended definition of Interim Housing to indicate “school administration” rather than “administrative space” when referring to ancillary facilities.

SFP Regulation Section 1859.31 – Gross Classroom Inventory

Amendments to this section include minor technical language adjustments to capitalize defined terms such as “School District,” “Classroom,” and “Interim Housing,” as well as the removal of the phrase “for a modernization project” from subsection (i) to conform to the amended definition of Interim Housing.

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

Amendments to this section include minor technical language adjustments to capitalize and conform to defined terms within SFP Regulations.

Amendments are proposed for Subsection (i)(5) to clarify that the exemption from baseline New Construction eligibility adjustments for leased Portable Classrooms used for purposes of Interim Housing is not limited to a maximum eight-year period if the Portable Classroom was funded with a grant provided pursuant to Education Code Section 17075.20(a).

Subsection (i)(13) is proposed to be added to specify that classrooms constructed with a grant provided pursuant to Education Code Section 17075.20 are exempt from baseline New Construction eligibility adjustments, unless the classroom is a Portable Classroom purchased pursuant to subdivision (a) of Education Code Section 17075.20.

Additionally, subsections (t)(1), (t)(2), and (u) are proposed to be added, reflecting the following baseline eligibility adjustments:

- Subsection (t)(1) is included to function as a placeholder adjustment, specifically for Portable Classrooms purchased for purposes of Interim Housing following a natural disaster.
- Subsection (t)(2) is added to function as a reversal of the placeholder adjustment once the school district permanently removes the purchased Portable Classrooms within eight years of occupancy as Interim Housing.

STAFF ANALYSIS/STATEMENTS (cont.)

- Subsection (u) is added to allow an adjustment to a district's New Construction eligibility for any classrooms destroyed or rendered unsafe to occupy due to a natural disaster declared on or after July 3, 2024, that will not be replaced. This subsection also would permit the Board to consider adjustments for classrooms destroyed or rendered unsafe to occupy due to a natural disaster that occurred prior to July 3, 2024, that the district elected not to replace, on a case-by-case basis.

Modifications Since the Last Stakeholder Meeting

Since the most recent stakeholder meeting, staff added the proposed amendments to subsection (i)(5) and added proposed subsection (i)(13) to clarify which classrooms constructed with a grant provided pursuant to Education Code Section 17075.20 are exempt from baseline New Construction eligibility adjustments.

SFP Regulation Section 1859.80 – General

In addition to minor language amendments to conform with defined terms, subsection (d) has been added to specify that school districts shall qualify for hardship assistance provided they qualify for natural disaster assistance pursuant to Sections 1859.84.1 or 1859.84.2.

SFP Regulation Section 1859.81.1 – Separate Apportionment for Site Acquisition and Design Costs

In addition to minor amendments to conform with defined terms, subsection (f) has been added, which permits the Board to apportion an amount not to exceed 25 percent of the state share of the grant less any school district funds available for the project pursuant to Section 1859.81(a) for applications for other assistance following a natural disaster. This amount shall be offset from the full grant amount the school district would be eligible for pursuant to Section 1859.84.2 when the school district submits an additional Form SAB 195 to request additional funding.

SFP Regulation Section 1859.84 – Natural Disaster Assistance Program

This section provides the circumstances under which a school district may apply for interim housing and any other assistance pursuant to EC Section 17075.20. This section states that the state of emergency must be open at the time of application submittal, further defines what a natural disaster may include for purposes of this section, and indicates that applications received on or after October 31, 2024 are subject to matching share requirements in accordance with Sections 1859.77.1 or 1859.79, as applicable.

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

Since the most recent stakeholder meeting, a minor amendment was made to clarify that natural disaster assistance applications are subject to matching

STAFF ANALYSIS/STATEMENTS (cont.)

share requirements applicable to SFP New Construction or Modernization projects, as applicable.

SFP Regulation Section 1859.84.1 – Interim Housing Assistance Following a Natural Disaster

This section provides the eligibility criteria and process for a school district to request interim housing assistance following a natural disaster, as follows:

- Introductory text for this Section specifies that interim housing assistance is subject to the availability of New Construction bond authority and shall supplement insurance, local, state, and federal disaster funding. Additionally, introductory text specifies that eligibility to request interim housing assistance is contingent upon facilities lost or damaged by a natural disaster for which the Governor declared a state of emergency, and the state of emergency must be “open” on the date the district submits the Form SAB 195.
- Subsection (a) requires a school district to submit a Form SAB 195 signed by an Authorized District Representative to request funding for interim housing.
- Subsection (b) indicates that the school district must submit specified documentation to demonstrate that interim housing assistance will supplement funding from insurance or any other government disaster assistance. Specifically, subsection (b) requires districts to provide documentation demonstrating that the costs associated with interim housing have not been covered by insurance proceeds or any other local, state or federal government disaster assistance, if the district will not receive insurance proceeds or other government disaster assistance for interim housing. If the school district expects to receive future insurance proceeds or other government disaster assistance attributable to the costs of interim housing, the district must provide: 1) an estimate of expected insurance proceeds or any other government disaster assistance for interim housing expenses; 2) a narrative statement indicating the necessity for interim housing assistance prior to receipt of insurance proceeds or any other government disaster assistance for this purpose; and 3) acknowledgement of the reporting requirement and potential future adjustment to any apportionment, pursuant to subsection (c).
- Subsection (c) indicates that any apportionment provided in accordance with this section shall be adjusted for funding received from insurance proceeds or government disaster assistance for interim housing. The apportionment shall be reduced by 50 percent of the funding received from insurance proceeds and/or government disaster assistance for interim housing, or a commensurate amount adjusted for the district matching share pursuant to Section 1859.77.1. This subsection also requires school districts to report insurance proceeds and/or government disaster assistance collected to OPSC by means of an annual narrative from the date the application was

STAFF ANALYSIS/STATEMENTS (cont.)

submitted to OPSC until all claims for insurance proceeds and requests for government disaster assistance are closed.

- Subsection (d) specifies that apportionments provided pursuant to this section are subject to the fund release and priority funding requirements in Sections 1859.90 or 1859.90.2.
- Subsection (e) states that a Grant Agreement pursuant to Section 1859.90.4 is required as a condition of receiving interim housing funding.
- Subsection (f) states that the school district is subject to the program reporting and audit requirements of Sections 1859.104 and 1859.105.

Modifications Since the Last Stakeholder Meeting

- Since the most recent stakeholder meeting, staff removed previously presented subdivision (c), which indicated that Interim Housing assistance may not be requested in place of an Approved Application pursuant to Section 1859.70 or 1859.82.1.

Since the most recent stakeholder meeting, staff modified the point in time when the reporting requirement begins. In the most recent stakeholder meeting, the proposed regulations indicated districts receiving an apportionment under this Section must report receipt of any insurance proceeds and/or government disaster assistance collected after the apportionment in the form of an annual narrative from the date of the apportionment until all claims for insurance proceeds and requests for government disaster assistance are closed. Subsequently, staff determined the reporting requirement should apply to receipt of any insurance proceeds and/or government disaster assistance collected from the date the district submitted the application to OPSC until all claims for insurance proceeds and requests for government disaster assistance are closed, to better ensure that apportionments provided for this purpose supplement funding from insurance proceeds and other government disaster assistance.

- Additionally, staff made non-substantive, clarifying language amendments to this section.

SFP Regulation Section 1859.84.2. – Other Assistance Following a Natural Disaster
This section provides the eligibility criteria and process for a school district to request other assistance following a natural disaster, as follows:

- Introductory text specifies that funding provided by this Section is subject to the availability of New Construction or Modernization bond authority, as applicable to the scope of work in the request, and shall supplement insurance, local, state, and federal disaster funding. Additionally, introductory text specifies that eligibility for this funding is at the Board's discretion if the district is determined to be impacted by a natural disaster for which the Governor declared a state of emergency, and the state of emergency was "open" on the date the district submitted the Form SAB 195.

STAFF ANALYSIS/STATEMENTS (cont.)

- Subsection (a) indicates that in determining whether to provide other assistance following a natural disaster, the Board may consider any previous SFP Approved Applications that received an apportionment for the impacted site as it relates to the natural disaster, and all information required on the Form SAB 195.
- Subsection (b) requires a school district to submit a Form SAB 195 signed by an Authorized District Representative to request other assistance funding following a natural disaster.
- Subsection (c) indicates that the school district must submit specified documentation to demonstrate that any funding provided by this Section will supplement funding from insurance or any other government disaster assistance. Specifically, subsection (c) requires districts to provide documentation demonstrating that the costs associated with the scope of work in the Form SAB 195 have not been covered by insurance proceeds or any other local, state or federal government disaster assistance, if the district will not receive insurance proceeds or other government disaster assistance for this purpose. If the school district expects to receive future insurance proceeds or other government disaster assistance attributable to the costs associated with the scope of work in the Form SAB 195, the district must provide: 1) an estimate of expected insurance proceeds or any other government disaster assistance for this purpose; 2) a narrative statement indicating the necessity for other assistance following a natural disaster prior to receipt of insurance proceeds or other government assistance for this purpose; and 3) acknowledgement of the reporting requirement and potential future adjustment to any apportionment, pursuant to subsection (f).
- ~~Subsection (d) specifies that the district's New Construction baseline eligibility will be adjusted for any net increase in classroom capacity in the project, pursuant to Section 1859.51.~~
- ~~Subsection (e) indicates that the baseline eligibility for Modernization as provided in Section 1859.60 shall be adjusted for any funding received, and the age of the applicable classroom(s) and square footage in the project shall be reset to the date of the apportionment for the project.~~
- Subsection (fd) specifies that an apportionment provided pursuant to this Section will be adjusted for funds received from insurance proceeds or government disaster assistance for the same purpose or scope of work funded by the apportionment, as follows:
 - Reduced by 50 percent of the funding received from insurance or government disaster assistance, or a commensurate amount adjusted for the New Construction district matching share pursuant to Section 1859.77.1, or
 - Reduced by 60 percent of the funding received from insurance or government disaster assistance, or a commensurate amount adjusted for the Modernization district matching share pursuant to Section 1859.79.

STAFF ANALYSIS/STATEMENTS (cont.)

- Subsection (ge) states that any insurance proceeds and/or government disaster assistance collected shall be reported to OPSC in the form of an annual narrative from the date the application was submitted to OPSC until all claims for insurance proceeds and requests for government disaster assistance are closed.
- Subsection (hf) specifies that apportionments provided pursuant to this section are subject to the fund release and priority funding requirements in Sections 1859.90 or 1859.90.2.
- Subsection (ig) states that a Grant Agreement pursuant to Section 1859.90.4 is required as a condition of receiving funding pursuant to this Section.
- Subsection (jh) indicates that the school district is subject to the program reporting and audit requirements of Sections 1859.104 and 1859.105.

Modifications Since the Last Stakeholder Meeting

Since the most recent stakeholder meeting, staff removed previously proposed subsections (d) and (e) from this Section, which referred to eligibility adjustments to a district's New Construction and Modernization baseline eligibility due to receipt of other assistance following a natural disaster. Upon further review, staff removed these proposed subsections and added proposed amendments to Section 1859.51(i) to clarify which classrooms constructed with a grant pursuant to Education Code Section 17075.20 are exempt from eligibility adjustments. With removal of these subsections, conforming and non-substantive changes were made to subsequent subsections and cross-references in the proposed regulations (Attachment B) and the Application for Natural Disaster Assistance Checklist (Attachment D).

Since the most recent stakeholder meeting, staff also modified the point in time when the reporting requirement begins. In the most recent stakeholder meeting, the proposed regulations indicated districts receiving an apportionment under this Section must report receipt of any insurance proceeds and/or government disaster assistance collected after the apportionment in the form of an annual narrative from the date of the apportionment until all claims for insurance proceeds and requests for government disaster assistance are closed. Subsequently, staff determined the reporting requirement should apply to receipt of any insurance proceeds and/or government disaster assistance collected from the date the district submitted the application to OPSC until all claims for insurance proceeds and requests for government disaster assistance are closed, to better ensure that apportionments provided for this purpose supplement funding from insurance proceeds and other government disaster assistance. Additionally, staff made non-substantive, clarifying language amendments to this section.

STAFF ANALYSIS/STATEMENTS (cont.)

SFP Regulation Section 1859.90 – Fund Release Process

In addition to minor technical amendments to conform with defined terms within the SFP regulations, subsections (a) and (d) reference timelines and requirements for fund release of apportionments made pursuant to the proposed Section 1859.81.1(f).

SFP Regulation Section 1859.93 – Modernization Project Funding Order

This section is proposed to be amended to incorporate reference to the funding order of applications requesting funding pursuant to Section 1859.84.2.

- Subsection (b) includes reference to applications for other assistance following a natural disaster pursuant to Section 1859.84.2 in order of receipt of a Form SAB 195.
- Subsection (c), formerly (b), adds a reference to the new subsection (b).

SFP Regulation Section 1859.93.1 – New Construction Project Funding Order

This section is proposed to be amended to incorporate references to the funding order of applications requesting funding pursuant to Sections 1859.84.1 and 1859.84.2.

- Subsection (a) is amended to give priority to applications pursuant to Section 1859.84.1, in order of receipt of a Form SAB 195.
- Subsection (b) is amended to give second priority to applications for Facility Hardship pursuant to Sections 1859.82.1(b) and 1859.82.2(b) in order of receipt of an approved application for funding.
- Subsection (c) is amended to give third priority to applications pursuant to Section 1859.84.2 in order of receipt of a Form SAB 195.
- Subsection (d), formerly (b), has a conforming amendment to add reference to subsection (c).
- The remaining subsections are renumbered as a result of the new additions.

SFP Regulation Section 1859.104 – Program Reporting Requirements

In addition to minor technical amendments to conform language with defined terms within the SFP regulations, the following additions are included within the proposed regulations:

- Subsection (a)(1)(C) is added to specify that notwithstanding subsection (a)(1)(B), a project shall be deemed complete eight years from the date of the final fund release for projects receiving funding pursuant to Section 1859.84.1 or Section 1859.84.2. Existing regulations require annual submittal of expenditure reports using the Form SAB 50-06 following the release of funds.
- Subsection (h) has been added, indicating that if an apportionment was made under Section 1859.84.1, the school district must provide a certification that:

STAFF ANALYSIS/STATEMENTS (cont.)

- (h)(1) - Upon either project completion or no later than 60 months from the date the lease was signed for purposes of interim housing, leased Portable Classrooms have either been removed or remain in use within the school district. For leased Portable Classrooms that have a qualifying project and receive an extension by the Board pursuant to Section 1859.51(i)(5), the school district shall provide an additional certification no later than three years from the approval date of the extension.
- (h)(2) - Upon either project completion or no later than 96 months from the date of the apportionment, purchased Portable Classrooms for interim housing have either been removed or remain in use within the school district.

SFP Regulation Section 1859.106 – Program Accountability Expenditure Audit

In addition to minor technical amendments to conform language with defined terms within the SFP regulations, the following amendments are proposed:

- Subsection (c) states that an adjustment will be made to the SFP grant for insurance proceeds or other government disaster assistance collected by the school district for any project that received funding pursuant to Sections 1859.84.1(c), or 1859.84.2(f).
- References to Sections 1859.84, 1859.84.1, and 1859.84.2 were added to specify that if an audit finding determines that some or all school district expenditures were not made in accordance with these provisions for projects following a natural disaster, OPSC shall recommend to the Board that the apportionment be adjusted based on the audit findings.
- A paragraph is added to specify that for any project that received funding pursuant to Sections 1859.84.1 or 1859.84.2, the school district must report to OPSC the receipt of any insurance or other government disaster assistance proceeds received after the completion of the expenditure audit within 60 days.

Modifications Since the Last Stakeholder Meeting

Since the most recent stakeholder meeting, staff added a 60-day timeframe associated with the requirement for the district to report to OPSC the receipt of any insurance proceeds or government disaster assistance received after the completion of the expenditure audit. Additionally, staff made non-substantive, clarifying language amendments to this section.

Proposed Form SAB 195

The proposed Form SAB 195 on Attachment C functions as a means for a school district to apply for funding for either interim housing or other assistance following a natural disaster, pursuant to EC Section 17075.20. This form incorporates all of the proposed regulatory requirements and provides sections wherein a district may provide a narrative for each respective interim housing or other assistance request.

STAFF ANALYSIS/STATEMENTS (cont.)

Modifications Since the Last Stakeholder Meeting

- Section 1 of the instructions and the Form were amended to add a subsection for applicants to specify the type of request, and to add subsection numbering for purposes of clarity, organization, and ease of reference for applicants.
- Sections 1e. and 1f. of the instructions were amended to add the terms “Portable Classrooms” and “ancillary facilities.”
- Section 3 of the instructions was amended to remove an erroneous reference to check boxes and to broaden the header to “Prior SFP Approval(s)” rather than “Prior SFP Apportionments” to be inclusive of unfunded approvals.
- Section 8 of the instructions was amended to add California Department of Education and Division of the State Architect plan approvals, as applicable, to the documentation required as part of a request for interim housing assistance.
- Section 10 Certifications were updated to align with the latest corresponding regulations.
- Various additional changes were made to align the Form with the proposed regulations and clarify the Form instructions.

Proposed Checklist

The proposed checklist on Attachment D is an optional document that functions as a tool for school districts to use when applying for natural disaster assistance. Its purpose is to guide applicants through the process and documentation required to apply for either type of Natural Disaster Assistance.

Modifications Since the Last Stakeholder Meeting

- References to the subsections in Section 1 of the Form SAB 195 were added for clarity.
- A section was added for districts to indicate whether they have applied for any other government disaster assistance and to indicate the estimated amount they may receive that is attributable to the same purpose or scope of work in the request.
- Under the Other Assistance Following a Natural Disaster Requests component of the checklist, additional checkboxes have been added under Section 1 that delineate when a “New” application or “Amended” application should be selected, relative to the type of request.
- Section 7 was amended to clarify that if the school district is requesting a separate design apportionment under Section 1g of the Form SAB 195 and has selected “New application under Section 1a, this section can be left blank.
- Various additional changes were made to align the checklist with the proposed regulations and the proposed Form SAB 195.

STAFF ANALYSIS/STATEMENTS (cont.)

Proposed Grant Agreements – Interim Housing and Other Assistance Following a Natural Disaster

A proposed Grant Agreement for interim housing assistance following a natural disaster may be found on Attachment E, and a proposed Grant Agreement for other assistance following a natural disaster may be found on Attachment F. New grant agreements are needed expeditiously if the Board approves one or both of the two Natural Disaster Assistance projects requesting approval at the August 19, 2025 Board meeting.

These proposed grant agreements are streamlined and briefer than the existing grant agreements for other SFP projects, and are intended to outline the scope of the project alongside annual reporting requirements.

Modifications Since the Last Stakeholder Meeting

- The proposed grant agreements were amended for purposes of specificity in describing the project scope of work and aligning with requested information on the Form SAB 195.
- Outdated certifications were removed.
- On page 2 of each of the proposed grant agreements, the phrase “The Grantee shall not make any changes to the scope of work without the prior written approval of the OPSC” has been amended to indicate “...without the prior written approval of the State Allocation Board” for consistency with existing grant agreements for SFP projects.

Proposed Fund Release Authorization (Form SAB 50-05)

Staff proposes to amend the Form SAB 50-05 to include applications for Natural Disaster Assistance to request a fund release.

This amendment includes the addition of instructions and entry boxes for Natural Disaster Assistance Projects under Part X of the Form SAB 50-05. This amendment shifts previous sections Parts X and XI to be re-numbered to Parts XI and XII.

For purposes of clarification, the Form SAB 50-05 is not required for purposes of Fund Release for advance design applicants, who only need to submit a signed grant agreement for purposes of fund release. This is similar to the process for SFP Modernization and New Construction design applicants.

Modifications Since the Last Stakeholder Meeting

The body of the Form SAB 50-05 is amended to remove a previously presented certification that requests the district certify that it currently has financial hardship status under the provisions of Section 1859.81. This certification is not necessary for purposes of a fund release, and would have been determined prior to approval by the Board.

STAFF ANALYSIS/STATEMENTS (cont.)

Five-Year School Facilities Master Plans

Proposition 2 requires that, as a condition of participating in the SFP, school districts must submit to OPSC a five-year school facilities master plan, or an updated five-year school facilities master plan, approved by the governing board of the school district.

At the December 3, 2024 meeting, the Board adopted timelines and policies related to the five-year school facilities master plan. The adopted policies at the December 3, 2024 meeting did not include timelines associated with funding for Natural Disaster Assistance projects.

OPSC recommends that the Board consider establishing expectations around timelines for school districts to submit the required five-year school facilities master plan so that school districts have a clear understanding of how to fulfill the new statutory requirement while minimizing impact to timelines for current and upcoming Natural Disaster Assistance projects. OPSC recommends that the timelines consider the unique and expedited nature of the Natural Disaster Assistance Program applications requesting funding to procure interim housing and other assistance following a natural disaster. Specifically, OPSC recommends that the Board adopt the following timelines and policies for Natural Disaster Assistance Program Applications:

- Under the proposed SFP regulations, Natural Disaster Assistance Program applications receive higher priority for processing and presentation to the Board than most New Construction and Modernization applications, pursuant to the proposed project funding order in Sections 1859.93 and 1859.93.1. Natural Disaster Assistance Program applications submitted on or after October 31, 2024 are subject to the Proposition 2 requirement to submit a five-year school facilities master plan. Accordingly, to allow submittal, processing, and approval of these applications without delay, submittal of the master plan would be required by the time of submittal of the 100 percent complete *Expenditure Report* (Form SAB 50-06).
- Applications submitted on or after December 4, 2024 would be required to include a governing board resolution acknowledging the requirement to submit the master plan by the previously mentioned deadline. The governing board resolution must also acknowledge the project may be rescinded for failure to submit a master plan with the required components. OPSC will provide applicants who submit an application without the resolution a corrective “24-hour letter” to request submittal of the resolution to OPSC within 24 hours or the application will be returned to the applicant.

RECOMMENDATIONS

1. Adopt the proposed amendments to the SFP Regulations as shown on Attachment B.
2. Adopt the proposed Form SAB 195 as shown on Attachment C.
3. Adopt the proposed Grant Agreements on Attachments E and F.
4. Adopt the proposed amendments to the Form SAB 50-05 on Attachment G.
5. 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.
6. Adopt the policy for the five-year school facilities master plan requirement for Natural Disaster Assistance Program applications for applications received on or after December 4, 2024.

This Item was approved by the State Allocation Board on August 19, 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 17075.20 – Hardship Application

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

ATTACHMENT A

emergency. The allocated funds shall supplement funding from insurance or any other local, state, or federal government disaster assistance.

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

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

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

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

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

Section 1859.2. Definitions.

...

"Form SAB 195" means the *Application for Natural Disaster Assistance* (Form SAB 195) (New 08/25), which is incorporated by reference.

...

"Interim Housing" means the rental or lease of eClassrooms used to house pupils temporarily displaced as a result of the modernization or construction of classroom facilities; or the lease or purchase of Classrooms or ancillary facilities including but not limited to, restrooms, school administration, or Minimum Essential Facilities obtained due to a natural disaster for which the Governor has declared a state of emergency, pursuant to Education Code Section 17075.20.

...

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

Section 1859.31. Gross Classroom Inventory.

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

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

Note: Authority cited: Section 17070.35, Education Code.

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

Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

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

- (a) Reduced by the number of pupils provided grants in a new construction SFP project and by the number of pupils that received a Preliminary Apportionment pursuant to

Section 1859.140 or a Preliminary Charter School Apportionment pursuant to Section 1859.162.2.

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

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

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

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

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

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

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

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

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

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

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

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

(2) Of less than 700 interior square feet.

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

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

(5) That is a Pportable eClassroom that needs to be leased beyond five years to provide ~~interim h~~Housing in a modernization or new construction project provided the cumulative lease term does not exceed a specified time period as determined by the Board not to exceed three years on each qualifying project, and the Portable Classroom was not funded with a grant provided pursuant to Education Code Section 17075.20(a).

For this purpose, a project means all work contained in a single set of construction plans.

- (6) Where the contract for the lease, lease-purchase, purchase, or construction of the eClassroom was made prior to January 1, 2000.
- (7) That is included in a SFP project where the School dDistrict has funded a portion of the project beyond its required district contribution and the pupil capacity of the eClassroom does not exceed 150 percent of the number of pupils receiving a new construction grant (rounded up) for the SFP project.
- (8) That was acquired with joint-use funds specifically available for that purpose.
- (9) That was acquired with career technical education funds specifically available pursuant to Education Code Section 17078.72.
- (10) That was built or acquired exclusively for regional occupational centers, regional occupational programs, child care, preschool and/or Adult Education Programs, and with funds specifically available for those purposes.
- (11) That replaces a eClassroom, previously included in the determination of the School dDistrict's new construction eligibility pursuant to Education Code Section 17071.75, in a project funded by the School dDistrict without participation from the State and the School dDistrict permanently removes the replaced facility from classroom use immediately after the replacement classroom is occupied.
- (12) That was constructed with Overcrowding Relief Grant funds specifically available for that purpose.
- (13) That was constructed with a grant provided pursuant to Education Code Section 17075.20, unless the classroom is a Portable Classroom purchased pursuant to subdivision (a) of Education Code Section 17075.20.
- (j) For Small School Districts:
 - (1) Decreased by any reduction in projected enrollment that follows a five-year period after the district's eligibility was approved by the Board, and either (A) or (B), as applicable:
 - (A) Increased/decreased by changes in projected enrollment in the 2016/2017 enrollment year using a fifth-year projection or a tenth-year projection if the Form SAB 50-01 was received at OPSC by October 31, 2017.
 - (B) Increased/decreased by changes in projected enrollment in subsequent enrollment reporting years following 2016/2017 using a fifth-year projection or a tenth-year projection.
 - (2) If the Small School District does not submit an adjustment under (A) or (B) prior to OPSC notification of its schedule to begin processing the School District's request for new construction funding that was received by OPSC on or after November 1, 2012, then the requirements of (e) shall apply.
- (k) Adjusted for any change in classroom inventory as a result of a reorganization election.
- (l) For classroom loading standards adopted by the Board for non-severely disabled individuals with exceptional needs and severely disabled individuals with exceptional needs.
- (m) As directed by the Board due to a finding of a Material Inaccuracy pursuant to Regulation Section 1859.104.1.
- (n) Increased by the number of pupils that received a Preliminary Apportionment that was rescinded pursuant to Section 1859.148 or a Preliminary Charter School Apportionment that was rescinded pursuant to Section 1859.166.

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

(p) For a HSAA School dDistrict with Preliminary Apportionments within the 2002 or 2004 Critically Overcrowded School Facilities Account as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

due to a natural disaster that occurred prior to July 3, 2024, that the School District elected not to replace, on a case-by-case basis.

Note: Authority cited: Section 17070.35, Education Code.

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

Section 1859.80. General.

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

- (a) A financial hardship, as provided in Section 1859.81, which prevents the School dDistrict from funding all or a portion of the matching share requirement for a SFP grant.
- (b) Qualification for facility hardship as provided in Sections 1859.82.1 or 1859.82.2.
- (c) An Excessive Cost Hardship Grant as a result of added construction costs due to unusual circumstances as provided in Section 1859.83.
- (d) Qualification for natural disaster assistance pursuant to Sections 1859.84.1 or 1859.84.2 as a result of a natural disaster for which the Governor has declared a state of emergency.

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

Section 1859.81.1. Separate Apportionment for Site Acquisition and Design Costs.

A district that meets the Financial Hardship criteria in Section 1859.81 is eligible for the following:

(a) For a new construction project, a separate apportionment for site acquisition, with the exception of site acquisition funding authorized by Section 1859.81.2 or for projects receiving funding pursuant to the Overcrowding Relief Grant, Section 1859.180, when all the following requirements are met:

- (1) The School District has eligibility for grants that equal at least 50 percent of the CDE master plan capacity of the site.
- (2) The School District has received a contingent site approval letter from the CDE indicating that the proposed site is the best available.
- (3) The School District has obtained a preliminary appraisal of the property by a qualified appraiser utilizing criteria outlined in Section 1859.74.1. This report may be made without access to the site.

(b) If the conditions in (a) are met on a site that does not require a RA, the Board will apportion all of the following less any district funds available for the project pursuant to Section 1859.81(a):

- (1) An amount not to exceed 100 percent of the lesser of the preliminary appraised value of the site as determined by Section 1859.74.1 or the amount the district reasonably expects to pay for the site including any hazardous material clean-up.
- (2) The estimated relocation expenses that will conform to Title 25, California Code of Regulations, Section 6000, et seq. The reasonable and necessary relocation costs for

purchasing fixtures and equipment, personal property, new machinery/equipment, and the installation of any improvements at the replacement residence or business location may be included as relocation assistance.

(3) Four percent of the lesser of the preliminary appraised value of the site or the amount the School District reasonably expects to pay for the site acquisition including any hazardous material clean-up but not less than \$50,000.

(4) The estimated DTSC costs for review, approval, and oversight of the POESA and the PEA.

(c) If the conditions in (a) are met on a site that will require a RA, the district is eligible for a separate site apportionment not to exceed 50 percent of one and one half times the value of an appraisal that conforms to Section 1859.74.1 for the costs included in (c)(1) and (c)(4) plus the additional costs included in (c)(2) and (c)(3). The costs included in (c)(2) and (c)(3) are in addition to 50 percent of one and one half times the appraisal value cap.

(1) The cost of the site as determined in Section 1859.74.1 and the amount the School District reasonably expects to pay for any hazardous materials/waste removal and/or remediation costs for the site.

(2) Fifty percent of the estimated relocation expenses that will conform to Title 25, California Code of Regulations, Section 6000, et seq. The reasonable and necessary relocation costs for purchasing fixtures and equipment, personal property, new machinery/equipment, and the installation of any improvements at the replacement residence or business location may be included as relocation assistance.

(3) Fifty percent of four percent of the lesser of the appraised value of the site or the amount the School District reasonably expects to pay for the site acquisition including any hazardous materials/waste removal and/or remediation costs for the site, but not less than 50 percent of \$50,000.

(4) The estimated DTSC costs for review, approval and oversight of the POESA and the PEA.

(d) The limitation of 50 percent of one and one half times the value of an appraisal for costs in subsections (c), (c)(1) and (c)(4) may be exceeded when the Board finds that unforeseen circumstances exist, and when both of the following exist:

(1) CDE determines that the site is the best available site for meeting the educational and safety needs of the School District.

(2) Substantiation that the costs are limited to the minimum required to complete the evaluation and RA approved by the DTSC.

(e) For new construction projects, the Board will apportion an amount not to exceed 40 percent of the new construction grant less any School District funds available for the project pursuant to Section 1859.81(a), plus \$150,000 for new school projects and \$250,000 for new construction addition projects that will be pursuing high performance incentive grants as indicated on the School District governing board resolution that shall be submitted to the OPSC as part of a funding request pursuant to this Section. For modernization projects, the Board will apportion an amount not to exceed the following:

(1) If the Approved Application is received on or before April 29, 2002, 20 percent of the modernization grant less any district funds available for the project pursuant to Section 1859.81(a).

(2) If the Approved Application is received after April 29, 2002, 25 percent of the modernization grant less any School District funds available for the project pursuant to Section 1859.81(a), plus \$250,000 for projects that will be pursuing high performance incentive grants as indicated on the School District governing board resolution that shall be submitted to the OPSC as part of a funding request pursuant to this Section.

(f) For applications for other assistance following a natural disaster pursuant to Section 1859.84.2, the Board will apportion an amount not to exceed 25 percent of the state share of the grant less any School District funds available for the project pursuant to Section 1859.81(a). The amount provided as a separate Apportionment shall be offset from the full grant amount the School District would otherwise be eligible for pursuant to Section 1859.84.2 when the School District submits an additional Form SAB 195 to request additional funding.

The amount apportioned is an estimate of the funds needed for design, engineering, and other pre-construction project costs.

Qualifying School Districts may request a separate Apportionment for the design and for site acquisition for the same new construction project. Those projects requesting an Overcrowding Relief Grant, pursuant to Section 1859.180, do not qualify for these separate Apportionments.

The amount provided as a separate Apportionment shall be offset from the New Construction Adjusted Grant or the Modernization Adjusted Grant amount the district would otherwise be eligible for pursuant to Sections 1859.70, 1859.71.6, 1859.77.4 and 1859.81 when the district submits the Form SAB 50-04. A district seeking a separate Apportionment for site acquisition or design costs shall submit the Form SAB 50-04. If a new construction project received a previous design Apportionment, the district may request an additional design Apportionment for that project up to the 40 percent maximum design Apportionment allowed pursuant to this Section.

The Form SAB 50-04 that is subsequently submitted for the New Construction Adjusted Grant must be for at least 50 percent of the New Construction Grant the district requested as a separate design Apportionment.

The Form SAB 50-04 that is subsequently submitted for the Modernization Adjusted Grant must be for at least 80 percent of the Modernization Grant the district requested as a separate design Apportionment that was received on or before April 29, 2002.

The Form SAB 50-04 that is subsequently submitted for the Modernization Adjusted Grant must be for at least 60 percent of the Modernization Grant the district requested as a separate design Apportionment that was received after April 29, 2002.

When the Board is accepting applications pursuant to Section 1859.95, the funding of the new construction or modernization grant may be made from funds set aside by the Board for financial hardship. The amount provided as a separate Apportionment shall

be adjusted at a future date to assure that hardship funding for the project does not exceed the amount the district was otherwise eligible to receive.

Note: Authority cited: Sections 17070.35, 17072.13, ~~and~~ 17075.15, and 17075.20, Education Code.
Reference: Sections 17072.12, 17072.20, 17072.33, 17074.15, 17074.16, 17075.20, and 17079.20, Education Code.

Section 1859.84. Natural Disaster Assistance Program

A School District may apply for Interim Housing and any other assistance as a result of a natural disaster for which the Governor has declared a state of emergency pursuant to Education Code Section 17075.20, subject to verification with the Governor's Office of Emergency Services to confirm the state of emergency is still open at the time of application submittal.

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

Applications received on or after October 31, 2024 are subject to matching share requirements in accordance with Sections 1859.77.1 or 1859.79, as applicable.

Note: Authority cited: Section 17070.35, Education Code.
Reference: Section 17075.20, Education Code.

Section 1859.84.1. Interim Housing Assistance Following a Natural Disaster

Any funding provided by this Section is subject to the availability of New Construction bond authority and shall supplement insurance, local, state, and federal disaster funding.

An impacted School District is eligible for funding to procure Interim Housing if the School District has had facilities lost or damaged by a natural disaster for which the Governor has declared a state of emergency. The declared state of emergency must be "open" on the date OPSC receives a completed, valid Form SAB 195.

(a) To request funding to lease or purchase facilities, the School District must submit a completed, valid Form SAB 195 signed by an Authorized District Representative.
(b) The School District must submit one of the following to demonstrate that any funding provided by this Section will supplement funding from insurance or any other government disaster assistance:

(1) If the School District will not receive insurance proceeds or other government disaster assistance for Interim Housing, documentation in the form of a letter of denial or a certification, demonstrating that costs associated with Interim Housing have not been covered by insurance proceeds or any other local, state, or federal government disaster assistance.

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

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

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

(C) Acknowledgement of the reporting requirement and potential future adjustment to any Apportionment, pursuant to subsection (c).

(c) Any Apportionment provided in accordance with this Section shall be adjusted for funding received from insurance proceeds or government disaster assistance for Interim Housing. The Apportionment will be reduced by 50 percent of the funding received from insurance proceeds and/or government disaster assistance for Interim Housing, or a commensurate amount adjusted for the district matching share pursuant to Section 1859.77.1. Any insurance proceeds and/or government disaster assistance collected shall be reported to OPSC in the form of an annual narrative from the date the application was submitted to OPSC until all claims for insurance proceeds and requests for government disaster assistance are closed.

(d) The Board shall provide an Apportionment subject to the requirements of Section 1859.90 or Section 1859.90.2.

(e) A Grant Agreement pursuant to Section 1859.90.4. is required as a condition of receiving funding pursuant to this Section.

(f) The School District is subject to the requirements in Sections 1859.104 and 1859.105.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17075.20, Education Code.

Section 1859.84.2. Other Assistance Following a Natural Disaster

Any funding provided by this Section is subject to the availability of New Construction or Modernization bond authority, as applicable to the scope of work in the request, and shall supplement insurance, local, state, and federal disaster funding.

A School District may qualify for funding at the Board's discretion if it is determined by the Board to be impacted by a natural disaster for which the Governor has declared a state of emergency. The declared state of emergency must be "open" on the date OPSC receives a completed, valid Form SAB 195.

(a) In making a determination to provide any other assistance following a natural disaster, the Board may consider factors including, but not limited to, the following:

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

(2) All information required on the Form SAB 195.

(b) To request funding pursuant to this Section, the School District must submit a completed, valid Form SAB 195 signed by an Authorized District Representative.

(c) The School District must submit one of the following to demonstrate that any funding provided by this Section will supplement funding from insurance or any other government disaster assistance:

(1) If the School District will not receive insurance proceeds or other government disaster assistance for the scope of work in the Form SAB 195, documentation in the form of a letter of denial or a certification, demonstrating that costs associated with the scope of work in the Form SAB 195 have not been covered by insurance proceeds or any other local, state, or federal government disaster assistance.

(2) If the School District reasonably expects to receive future insurance proceeds or any other government disaster assistance attributable to the scope of work in the Form SAB 195, the School District must provide all of the following:

(A) An estimate of the insurance proceeds or any other government disaster assistance the School District may receive for the scope of work in the Form SAB 195;

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

(C) Acknowledgement of the reporting requirement and potential future adjustment to any Apportionment, pursuant to subsection (fd).

~~(d) The School District's New Construction eligibility will be adjusted for any net increase in Classroom capacity in the project, pursuant to Section 1859.51.~~

~~(e) The baseline eligibility for Modernization as provided in Section 1859.60 will be adjusted for any funding received. The age of the Classroom/s and Square Footage in the project shall be reset to the date of the Apportionment for the project.~~

(fd) Any Apportionment provided in accordance with this Section shall be adjusted for funding received from insurance proceeds or government disaster assistance for the same purpose or scope of work funded by the Apportionment, as follows:

(1) Reduced by 50 percent of the funding received from insurance proceeds and/or government disaster assistance, or a commensurate amount adjusted for the district matching share pursuant to Section 1859.77.1, or

(2) Reduced by 60 percent of the funding received from insurance proceeds and/or government disaster assistance, or a commensurate amount adjusted for the district matching share pursuant to Section 1859.79.

(ge) Any insurance proceeds and/or government disaster assistance collected shall be reported to OPSC in the form of an annual narrative from the date the application was submitted to OPSC until all claims for insurance proceeds and requests for government disaster assistance are closed.

(hf) The Board shall provide an Apportionment subject to the requirements of Section 1859.90 or Section 1859.90.2.

(ig) A Grant Agreement pursuant to Section 1859.90.4. is required as a condition of receiving funding pursuant to this Section.

(jh) The School District is subject to the requirements in Sections 1859.104 and 1859.105.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17075.20, Education Code.

Section 1859.90. Fund Release Process.

(a) With the exception of an Apportionment made pursuant to Sections 1859.81.1(e), 1859.81.1(f), or 1859.81.2, Apportionments provided through the Priority Funding Process and subject to 1859.90.2, the OPSC will release State funds that the Board has apportioned to the district after submittal, by the School dDistrict, of the Form SAB 50-05 and a Grant Agreement, pursuant to Section 1859.90.4.

(b) With the exception of Apportionments described in paragraphs (1) and (2) of subsection (c), a district must submit the Form SAB 50-05 and Grant Agreement, within 180 calendar days of the Apportionment of the SFP grant for the project or within 365 calendar days for Apportionments that include ~~F~~financial ~~H~~hardship assistance. If the School dDistrict does not submit the Form SAB 50-05 and Grant Agreement within the above specified time, the entire New Construction Adjusted Grant, or Modernization Adjusted Grant or Type I or II, part of a qualifying SFP Modernization project, or Joint-Use Project Apportionment shall be rescinded without further Board action, and the pupils housed in the project, if applicable, will be added back to the School dDistrict's baseline eligibility. The School dDistrict may refile a new Application for the project subject to district eligibility and available State funds at the time of resubmittal.

(c)(1) Notwithstanding subsection (b), if an Apportionment is made for an Application pertaining to a school facility located on a military installation that is the recipient of a federal grant that requires a local matching share, the Board may require the School dDistrict to submit the Form SAB 50-05 and Grant Agreement within a determined time period, not to exceed 18 months of the Apportionment of the SFP grant for the project. If the district does not submit the Form SAB 50-05 and Grant Agreement within the above specified time, the entire Apportionment shall be rescinded without further Board action, and the pupils housed in the project, if applicable, will be added back to the district's baseline eligibility. The district may refile a new Application for the project subject to district eligibility and available State funds at the time of resubmittal.

(2) Notwithstanding subsection (b), if the Apportionment was made for a Type II Joint-Use Project, not part of a qualifying SFP Modernization project, pursuant to Article 12 of these Regulations, the School dDistrict must submit the Form SAB 50-05 and a Grant Agreement within 18 months of the date the plans and specifications for the Joint-Use Project that have been approved by the DSA and the CDE are submitted to the OPSC or the Apportionment shall be rescinded without further Board action.

(d) OPSC will release State funds that have been apportioned by the Board pursuant to Sections 1859.81.1(e) or 1859.81.1(f) to the School dDistrict within 30 calendar days of the following, whichever occurs last: an Apportionment or upon submittal by the School dDistrict of a Grant Agreement pursuant to Section 1859.90.4. Submittal of the Grant Agreement must occur within 365 days of the Apportionment. If the School dDistrict received an Apportionment pursuant to 1859.90.2, the Grant Agreement must be submitted within the specified time period in 1859.90.2.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17072.12, 17072.30, 17074.15, 17076.10, 17077.40, 17077.42 and 17077.45, Education Code.

Section 1859.93. Modernization Project Funding Order.

Applications shall be funded as follows:

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

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

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

Note: Authority cited: Section 17070.35, Education Code.

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

Section 1859.93.1. New Construction Project Funding Order.

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

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

(b) Second, to applications for Facility Hardship pursuant to Sections 1859.82.1(b) and 1859.82.2(b) in order of receipt of an Approved Application for funding; then,

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

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

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

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

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

Note: Authority cited: Section 17070.35, Education Code.

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

Section 1859.104. Program Reporting Requirements.

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

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

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

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

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

(C) Notwithstanding (B), eight years from the date of the final fund release for projects receiving funding pursuant to Section 1859.84.1 or Section 1859.84.2.

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

(b) With the exception of projects that qualify for an aApportionment pursuant to Section 1859.75.1, a progress report, in the form of a narrative from the School dDistrict, shall be due 18 months from the date any funds were released to the School dDistrict for the project pursuant to Section 1859.90 or 1859.90.2. The progress report shall include information regarding the progress the district has made towards substantial completion of the project. If the notice of completion has been filed within 18 months of the release of funds pursuant to Section 1859.90 or 1859.90.2, or the expenditure reports required in (a)(1) or (2) indicate that substantial progress (as defined in Section 1859.105) on the project has occurred, no progress report is required.

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

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

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

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

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

(f) A School District receiving an Apportionment for high performance incentive grants pursuant to Section 1859.71.6 or 1859.77.4 shall submit a completed Project Information Worksheet to the OPSC for all expenditures related to the additional design and construction costs of the high performance building components. In addition, the School District shall provide information related to resulting energy savings and efficiency, as well as other resulting benefits. The Project Information Worksheet shall

be submitted with the Form SAB 50-05 and the School District's first and final Forms SAB 50-06 pursuant to (a)(1) and (2) above.

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

(h) If an Apportionment was made under the Natural Disaster Assistance Program pursuant to Section 1859.84.1, the School District must provide a certification for the following:

(1) Upon either project completion or no later than 60 months from the date the lease was signed for purposes of Interim Housing, that leased Portable Classrooms have either been removed or remain in use within the School District. For leased Portable Classrooms that have a qualifying project and receive an extension by the Board pursuant to Section 1859.51(i)(5), the School District shall provide an additional certification no later than the approval date of the extension as approved by the Board.

(2) Upon either project completion, or no later than 96 months from the date of the Apportionment, that the Portable Classrooms purchased for Interim Housing have either been removed or remain in use within the School District.

Note: Authority cited: Sections 17070.35, 17072.13, 17075.20, and 17079.30, Education Code.

Reference: Sections 17070.35, 17070.99, 17072.12, 17072.13, 17076.10 and 17079.30, Education Code.

Section 1859.106. Program Accountability Expenditure Audit.

The projects will be audited to assure that the expenditures incurred by the School district were made in accordance with the provisions of Education Code Section 17072.35 for new construction projects, Section 1859.120 for Joint-Use Projects, Section 1859.140 for Critically Overcrowded School projects, Section 1859.160 for Charter School projects, and Education Code Section 17074.25 and Section 1859.79.2 for modernization projects. The audit will also assure that the School district complied with all site acquisition guidelines as provided in Education Code Sections 17072.13 and 17072.14 and Sections 1859.74, 1859.74.1, 1859.74.2, 1859.74.3, 1859.74.4, 1859.75 and 1859.75.1.

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

(a) The difference in the value of the site, relocation costs, DTSC fees, and hazardous waste/materials removal costs that were used to determine the New Construction Additional Grant and the actual amount paid by the School district for the site, relocation costs, DTSC fees, and hazardous waste/materials removal costs. For applications received on or after January 1, 2004, the adjustment may be made regardless of whether the hazardous waste/materials removal costs were requested on the application for funding.

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

(c) For any insurance proceeds or other government disaster assistance collected by the School District for any project that received funding pursuant to 1859.84.1(c), or 1859.84.2(fd).

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

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

When the OPSC receives the final expenditure report from the School dDistrict on Form SAB 50-06, an audit of the expenditures by the OPSC shall commence within two years of the report. If the School dDistrict is not notified by the OPSC within the two-year period that an audit will be made, there will be no audit of the project by the OPSC and the expenditures reported by the district shall be deemed appropriate. If the School dDistrict has been notified that an audit of the expenditures will be made by the OPSC, the OPSC shall complete the audit within six months of the notification, unless additional information requested from the district has not been received.

School Districts shall be required to maintain all appropriate records that support all district certifications and expenditures for all costs associated with SFP, Charter School, and Joint-Use projects for a period of not less than four years from the date the notice of completion is filed for the project in order to allow other agencies, including, without limitation, the Bureau of State Audits and the State Controller to perform their audit responsibilities.

The School Ddistrict is responsible to substantiate expenditures from the Joint-Use Partner(s) financial contribution pursuant to Section 1859.127 and from other local sources.

Should the OPSC conduct an audit of the School dDistrict certifications or the expenditures for the project and make a finding that some or all of the expenditures were not made in accordance with the provisions of Education Code Section 17072.35 for new construction projects, Sections 1859.84, 1859.84.1 or 1859.84.2 for projects following a natural disaster, Section 1859.120 for Joint-Use Projects, Section 1859.140 for Critically Overcrowded School projects, Section 1859.160 for Charter School projects, Education Code Section 17074.25 and Section 1859.79.2 for modernization projects, and Education Code Sections 17072.13 and 17072.14 for projects with additional costs imposed by the DTSC, the OPSC shall recommend to the Board that the apportionment be adjusted based on the audit findings.

Should the CDE make a finding that a project did not meet the standards that were adopted by the CDE pursuant to Education Code Section 17251 (b) and (c) when the district had self-certified that the project met those standards pursuant to Education Code Section 17070.50 (b), the Board may request that the CDE make a recommendation that the apportionment for the project be adjusted based on the CDE finding. Any adjustment in the apportionment shall be based on the percentage of space in the project that the CDE determined did not meet those standards.

If title to special education program facilities is transferred between a School District and a county office of education pursuant to Education Code Sections 17071.75(b)(2) and (f), the receiving School District shall remit payment to the State within 60 days or up to five years, pursuant to an approved repayment schedule, as requested by the School District. If a repayment schedule is requested, it shall be in equal annual installments and shall include interest at the same rate as that earned on the State's Pooled Money Investment Account on the date a repayment schedule is approved by the Board. The repayment amount shall be determined by prorating the Financial Hardship assistance received on the initial Apportionment for the transferred facilities, including site acquisition costs apportioned for any land transferred, by the percentage of building area being transferred divided by the total amount of building area approved on the initial Application containing the transfer of facilities, if all of the following conditions are met:

- (a) The transferred facilities were constructed with State funds under Chapter 12.5.
- (b) Transfer of the facilities took place within ten years of initial occupancy.
- (c) The School District that initially acquired or constructed the transferred facilities had approved Financial Hardship status at the time of Apportionment of the project.
- (d) The School District receiving the facility did not have approved Financial Hardship status at either the time of the title transfer or the time that the adjustment request is submitted to the OPSC.

For any project that received funding pursuant to Sections 1859.84.1 or 1859.84.2, the School District must report the receipt of any insurance proceeds or other government disaster assistance received after the completion of the expenditure audit to OPSC within 60 days.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.35, 17070.50, 17071.75, 17072.13, 17072.14, 17072.18, 17072.35, 17074.25, 17075.20, 17076.10, 17077.40, 17078.52 and 17251, Education Code, and Section 1771.3, Labor Code.

GENERAL INFORMATION

School Districts are required to use this form to initiate a request for funding (rounded to the nearest dollar) pursuant to School Facility Program (SFP) Regulation Section 1859.84 Natural Disaster Assistance Program, for consideration by the State Allocation Board (SAB). The School District must state specifically the purpose and description of the School District's request. The School District must submit all supporting documentation to the Office of Public School Construction (OPSC). Requests for consideration are processed to the SAB upon receipt by OPSC of all required documentation and upon completion of a thorough analysis by OPSC.

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

For School Districts requesting both Interim Housing assistance following a natural disaster and other assistance following a natural disaster, separate applications must be submitted for each request per site.

SPECIFIC INSTRUCTIONS

The School District must assign a Project Tracking Number (PTN) to this project. The same PTN is used by OPSC, the Division of the State Architect (DSA) and the California Department of Education (CDE) for all project applications submitted to those agencies to track a particular project through the entire state application review process. If the School District has already assigned a PTN to this project by prior submittal of the plans and specifications to DSA and/or CDE for approval, use that PTN for this application submittal. If no PTN has been assigned for this project, a PTN may be obtained from OPSC Online site at www.dgs.ca.gov/opsc/opsonline.

1. Type of Application

- Check the appropriate box that indicates whether this application is a new or an amended Natural Disaster Assistance request.
- Check the appropriate box that indicates the type of grant the School District is requesting. If the School District meets the Financial Hardship criteria in Section 1859.81 and the School District is requesting a separate design apportionment pursuant to Section 1859.81.1, check the appropriate Design Only box.
- If the School District is requesting Interim Housing assistance, indicate the number of Portable Classrooms that are requested to be leased or purchased by grade level, as well as the number and type of all other ancillary facilities that are requested to be leased or purchased.
- If the School District is requesting Interim Housing assistance for purchased or leased portables and/or ancillary facilities, indicate whether the portables and/or ancillary facilities existed on the impacted site at the time of the application submittal, and if so, the dates the facilities were leased or purchased, placed on site, and/or removed, as applicable.
- If the School District is requesting Interim Housing assistance

for Portable Classrooms, indicate the total number of Classrooms destroyed or rendered unsafe to occupy by the natural disaster, by grade level. If the School District is requesting Interim Housing assistance for ancillary facilities, indicate the type of any ancillary facilities destroyed or rendered unsafe to occupy by the natural disaster.

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

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

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

3. Prior SFP Approval(s) for Impacted Site

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

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

4. Natural Disaster – State of Emergency Proclamation

The School District must check the appropriate box indicating whether the state of emergency is listed as open at the time of application submittal to OPSC.

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

5. Financial Hardship Request

Check the appropriate box(es) if the School 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 School District must comply with the requirements of Section 1859.81.
- If there is Insufficient Bond Authority for the type of application, check the second box and attach a school board resolution pursuant to Section 1859.95.1(b).

6. Local Funding Adjustment Grant

Enter the following:

- The School District's total assessed valuation, pursuant to Section 1859.70.5(a)(1). The School District must provide a

letter or report from the county auditor-controller that certifies the School District's total assessed valuation.

- b. The School District's gross bonding capacity, rounded to the nearest whole dollar. To calculate this, multiply the total assessed valuation by 1.25 percent for non-unified School Districts or 2.5 percent for unified School Districts, rounded to two decimal places.
- c. The School 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 School District's total enrollment, pursuant to Section 1859.70.5(a)(3), meaning the districtwide enrollment reported on a Form SAB 50-01 in Part A, Part C and Part D. 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 School 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 the project does not include use of a Project Labor Agreement, pursuant to Section 1859.70.5(b)(4).

7. Division of the State Architect (DSA) Plan Approval

The School District must submit any plans and specifications (P&S) for the project that were approved by DSA, and must indicate the approval date in this section. If approval has not been obtained, the School District must indicate in the applicable narrative section if the P&S have an exception for demolition, site work, and/or specific construction delivery methods, or if the School District is still in the process of obtaining DSA approval.

If this application shares P&S with one or more SFP applications, the School District must provide the following:

- a. A clear delineation of project scope that identifies all related hybrid applications and the project scope attributable to each, and
- b. A proration of project costs and an explanation of the proration methodology, and
- c. A certification that funds one for one hybrid application will be used exclusively for that hybrid application, and
- d. An acknowledgement that expenditures must be tracked and reported separately according to the cost proration, unless the expenditure is only attributable to a specific project.

8. Interim Housing Assistance Narrative

For purposes of requests for assistance to lease or purchase Portable Classroom(s) and/or ancillary facilities as a result of a natural disaster for which the Governor has declared a state of emergency, the School District must provide documentation pursuant to SFP Regulation Section 1859.84.1 demonstrating that any funding provided for Interim Housing will supplement funding from insurance or any other local, state, or federal government disaster assistance.

Additionally, the School District must include the following

information in the narrative:

1. The background and circumstances which prompted the School District's request.
2. Information relevant to the request, such as the amount requested, the anticipated duration of the lease if the School District is requesting assistance to lease facilities, and whether the request includes the design, placement, site development, and/or equipment costs associated with the leased or purchased facilities.
3. A statement explaining why the SAB should grant the School District's request based on law, regulation, or another basis.

In addition to the narrative, the School District should provide the following documentation:

1. Documentation which includes actual costs of the facilities, including but not limited to, invoices, lease agreements, or purchase agreements.
2. Documentation, such as invoices or contracts, which includes, but is not limited to, any work associated with placing the facilities on a site.
3. In lieu of actual costs, School Districts may provide bid proposals, quotes, or other documentation that supports the amount of funding requested.
4. California Department of Education (CDE) Plan Approval(s) (as applicable).
5. DSA Plan Approval(s) (as applicable).

9. Other Assistance Following a Natural Disaster Narrative

For purposes of requesting other natural disaster assistance, the School District must provide documentation pursuant to SFP Regulation Section 1859.84.2 demonstrating that any funding provided for the scope of work in the request will supplement funding from insurance or any other local, state, or federal government disaster assistance.

Additionally, the School District must include the following information in the narrative:

1. The background and circumstances which prompted the School District's request.
2. Information relevant to the request, such as the amount requested and information that demonstrates funding from insurance proceeds and other government disaster assistance is insufficient to rehabilitate or reconstruct school facilities that existed at the time of the natural disaster.
3. A statement explaining why the SAB should grant the School District's request based on law, regulation, or another basis.
4. Justification if the application seeks natural disaster assistance funding in lieu of an Approved Application pursuant to Section 1859.82.1, or
5. Justification if the project seeks any other natural disaster assistance funding in lieu of an Approved Application pursuant to SFP regulation Section 1859.70.
6. CDE Plan Approval(s) (as applicable).

7. DSA Plan Approval(s) (as applicable).

10. Certification

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

ATTACHMENTS

Attach substantiating documentation as necessary to support the School District's request. All supporting documentation must be received by OPSC prior to presentation to the SAB.

APPLICATION FOR NATURAL DISASTER ASSISTANCE

SAB 195 (New xx/25)

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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 Onea. Is this application New or Amended?

- ☐ New
- ☐ Amended

b. ☐ Interim Housing☐ Other assistance following a natural disaster pursuant to Section 1859.84.2 (specify)☐ Design Only—Other Assistance Following a Natural Disasterc. ☐ Interim Housing (portable classrooms):☐ Leasing (number of classrooms being requested for each grade level):

K-6: _____

7-8: _____

9-12: _____

Non-Severe: _____

Severe: _____

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

K-6: _____

7-8: _____

9-12: _____

Non-Severe: _____

Severe: _____

☐ Interim Housing (ancillary facilities):☐ Leasing☐ Restroom(s)☐ Kitchen☐ Administrative Space☐ Minimum Essential Facilities (list the type):☐ Other:☐ Purchasing☐ Restroom(s)☐ Kitchen☐ Administrative Space☐ Minimum Essential Facilities (list the type):☐ Other:d. Do these portable classrooms exist on site at the time of application submittal? ☐ Yes ☐ No

Date(s) portable classrooms were leased/purchased (if applicable): _____

Date(s) portable classrooms were placed on site (if applicable): _____

Date(s) portables were removed (if applicable): _____

Do these ancillary facilities exist on site at the time of application submittal? ☐ Yes ☐ No

Date(s) portable classrooms were leased/purchased (if applicable): _____

Date(s) ancillary facilities were placed on site (if applicable): _____

Date(s) ancillary facilities were removed (if applicable): _____

APPLICATION FOR NATURAL DISASTER ASSISTANCE

SAB 195 (New xx/25)

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- e. Indicate the grade level and number of classrooms on the impacted site that are identified as destroyed or rendered unsafe to occupy below:

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

Indicate the type of ancillary facilities that are identified as destroyed or rendered unsafe to occupy below:

- ☐ Restroom(s)
☐ Kitchen
☐ Administrative Space
☐ Minimum Essential Facilities (list the type): _____
☐ Other: _____

2. SFP Application(s) Submitted for Impacted Site

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

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

Facility Hardship Replacement (Design/Full Grant): 51/
 Facility Hardship Rehabilitation (Design/Full Grant): 58/
 New Construction (Design/Full Grant): 50/
 Modernization (Design/Full Grant): 57/

4. Natural Disaster - State of Emergency Proclamation

- a. Is there an open state of emergency at the time of application submittal? ☐ Yes ☐ No
 b. Executive order number: _____
 c. Proclamation date: _____

5. Type of Financial Hardship Request

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

6. Local Funding Adjustment Grant

Complete the following:

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

7. DSA Plan Approval

Does the School District have DSA approval(s) for any portion of the P&S requiring review and approval? ☐ Yes ☐ No

If so, enter the DSA approval date(s): _____

If not, indicate in the narrative in Section 8 or 9 if the P&S have an exception for demolition, site work, and/or specific construction delivery methods, or if the School District is still in the process of obtaining DSA approval.

Does this application share plans and specifications with at least one additional SFP application? ☐ Yes ☐ No

If so, provide the following in conjunction with the narrative in Section 8 or 9:

ATTACHMENT C

STATE OF CALIFORNIA

APPLICATION FOR NATURAL DISASTER ASSISTANCE

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

SAB 195 (New xx/25)

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-
- a. A clear delineation of project scope that identifies all related hybrid applications and the project scope attributable to each
 - b. A proration of project costs and an explanation of the proration methodology, and
 - c. A certification that funds for one hybrid application will be used exclusively for that hybrid application, and
 - d. An acknowledgement that expenditures must be tracked and reported separately according to the cost proration, unless the expenditure is only attributable to a specific project.

8. Narrative - Interim Housing Assistance Following a Natural Disaster:

9. Narrative - Other Assistance Following a Natural Disaster:

10. Certification

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

• I am an authorized representative of the School District as authorized by the governing board of the School 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 School 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 School District has considered the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,

• All contracts entered on or after November 4, 1998 for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,

• If this request is for new construction funding, the School District has received approval of the site and the plans from the CDE. Plan approval is not required if request is for separate design apportionment; and,

• The School District has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,

• This School 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 School District matching funds required pursuant to Sections 1859.77.1 or 1859.79 have either been expended by the School District, deposited in the County School Facility Fund or will be expended by the School District prior to the notice of completion for the project; and,

• The School District has received, or will obtain, 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 School District is requesting site acquisition funds as part of this application, the School 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 School 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 School 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 School 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 OPSC. In the event a conflict must exist, the language in OPSC's form will prevail; and,

• The School 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 School 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 School District has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,

• If the School District requested additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4, the School 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 School 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,

• The School 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 School District is in compliance with current Labor Code requirements for prevailing wage monitoring and enforcement; and,

• Beginning with the 2005/2006 fiscal year, the School District has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and,

• The School District has considered the feasibility of using designs and materials for the new construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and the other characteristics of high performance schools; and,

• If this application is submitted when there is Insufficient Bond Authority, the School District has adopted a school board resolution pursuant to Section 1859.95.1; and,

• The School District will comply with all laws pertaining to the construction or modernization of its school building.

• If the School District marked the box for 'Yes' in Section 6. of this application that it has or will include a project labor agreement, the use of a project labor agreement will be verified as part of the audit required in EC Section 41024. If it is determined that a project labor agreement was not used, the 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) from the time of fund release until funds are returned.

• The School District understands that any funding received from insurance proceeds or government disaster assistance must be reported to OPSC in an annual narrative from the date the application was submitted to OPSC until all claims for insurance proceeds and requests for government disaster assistance are closed. The School District understands that any apportionment provided shall be adjusted for funding received from insurance proceeds or government disaster assistance for the purpose or scope of work funded by the apportionment, in accordance with the following:

• An apportionment from New Construction bond authority pursuant to either Section 1859.84.1 or Section 1859.84.2 shall be reduced by 50 percent of the insurance proceeds or government disaster assistance, or a commensurate amount adjusted for the district matching share pursuant to Section 1859.77.1.

• An apportionment from Modernization bond authority pursuant to Section 1859.84.2 shall be reduced by 60 percent of the insurance proceeds

or government disaster assistance for the purpose or scope of work funded by the apportionment, or a commensurate amount adjusted for the district matching share pursuant to Section 1859.79.

APPLICATION FOR NATURAL DISASTER ASSISTANCE CHECKLIST

(New 08/25)

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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)

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

GENERAL INSTRUCTIONS

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

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

Interim Housing Assistance Following a Natural Disaster Requests

- ☐ Section 1 –
 - ☐ Check that the applicable box to indicate whether the application is a “New” application or an “Amended” application (Section a)
 - ☐ Check the applicable box to indicate the application is a request for “Interim Housing” (Section b)
 - ☐ Check the applicable boxes and indicate the number and grade level of portable classrooms for lease and/or purchase, and the type of ancillary facilities for lease and/or purchase (Section c)
 - ☐ Indicate whether the requested portable classrooms and/or ancillary facilities exist on the site at the time of application submittal. If so, enter the applicable date(s) the facilities were leased/purchased, placed on site, and/or removed (Section d).
 - ☐ If the district is requesting interim housing assistance, the district must indicate the grade level of classrooms on the impacted site that are identified as destroyed or rendered unsafe to occupy in addition to any ancillary facilities identified as destroyed or unsafe to occupy (Section e).
- ☐ Section 2 – Check the applicable boxes and provide application numbers for any applications related to the impacted site that are currently on the OPSC Workload or Applications Received Beyond Bond Authority lists.
- ☐ Section 3 – Enter any prior School Facility Program (SFP) application numbers specific to the impacted site for which the district received SAB approval since the time of the natural disaster.
- ☐ Section 4 – Enter information related to the state of emergency the Governor declared for the natural disaster for which the district is requesting assistance.
- ☐ Section 5 – Check the applicable box to indicate if the district is requesting financial hardship assistance.
- ☐ Section 6 – Enter this information so that OPSC can determine the local funding adjustment grant and calculate the district’s matching share requirement.
- ☐ Section 7 – Enter applicable information for Division of the State Architect (DSA) Approval(s) related to the project. See additional information below.
- ☐ Section 8 – See the “Supporting Documentation” component of this checklist for detailed requirements.

Other Assistance Following a Natural Disaster Requests

- ☐ Section 1 –
 - ☐ Check that the applicable box to indicate whether the application is a “New” application requesting either a separate design apportionment or a full grant, or an “Amended” application if requesting a full adjusted grant for an application that previously received a separate design apportionment (Section a)
 - ☐ Check the applicable box to indicate the application is a request for “Other assistance following a natural disaster pursuant to Section 1859.84.2” and specify the type of assistance requested. Check the applicable box if the district is requesting a separate design apportionment (Section b)

APPLICATION FOR NATURAL DISASTER ASSISTANCE CHECKLIST

(New 08/25)

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- ☐ Section 2 – Check the applicable boxes and provide application numbers for any applications related to the impacted site that are currently on the OPSC Workload or Applications Received Beyond Bond Authority lists.
- ☐ Section 3 – Enter any prior SFP applications specific to the impacted site for which the district received SAB approval since the time of the natural disaster.
- ☐ Section 4 – Enter information related to the state of emergency the Governor declared for the natural disaster for which the district is requesting other assistance.
- ☐ Section 5 – Check the applicable box to indicate if the district is requesting financial hardship assistance.
- ☐ Section 6 – Enter this information so that OPSC can determine the local funding adjustment grant and calculate the district's matching share requirement.
- ☐ Section 7 – Enter applicable information for DSA Approval(s) related to the project. If the District is requesting a separate design apportionment under Section 1b of the Form SAB 195 and has selected "New" under Section 1a, the District shall leave this section blank. See additional information below.
- ☐ Section 9 – See the "Supporting Documentation" component of this checklist for detailed requirements.

Section 7

Indicate whether there are any DSA plan approvals associated with the district's plans and specifications for the project. If so, enter the DSA Approval date and submit a copy of the relevant DSA approvals. If DSA plan approval(s) are pending review, or if the district has an exemption, please indicate so within the applicable narrative. If the application shares plans and specifications with at least one additional SFP application, check the applicable box and provide the additional documentation outlined on the Form SAB 195.

Section 8 (Interim Housing) and Section 9 (Other Assistance) Narratives

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

SUPPORTING DOCUMENTATION

Interim Housing Assistance Following a Natural Disaster Narrative

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

Have affected facilities been vacated? ☐ Yes ☐ No

If Yes, describe how students are currently being housed:

Estimated project cost (100%): \$ _____

☐ **Insurance Proceeds**

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

If Yes, indicate estimated amount the district may receive, or has received from insurance coverage related to interim housing: _____

☐ **Other Government Disaster Assistance**

Has the district applied for any other government disaster assistance for interim housing related to the conditions at the site? ☐ Yes ☐ No

If Yes, indicate estimated amount the district may receive, or has received from other government disaster assistance related to interim housing: _____

**APPLICATION FOR NATURAL
DISASTER ASSISTANCE CHECKLIST**

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

The district should include the background and circumstances that prompted the district's request for funding, inclusive of the following:

- Information relevant to the request, such as the amount requested, the anticipated duration of any interim facilities lease, and whether the request includes the design, placement, site development, and/or equipment costs associated with the leased or purchased facilities.
- A statement explaining why the SAB should grant the district's request based on law, regulation, or another basis.

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

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

Other Assistance Following a Natural Disaster Narrative

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

Have affected facilities been vacated? ☐ Yes ☐ No

If Yes, describe how students are currently being housed:

Estimated project cost (100%): \$ _____

☐ **Insurance Proceeds**

Is the district eligible for insurance compensation for the same purpose or scope of work in the request, related to the conditions at the site? ☐ Yes ☐ No

If Yes, indicate the actual amount or estimated amount the district may receive, or has received from insurance coverage related to the same purpose or scope of work in the request: _____

☐ **Other Government Disaster Assistance**

Has the district applied for any other government disaster assistance for the same purpose or scope of work in the request, related to the conditions at the site? ☐ Yes ☐ No

If Yes, indicate estimated amount the district may receive, or has received from other government disaster assistance related to the same purpose or scope of work in the request: _____

APPLICATION FOR NATURAL DISASTER ASSISTANCE CHECKLIST

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When possible, include a copy of the insurance policy. If the district has not received insurance proceeds or other government disaster assistance for the same purpose or scope of work in the request, the district must provide an estimate of insurance proceeds and/or any other government disaster assistance the school district reasonably expects to receive for the same purpose or scope of work in the request. Additionally, the district must provide a narrative indicating the necessity for the requested assistance prior to the receipt of insurance proceeds or any other government disaster assistance for this purpose, and acknowledgement of the reporting requirement and potential future adjustment to any Apportionment pursuant to SFP Regulation Section 1859.84.2(f).

The district should include the background and circumstances that prompted the district's request for funding, inclusive of the following:

- Information relevant to the request, such as the amount requested and information that demonstrates funding from insurance proceeds and other government disaster assistance is insufficient to rehabilitate or reconstruct school facilities that existed at the time of the natural disaster.
- A statement explaining why the SAB should grant the district's request based on law, regulation, or another basis.
- Justification if the application requests funding in lieu of an application pursuant to Sections 1859.82.1 or 1859.70.

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

If the district indicated any applications under Sections 2 or 3, the district must elaborate in the narrative how the current request is related to the previous applications and the reason the current request is necessary.

☐ **Actual Costs**

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

ATTACHMENT E

STATE OF CALIFORNIA

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HOUSING ASSISTANCE FOLLOWING
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SCHOOL FACILITY PROGRAM

(New xx/25)

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Office of Public School Construction Application Number: _____

GENERAL INFORMATION

Grantee Name: _____

School Name: _____

Grant Amount: _____ of which _____ is Financial Hardship
Assistance.

Authority: _____ [relevant Bond
Act(s)]

SFP Program Funding Source: _____
(e.g., New Construction, Modernization)

Future Priority Funding Rounds: _____
(first priority funding window, second priority funding window)

PROJECT DESCRIPTION

Type of Work: _____ (e.g.,
Installation of Portable Classrooms and/or other ancillary facilities, including necessary site
work, etc.)

Number of Portable Classrooms: _____

Agreement includes grants for ancillary facilities, as follows: _____

Financial Hardship Approval Date: _____

Financial Hardship Status is valid until: _____ (date)

This project scope and resulting funding determination relied on the following
documentation and state agency approvals:

- The Application for Natural Disaster Assistance (Form SAB 195), executed by the
District Representative on XXXXX.
- Plan Approval letter from the California Department of Education dated XXXXX
- Division of the State Architect Approval letter(s) dated XXXXX for DSA
Application Number(s) YYYY.

ATTACHMENT E

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- Financial Hardship Approval Letter from the Office of Public School Construction dated XXXXX.
- Bridge Financing Approval Letter from the Office of Public School Construction dated XXXXX.

A copy of the documentation listed here is available as part of the project file maintained by OPSC and is also retained by the District for purposes of the project audit.

Grants are to be used in accordance with the provisions contained in the Leroy F. Greene School Facilities Act of 1998 (Education Code, Title 2, Division 1, Part 10, Chapter 12.5, commencing with Section 17070.10) and this Agreement.

The Grantee shall not make any change to the Project that would require a Change of Scope, without the State Allocation Board first approving the change to the Project.

GRANT DESCRIPTION

The Grant funds are awarded generally for purposes of the lease or the purchase of portable classrooms and/or ancillary facilities for school districts impacted by a natural disaster for which the Governor has declared a state of emergency.

Grant funds are to be used in accordance with the original proposed scope of work and the terms of this Agreement. The Grantee shall not make any changes to the scope of work without the prior written approval of the State Allocation Board.

TERMS AND CONDITIONS OF GRANT

A. Definitions

Terms not defined below shall have the same meaning as set forth in SFP Regulation Section 1859.2.

"Act" means the Leroy F. Greene School Facilities Act of 1998 (Education Code, Title 1, Division 1, Part 10, Chapter 12.5, commencing with Section 17070.10).

"Agreement" means a contract to do or not to do a certain thing and refers to this Grant Agreement.

"Change of Scope" means the addition or deletion of any work that would change the approved Grant amount for the Project or require updated state agency approval(s). This includes, but is not limited to, changes to site acquisition acres, or buildings, including but not limited to classrooms, multipurpose rooms, gymnasiums, administration buildings, restrooms, and libraries/media centers, and any changes to the size of those buildings, the type of building (e.g. portable, modular, or permanent), or the location on the school site of those buildings.

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“Expenditure Report” means the Form SAB 50-06 Expenditure Report and all required supplementary documentation, including but not limited to a detailed listing of project expenditures organized by fund source and provided at an object-code-level of accounting detail, pursuant to the California School Accounting Manual, that shall include fields to identify information including, but not limited to dates, payees, warrant numbers, and the description and purpose of the expenditures as described in California Code of Regulations, Title 2, Regulation Section 1859.104.

“Financial Hardship” means State funding for all or a portion of the Grantee’s matching share required by School Facility Program Regulation Section 1859.77.1 or 1859.79.

“Form SAB 195” means the *Application for Natural Disaster Assistance* (Form SAB 195) (New xx/25), which is incorporated by reference.

“Fund Release Application” means the Form SAB 50-05, Fund Release Authorization, and all required supplementary documentation, which includes but is not limited to this Agreement, pursuant to the Act and the Regulations.

“Grantee Representative” means the authorized representative of a school district (as defined in California Code of Regulations, Title 2, Regulation Section 1859.2), charter school, or joint powers authority, as applicable, who signed this Agreement for Grants.

“Interim Housing” means the rental or lease of Classrooms used to house pupils temporarily displaced as a result of the modernization or construction of classroom facilities; or the lease or purchase of Classrooms or ancillary facilities including but not limited to, restrooms, administrative space, or minimum essential facilities obtained due to a natural disaster for which the Governor has declared a state of emergency, pursuant to Education Code Section 17075.20.

“Project” means the purposes for which the Grantee has applied for the Grants detailed in this Agreement.

“Office of Public School Construction (OPSC)” means the office within the California Department of General Services that administers this grant program on behalf of the Director of the Department of General Services.

“Savings” means Grants not used by the Grantee for the Project, pursuant to Regulation Section 1859.103, achieved by the Grantee’s efficient and prudent expenditure of Grants.

“School District” shall have the meaning set forth in Education Code Sections 17070.15(m) and 17073.25.

“School Facility Program (SFP)” means the programs implemented under the Act.

“State” means the State of California.

“Unfunded List (Lack of AB 55 Loans)” means an information list of unfunded projects that was created due to the state’s inability to provide interim financing from the Pooled Money

**GRANT AGREEMENT [INTERIM
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Investment Account (AB 55 loans) to fund school construction project as declared in the Department of Finance Budget Letter #33 issued on December 18, 2008.
(Authority: SFP Regulation 1859.2)

B. Term of Grant Agreement

The Grantee and the Executive Officer, or designee, of the Office of Public School Construction shall be the parties to this Agreement. This Agreement must be entered into by both parties prior to, and as a condition of, the release of any funding for the Project. This Agreement becomes effective on the date the State Allocation Board approves the Project for either an Apportionment or placement on the Unfunded List (Lack of AB 55 Loans). This Agreement terminates once (1) all Grants and the Grantee's matching funds, including interest generated by the Grants, is expended, and when all of the Parties' obligations under this Grant Agreement are fully satisfied, or (2) if the Board rescinds the unfunded approval or apportionment, or (3) if the Grantee withdraws its Form SAB 195.

C. Project Execution

1. The Board hereby awards to the Grantee a sum of money (Grants)
\$ _____ in consideration of and on condition that the sum be expended in carrying out the purposes as set forth in the description of the Project in this Agreement and its attachments and under the Terms and Conditions set forth in this Agreement.
Grants may also be expended for the purposes of a future high priority Capital Outlay project as the result of Savings, or for the purposes of reimbursement, pursuant to SFP Regulation Section 1859.90.4.

(Authority: New Construction: Education Code Sections 17072.20 and 17070.63; New Construction and Modernization: SFP Regulations Article 8 commencing with Section 1859.70;)

2. Prior to the release of any funding for the Project, Office of Public School Construction staff has completed the following steps to finalize the Project funding amount outlined in this Agreement, as necessary:

- i. The Form SAB 195 was accepted on _____ (date) and deemed to meet the definition of an Approved Application. The Grantee was provided written notification of any deficiencies and given 24 hours to remedy the identified deficiency(s) in order to retain the date upon which it was received.

- ii. Upon confirmation of an Approved Application, Office of Public School Construction staff reviewed the Form SAB 195 for compliance with School Facility Program Regulations and verified eligibility for all available program grants. The Grantee was provided written notification of all deficiencies and/or changes necessary and given 15 calendar days to respond and remedy the identified deficiencies and/or changes necessary.

ATTACHMENT E

STATE OF CALIFORNIA

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iii. Upon review of the submitted corrections, Office of Public School Construction staff provided the Grantee written notification of any final deficiencies and required a response within four business days.

iv. Upon receipt of the final amendments to the Form SAB 195, the Office of Public School Construction staff and the Grantee agreed that the Project was ready for presentation to the Board for either an Apportionment or placement on the Unfunded List (Lack of AB 55 Loans).

(Authority: SFP Regulation Sections 1859.2, 1859.70, 1859.90, 1859.93, 1859.93.1; and Office of Public School Construction process)

3. Grantee certifies that the Project complies with all laws and regulations applicable to the Project.

(Authority: Form SAB 195 certifications)

1. Grantee certifies that the Project complies with all labor and public contract laws, as applicable.

Project Execution Signature

All laws and regulations noted in Sections (i), (ii), (iii), and (iv) above have been, and will be, followed, as applicable.

X _____ Date

(Authority: Form SAB 195 certifications)

D. Receiving and General Usage of Funds

The Grantee and the Executive Officer, or designee, of the Office of Public School Construction shall enter into this Agreement prior to, and as a condition of, the release of any funding for the Grant.

Grant funds shall be released in one installment. The fund release shall occur on or about, provided this Agreement has been fully executed and the State Allocation Board provides its approval, at the _____ (Month, Year Board date) meeting.

Funds are to be expended in accordance with the scope of work identified in the Grant Description. Expenditures associated with the scope of work made prior to the effective date of the agreement, may be considered eligible costs.

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E. Program Reporting Requirements

As a condition of this Grant, the following information shall be submitted to the Office of Public School Construction:

- No later than _____ (or as soon as contracted) the Grantee will submit documentation confirming funds have been encumbered along with a copy of the encumbrance documents and a copy of the plan approval letter from the Division of State Architect.
- No later than _____ the Grantee will submit an annual project status report until project completion.
- In perpetuity, the Grantee will report any insurance and other government disaster proceeds received for the same scope of work as this project.

F. Record Retention

Grantee shall maintain satisfactory financial accounts, documents, and records for the Grant, at a Project-specific level of detail. All financial accounts, documents and records for the project must be retained until an audit by the Office of Public School Construction has been conducted and completed.

Financial accounts, documents, and records may be retained electronically.

If the school district submitted a web-based five-year facilities master plan, the website and all links must remain accessible until the State Controller's Office has certified the audit for the project.

G. Repayment of Grant Funds

Upon notification from OPSC of any amounts to be repaid to the State, the Grantee shall remit a warrant in the amount due within 60 calendar days.

H. Conflict of Interest

All Grantees are subject to State and Federal conflict of interest laws. Failure to comply with these laws, including business and financial disclosure provisions, will result in the Grant being rejected and any subsequent contract being declared void. Other legal action may also be taken. Applicable statutes include, but are not limited to, Government Code, Section 1090 and Public Contract Code, Sections 10410 and 10411, for State conflict of interest requirements.

1. Employees of the Grantee: Employees of the Grantee shall comply with all applicable provisions of law pertaining to conflicts of interest, including, but not limited to any applicable conflict of interest provisions of the California Political Reform Act, Cal. Gov't Code § 87100 et seq.
2. Employees and Consultants to the Grantee: Individuals working on behalf of the Grantee may be required by the Department to file a Statement of Economic Interests (Fair

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Political Practices Commission Form 700) if it is determined that an individual is a consultant for Political Reform Act purposes.

I. Compliance with Economic Sanctions

On March 4, 2022, Governor Gavin Newsom issued Executive Order N-6-22 regarding sanctions in response to Russian aggression in Ukraine. The EO is located at <https://www.gov.ca.gov/wp-content/uploads/2022/03/3.4.22-Russia-Ukraine-Executive-Order.pdf>.

The Grantee is notified that compliance with the economic sanctions imposed in response to Russia's actions in Ukraine is required, including with respect to, but not limited to, the federal executive orders identified in the Executive Order and the sanctions identified on the U.S. Department of the Treasury website (<https://home.treasury.gov/policy-issues/financial-sanctions/sanctions-programs-and-country-information/ukraine-russia-related-sanctions>).
Failure to comply may result in the termination of contracts or grants, as applicable.

J. Severability

If any provision of this Agreement or the application thereof is held invalid, that invalidity shall not affect other provisions or applications of this Agreement which can be given effect without the invalid provision or application, and to this end the provisions of this Agreement are severable.

K. Electronic Filing

Any communication under this Grant Agreement shall be in writing and may be transmitted by electronic means. Communication sent electronically will be effective on the date of transmission.

L. Supplement, Not Supplant

The terms and conditions of this Agreement are intended to supplement, not supplant, the laws and regulations that apply to this Grant. The Grantee understands and agrees to adhere to all laws and regulations that apply to this Grant, even if those laws and regulations are not specifically cited in this Agreement.

M. Exact Duplicate

This Agreement is an exact duplicate (verbatim) of the Agreement provided by the Office of Public School Construction. In the event a conflict should exist, the language in the Agreement provided by the Office of Public School Construction will prevail.

SIGNATURES

The statements set forth in this Agreement are true and correct to the best of my knowledge and belief. IN WITNESS WHEREOF, this Agreement has been executed by the parties.

ATTACHMENT E

STATE OF CALIFORNIA

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<u>NAME OF GRANTEE REPRESENTATIVE (PRINT)</u>	<u>PHONE NUMBER</u>
<u>SIGNATURE OF GRANTEE REPRESENTATIVE</u>	<u>DATE</u>
<u>NAME OF EXECUTIVE OFFICER OF THE OFFICE OF PUBLIC SCHOOL CONSTRUCTION, OR DESIGNEE</u>	<u>DATE</u>
<u>SIGNATURE OF EXECUTIVE OFFICER OF THE OFFICE OF PUBLIC SCHOOL CONSTRUCTION, OR DESIGNEE</u>	<u>DATE</u>

ATTACHMENT F

STATE OF CALIFORNIA

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Office of Public School Construction Application Number: _____

GENERAL INFORMATION

Grantee Name: _____

School Name: _____

Grant Amount: _____ of which _____ is Financial Hardship Assistance.

Authority: _____ [relevant Bond Act(s)]

SFP Program Funding Source: _____
(e.g., New Construction, Modernization)

Future Priority Funding Rounds: _____
(first priority funding window, second priority funding window)

PROJECT DESCRIPTION

Type of Work: _____ (e.g.,
Replacement work funded with New Construction grants, Rehabilitation work funded with Modernization grants, etc.)

New School or an Existing Site: _____

Agreement includes grants for the following scope of work, as follows: _____

Number of Classrooms: _____

Or

Square Footage Constructed: _____ Toilet Area Sq. Ft. _____
Other Area Sq. Ft. _____

Agreement includes grants for other non-facilities not listed above, as follows: _____

Financial Hardship Approval Date: _____

Financial Hardship Status is valid until: _____ (date)

ATTACHMENT F

STATE OF CALIFORNIA

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This project scope and resulting funding determination relied on the following documentation and state agency approvals:

- The Application for Natural Disaster Assistance Funding (Form SAB 195)
- Plan Approval letter from the California Department of Education dated XXXXX
- Division of the State Architect Approval letter(s) dated XXXXX for DSA Application Number(s) YYYY.
- Financial Hardship Approval Letter from the Office of Public School Construction dated XXXXX.
- Bridge Financing Approval Letter from the Office of Public School Construction dated XXXXX.

A copy of the documentation listed here is available as part of the project file maintained by OPSC and is also retained by the District for purposes of the project audit.

Grants are to be used in accordance with the provisions contained in the Leroy F. Greene School Facilities Act of 1998 (Education Code, Title 2, Division 1, Part 10, Chapter 12.5, commencing with Section 17070.10) and this Agreement.

The Grantee shall not make any change to the Project that would require a Change of Scope, without the State Allocation Board first approving the change to the Project.

GRANT DESCRIPTION

The Grant funds are awarded generally for purpose of

Grant funds are to be used in accordance with the original proposed scope of work and the terms of this Agreement. The Grantee shall not make any changes to the scope of work without the prior written approval of the State Allocation Board.

TERMS AND CONDITIONS OF GRANT

A. Definitions

Terms not defined below shall have the same meaning as set forth in SFP Regulation Section 1859.2.

"Act" means the Leroy F. Greene School Facilities Act of 1998 (Education Code, Title 1, Division 1, Part 10, Chapter 12.5, commencing with Section 17070.10).

"Agreement" means a contract to do or not to do a certain thing and refers to this Grant Agreement.

"Change of Scope" means the addition or deletion of any work that would change the approved Grant amount for the Project or require updated state agency approval(s). This includes, but is not limited to, changes to site acquisition acres, or buildings, including but not limited to

**GRANT AGREEMENT [OTHER
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classrooms, multipurpose rooms, gymnasiums, administration buildings, restrooms, and libraries/media centers, and any changes to the size of those buildings, the type of building (e.g. portable, modular, or permanent), or the location on the school site of those buildings.

“Expenditure Report” means the Form SAB 50-06 Expenditure Report and all required supplementary documentation, including but not limited to a detailed listing of project expenditures organized by fund source and provided at an object-code-level of accounting detail, pursuant to the California School Accounting Manual, that shall include fields to identify information including, but not limited to dates, payees, warrant numbers, and the description and purpose of the expenditures as described in California Code of Regulations, Title 2, Regulation Section 1859.104.

“Financial Hardship” means State funding for all or a portion of the Grantee’s matching share required by School Facility Program Regulation Section 1859.77.1 or 1859.79.

“Form SAB 195” means the *Application for Natural Disaster Assistance* (Form SAB 195) (New xx/25), which is incorporated by reference. “Fund Release Application” means the Form SAB 50-05, Fund Release Authorization, and all required supplementary documentation, which includes but is not limited to this Agreement, pursuant to the Act and the Regulations.

“Funding Application” means the Form SAB 50-04, Application for Funding, or the Form SAB 50- 09, Application for Charter School Preliminary Apportionment, or the Form SAB 50-10, Application for Career Technical Education Facilities Funding, and all required supplementary documentation pursuant to the Act and California Code of Regulations, Title 2, Regulation Sections 1859.70, 1859.161 or 1859.191, as applicable.

“Fund Release Application” means the Form SAB 50-05, Fund Release Authorization, and all required supplementary documentation, which includes but is not limited to this Agreement, pursuant to the Act and the Regulations.

“Grantee Representative” means the authorized representative of a school district (as defined in California Code of Regulations, Title 2, Regulation Section 1859.2), charter school, or joint powers authority, as applicable, who signed this Agreement for Grants.

“Interim Housing” means the rental or lease of Classrooms used to house pupils temporarily displaced as a result of the modernization or construction of classroom facilities; or the lease or purchase of Classrooms or ancillary facilities including but not limited to, restrooms, administrative space, or minimum essential facilities obtained due to a natural disaster for which the Governor has declared a state of emergency, pursuant to Education Code Section 17075.20.

“Modernization” means projects that are eligible for Grants based on Education Code Title 1, Division 1, Part 10, Chapter 12.5, Articles 6 (commencing with Section 17073.10) and 7 (commencing with Section 17074.10).

“New Construction” means projects that are eligible for Grants based on Education Code Title 1, Division 1, Part 10, Chapter 12.5, Articles 3 (commencing with Section 17071.75), 4 (commencing with Section 17072.10), and 5 (commencing with Section 17072.20).

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"Project" means the purposes for which the Grantee has applied for the Grants detailed in this Agreement.

"Office of Public School Construction (OPSC)" means the office within the California Department of General Services that administers this grant program on behalf of the Director of the Department of General Services.

"Savings" means Grants not used by the Grantee for the Project, pursuant to Regulation Section 1859.103, achieved by the Grantee's efficient and prudent expenditure of Grants.

"School District" shall have the meaning set forth in Education Code Sections 17070.15(m) and 17073.25.

"School Facility Program (SFP)" means the programs implemented under the Act.

"State" means the State of California.

"Unfunded List (Lack of AB 55 Loans)" means an information list of unfunded projects that was created due to the state's inability to provide interim financing from the Pooled Money Investment Account (AB 55 loans) to fund school construction project as declared in the Department of Finance Budget Letter #33 issued on December 18, 2008.

(Authority: SFP Regulation 1859.2)

B. Term of Grant Agreement

The Grantee and the Executive Officer, or designee, of the Office of Public School Construction shall be the parties to this Agreement. This Agreement must be entered into by both parties prior to, and as a condition of, the release of any funding for the Project. This Agreement becomes effective on the date the State Allocation Board approves the Project for either an Apportionment or placement on the Unfunded List (Lack of AB 55 Loans). This Agreement terminates once (1) all Grants and the Grantee's matching funds, including interest generated by the Grants, is expended, and when all of the Parties' obligations under this Grant Agreement are fully satisfied, or (2) if the Board rescinds the unfunded approval or apportionment, or (3) if the Grantee withdraws its Form SAB 195.

C. Project Execution

1. The Board hereby awards to the Grantee a sum of money (Grants)

\$ _____ in consideration of and on condition that the sum be expended in carrying out the purposes as set forth in the description of the Project in this Agreement and its attachments and under the Terms and Conditions set forth in this Agreement.

Grants may also be expended for the purposes of a future high priority Capital Outlay project as the result of Savings, or for the purposes of reimbursement, pursuant to SFP Regulation Section 1859.90.4.

(Authority: New Construction: Education Code Sections 17072.20 and 17070.63; New Construction and Modernization: SFP Regulations Article 8 commencing with Section 1859.70;)

ATTACHMENT F

STATE OF CALIFORNIA

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2. Prior to the release of any funding for the Project, Office of Public School Construction staff has completed the following steps to finalize the Project funding amount outlined in this Agreement, as necessary:

i. The Form SAB 195 was accepted on _____ (date) and deemed to meet the definition of an Approved Application. The Grantee was provided written notification of any deficiencies and given 24 hours to remedy the identified deficiency(s) in order to retain the date upon which it was received.

ii. Upon confirmation of an Approved Application, Office of Public School Construction staff reviewed the Form SAB 195 for compliance with School Facility Program Regulations and verified eligibility for all available program grants. The Grantee was provided written notification of all deficiencies and/or changes necessary and given 15 calendar days to respond and remedy the identified deficiencies and/or changes necessary.

iii. Upon review of the submitted corrections, Office of Public School Construction staff provided the Grantee written notification of any final deficiencies and required a response within four business days.

iv. Upon receipt of the final amendments to the Form SAB 195, the Office of Public School Construction staff and the Grantee agreed that the Project was ready for presentation to the Board for either an Apportionment or placement on the Unfunded List (Lack of AB 55 Loans).

(Authority: SFP Regulation Sections 1859.2, 1859.70, 1859.90, 1859.93, 1859.93.1; and Office of Public School Construction process)

3. Grantee certifies that the Project complies with all laws and regulations applicable to the Project.

(Authority: Form SAB 195 certifications)

1. Grantee certifies that the Project complies with all labor and public contract laws, as applicable.

Project Execution Signature

All laws and regulations noted in Sections (i), (ii), (iii), and (iv) above have been, and will be, followed, as applicable.

X _____ Date

(Authority: Form SAB 195 certifications)

**GRANT AGREEMENT [OTHER
ASSISTANCE FOLLOWING A
NATURAL DISASTER]**SCHOOL FACILITY PROGRAM(New xx/25)**D. Receiving and General Usage of Funds**

The Grantee and the Executive Officer, or designee, of the Office of Public School Construction shall enter into this Agreement prior to, and as a condition of, the release of any funding for the Grant.

Grant funds shall be released in one installment. The fund release shall occur on or about, provided this Agreement has been fully executed and the State Allocation Board provides its approval, at the _____ (Month, Year Board date) meeting.

Funds are to be expended in accordance with the scope of work identified in the Grant Description. A maximum of 5% of the total funds may be used for Grantee's administrative and/or overhead costs associated with the Grant. Expenditures associated with the scope of work made prior to the effective date of the agreement, may be considered eligible costs.

E. Program Reporting Requirements

As a condition of this Grant, the following information shall be submitted to the Office of Public School Construction:

- No later than _____ (or as soon as contracted) the Grantee will submit documentation confirming funds have been encumbered along with a copy of the encumbrance documents and a copy of the plan approval letter from the Division of State Architect.
- No later than _____ the Grantee will submit a project status report.
- No later than _____ the Grantee will submit a final Expenditure Report and a narrative summary of the project outcome.
 - o Report format is at the discretion of the Grantee; however, reports should be detailed enough to clearly demonstrate progress and that expenditures are connected to the project.
 - o Submitted reports shall include a cover letter from the Grantee with a signed statement that the information submitted is true and accurate.
- In perpetuity, the Grantee will report any insurance and other government disaster proceeds received for the same scope of work as this project.

F. Record Retention

Grantee shall maintain satisfactory financial accounts, documents, and records for the Grant, at a Project-specific level of detail. All financial accounts, documents and records for the project must be retained until an audit by the Office of Public School Construction has been conducted and completed.

Financial accounts, documents, and records may be retained electronically.

G. Repayment of Grant Funds

Upon notification from OPSC of any amounts to be repaid to the State, the Grantee shall remit a warrant in the amount due within 60 calendar days.

H. Conflict of Interest

All Grantees are subject to State and Federal conflict of interest laws. Failure to comply with these laws, including business and financial disclosure provisions, will result in the Grant being rejected and any subsequent contract being declared void. Other legal action may also be taken. Applicable statutes include, but are not limited to, Government Code, Section 1090 and Public Contract Code, Sections 10410 and 10411, for State conflict of interest requirements.

1. Employees of the Grantee: Employees of the Grantee shall comply with all applicable provisions of law pertaining to conflicts of interest, including, but not limited to any applicable conflict of interest provisions of the California Political Reform Act, Cal. Gov't Code § 87100 et seq.
2. Employees and Consultants to the Grantee: Individuals working on behalf of the Grantee may be required by the Department to file a Statement of Economic Interests (Fair Political Practices Commission Form 700) if it is determined that an individual is a consultant for Political Reform Act purposes.

I. Compliance with Economic Sanctions

On March 4, 2022, Governor Gavin Newsom issued Executive Order N-6-22 regarding sanctions in response to Russian aggression in Ukraine. The EO is located at <https://www.gov.ca.gov/wp-content/uploads/2022/03/3.4.22-Russia-Ukraine-Executive-Order.pdf>.

The Grantee is notified that compliance with the economic sanctions imposed in response to Russia's actions in Ukraine is required, including with respect to, but not limited to, the federal executive orders identified in the Executive Order and the sanctions identified on the U.S. Department of the Treasury website (<https://home.treasury.gov/policy-issues/financial-sanctions/sanctions-programs-and-country-information/ukraine-russia-related-sanctions>). Failure to comply may result in the termination of contracts or grants, as applicable.

J. Severability

If any provision of this Agreement or the application thereof is held invalid, that invalidity shall not affect other provisions or applications of this Agreement which can be given effect without the invalid provision or application, and to this end the provisions of this Agreement are severable.

K. Electronic Filing

Any communication under this Grant Agreement shall be in writing and may be transmitted by electronic means. Communication sent electronically will be effective on the date of transmission.

ATTACHMENT F

STATE OF CALIFORNIA

**GRANT AGREEMENT [OTHER
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(New xx/25)

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L. Supplement, Not Supplant

The terms and conditions of this Agreement are intended to supplement, not supplant, the laws and regulations that apply to this Grant. The Grantee understands and agrees to adhere to all laws and regulations that apply to this Grant, even if those laws and regulations are not specifically cited in this Agreement.

M. Exact Duplicate

This Agreement is an exact duplicate (verbatim) of the Agreement provided by the Office of Public School Construction. In the event a conflict should exist, the language in the Agreement provided by the Office of Public School Construction will prevail.

SIGNATURES

The statements set forth in this Agreement are true and correct to the best of my knowledge and belief. IN WITNESS WHEREOF, this Agreement has been executed by the parties.

<u>NAME OF GRANTEE REPRESENTATIVE (PRINT)</u>	<u>PHONE NUMBER</u>
<u>SIGNATURE OF GRANTEE REPRESENTATIVE</u>	<u>DATE</u>
<u>NAME OF EXECUTIVE OFFICER OF THE OFFICE OF PUBLIC SCHOOL CONSTRUCTION, OR DESIGNEE</u>	<u>DATE</u>
<u>SIGNATURE OF EXECUTIVE OFFICER OF THE OFFICE OF PUBLIC SCHOOL CONSTRUCTION, OR DESIGNEE</u>	<u>DATE</u>

**FUND RELEASE AUTHORIZATION
SCHOOL FACILITY PROGRAM**

SAB 50-05 (REV xx/25)

GENERAL INFORMATION**(Refer to title 2, California Code of Regulations, sections 1859.90 and 1859.91)**

After a School Facility Program (SFP) grant has been funded by the Board, the Office of Public School Construction (OPSC) will release the apportioned funds with the exception of design funds, to the appropriate county treasury once the district has completed and submitted this form to the OPSC. Design funds apportioned pursuant to Section 1859.81(e) will automatically be released to the district within 30 days of the following, whichever occurs last: an Apportionment or submittal by the district of a Grant Agreement pursuant to Section 1859.90.4, with the exception of Preliminary Apportionments.

The following documents must be submitted with this form (as appropriate):

1. Signature page of the contract(s) that meets the requirement for a fund release (Part v and/or vii).
2. Notice(s) to Proceed.
3. For projects for which construction contracts were awarded prior to January 1, 2012, and that require a Labor Compliance Program (LCP) pursuant to Labor Code Section 1771.7:
 - All school district and/or third party provider Department of Industrial Relations approval letters (initial, extension(s) and/or final).
 - Third party contract(s).
 - A written finding that the district has initiated and enforced, or had contracted with a third party to initiate and enforce, an LCP pursuant to Section 1859.97(a).
 - If the district is submitting this form pursuant to Section 1859.90.2 on or after July 1, 2013, and if the district's LCP approval or contract date with an approved third party is subsequent to the construction contract date(s), the district must have submitted an LCP third party's report, pursuant to Section 1859.97(b), at least 60 days prior to submitting this form.
4. For new construction projects that complete Part v attach:
 - Accepted bid documents including additive/deductive alternates.
5. A Grant Agreement for the project signed by an authorized District Representative.

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

For the purposes of completing this form to obtain a fund release for a Final Career Technical Education Facilities Apportionment, a joint powers authority shall be treated as a school district.

Specific Instructions**Part I. Preliminary Apportionment—Design Only**

Check the boxes if the district has current financial hardship status pursuant to Section 1859.81 and is requesting release of Preliminary Apportionment funds for design, engineering, and other preconstruction project costs. Attach to this form the California Department of Education (CDE) Letter pursuant to Section 1859.149(a)(2).

Part II. Preliminary Charter School Apportionment

Check the boxes if the charter school is requesting a release of a Preliminary Charter School Apportionment for design and/or separate site apportionment pursuant to Section 1859.164.2. Attach to this form the Charter School Agreements.

Part III. Separate Site Apportionment

Check the box, for release of a separate site apportionment provided pursuant to Sections 1859.75.1 or 1859.81.1 or for release of Preliminary Apportionment site only acquisition pursuant to 1859.153(b) or (c).

Part IV. Overcrowding Relief Grant - Advance Site Funds

Check the boxes if the district is requesting an advance release of funds pursuant to Section 1859.184.1.

Part V. New Construction/Modernization/Charter School Rehabilitation

Check the box(es) for release of new construction, modernization or rehabilitation funds and enter the following:

- a. Date of written approval by the Division of the State Architect (DSA).
- b. Enter the percent of the construction the district has under binding contract(s).
- c. Issue date of the Notice to Proceed for the construction phase of the project(s); and
- d. Award date(s) of the construction contract(s) entered into by the district for this project. (If the space provided is not sufficient for all applicable contract dates, please list all dates on a separate attachment to this form.)

For Final Charter School Apportionment attach to this form the Charter School Agreements if not previously submitted or if since revised.

Part VI. New Construction—Site Acquisition Only

Check the boxes if the district is requesting a separate release of site acquisition funds as part of a new construction project.

Part VII. Joint-Use Projects

Check the boxes if the district is requesting release of joint-use project funds.

Part VIII. Identify District and Joint-Use Partners' Funding Sources

Check the appropriate box(es) that identify the district funding sources that have or will be used for the district's share of the project.

Part IX. Career Technical Education Facilities Projects

Check the appropriate box(es) in Part IX if the district is requesting a release of Career Technical Education Facilities funds.

Part X. Natural Disaster Assistance Projects

Check the appropriate box(es) in Part X if the district is requesting a release of Natural Disaster Assistance funds.

Part XI. Identify District's Construction Delivery Method

Check the appropriate box that identifies the construction delivery method that the district utilized for this project.

Part XII. Submittal of Project Grant Agreement

Check the appropriate box that identifies the timing of the submittal of the signed Grant Agreement for the project.

**FUND RELEASE AUTHORIZATION
SCHOOL FACILITY PROGRAM**

SAB 50-05 (REV xx/25)

SCHOOL DISTRICT	APPLICATION NUMBER
SCHOOL NAME	FIVE-DIGIT DISTRICT CODE NUMBER (SEE CALIFORNIA PUBLIC SCHOOL DIRECTORY)
COUNTY	HIGH SCHOOL ATTENDANCE AREA (HSAA) (IF APPLICABLE)

Part I. Preliminary Apportionment—Design Only

- ☐ The district certifies it has complied with Section 1859.149(a).
- ☐ The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
 - has already been expended by the district for the project
 - will be expended by the district prior to the Notice of Completion for the project
- ☐ The district certifies that it currently has Financial Hardship status under the provisions of Section 1859.81.

Part II. Preliminary Charter School Apportionment**A. Design Only**

Pursuant to Section 1859.164.2(a), must be able to check all boxes:

- ☐ The Charter School certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
 - has already been expended by the Charter School for the project
 - will be expended by the Charter School prior to the Notice of Completion for the project
- ☐ The Charter School certifies it has current financial soundness status from the California School Finance Authority.
- ☐ The Charter School certifies it has entered into the Charter School Agreements pursuant to Section 1859.164.2.

B. Separate Site Apportionment

Pursuant to Section 1859.164.2(b), must be able to check all boxes:

- ☐ Release site acquisition funds. The Charter School certifies the funds are needed to place on deposit in order to secure the site acquisition.
- ☐ The Charter School certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
 - has already been expended by the Charter School for the project
 - will be expended by the Charter School prior to the Notice of Completion for the project
- ☐ The Charter School certifies it has current financial soundness status from the California School Finance Authority.
- ☐ The Charter School certifies it has entered into the Charter School Agreements pursuant to Section 1859.164.2.

Part III. Separate Site Apportionment

- ☐ RA on additions to existing school sites pursuant to Section 1859.74.4.

Pursuant to Sections 1859.75.1 or 1859.81.1, district must be able to check both boxes:

- ☐ Release site acquisition funds. The district certifies the funds are needed to place on deposit in order to secure the site acquisition.
- ☐ The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund

- has already been expended by the district for the project
- will be expended by the district prior to the Notice of Completion for the project

Part IV. Overcrowding Relief Grant - Advance Site Funds

Pursuant to Section 1859.184.1, districts that have received Financial Hardship approval that are acquiring sites through condemnation must be able to check all boxes:

- ☐ Release site acquisition funds. The district certifies the funds are needed to place on deposit in order to secure the site acquisition.
- ☐ The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
 - has already been expended by the district for the project
 - will be expended by the district prior to the Notice of Completion for the project
- ☐ The district certifies that it will produce an order of prejudgment possession once obtained from the court, and prior to any additional fund releases for the project.

Part V. New Construction/Modernization/Charter School Rehabilitation

District/Charter School must be able to check all boxes:

- ☐ The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
 - has already been expended by the district for the project
 - will be expended by the district prior to the Notice of Completion for the project
- ☐ The district certifies it has entered into a binding contract(s) for _____ percent of the construction (must be at least 50 percent of the construction included in the plans and specifications applicable to the state funded project), which received written DSA approval on _____, and has issued the Notice(s) to Proceed on _____ for that 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.)
- ☐ If the district certified compliance with Education Code Section 17070.955 on its Application for Funding (Form SAB 50-04) and if it was not previously sent with the Form SAB 50-04, then the district must submit 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.

The Charter School must also be able to check the following box:

- ☐ The Charter School certifies it has entered into the Charter School Agreements pursuant to Section 1859.164.2.

The amount of State funds released for new construction shall be 100 percent of the total SFP New Construction Adjusted Grant, less any site acquisition funds previously released in Part III.

The amount of State funds released for modernization shall be 100 percent of the SFP Modernization Adjusted Grant.

**FUND RELEASE AUTHORIZATION
SCHOOL FACILITY PROGRAM**

SAB 50-05 (REV XX/25)

Part VI. New Construction—Site Acquisition only

District must be able to check both boxes:

- ☐ The district certifies it has entered escrow for the site (attach copy of escrow instructions).
- ☐ The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
 - has already been expended by the district for the project
 - will be expended by the district prior to the Notice of Completion for the project

The amount of State funds released shall be equal to the additional grant provided for site acquisition.

Part VII. Joint-Use Projects

- ☐ The district certifies that the Joint-Use Partners' financial contribution has either:
- been received and deposited in the County School Facility Fund
 - has been received and expended by the district
 - will be received and expended by the district prior to the Notice of Completion for the project
- ☐ The district certifies it has entered into a binding contract(s) for _____ percent of the construction (must be at least 50 percent of the construction included in the plans and specifications applicable to the state funded project), and has issued the Notice to Proceed on _____ for that contract signed on _____.

The amount of State funds released for new construction shall be 100 percent of the Joint-Use Grant.

Part VIII. Identify District and Joint-Use Partners' Funding Sources

- ☐ Available bond funds such as general obligation, or Mello-Roos.
- ☐ Available developer fees, proceeds from the sale of surplus property, or federal grants.
- ☐ Other funds available (identify)
- ☐ Funds already expended by the district for the project.
- ☐ Funds already expended by the Joint-Use Partners for the project.
- ☐ Future revenue sources to be used for the project (identify)

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

- I am an authorized representative of the district as authorized by the governing board of the district; and
- The site where buildings will be modernized or rehabilitated must comply with Education Code Sections 17212, 17212.5, and 17213; and,
- The grant amount provided by the State, combined with local matching funds or the Joint-Use Partner's financial contribution, are sufficient to complete the school construction project, unless the request is for a separate site and/or 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 project for which the grant amount is provided complies with Education Code Sections 17070.50 and 17072.30; and,
- The district shall certify at the time of a fund release for the project that it complies with Section 1859.90.4.
- This form is an exact duplicate (verbatim) of the form provided by the Office of Public School Construction (OPSC). In the event a conflict should exist, then the language in the OPSC form will prevail; and,
- If required by Labor Code Section 1771.7, the district has initiated and enforced an LCP that has been approved by the DIR.
- If required by Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014, DIR has or will perform the required Prevailing Wage Monitoring and Enforcement for the project, or the requirement is waived 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.

Part IX. Career Technical Education Facilities Projects

- ☐ The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
 - has already been expended by the district for the project
 - will be expended by the district prior to the Notice of Completion for the project
- ☐ If the district requested a loan for its matching share pursuant to Section 1859.194, the district certifies that it has entered into a loan agreement with the State.

Part X. Natural Disaster Assistance Projects

- ☐ The district certifies it has complied with Section 1859.81.1.
- ☐ The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
 - has already been expended by the district for the project
 - will be expended by the district prior to the Notice of Completion for the project

Part XI. Identify District's 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: _____

Part XII. Signed Grant Agreement

- ☐ The district has already submitted the signed Grant Agreement for this project.
- ☐ The signed Grant Agreement for this project accompanies this Form.

SIGNATURE OF DISTRICT OR JPA

DATE

NAME OF DISTRICT OR JPA REPRESENTATIVE (PRINT)

TITLE

EMAIL ADDRESS

TELEPHONE NUMBER

OFFICE OF PUBLIC SCHOOL CONSTRUCTION
STAKEHOLDER MEETING
February 13, 2025

PROPOSED AMENDMENTS TO THE SCHOOL FACILITY PROGRAM
FOR INTERIM HOUSING

PURPOSE

To discuss and receive stakeholder feedback 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. Proposition 2 adds Education Code (EC) Section 17075.20, which allows the State Allocation Board (Board) to provide assistance for purposes of procuring interim housing and providing other assistance for school districts and county offices of education (COEs) that are impacted by a natural disaster for which the Governor has declared a state of emergency.

AUTHORITY

See Attachment A6a.

BACKGROUND

Proposition 2 provides the authority for the Board to fund interim housing following a natural disaster for which the Governor has declared a state of emergency. With the addition of EC Section 17075.20(b), it also expands the qualifying criteria for the Facility Hardship Program to include school districts and COEs that have been determined by the Board to be impacted by natural disaster when a declaration of emergency has been made by the Governor.

Prior to the passage of Proposition 2, the School Facility Program (SFP) provided grants for the replacement or repair of school facilities lost or destroyed as a result of a disaster under the Facility Hardship Program, which was created by the statutory authority of EC Section 17075.10 as it read on January 1, 2024. The Facility Hardship Program includes the Seismic Mitigation Program, which provides grants for school facilities at risk for collapse in a seismic event. Funding assistance may be provided in cases of extraordinary circumstances that have caused an imminent health and safety threat to students and staff. One of the qualifying criteria for the program is to have governmental concurrence of the existence of a health and safety threat. The prior statutory authority for these programs did not authorize grants for interim housing, but did allow expenditures on interim housing.

BACKGROUND (cont.)*EC Section 17075.20 – Summary of Provisions*

The newly added EC Section 17075.20 is inclusive of subdivisions (a) through (e). A summary of each follows:

Subdivision (a), notwithstanding any other law, allows the Board to provide assistance for purposes of procuring interim housing, including, but not limited to, the leasing or acquisition of portable classrooms and any work associated with placing them on a site, to school districts and COEs impacted by a natural disaster for which the Governor has declared a state of emergency. In addition, funds provided shall supplement funding from insurance or any other local, state, or federal government disaster assistance.

Subdivision (b) qualifies school districts and COEs that are impacted by a natural disaster as described in (a) to have met the requirements set forth in EC Section 17075.10, which is known as the Facility Hardship Program in SFP Regulation Section 1859.82. Under the program, districts and COEs can receive funding to replace lost or damaged necessary school facilities.

Subdivision (c) allows school districts and COEs to retain savings from a project that received funds under this section and to use those savings for other high-priority capital outlay purposes consistent with the requirements of EC Section 17070.63(c).

Subdivision (d)(1) indicates that a grant pursuant to this section will not affect the applicant's eligibility for the School Facility Program, except as specified in subdivision (d)(2).

Subdivision (d)(2) specifies that portable classrooms purchased pursuant to (a) shall be included in the determination of eligibility for new construction funding, pursuant to EC Section 17071.75. This means that any such portable classrooms must be included in a district's classroom inventory during establishment of new construction eligibility or added to a district's existing inventory via an adjustment to new construction eligibility if already established.

Subdivision (e) indicates that the Board may provide any other assistance to a school district or COE determined by the Board to be impacted by a natural disaster described in (a).

*Other References*Governor's Declaration of a State of Emergency

Government Code (GC) 8625 outlines the criteria by which a state of emergency may be declared by the Governor, which is issued by means of an Executive Order. Government Code (GC) 8558(b) defines "state of emergency" as "...the duly

BACKGROUND (cont.)

proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions such as air pollution, fire, flood, storm, epidemic, riot, drought, cyberterrorism, sudden and severe energy shortage, electromagnetic pulse attack, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions..."

An Executive Order can include provisions that expedite response activities, such as debris removal and cleanup; authorize state agencies to expedite the procurement of resources; and suspend various legal and procedural requirements to facilitate rapid response and recovery, including contracting and bidding laws.

California Disaster Assistance Act

The California Disaster Assistance Act (CDAA) provides financial assistance to local jurisdictions for the repair, restoration, or replacement of public real property damaged or destroyed by a disaster. CDAA programs only become available after the Governor has proclaimed a state of emergency exists. In general, the state will cover no less than 75 percent of the eligible costs.

Among the eligible costs, the following are allowable components:

- Repair, permanent restoration, and replacement costs for public facilities.
- Supplies, materials, and equipment.
- Costs for work performed under interagency assistance agreements for which an eligible applicant is legally obligated to pay.
- The local cost share required under federal public assistance programs.

This assistance is requested by a city (mayor or chief executive), county (chairman of a board of supervisors or county administrative officer). A city or county can apply for this funding on behalf of a school district or COE.

Federal Emergency Management Agency

The Federal Emergency Management Agency (FEMA) provides Public Assistance grants through coordination with the California Governor's Office of Emergency Services to support community recovery from disasters regarding debris removal, life-saving emergency protective measures, and restoration of public infrastructure. This program only becomes available once a Federal Major Disaster Declaration is declared. For permanent work required to restore a facility to its pre-disaster design (size and capacity), FEMA assists with roads and bridges, water control facilities, public buildings and contents, public utilities, and parks, recreational, and other facilities, such as schools.

STAFF ANALYSIS/DISCUSSION

OPSC recognizes that there are many considerations related to the development of regulations for the added EC Section 17075.20 and understands the importance of connecting with stakeholders related to the development of new regulations. As a result, OPSC has several questions and scenarios listed below in an effort to open the conversation and receive feedback related to initial thoughts for this item. Proposed regulations will be presented at a future stakeholder meeting.

1. *Who is eligible for this grant?*

EC 17075.20 (a) states that a school district or COE can apply for this assistance when it is impacted by a natural disaster for which the Governor has declared a state of emergency. The statute does not authorize charter schools to apply directly for this assistance, but a school district can apply on behalf of a charter school that occupied district-owned facilities impacted by a natural disaster for which the Governor has declared a state of emergency.

2. *What constitutes a natural disaster as it relates to this statute?*

To meet the criteria in EC Section 17075.20, the Governor must have declared a state of emergency for the natural disaster. Based on research of other state entities and the SFP, OPSC interprets a natural disaster to include events such as, earthquakes, wildfires, floods, landslides, storms, hurricanes, tsunamis, and other natural catastrophes.

3. *What does the term “impacted” mean in the context of this statute and to whom does it apply?*

OPSC interprets the impacted district or COE as a district or COE with facilities that were lost or damaged as a result of the natural disaster for which the Governor has declared a state of emergency. For instance, if a district’s facilities are flooded in an event the Governor declared a state of emergency and pupils must be relocated, the district would be eligible to receive assistance pursuant to this statute.

4. *What is Interim Housing?*

Currently, SFP Regulation Section 1859.2 defines *Interim Housing* as “the rental or lease of classrooms used to house pupils temporarily displaced as a result of the modernization of classroom facilities.” Because this definition is limited to modernization projects, OPSC proposes that a new definition that is inclusive of housing for pupils who have been displaced due to a natural disaster is necessary.

STAFF ANALYSIS/DISCUSSION (cont.)5. *What does funding for the interim housing look like?*

Providing funding for interim housing as reimbursement of actual costs, documented in the form of invoices or lease agreements for portable classrooms, would provide reassurance that the amount of funding provided is reasonable based on the actual costs of interim housing. Additionally, a reimbursement model would facilitate verification that the number pupils housed substantiates the number of portables leased or acquired by the district or COE.

However, OPSC recognizes that limiting interim housing assistance to reimbursement of costs incurred may present a barrier for some school districts that need to accommodate displaced pupils expeditiously, but are faced with up-front costs of interim housing potentially before they receive funding from insurance or government assistance.

OPSC seeks stakeholder input on this issue.

6. *What are the criteria for “supplementing funding from insurance or any other local, state, or federal government disaster assistance”?*

EC Section 17070.20(a) specifies that the allocated funds shall *supplement* funding from insurance or any other local, state, or federal government disaster assistance. To ensure that financial assistance provided does not duplicate funds provided by insurance and other government disaster assistance, a district would ideally first seek funding from these sources prior to submitting a request to the Board for consideration. In this case, the SFP would cover longer-term interim housing needs and other funding sources would cover the urgent, short-term interim housing needs.

In addition to the sources mentioned above in Background, the California Disaster Assistance Act provides assistance for eligible costs such as the repair, permanent restoration, and replacement costs for public facilities, but not for purposes of procuring interim housing.

7. *What is the funding source for interim housing?*

EC Section 17075.20 does not specify a source from which interim housing assistance will be provided. OPSC proposes interim housing costs would be funded from New Construction bond authority regardless of whether the subsequent project would repair or replace facilities. The program would house pupils on a temporary, or potentially permanent basis, which is consistent with the purpose of the New Construction program. If the school district intends to keep the interim housing for classroom use beyond five years of usage, the

STAFF ANALYSIS/DISCUSSION (cont.)

school district's new construction eligibility baseline would be adjusted for the additional capacity.

8. *How will funding amounts be determined?*

In keeping with the proposed New Construction source of funds, OPSC proposes that funding for interim housing, whether it is leased or purchased, be provided on a 50 percent state and 50 percent local share basis. Further, to align with the new statutory provision of the sliding scale for the local share, OPSC proposes that the state and local share percentages would be determined by the method outlined in EC Section 17070.59. Additionally, OPSC proposes that a school district or COE applying for interim housing assistance that is also eligible for SFP Financial Hardship assistance would qualify for additional state assistance and a commensurate reduction in the required local share in accordance with Financial Hardship program provisions.

9. *What if the construction or rehabilitation project takes longer than five years and the interim housing is still being used?*

If a portable classroom being leased by a district is on the site for longer than five years from the date of placement on site, SFP regulations currently require an adjustment to be made to the New Construction baseline. However, depending on the magnitude of the natural disaster, districts may need longer than five years to replace necessary facilities.

SFP Regulation Section 1859.51(i)(5) provides that if a portable classroom needs to be leased beyond five years to provide interim housing during a modernization or new construction project, the Board may approve up to a three-year extension for each qualifying project. In this case, the district must submit an extension request to OPSC to approve the use of leased portable buildings beyond the five-year period in addition to a narrative outlining the circumstances leading to this request. This request is then presented to the Board for approval.

In an effort to track the leased portables under this assistance, OPSC proposes a reporting requirement for districts using interim housing on a site, to provide an annual report (from the date the facilities are placed on site until they are removed) to OPSC, reporting if the facilities have been removed and/or replaced, or if they remain on the property. EC Section 17075.20 indicates that the Board may provide assistance for purposes of procuring interim housing, including, but not limited to, the leasing or acquisition of portable classrooms. If it is more cost effective to do so, the district may elect to purchase the portable classrooms.

STAFF ANALYSIS/DISCUSSION (cont.)

Because districts have a choice of either leasing or purchasing portable classrooms to serve as interim housing, OPSC suggests establishing a requirement for school districts to submit an annual progress report on the status of replacement projects.

10. Could interim housing become permanent housing?

The statute allows districts to lease or acquire portable classrooms to meet interim housing needs. If a district elects to acquire portable classrooms, subdivision (d)(2) states that "...a portable classroom *purchased* pursuant to subdivision (a) shall be included in the determination of eligibility for new construction funding pursuant to Section 17071.75." This means that it will be included in a district's classroom inventory during establishment of new construction eligibility or added to a district's existing inventory via adjustment to new construction eligibility if already established.

11. What is the effective date when districts may request assistance?

AB 247 was signed into law on July 3, 2024. Therefore, OPSC proposes that districts that incurred expenditures due to a natural disaster event for which the Governor has declared a state of emergency that is "open", as listed on the California Governor's Office of Emergency Services website may request assistance for reimbursement of executed contracts or expenditures dated on or after July 3, 2024.

Open state of emergency proclamations may be found here: [Emergency Proclamations | California Governor's Office of Emergency Services](#)

12. What does "any other assistance" under EC Section 17075.20(e) mean?

OPSC interprets this provision to mean that the Board has the discretionary authority to provide additional financial support to districts beyond funds to lease or acquire portable classrooms, which may vary with different types of natural disasters.

13. What documentation is required to request this assistance?

In accordance with the action approved by the Board at its December 2024 meeting, an impacted district would submit a *School District Appeal Request* (Form SAB 189) to request interim housing assistance or any other assistance resulting from a natural disaster event for which the Governor has declared a state of emergency.

STAFF ANALYSIS/DISCUSSION (cont.)

The district's request should include information related to the event as well as of the demonstration of efforts to use other local, state, federal and insurance resources to cover these costs.

AUTHORITY**Education Code (EC) Section 17075.20 – Hardship Application**

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

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

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

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

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

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

(Added by Stats. 2024, Ch. 81, Sec. 19. (AB 247) Effective July 3, 2024. Operative November 6, 2024, pursuant to Sec. 30 of Ch. 81.)

Other Statutory References**Government Code (GC) 8558 – General Definitions**

Three conditions or degrees of emergency are established by this chapter:

(a) "State of war emergency"...

(b) "State of emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions such as air pollution, fire, flood, storm, epidemic, riot, drought, cyberterrorism, sudden and severe energy shortage, electromagnetic pulse attack, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy or conditions causing a

Other Statutory References (cont.)

“state of war emergency,” which, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the Public Utilities Commission.

(c) (1) “Local emergency” means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by conditions such as air pollution, fire, flood, storm, epidemic, riot, drought, cyberterrorism, sudden and severe energy shortage, deenergization event, electromagnetic pulse attack, plant or animal infestation or disease, the Governor’s warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage or deenergization event that requires extraordinary measures beyond the authority vested in the Public Utilities Commission.

...

GC 8625 – State of Emergency

The Governor is hereby empowered to proclaim a state of emergency in an area affected or likely to be affected thereby when:

- (a) He finds that circumstances described in subdivision (b) of Section 8558 exist; and either
- (b) He is requested to do so (1) in the case of a city by the mayor or chief executive, (2) in the case of a county by the chairman of the board of supervisors or the county administrative officer; or
- (c) He finds that local authority is inadequate to cope with the emergency.

EC 17070.35 – General Provisions

Link: [EC Section 17070.35](#)

EC Section 17070.59 – General Provisions

Link: [EC Section 17070.59.](#)

Other Statutory References (cont.)**EC Section 17070.63 – General Provisions**

...

(c) Any savings achieved by the district's efficient and prudent expenditure of these funds shall be retained by the district in the county fund for expenditure by the district for other high priority capital outlay purposes.

...

EC Section 17075.10 – Hardship Application

(a) (1) For health and safety projects for school facilities that are determined by the department to pose an unacceptable risk of injury to occupants in the event of a seismic event, a school district shall demonstrate both of the following to the satisfaction of the board:

(A) That due to unusual circumstances that are beyond the control of the school district, excessive costs need to be incurred in the construction of school facilities.

(B) That the facilities are needed to ensure the health and safety of pupils if the health and safety of pupils is at risk.

(2) For purposes of paragraph (1), health and safety projects include projects to replace the most vulnerable school facilities that are identified as a Category 2 building, as defined in the report submitted pursuant to Section 17317.

(b) (1) A school district is eligible for health and safety funding to replace, reconstruct, or construct new classrooms and related facilities if the school district demonstrates there is a threat to the health and safety of pupils. To determine the applicable grant amounts, the district shall prepare and submit to the department a cost-benefit analysis that compares the minimum cost to remain in the classroom or related facility and mitigate the health and safety problem with the current replacement cost.

(2) The project qualifies for modernization funding if the minimum cost is less than 50 percent of the current replacement cost of the classroom or related facility.

(3) The project qualifies for replacement facilities if the cost-benefit analysis prepared pursuant to paragraph (1) demonstrates that the cost to remain in the classroom or related facility and mitigate the problem is at least 50 percent of the replacement value.

(c) The department shall develop regulations to define eligible health and safety projects that meet the requirements of subdivisions (a) and (b) for purposes of project approval by the board.

EC Section 17071.75 – New Construction Eligibility Determination

Link: [EC Section 17071.75.](#)



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.

ATTACHMENT H

- **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



Alberto M. Carvalho
Superintendent

Los Angeles Unified School District
Legislative Affairs & Government Relations

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Board of Education

Scott M. Schmerelson, President
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Nick Melvoin
Karla Griego
Kelly Gonez
Tanya Ortiz Franklin

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

solely to replace a classroom destroyed in a natural disaster, it should not be added to the inventory, as it does not constitute an increase in capacity.

Charter School Eligibility for Interim Housing Assistance

There is ambiguity in the eligibility criteria for charter schools seeking interim housing assistance. While OPSC's analysis on page 6 concludes that charter schools cannot apply directly, a school district may apply on behalf of a charter school occupying district-owned facilities. However, Education Code section 17075.20(a) does not explicitly exclude charter schools on non-district-owned sites. Clarification is needed to determine whether a school district can apply on behalf of a charter school located on a non-district-owned site or if such schools are entirely ineligible for assistance.

Funding Challenges and Timing of Assistance

Timely access to interim housing assistance funding is critical, as schools need to accommodate displaced students immediately following a disaster. Waiting for reimbursement may present financial hardships. One proposed solution is for districts to submit a verified quote for the minimum amount needed and later reconcile any excess once insurance or other public assistance funds are received.

Los Angeles Unified recommends an upfront apportionment based on verified quotes, allowing districts to receive full funding at the outset. Since disasters are unplanned events, many districts lack the immediate resources to cover a matching share. Providing 100% of the verified quote upfront ensures districts can address their needs without delay. Once insurance and public assistance funding is secured, a true-up process would reconcile actual expenses, with any excess funds returned to the State.

Additionally, clarification is needed regarding the timing of state and local funds. If immediate access is not available, a clear timeline should be established to ensure school districts can plan accordingly.

In summary, regulatory clarification, eligibility adjustments, and a shift toward upfront funding mechanisms would improve the effectiveness of interim housing assistance, ensuring that schools can respond swiftly to natural disasters while maintaining financial accountability.

Topic #7 – Five-Year Master Plan (Attachment A7)

Master Plan Updates and Timing:

In response to OPSC's request for stakeholder feedback, Los Angeles Unified recommends the following:

- Updates or addendums to a district's master plan should be required no more than once every five years, with the five-year period beginning on the date of the district governing board's approval. The plan's duration should be determined solely based on this approval date.
- Any updates or addendums must receive formal approval from the district's governing board.

Eligibility Determination and Funding Considerations:

Education Code (EC) 17070.54(b) requires that a facilities master plan include information on a district's eligibility for state bond funding. However, clarification is needed regarding the time period this eligibility should represent and whether second-round funding must be included.

To address these concerns, Los Angeles Unified recommends the following:

- Eligibility should be determined within one calendar year of the governing board's approval of the master plan. Second-round funding should be excluded unless its methodology and application are fully finalized.
- Regulations should explicitly state that a master plan's eligibility calculations are based on the original site snapshots used to establish baseline eligibility, rather than the building inventory submitted as part of the master plan.
- Regulations should clarify that if a district uses SAB forms to estimate eligibility, these forms serve solely as a calculation tool and will not be processed as official submissions.

Master Plan and Closeout Audits:

Los Angeles Unified requests clarification on which version of the master plan is required at the time of the closeout audit—whether it should be the version submitted as part of the application or an updated version. Clear guidance on this requirement will help ensure consistency and compliance across districts.

Additionally, we recommend the development of a standardized master plan certification checklist to help districts document key information and certify the plan's completeness. This checklist would provide a clear framework for compliance, streamline the review process, and reduce administrative uncertainties.

Stakeholder Engagement and Master Plan Cost Reimbursement:

Los Angeles Unified recommends that stakeholders be given the opportunity to provide input on the guidelines and standards for school site inventories, which will be discussed between OPSC and CDE. Ensuring stakeholder involvement will help create clear, practical, and equitable standards that reflect the needs of all districts.

Additionally, the cost of developing a facilities master plan has been discussed, with OPSC indicating it may be classified as an operational expense. Los Angeles Unified recommends revisiting this classification to determine whether master plan development qualifies as an eligible expenditure, allowing districts to receive appropriate funding support for this mandated documentation.

"Current" Assessed Value (EC 17070.54(c)(6))

Los Angeles Unified seeks clarification on what qualifies as "current" assessed value and whether entities other than governmental agencies may be considered appropriate for verification purposes.

"Modernization" (EC 17070.54(d))

Los Angeles Unified requests a clear and comprehensive definition of "modernization" beyond what is outlined in EC 17070.15 to ensure consistency in its application.

Year of Construction and Modernization (EC 17070.54(d))

Los Angeles Unified seeks clarification on how the year of construction and modernization should be determined—whether based on the year construction commenced, the year it was completed, or the year DSA plans were approved. Additionally, we request guidance on the appropriate date to use for non-DSA projects if a DSA approval date is recommended for determining the "last modernized" date. Lastly, we recommend that regulations explicitly state that this data will not be used to determine modernization eligibility.

Topic #9 – Energy Efficiency Supplemental Grant (Attachment A9)

Requesting the Supplemental Grant: Options 1 and 2

Under both options presented, OPSC has stated that the DSA Tracker "Type of Program" must match the SFP funding category being requested. However, it remains unclear how DSA and SFP will interpret a district's application for like-kind replacement when filed under SFP Modernization funding, despite the actual work involving new building construction. Los Angeles Unified requests further clarification on how DSA will evaluate and assign the Title 24 Energy Requirement program in such cases. If DSA's classification does not align with SFP's funding definitions, we recommend that this mandate be reconsidered or removed to prevent unnecessary funding complications for districts.

If a tiered approach is selected, the thresholds outlined in OPSC's Option 1 would need to be revised. The recent revision to EC 17077.35 does not establish a minimum threshold for grant eligibility—it simply requires that the proposed building exceed nonresidential building energy-efficiency standards without specifying by how much. Given this, any tiered approach should align with the intent of the statute and avoid imposing arbitrary thresholds that are not legally required. Additionally, if a tiered approach is implemented, Los Angeles Unified requests calculation examples to clarify how the grant amount would be determined under each tier.

Los Angeles Unified recommends adopting Option 2, as it provides a simplified and streamlined approach. However, there are inconsistencies regarding how DSA would confirm a project exceeds Title 24 energy requirements. OPSC has indicated that the appropriate DSA Project Tracker checkbox would be selected to confirm compliance, but it would not display a percentage. This, in turn, would trigger the need for additional documentation, such as the "DSA Energy Compliance Review Verification Form", to prove that Title 24 standards were exceeded. If no minimum percentage exceedance is required, then the DSA Project Tracker should not need to display a percentage, nor should additional documentation be necessary. Additionally, if the DSA Energy Compliance Review Verification Form is to be required, it should be made available for review before it is incorporated into the process. Los Angeles Unified recommends addressing and clarifying these points before finalizing the selection and implementation of either option.

Topic #10 – Supplemental Grants for Minimum Essential Facilities (MEF) (Attachment A10)

Los Angeles Unified appreciates the ability to consider multiple funding options for the calculation of the supplemental grant for MEFs. Los Angeles Unified staff has performed an initial analysis based on the proposed options but is not prepared to make a recommendation without additional information from OPSC demonstrating how the calculation examples would compare. Therefore, we request that the next stakeholder materials include examples to facilitate comparison of the different funding options, including Use of Grants, Option 1, and Option 2.

Additionally, while the Use of Grants provision (2 CCR 1859.77.3) specifies that current CBEDS data be used to calculate the pupil amount requested, Los Angeles Unified recommends allowing the option to use a three-year average of CBEDS, similar to the flexibility provided under 2 CCR 1859.82.1 and 1859.82.2.

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

Topic #11 – Transitional Kindergarten Classrooms Supplemental Grant (Attachment A11)

Los Angeles Unified appreciates the ability to consider multiple funding options for the calculation of the supplemental grant for Transitional Kindergarten Classrooms. Los Angeles Unified staff has performed an initial analysis based on the proposed options but is not prepared to make a recommendation without additional information from OPSC demonstrating how the calculation examples would compare to one another. Therefore, we request that the next stakeholder materials include examples to facilitate comparison of the different funding options.

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

Sincerely,



Sasha Horwitz
Legislative Advocate
Los Angeles Unified School District

ATTACHMENT H

OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING April 10, 2025

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

PURPOSE

To continue to discuss and receive stakeholder input regarding proposed regulatory amendments to the School Facility Program (SFP) resulting from provisions of the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2), which was approved by a majority of California's voters on November 5, 2024.

AUTHORITY

See Attachment A6a.

DESCRIPTION

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

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

BACKGROUND

Stakeholder Feedback

On February 13, 2025, OPSC presented concepts based on the addition of EC Section 17075.20. This addition provides authority for the State Allocation Board (Board) to fund interim housing following a natural disaster for which the Governor has declared a state of emergency. This section authorizes the Board to provide "any other assistance" to a school district or county office of education (COE) determined by the Board to be impacted by a natural disaster described in EC Section 17075.20(a).

STAFF ANALYSIS/DISCUSSION

OPSC presented an overview of each subdivision (a through e) of this section and provided proposals for concepts and potential procedures related to interim housing and natural disaster assistance based upon interpretation of statute.

For purposes of this discussion, the concepts of the new sliding scale matching share and existing Financial Hardship criteria are applicable to this program.

Summary of Stakeholder Feedback

Staff would like to thank stakeholders who were able to view, attend, or participate in this meeting and also those who provided valuable feedback either at the meeting or through written correspondence to OPSC. Below is a summary of stakeholder feedback received as a result of the February 13, 2025 meeting.

Stakeholder Feedback	OPSC Response
<p>1. It would be helpful if there could be a discussion about the potential for districts to purchase the portables that were leased and to apply for those portables through New Construction eligibility and subsequent funding. Although the portables would be occupied because they were interim housing, when they change to being purchased, it would be helpful for the district to participate through the SFP program to purchase those portables.</p> <p>Additionally, expansion on the purchase of portable classrooms' impact on the New Construction baseline eligibility would be helpful to address any concerns about a "double hit" and what adjustments will look like.</p>	<p>1. OPSC acknowledges that the ability to purchase the leased portables through New Construction eligibility could be beneficial to districts; however, there are two concepts which appear to prevent districts from being able to use New Construction eligibility to fund these classrooms as additional capacity.</p> <p>First, in accordance with SFP Regulation 1859.70(a), "The Board shall only provide New Construction funding if the Approved Application was received by the OPSC prior to the date of Occupancy for any classrooms included in the construction contract. After the date of Occupancy of any classroom in the construction contract, a School District will be ineligible to seek New Construction funding, and the classrooms will be reduced from the baseline eligibility pursuant to Section 1859.51(i) if not previously reduced.</p> <p>Second, there is a provision in the new statute that allows for the lease <i>or</i> purchase of interim housing (EC Section 17075.20[a]), and a subsequent subdivision (EC Section</p>

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
	<p>1. (cont.) 17075.20[d]) that outlines that portable classrooms purchased pursuant to subdivision (a) shall be included in the determination of eligibility for new construction funding, pursuant to EC Section 17071.75. Therefore, the New Construction eligibility baseline would be adjusted by the respective grade level of the portable at the time of <i>purchase</i> or at the time the leased portables are beyond the five years to provide interim housing during a modernization or new construction project, or at the time the leased portables have exceeded the three-year extension for each qualifying project, pursuant to SFP Regulation Section 1859.51(i)(5). If the portable classrooms provided are pursuant to the latter two scenarios, and remain on site, the New Construction eligibility shall be adjusted just as any other locally funded facilities placed on site would be to address the added capacity.</p> <p>To address concerns regarding a “double hit” for capacity, if the purchased portables are used as part of the reconstruction of the school, then they are not being purchased for purposes of interim housing and are thus ineligible for funding. Interim housing is intended to be temporary capacity, whereupon it is assumed that once the destroyed or severely damaged classroom(s) are reconstructed or rehabilitated back to original capacity, the interim housing will no longer be needed.</p> <p>School districts with New Construction eligibility have the option to submit an SFP New Construction application in</p>

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
	<p>1. (cont.) lieu of an application for interim housing. If the school district has damage to classrooms that may be rehabilitated or reconstructed back to use, then the purchased portable classrooms serve as additional capacity beyond what is captured on the New Construction baseline eligibility if they remain on site after the buildings have been rehabilitated. Upon removal from classroom use after completion of the reconstruction/rehabilitation project, the eligibility will be returned to the school district's baseline eligibility.</p> <p>As these classrooms are intended to be temporary housing for students, OPSC is proposing a new adjustment type that is specific to adjustments for interim housing provided under the proposed SFP Regulation Section 1859.84 to differentiate between typical adjustments pursuant to SFP Regulation Section 1859.51(i), which often accounts for added capacity with hybrid New Construction and Modernization applications.</p> <p>OPSC proposes that districts using interim housing annually report to OPSC (from the date the facilities are placed on site until they are removed) to indicate whether the facilities have been removed and/or replaced, if they remain on the property, or if they have been moved to another district site. Then, OPSC will make necessary "reversal" adjustments to the school district's New Construction baseline if the portable facilities have been removed from the district. In addition, OPSC will perform outreach to school districts every year from the date the portable classroom(s) are placed on-site.</p>

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
	<p>1. (cont.) Therefore, upon the purchase of portable classrooms, the school district's New Construction eligibility baseline will be adjusted for this additional capacity.</p>
<p>2. 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?</p>	<p>2. OPSC has considered this grant and believes that creating a standard would be too limiting for funding purposes due to the unknown factors that funding may be requested for.</p> <p>In this item, we have proposed several options for the basis of calculating the grant and appreciate stakeholder feedback.</p>
<p>3. There is ambiguity in the eligibility criteria for charter schools seeking interim housing assistance. While charter schools cannot apply directly, a school district may apply on behalf of a charter school occupying district-owned facilities. However, EC 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 ineligible for assistance.</p>	<p>3. EC Section 17075.20 specifies that school districts and COEs impacted by a natural disaster for which the Governor has declared a state of emergency are eligible to request assistance from the Board.</p> <p>School districts can only apply based on impacts of a natural disaster to a district-owned site. Charter schools located on a non-district-owned site would be ineligible for assistance under EC Section 17075.20.</p>
<p>4. 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.</p> <p>An upfront apportionment based on verified quotes would allow districts to receive full funding at the outset. Since disasters are unplanned events, many</p>	<p>4. OPSC agrees and recognizes the need for flexibility for school districts that may require immediate assistance rather than reimbursement.</p> <p>If associated costs are higher than proposed estimates, school districts and COEs can submit an additional request with supporting documentation. Provided funding is available, the Board and OPSC can consider a grant amendment.</p>

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
<p>4. (cont.) districts lack the immediate resources to cover a matching share. Providing 100 percent 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.</p>	
<p>5. 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.</p>	<p>5. OPSC concurs that clarification related to the timeframe of state and local funds would be beneficial. OPSC has outlined a scenario below (see page 11) to demonstrate an instance in which a school district may request this assistance.</p>

The February 13, 2025 Stakeholder Meeting was recorded, and as a result, feedback that OPSC was able to respond to at the time of the meeting that did not impact the proposed regulations may be found here: [February 13, 2025 OPSC Stakeholder Meeting #2](#)

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

Considering the feedback received at and following the stakeholder meeting on February 13, 2025, OPSC developed proposed regulations to begin the implementation of these new provisions.

Summary of Proposed SFP Regulations

The full list of amendments listed below may be found within Attachment A6b.

SFP Regulation Section 1859.2 – Definitions

As indicated in the stakeholder meeting held on February 13, 2025, OPSC proposes an amendment to this section to capture that “Interim Housing” means the rental, purchase, or lease of classrooms used to house pupils temporarily displaced as a result of a natural disaster for which the Governor has declared a state of emergency, pursuant to EC Section 17075.20.

This is to ensure that the proposed new section for this assistance has a clear definition for the term “Interim Housing,” as its previous definition was limited to temporary displacement of students due to modernization projects.

STAFF ANALYSIS/DISCUSSION (cont.)

Also, OPSC proposes adding a definition for a new *Interim Housing and Natural Disaster Assistance Request* (Form SAB TBD) for school districts to request this assistance. OPSC plans to present a draft of this new form at a future stakeholder meeting and has described initial concepts in the “Form SAB TBD” section below. Proposed SFP Regulation Sections 1859.84.1 and 1859.84.2 also refer to this form.

SFP Regulation Section 1859.80 – General

OPSC proposes an addition to this section to include subdivision (d), wherein a district shall qualify for hardship assistance by demonstrating one or more of the following:

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

The addition of this subdivision introduces the two concepts associated with the proposed new SFP Regulation Sections 1859.84, 1859.84.1, and 1859.84.2 under Article 9 (Hardship Assistance).

SFP Regulation Section 1859.84 — Interim Housing and Natural Disaster Assistance

This proposed new section introduces the concepts of Interim Housing and Natural Disaster Assistance, specifying that a school district or COE may apply for interim housing and natural disaster assistance as a result of a natural disaster for which the governor has declared a state of emergency.

OPSC will validate with the Governor’s Office of Emergency Services that the state of emergency is still open at the time of application submittal. The purpose of this requirement is to provide a limitation for how long a school district may be eligible to seek funding for assistance and to provide equity for school districts in immediate need as well as school districts who have submitted requests for funding.

This section also states that a natural disaster may include, but is not limited to, events such as earthquakes, wildfires, floods, landslides, storms, hurricanes, tsunamis, and other natural catastrophes.

SFP Regulation Section 1859.84.1— Interim Housing Assistance

This section is applicable to Interim Housing Assistance specifically, inclusive of provisions of EC Section 17075.20(a) through (d).

School districts will use the proposed new Form SAB TBD to request this assistance and to describe their circumstances for requesting this funding, as this assistance is intended to supplement insurance proceeds, local, state and federal government disaster assistance.

STAFF ANALYSIS/DISCUSSION (cont.)

As indicated in the prior stakeholder meeting, grants provided for the purposes of this section shall be provided as a new construction project, allocated on a 50 percent state share basis.

Notable components of this section, beyond outlining statutory requirements, is that the state of emergency must be open at the time of application submittal. Additionally, the district must submit a Form SAB TBD, including documentation with either actual costs or estimates for the lease or purchase of portable classrooms, which includes, but is not limited to, lease/purchase agreements, documentation of costs associated with placing the portable classrooms on a site, and any actual or anticipated insurance proceeds or any other local, state, or federal government disaster assistance.

SFP Regulation Section 1859.84.2 – Natural Disaster Assistance

This proposed section, separate from the interim housing assistance, is pursuant to EC Section 17075.20(e). This section states that a school district may qualify for any other natural disaster assistance if it is determined by the Board to be impacted by a natural disaster for which the Governor has declared a state of emergency.

Funding is allocated on a 50 percent state share basis, and shall supplement insurance, local, state, and federal disaster assistance.

For purposes of the Form SAB TBD as a submission tool, additional factors to be considered by the Board at submission are as follows:

- A narrative description of the background or circumstances which prompted the district's request.
- Information relevant to the request that demonstrates funding received or anticipated to be received from insurance proceeds; and local, state, and federal government disaster assistance is insufficient to rehabilitate or reconstruct school facilities that existed at the time of the natural disaster.
- A statement explaining why the Board should grant the district's request based on law, regulation, or another basis, including but not limited to:
 - Justification if the project seeks funding in lieu of an SFP Facility Hardship Program application because the project exceeds the exception for Approved Application submittal deadlines outlined in SFP Regulation Section 1859.82.1, which requires that applications requesting funding under the Facility Hardship program must be submitted to OPSC within 12 months of DSA approval for the scope of work mitigating the health and safety threat.
 - Justification if the project seeks funding for an SFP New Construction or Modernization application in lieu of a Facility Hardship Program application.
 - Enrollment immediately prior to the natural disaster, as well as current enrollment and any basis for projected future enrollment.

STAFF ANALYSIS/DISCUSSION (cont.)*SFP Regulation Section 1859.93 – Modernization Project Funding Order*

This section has been amended to indicate that the funding order for Modernization applications received pursuant to Section 1859.84.2 (for “any other” natural disaster assistance pursuant to EC Section 17075.20) shall be funded second after Facility Hardship funding applications.

SFP Regulation Section 1859.93.1 – New Construction Project Funding Order

This section has been amended to indicate that the funding order for New Construction applications received pursuant to Section 1859.84.1 [for interim housing assistance pursuant to EC Section 17075.20(a)] shall be funded first, shifting Facility Hardship funding applications to second, and applications received pursuant to Sections 1859.84.2 to third.

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

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

As mentioned above, at a future stakeholder meeting, OPSC will present a new Form SAB TBD for districts to request assistance pursuant to EC Section 17075.20. The form instructions will include the following:

For purposes of requests for assistance to lease and/or purchase portable classroom(s) as a result of a natural disaster for which the Governor has declared a state of emergency, the district should provide documentation pursuant to SFP Regulation 1859.84.1 demonstrating that costs associated with interim housing have not been covered by insurance proceeds or any other local, state, or federal government disaster assistance. If the district reasonably expects to receive future insurance proceeds or any other government disaster assistance attributable to costs of interim housing, the district must provide documentation pursuant to paragraph (2) of subsection (d) of SFP Regulation Section 1859.84.1.

For purposes of requesting natural disaster assistance, the district should provide the following:

- 1. Documentation demonstrating information relevant to the request that demonstrates funding from insurance proceeds; and local, state, and federal government disaster assistance is insufficient to rehabilitate or reconstruct school facilities that existed at the time of the natural disaster.*
- 2. The appropriate application for funding and associated documentation required for submittal of an Approved Application per SFP Regulation 1859.2, as applicable to the request for natural disaster assistance.*

STAFF ANALYSIS/DISCUSSION (cont.)**Interim Housing and Natural Disaster Assistance Checklist**

In order to assist school districts with guidance surrounding OPSC anticipates preparing a checklist that is comparable to the Facility Hardship Request form (linked here: [Facility Hardship Request](#)). This document would not be required to submit a request for assistance; it would serve as a tool and checklist to support school districts in what is required in a complete submittal for this assistance. Although it is not required to submit the checklist in conjunction with the Form SAB TBD, OPSC encourages school districts to use the checklist to request approval by the Board for interim housing and natural disaster assistance application(s).

New Construction Eligibility Baseline Adjustments

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

For clarification regarding interim housing assistance and adjustments to the New Construction eligibility baseline, portables leased for more than five years or purchased pursuant to EC Section 17075.20 function as added capacity, as indicated by SFP Regulation Section 1859.51 and subdivision (d)(2), respectively.

However, the assumption is that the portable classrooms acquired pursuant to this EC Section function as temporary housing while the school is being rebuilt or rehabilitated, and that the school would be rebuilt to pre-disaster capacity.

Therefore, related to any necessary adjustments to the New Construction baseline eligibility, OPSC is seeking stakeholder feedback regarding the concept of viewing this statutory adjustment as the following:

- 1) A "placeholder" adjustment on the New Construction eligibility baseline, wherein upon the completion of the rebuilt school, a reversal of the adjustment may take place upon demonstration of either:
 - a) The portable classroom(s) lease ends, and they are returned to the manufacturer, or
 - b) The school district sells/removes the portable classroom(s) purchased for purposes of interim housing if it was more cost effective to do so as opposed to leasing.

STAFF ANALYSIS/DISCUSSION (cont.)

OPSC requests stakeholder feedback on this concept for purposes of tracking leased and purchased portables and any ensuing statutory adjustments necessitated as a result of additional capacity from interim housing assistance.

Timeline of Assistance

OPSC recognizes the importance of accelerated processing and funding as it relates to disaster assistance. As a result, OPSC anticipates processing applications between 30-60 calendar days from the date an application is received, including applicants who request Financial Hardship funding.

Example of Interim Housing Assistance Grant

For purposes of determining a potential grant, the example below illustrates how a grant would be calculated for interim housing pursuant to EC Section 17075.20(a). In the following example, a fire significantly damaged 20 out of 22 total classrooms at an elementary school. The Governor declared a state of emergency for this fire, and as a result, the school district requests interim housing assistance for two years. The associated costs are as follows:

Total Enrollment at School	550 pupils (K-6)	
Total Number of Classrooms (CR) at School	22 (K-6)	
Number of Impacted CR at School	20 (K-6)	
Monthly Portable CR Lease Cost	\$5,000* per CR per month <i>multiplied by 20 CRs</i>	\$100,000*
The following calculations demonstrate the total grant amount:		
Total Lease Cost	<i>\$100,000* multiplied by 24 months</i>	\$2,400,000*
Site Placement Costs per CR	<i>\$10,000* multiplied by 20</i>	\$200,000*
Utilities Installation Costs (Total)	\$10,000*	\$10,000*
Site Development (Total)	\$20,000*	\$20,000*
TOTAL GRANT		\$2,630,000*

**These dollar amounts are for illustration purposes only.*

Interim housing assistance will be funded on a 50/50 State and Local Match under New Construction funding, or \$1,315,000 State match and \$1,315,000 Local match.

STAFF ANALYSIS/DISCUSSION (cont.)

However, given EC Sections 17072.30 and 17074.16 have been amended for purposes of determining the local matching share, OPSC interprets that this assistance would be subject to this new statutory requirement as well. As a result, the following example utilizing the dollar amounts above has been provided to illustrate the difference between the total state share, the local adjustment, and the local share:

Demonstration of Matching Shares

	< 6 Points	6 or 7 Points	8 Points	9 or 10 Points	> 10 Points
	50/50	51/49	52/48	53/47	55/45
State Share	\$1,315,000	\$1,315,000	\$1,315,000	\$1,315,000	\$1,315,000
Financial Hardship Share	\$ -	\$ -	\$ -	\$ -	\$ -
District Contribution	\$1,315,000	\$1,288,700	\$1,262,400	\$1,236,100	\$1,183,500
Local Funding Adjustment Grant	\$ -	\$26,300	\$52,600	\$78,900	\$131,500
Total Approved Project Cost	\$2,630,000	\$2,630,000	\$2,630,000	\$2,630,000	\$2,630,000

For additional reference regarding the new matching shares requirement, please refer to the January 30, 2025 and March 13, 2025 stakeholder meetings, which may be located here: [Proposition 2 - Assembly Bill 247](#).

“Any Other Assistance”

OPSC recognizes the importance of defining the statutory language of “any other assistance” for purposes of EC Section 17075.20(e). Upon evaluation of current SFP programmatic requirements and recent Board approvals of applications that could not be administratively funded, OPSC has outlined below circumstances for which the Board has approved funding associated with natural disaster assistance that OPSC interprets to fall under the category of “any other assistance.”

Paradise Unified – Multiple Applications Appeal

On September 22, 2021, the Board approved Paradise Unified’s appeal request for expedited apportionments outside of the Priority Funding Process and in advance of the current projects on the workload list and Applications Received Beyond Bond Authority list in addition to the use of established modernization eligibility at alternate school sites.

STAFF ANALYSIS/DISCUSSION (cont.)*Pioneer Union Elementary – Berry Creek Elementary Appeal*

On April 3, 2024, Pioneer Union Elementary received approval by the Board for its appeal request regarding its SFP application for New Construction funding at Berry Creek Elementary. The Board approved the following:

- 1) Funding based on the 2019/2020 enrollment year that was in effect at the time of the North Complex West Zone Fire.
- 2) Funding based on the District's current need to house pupils displaced by the fire, rather than on the projected need to house new pupils.
- 3) An expedited Apportionment for Application Number 50/73379-00-002.
- 4) Exemption from the regulatory requirement to include any classroom(s) for which a contract was signed for the construction or acquisition of facilities in the District's gross classroom inventory.
- 5) The design funding previously approved for the project under Application Number 51/73379-00-001 offset the approval of Application Number 50/73379-00-002, as the design made from the proceeds of that approval constituted the work to be completed in Application Number 50/73379-00-002.

Pioneer Union – Walt Tyler Elementary Appeal

On February 26, 2025, Pioneer Union received approval by the Board for its appeal request requesting expedited processing and an apportionment for a New Construction project at Walt Tyler Elementary.

Accelerated Timeframes

Each of these school districts experienced a natural disaster for which the Governor had declared a state of emergency, at their respective times. The common thread between these appeal requests is the requests for "accelerated processing and funding." OPSC anticipates that one methodology of requesting "any other assistance" would be to request accelerated processing and funding for New Construction and Modernization applications.

OPSC considers nuanced requests that cannot be administratively approved, such as alternative eligibility considerations, determinations that are best suited for appeal requests submitted in parallel to the interim housing and natural disaster assistance request.

STAFF ANALYSIS/DISCUSSION (cont.)*Other Assistance to Consider*

The Board may also consider providing assistance for facilities that do not fit the “classroom” definition, and as such, OPSC proposes that necessary facilities for day-to-day school operations may be considered for eligible costs under “any other assistance.” Examples of necessary facilities may include office/administrative space, an interior dining area and restrooms.

OPSC seeks stakeholder feedback on considerations for “any other assistance” in this regard.

Future Discussion

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

- Evaluating how New Construction and Modernization eligibility will be adjusted for any net gains or losses in classrooms with interim housing as a factor.
- Examples of “any other assistance” applications.
- A new *Interim Housing and Natural Disaster Assistance Request* (Form SAB TBD).

AUTHORITY**Education Code (EC) Section 17075.20 – Hardship Application**

- (a) Notwithstanding any other law, the board may provide assistance under this chapter for purposes of procuring interim housing, including, but not limited to, the leasing or acquisition of portable classrooms and any work associated with placing them on a site, to school districts and county offices of education impacted by a natural disaster for which the Governor has declared a state of emergency. The allocated funds shall supplement funding from insurance or any other local, state, or federal government disaster assistance.
- (b) For purposes of this section, and notwithstanding any other section of this chapter, school districts and county offices of education determined by the board to be impacted by a natural disaster as described in subdivision (a) are deemed to meet the requirements set forth in Section 17075.10.
- (c) Notwithstanding any other law, a school district or county office of education that receives assistance under this section shall be entitled to retain savings from a project and use those savings for other high-priority capital outlay purposes consistent with the requirements of subdivision (c) of Section 17070.63.
- (d) (1) A grant provided pursuant to this section shall not affect the applicant's eligibility for any other program under this chapter.
- (2) Notwithstanding paragraph (1), a portable classroom purchased pursuant to subdivision (a) shall be included in the determination of eligibility for new construction funding pursuant to Section 17071.75.
- (e) The board may provide any other assistance to a school district or county office of education determined by the board to be impacted by a natural disaster as described in subdivision (a).

(Added by Stats. 2024, Ch. 81, Sec. 19. (AB 247) Effective July 3, 2024. Operative November 6, 2024, pursuant to Sec. 30 of Ch. 81.)

School Facility Program (SFP) Regulation Section 1859.51(i) states:

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

...

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

...

- (4) That is a portable classroom leased for a period of less than five years, whether in a single lease or cumulative total of several leases.
- (5) That is a portable classroom that needs to be leased beyond five years to provide interim housing in a modernization or new construction project provided

AUTHORITY (cont.)

the cumulative lease term does not exceed a specified time period as determined by the SAB not to exceed three years on each qualifying project. For this purpose, a project means all work contained in a single set of construction plans.

...

SFP Regulation Section 1859.70(a) states:

(a) A district seeking New Construction or Modernization funding shall complete and file Form SAB 50-04, concurrently or after completing the applicable requirements in Sections 1859.20 and 1859.40. The Board shall only provide New Construction funding if the Approved Application was received by the OPSC prior to the date of Occupancy for any classrooms included in the construction contract. After the date of Occupancy of any classroom in the construction contract, a School District will be ineligible to seek New Construction funding and the classrooms will be reduced from the baseline eligibility pursuant to Section 1859.51(i) if not previously reduced.

SFP Regulation Section 1859.82.1 states, in part:

...

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.

Other Statutory References**EC Section 17071.75 – New Construction Eligibility Determination**

After a one-time initial report of existing school building capacity has been completed, the ongoing eligibility of a school district for new construction funding shall be determined by making all of the following calculations:

(a) A school district that applies to receive funding for new construction shall use the following methods to determine projected enrollment:

(1) A school district that has two or more schoolsites each with a pupil population density that is greater than 115 pupils per acre in kindergarten and grades 1 to 6, inclusive, or a schoolsite pupil population density that is greater

AUTHORITY (cont.)

than 90 pupils per acre in grades 7 to 12, inclusive, as determined by the Superintendent using enrollment data from the California Basic Educational Data System for the 2004–05 school year, may submit an application for funding for projects that will relieve overcrowded conditions. That school district may also submit an alternative enrollment projection for the fifth year beyond the fiscal year in which the application is made using a methodology other than the cohort survival enrollment projection method, as defined by the board pursuant to paragraph (2), to be reviewed by the Demographic Research Unit of the Department of Finance, in consultation with the department and the Office of Public School Construction. If the Office of Public School Construction and the Demographic Research Unit of the Department of Finance jointly determine that the alternative enrollment projection provides a reasonable estimate of expected enrollment demand, a recommendation shall be forwarded to the board to approve or disapprove the application, in accordance with all of the following:

(A) Total funding for new construction projects using this method shall be limited to five hundred million dollars (\$500,000,000), from the Kindergarten-University Public Education Facilities Bond Act of 2004.

(B) The eligibility amount for proposed projects that relieve overcrowding is the difference between the alternative enrollment projection method for the year the application is submitted and the cohort survival enrollment projection method, as defined by the board pursuant to paragraph (2), for the same year, adjusted by the existing pupil capacity in excess of the projected enrollment according to the cohort survival enrollment projection method.

(C) The Office of Public School Construction shall determine whether each proposed project will relieve overcrowding, including, but not limited to, the elimination of the use of Concept 6 calendars, four track year-round calendars, or busing in excess of 40 minutes, and recommend approval to the board. The number of unhoused pupil grants requested in the application for funding from the eligibility determined pursuant to this paragraph shall be limited to the number of seats necessary to relieve overcrowding, including, but not limited to, the elimination of the use of Concept 6 calendars, four track year-round calendars, or busing in excess of 40 minutes, less the number of unhoused pupil grants attributed to that school as a source school in an approved application pursuant to Section 17078.24.

(D) A school district shall use the same alternative enrollment projection methodology for all applications submitted pursuant to this paragraph and shall calculate those projections in accordance with the same districtwide or high school attendance area used for the enrollment projection made pursuant to paragraph (2).

(2) A school district shall calculate enrollment projections for the fifth year beyond the fiscal year in which the application is made. Projected enrollment shall be determined by using the cohort survival enrollment projection system,

AUTHORITY (cont.)

as defined and approved by the board. The board may supplement the cohort survival enrollment projection with any of the following:

(A) The number of unhoused pupils that are anticipated as a result of dwelling units proposed pursuant to approved and valid tentative subdivision maps.

(B) Modified weighting mechanisms, if the board determines that they best represent the enrollment trends of the district. Mechanisms pursuant to this subparagraph shall be developed and applied in consultation with the Demographic Research Unit of the Department of Finance.

(C) An adjustment to reflect the effects on kindergarten and first grade enrollment of changes in birth rates within the school district or high school attendance area boundaries.

(3) (A) A school district may submit an enrollment projection for either a 5th year or a 10th year beyond the fiscal year in which the application is made. A school district that bases its enrollment projection calculation on a high school attendance area may use pupil residence in that attendance area to calculate enrollment. A school district that uses pupil residence shall do so for all high school attendance areas within the district. A pupil shall not be included in a high school attendance area enrollment projection based on pupil residence unless that pupil was included in the California Basic Educational Data System (CBEDS) report of the district for the same enrollment year. The board may require a district to provide a reconciliation of the districtwide CBEDS and residency data. The board also may adopt regulations to specify the format and certification requirements for a school district that submits residency data.

(b) (1) Add the number of pupils that may be adequately housed in the existing school building capacity of the applicant school district as determined pursuant to Article 2 (commencing with Section 17071.10) to the number of pupils for whom facilities were provided from any state or local funding source after the existing school building capacity was determined pursuant to Article 2 (commencing with Section 17071.10). For this purpose, the total number of pupils for whom facilities were provided shall be determined using the pupil loading formula set forth in Section 17071.25.

(2) Subtract from the number of pupils calculated in paragraph (1) the number of pupils that were housed in facilities to which the school district or county office of education relinquished title as the result of a transfer of a special education program between a school district and a county office of education or special education local plan area, if applicable. For this purpose, the total number of pupils that were housed in the facilities to which title was relinquished shall be determined using the pupil loading formula adopted by the board pursuant to subparagraph (B) of paragraph (2) of subdivision (a) of Section 17071.25. For purposes of this paragraph, title also includes any lease interest with a duration of greater than five years.

(c) Subtract the number of pupils pursuant to subdivision (b) from the number of pupils determined pursuant to paragraph (2) of subdivision (a).

AUTHORITY (cont.)

(d) The calculations required to establish eligibility under this article shall result in a distinction between the number of existing unhoused pupils and the number of projected unhoused pupils.

(e) Apply the increase or decrease resulting from the difference between the most recent report made pursuant to former Section 42268, as that section read on June 30, 2013, and the report used in determining the baseline capacity of the school district pursuant to subdivision (a) of Section 17071.25.

(f) For purposes of calculating projected enrollment pursuant to subdivision (a), the board may adopt regulations to ensure that the enrollment calculation of individuals with exceptional needs receiving special education services is adjusted in the enrollment reporting period in which the transfer occurs and three previous school years as a result of a transfer of a special education program between a school district and a county office of education or a special education local plan area. However, the projected enrollment calculation of a county office of education shall only be adjusted if a transfer of title for the special education program facilities has occurred. The regulations, if adopted, shall ensure that if a transfer of title to special education program facilities constructed with state funds occurs within 10 years after initial occupancy of the facility, the receiving school district or school districts shall remit to the state a proportionate share of any financial hardship assistance provided for the project pursuant to Section 17075.10, if applicable.

(g) For a school district with an enrollment of 2,500 or fewer, an adjustment in enrollment projections shall not result in a loss of ongoing eligibility to that school district for a period of five years from the date of the approval of eligibility by the board.

EC Section 17078.64 – Charter Schools

(a) In lieu of applying for funding under this article, a school district may elect to include facilities for a charter school that would be physically located within its geographical jurisdiction within its application for funding pursuant to the general provisions of this chapter, other than this article. However, the project would be outside the scope of this article, would not be subject to its provisions, and shall comply with this chapter in the same manner as any noncharter project. Any per-pupil eligibility that is used for that project shall not, also, support any project under this article.

(b) Except for those provisions in which the authority is expressly required or authorized to adopt regulations pursuant to this article, the board in consultation with the authority shall adopt regulations to implement this article. The board may adopt, amend, or repeal rules and regulations pursuant to this article as emergency regulations. Until July 1, 2004, the adoption, amendment, or repeal of these regulations is conclusively presumed to be necessary for the immediate preservation of the public peace, health, safety, or general welfare within the meaning of Section 11346.1 of the Government Code.

AUTHORITY (cont.)

(c) This article is not applicable to projects funded with the proceeds of state general obligation bonds approved by the voters prior to January 1, 2002.

PROPOSED REGULATIONS

Section 1859.2. Definitions.

...

"Form SAB TBD" means the *Interim Housing and Natural Disaster Assistance Request* (Form SAB TBD) (Revised xx/25), incorporated by reference.

...

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

...

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

Section 1859.80. General.

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

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

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

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

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

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

Section 1859.84. Interim Housing and Natural Disaster Assistance

A school district or county office of education may apply for interim housing and natural disaster assistance as a result of a natural disaster for which the Governor has declared a state of emergency, which is subject to verification with the Governor's Office of Emergency Services to confirm its open state at the time of application submittal.

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

For purposes of Section 1859.84 through Section 1859.84.2, a "district" shall mean a school district or county office of education.

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

Note: Authority cited: Section 17075.20, Education Code.

Section 1859.84.1. Interim Housing Assistance

All applications pursuant to this section shall be funded in the order of receipt of a Form SAB TBD as outlined in Section 1859.93.1. Any grants provided for the purposes of this section shall be provided as a new construction project and allocated on a 50 percent state share basis, unless adjusted pursuant to Section 1859.77.1, and shall supplement insurance, local, state, and federal disaster assistance.

An impacted district is eligible for the Board to provide assistance for purposes of procuring interim housing, including, but not limited to, the leasing or acquisition of portable classrooms as a result of the following:

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

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

(b) For requests for assistance to lease portable classrooms, the district must submit the following:

(1) Form SAB TBD.

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

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

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

(c) For requests for assistance to purchase portable classrooms, the district must submit the following:

(1) Form SAB TBD.

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

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

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

(d) (1) For all requests for assistance to lease and/or purchase portable classroom(s), the district must provide documentation demonstrating that costs associated with interim housing have not been covered by insurance proceeds or any other local, state, or federal government disaster assistance, outlined in the Form SAB TBD.

(2) If the district reasonably expects to receive future insurance proceeds or any other government disaster assistance attributable to costs of interim housing, the district must provide all of the following:

(A) An estimate of the insurance proceeds or any other government disaster assistance the district may receive for interim housing expenses;

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

(C) Acknowledgement of the reporting requirement and potential of a future amendment to any Apportionment, pursuant to subsection (i)(1).

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

(1) The district's New Construction Eligibility will be adjusted for any net increase in classroom capacity resulting from the lease and/or purchase of portable classrooms in the project pursuant to Section 1859.51(i).

(2) Notwithstanding Section 1859.51(i), if the portable classrooms leased and/or purchased for interim housing are removed from school use at the time of the repair/replacement of impacted school facilities, the adjustment in (1) shall be reversed.

(f) Districts that qualify for Financial Hardship assistance pursuant to Section 1859.81 may file an application for funding and determination of program eligibility in advance or in conjunction with an application for interim housing assistance.

(g) Interim housing assistance may not be requested in place of:

(1) An SFP New Construction or Modernization application

(2) A Facility Hardship application

(i) Any grants provided in accordance with this Section shall be adjusted as follows:

(1) For projects that received funding pursuant to this section prior to receiving final insurance proceeds or government disaster assistance for interim housing, grants will be reduced by 50 percent of any insurance proceeds or government disaster assistance collected by the district for the project. Any proceeds and government disaster assistance collected after Apportionment shall be reported to OPSC and the Apportionment will be amended accordingly.

Note: Authority cited: Section 17075.20, Education Code.

Section 1859.84.2. Natural Disaster Assistance

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

A district may qualify for any other natural disaster assistance not pursuant to SFP Regulation Sections 1859.82 or 1859.84.1 at the Board's discretion if it is determined by the Board to be impacted by a natural disaster as described in Section 1859.84. In making a determination to provide any other natural disaster assistance, the Board may consider factors including:

(a) The submittal of a Form SAB TBD that includes the following:

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

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

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

(A) Justification if the project seeks funding in lieu of an SFP Facility Hardship Program application because the project exceeds the exception for Approved Application submittal deadlines outlined in Section 1859.82.1.

(B) If the project seeks funding for an SFP New Construction or Modernization application, the district must submit the following:

1. An Application for Funding (Form SAB 50-04)

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

Note: Authority cited: Section 17075.20, Education Code.

Section 1859.93. Modernization Project Funding Order.

Applications shall be funded as follows:

- (a) First, to applications for Facility Hardship rehabilitation projects pursuant to Sections 1859.82.1(c) and 1859.82.2(c) in order of receipt of an Approved Application for funding; then
- (b) Second, to applications for Modernization projects pursuant to Section 1859.84.2 in order of receipt of a Form SAB TBD; then
- ~~(b)~~ (c) If there are no applications pursuant to subsection (a) or (b), to applications for modernization funds in order of receipt of an Approved Application for funding.

Note: Authority cited: Section 17070.35, Education Code.

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

Section 1859.93.1. New Construction Project Funding Order.

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

- ~~(a) First, to applications for Facility Hardship pursuant to Section 1859.82 in order of receipt of an Approved Application for funding; then, to applications pursuant to Section 1859.84.1 in order of receipt of a Form SAB TBD; then~~
- (b) Second, to applications for Facility Hardship pursuant to Section 1859.82 in order of receipt of an Approved Application for funding; then,
- (c) Third, to applications pursuant to Section 1859.84.2 in order of receipt of a Form SAB TBD; then
- ~~(b)~~ (d) If there are no applications pursuant to subsection (a), (b) or (c), to applications for New Construction Grant(s) in order of receipt of an Approved Application for Funding.
- ~~(ee)~~ Approved Applications for New Construction Grant(s) funded with the proceeds of state bonds approved by the voters prior to January 1, 2002.
- ~~(df)~~ Approved Applications for New Construction Grant(s) authorized by Education Code Sections 17078.10 through 17078.30.
- ~~(eg)~~ Approved Applications that utilize pupil eligibility derived from the Alternative Enrollment Projection method. These applications shall be funded in order of receipt once the OPSC and the DRU have approved the Alternative Enrollment Projection method or the Alternative Enrollment Projection annual update.

Note: Authority cited: Section 17070.35, Education Code.

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



Alberto M. Carvalho
Superintendent

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Board of Education

Scott M. Schmerelson, President
Dr. Rocío Rivas, Vice President
Sherlett Hendy Newbill
Nick Melvoin
Karla Griego
Kelly Gonez
Tanya Ortiz Franklin

April 25, 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 #8

Dear Ms. Kirk,

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

The comments and recommendations provided below correspond to the topics raised and materials provided for the April 10, 2025, Implementation Stakeholder Meeting #8.

Interim Housing and Natural Disaster Assistance

In response to OPSC's request for stakeholder feedback regarding the "any other assistance" provision in Education Code section 17075.20(e), Los Angeles Unified suggests that allowable costs include the *contents* of interim buildings, which may include furnishings, equipment, and other necessary items required to support educational operations during disaster recovery.

Five-Year Master Plan

Stakeholder Feedback #1 – OPSC has stated that review by another agency is not required prior to submission of a master plan. However, Los Angeles Unified encourages OPSC to make technical assistance available to school districts that seek to have their master plans reviewed prior to

ATTACHMENT H

submission to their local governing boards for approval. This support would be particularly important when a district is submitting a master plan for the first time, to help ensure the completeness of the plan and to avoid missing elements.

Stakeholder Feedback #2 – OPSC's response to Stakeholder Feedback #2 asserts that a master plan must have at least four years remaining on its term at the time of funding application. This interpretation introduces a new requirement not supported by the plain language of the statute, effectively mandating that school districts must revise their master plans each year an application is submitted. Education Code requires only the submission of a five-year master plan or an updated five-year master plan; it does not require that the plan project five years forward from the date of application or maintain a minimum number of four years remaining. Accordingly, Los Angeles Unified urges OPSC to align its interpretation of Education Code section 17070.95 with the statutory language, and to require only that school districts submit a five-year facilities master plan or an updated five-year facilities master plan.

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



April 25, 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 10, 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 eighth Proposition 2 Stakeholder meeting held on April 10, 2025. Below is a summary of our comments and concerns:

○ **Interim Housing and Natural Disaster Assistance**

- Proposed regulations:
The definition for Interim Housing should not be limited to only those circumstances where students are temporarily housed due to modernization projects or as a result of natural disaster, as it is also used commonly to temporarily house students in other situations as well (i.e., facility hardships, students awaiting new construction, etc.). Limiting the definition of Interim Housing to only those 2 situations could significantly impact other SFP Regulation sections.

○ **Five-Year Master Plan**

- We urge OPSC to reconsider the interpretation that the five-year facility master plan must be updated annually, or have 4 years remaining on the plan after board approval. To require an annual update is overly prescriptive and alters the very essence of a five-year plan – an annual update requirement would change the master plan from a “five-year plan” to an annual plan, which alters the statutory requirement.

It is a general and long-standing capital planning practice to develop long-term facilities master plans because those master plans require several years to be implemented and realized. Consider, for example, the five-year enrollment projections that inform new construction

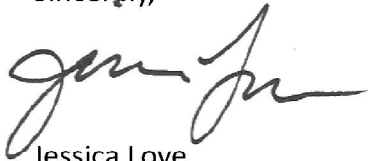
ATTACHMENT H

eligibility under the School Facility Program – five-year projections are needed to account for the long-term planning/design, agency approval and construction schedules associated with new construction and the associated housing of new students. Master planning under the School Facility Program should be afforded the same long-held industry standard. We encourage OPSC to allow facility master plans to be considered valid for the full five years upon a district's board approval, and to then require an updated master plan thereafter.

- We appreciate a pragmatic approach to the requisite facility inventory and enrollment data and appreciate OPSC being open to accepting the existing Forms SAB 50-01, SAB 50-02 and/or SAB 50-03, as a snapshot in time. Flexibility to provide the data in another format is also requested. We also appreciate the flexibility in the format permitted for the capital planning budget.

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, flowing script.

Jessica Love

Hancock Park & DeLong

ATTACHMENT H

OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING June 12, 2025

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

PURPOSE

To continue to discuss and receive stakeholder input regarding proposed regulatory amendments to the School Facility Program (SFP) resulting from provisions of the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2), which was approved by a majority of California's voters on November 5, 2024.

AUTHORITY

See Attachment A6a.

DESCRIPTION

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

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

BACKGROUND

Stakeholder Feedback

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

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

STAFF ANALYSIS/DISCUSSION

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

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

Summary of Stakeholder Feedback

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

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

STAFF ANALYSIS/DISCUSSION (cont.)

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

STAFF ANALYSIS/DISCUSSION (cont.)

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

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

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

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

Summary of Proposed SFP Regulations

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

SFP Regulation Section 1859.2 – Definitions

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

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

SFP Regulation Section 1859.31 – Gross Classroom Inventory

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

STAFF ANALYSIS/DISCUSSION (cont.)*SFP Regulation Section 1859.51 – Adjustments to the New Construction Baseline Eligibility*

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

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

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

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

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

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

SFP Regulation Section 1859.84.1 — Interim Housing Assistance

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

STAFF ANALYSIS/DISCUSSION (cont.)*SFP Regulation Section 1859.84.2— Natural Disaster Assistance*

Additions to this proposed section include the following:

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

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

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

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

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

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

STAFF ANALYSIS/DISCUSSION (cont.)***Interim Housing and Natural Disaster Assistance Request (Form SAB 195)***

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

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

Notable components of the Form are as follows:

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

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

Interim Housing and Natural Disaster Assistance Checklist

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

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

New Construction Eligibility Baseline Adjustments – Net Gains or Losses

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

STAFF ANALYSIS/DISCUSSION (cont.)

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

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

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

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

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

STAFF ANALYSIS/DISCUSSION (cont.)

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

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

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

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

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

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

STAFF ANALYSIS/DISCUSSION (cont.)

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

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

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

Scenario #1

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

OPSC Response

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

Scenario #2

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

STAFF ANALYSIS/DISCUSSION (cont.)

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

OPSC Response

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

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

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

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

Scenario #3

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

OPSC Response

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

Natural Disaster Assistance Request - Example

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

STAFF ANALYSIS/DISCUSSION (cont.)

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

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

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

Future Discussion

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

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

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

Interim Housing Grant Agreement

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

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

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

STAFF ANALYSIS/DISCUSSION (cont.)

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

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

Natural Disaster Assistance Grant Agreement

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

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

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

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

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

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

EC Section 17075.20 – Hardship Application

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

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

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

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

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

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

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

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

...

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

...

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

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

...

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

...

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

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

...

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

...

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

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

SFP Regulation Section 1859.104. Program Reporting Requirements.

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

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

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

AUTHORITY (cont.)

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

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

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

(b) With the exception of projects that qualify for an apportionment pursuant to Section 1859.75.1, a progress report, in the form of a narrative from the district, shall be due 18 months from the date any funds were released to the district for the project pursuant to Section 1859.90 or 1859.90.2. The progress report shall include information regarding the progress the district has made towards substantial completion of the project. If the notice of completion has been filed within 18 months of the release of funds pursuant to Section 1859.90 or 1859.90.2, or the expenditure reports required in (a)(1) or (2) indicate that substantial progress (as defined in Section 1859.105) on the project has occurred, no progress report is required.

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

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

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

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

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

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

AUTHORITY (cont.)

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

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

PROPOSED REGULATIONS

Section 1859.2. Definitions.

...

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

...

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

...

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

Section 1859.31. Gross Classroom Inventory.

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

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

Note: Authority cited: Section 17070.35, Education Code.

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

Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Of less than 700 interior square feet.

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

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

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

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

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

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

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

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

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

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

(j) For Small School Districts:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Note: Authority cited: Section 17070.35, Education Code.

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

Section 1859.80. General.

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

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

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

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

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

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

Section 1859.84. Interim Housing and Natural Disaster Assistance

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

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

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

Note: Authority cited: Section 17075.20, Education Code.

Section 1859.84.1. Interim Housing Assistance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) An Approved Application pursuant to Section 1859.70

(2) An Approved Application pursuant to Section 1859.82.1

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

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

Note: Authority cited: Section 17075.20, Education Code.

Section 1859.84.2. Natural Disaster Assistance

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

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

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

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

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

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

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

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

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

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

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

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

Note: Authority cited: Section 17075.20, Education Code.

Section 1859.93. Modernization Project Funding Order.

Applications shall be funded as follows:

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

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

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

Note: Authority cited: Section 17070.35, Education Code.

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

Section 1859.93.1. New Construction Project Funding Order.

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

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

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

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

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

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

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

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

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

Note: Authority cited: Section 17070.35, Education Code.

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

**INTERIM HOUSING AND NATURAL
DISASTER ASSISTANCE REQUEST**

SAB 195 (New xx/25)

GENERAL INFORMATION

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

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

SPECIFIC INSTRUCTIONS**1. Type of Application**

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

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

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

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

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

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

3. Prior SFP Apportionment(s) for Impacted Site

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

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

4. Natural Disaster – State of Emergency Proclamation

The district should check the appropriate box indicating whether

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

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

5. Financial Hardship Request

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

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

6. Local Funding Adjustment Grant

Enter the following:

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

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

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

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

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SAB 195 (New xx/25)

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

Do not include any of the following:

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

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

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

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

7. Division of the State Architect Plan Approval

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

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

8. Interim Housing Assistance Narrative

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

Include the following in the description:

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

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

9. Natural Disaster Assistance Narrative

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

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

10. Certification

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

ATTACHMENTS

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

**INTERIM HOUSING AND NATURAL
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SCHOOL DISTRICT	APPLICATION NUMBER
SCHOOL NAME	COUNTY
DISTRICT REPRESENTATIVE	E-MAIL ADDRESS

1. Type of Application – Check Only One

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

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

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

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

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

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

Date(s) portables were removed: _____

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

2. Application(s) Submitted for Impacted Site

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

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

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

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

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

Modernization (Design/Full Grant): 57/ _____

4. Natural Disaster - State of Emergency Proclamation

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

b. Executive order number: _____

c. Proclamation date: _____

5. Type of Financial Hardship Request

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

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6. Local Funding Adjustment Grant

Complete the following:

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

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

If so, enter the DSA approval date: _____

8. Interim Housing Narrative:

**INTERIM HOUSING AND NATURAL
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9. Natural Disaster Assistance Narrative:**10. Certification**

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

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

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

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

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

**INTERIM HOUSING AND NATURAL
DISASTER ASSISTANCE REQUEST**

SAB 195 (New xx/25)

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

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

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

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

ATTACHMENT H

INTERIM HOUSING AND NATURAL DISASTER ASSISTANCE CHECKLIST

New MONTH 2025

Page 1 of 3

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

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

GENERAL INSTRUCTIONS

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

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

Interim Housing Requests

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

Natural Disaster Assistance Requests

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

ATTACHMENT H INTERIM HOUSING AND NATURAL DISASTER ASSISTANCE CHECKLIST

New MONTH 2025

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Section 7

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

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

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

SUPPORTING DOCUMENTATION**Interim Housing Assistance Narrative**

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

Have affected facilities been vacated? ☐ Yes ☐ No

If Yes, describe how students are currently being housed:

☐ **Insurance Proceeds**

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

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

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

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

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

Natural Disaster Assistance Narrative

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

Have affected facilities been vacated? ☐ Yes ☐ No

ATTACHMENT H

INTERIM HOUSING AND NATURAL DISASTER ASSISTANCE CHECKLIST

New MONTH 2025

Page 3 of 3

If Yes, describe how students are currently being housed:

Estimated project cost (100%): \$_____

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

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

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

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

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

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

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

☐ **Actual Costs**

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

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE



Alberto M. Carvalho
Superintendent

Los Angeles Unified School District
Legislative Affairs & Government Relations

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Sacramento, CA 95814
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Board of Education

Scott M. Schmerelson, President
Dr. Rocío Rivas, Vice President
Sherlett Hendy Newbill
Nick Melvoin
Karla Griego
Kelly Gonez
Tanya Ortiz Franklin

June 26, 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 #11

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 June 12, 2025, Implementation Stakeholder Meeting #11.

Interim Housing/Natural Disaster Assistance

SFP Regulation Section 1859.84.2 - Natural Disaster Assistance Discussion

- Regarding the State Share Basis for Natural Disaster Assistance, OPSC has stated: "OPSC proposes that the Board should have the flexibility to provide grants for the purposes of Natural Disaster Assistance on either a 50 percent state share basis for new construction projects or a 60 percent state share basis for modernization projects." Los Angeles Unified respectfully requests clarification as to whether the referenced state share percentages are intended to incorporate the matching share sliding scale provisions authorized under Proposition 2.

Proposed CCR Section 1859.84.1. Interim Housing Assistance

- For clarity, Los Angeles Unified suggests revising the section title to: “Natural Disaster Assistance – Interim Housing.”

Proposed CCR Section 1859.84.2. Natural Disaster Assistance

- For clarity, Los Angeles Unified suggests revising the section title to: “Natural Disaster Assistance – Other Than Interim Housing.”
- Los Angeles Unified interprets “Natural Disaster Assistance” to mean “Natural Disaster Assistance – Other Than Interim Housing.” Further, we understand it is intended to encompass forms of assistance related to natural disasters beyond Interim Housing. However, as currently drafted the proposed regulations do not provide examples or clear guidance on what constitutes “any other natural disaster assistance.” To ensure consistency, Los Angeles Unified recommends that the final regulation language or the instruction for the proposed Form SAB 195 include examples of “any other natural disaster assistance.” The examples could include, but are not limited to, accelerated processing and funding or assistance for facilities that do not fit the “classroom” definition. Providing such examples would support applicants in determining if they should apply for non-interim housing Natural Disaster Assistance.
- Los Angeles Unified would like further clarity on the rationale in Section 1859.84.2(c) for reducing the apportionment by 50 percent of any insurance proceeds. It appears that the appropriate reduction should depend on factors such as whether the project involves repair/modernization or replacement of the affected building, as well as the applicable state and district contribution rates under the sliding scale. Given these variables, it’s unclear why a uniform 50 percent reduction would be applied in all cases.

Proposed Form SAB 195 Interim Housing and Natural Disaster Assistance Request

- For clarity, the Los Angeles Unified School District recommends revising the title of Form SAB 195 from “Interim Housing and Natural Disaster Assistance Request” to “Natural Disaster Request for Interim Housing or Other Assistance.” The current title may cause confusion, as it could be misinterpreted to suggest that the form may be used to request interim housing for reasons unrelated to a natural disaster.
- The Los Angeles Unified School District respectfully requests clarification on whether separate Forms SAB 195 must be submitted when a school district is requesting both Interim Housing Assistance and Natural Disaster Assistance (interpreted above as Natural Disaster Assistance – Other Than Interim Housing). If separate submissions are required, Los Angeles Unified recommends that this requirement be clearly stated in the Form SAB 195 instructions.

ATTACHMENT H

Thank you for the opportunity to provide feedback on this item.

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 H

OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING July 24, 2025

PROPOSED REGULATORY AMENDMENTS FOR SCHOOL FACILITY PROGRAM NATURAL DISASTER ASSISTANCE

PURPOSE

To continue to discuss and receive stakeholder input regarding proposed regulatory amendments to the School Facility Program (SFP) resulting from provisions of the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2), which was approved by a majority of California's voters on November 5, 2024.

AUTHORITY

See Attachment A6a.

DESCRIPTION

This report is a continuation of the discussion of interim housing and natural disaster assistance pursuant to Education Code (EC) Section 17075.20, which was presented to stakeholders on February 13, April 10, and June 12, 2025. Additionally, this report modifies proposed regulatory amendments building upon the information presented to stakeholders on June 12. Office of Public School Construction (OPSC) staff received written comments from one district (see Attachment C) following that meeting. This report addresses those comments and proposes additional changes with the goal of ensuring clear program requirements for applicants and OPSC as the program administrator.

Attachment A6b contains proposed SFP Regulation amendments for discussion.

Note on Proposed Regulation and Form Changes

This stakeholder item proposes changes to SFP Regulations in effect as of the publication date of this item. This item does not reflect separate, State Allocation Board (Board)-approved proposed regulation and form changes that were approved by the Board on June 25, 2025. Future stakeholder meeting items and Board agenda items will reflect proposed regulation and form changes once they are in effect.

BACKGROUND

Stakeholder Feedback

On June 12, 2025, OPSC presented proposed regulations and concepts based on the new statutory authority of EC Section 17075.20. This statute provides authority for the Board to fund Interim Housing following a natural disaster for which the Governor has declared a state of emergency. It also authorizes the Board to

BACKGROUND (cont.)

provide “any other assistance” to a school district or county office of education (COE) determined by the Board to be impacted by a natural disaster for which the Governor has declared a state of emergency.

Among other things, this presentation discussed additional proposed regulations, a new form to request Natural Disaster Assistance, a checklist to support school districts when requesting this assistance, and examples of how adjustments to school districts’ new construction eligibility baseline will operate in relation to the proposed regulations.

The June 12 meeting was recorded, and as a result, feedback that OPSC was able to respond to at the time of the meeting that did not impact the proposed regulations may be found here: [June 12, 2025 Office of Public School Construction Proposition 2 Stakeholder Meeting](#)

The full text of the previous stakeholder meeting item may be found here: [June 12, 2025 OPSC Proposition 2 Stakeholder Meeting #11](#)

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

STAFF ANALYSIS/DISCUSSION

As mentioned in the previous meeting, the new Local Funding Adjustment grant and Financial Hardship criteria will apply to applications approved for funding under this program.

Summary of Stakeholder Feedback

Staff would like to thank stakeholders who were able to view, attend, or participate in this meeting and also those who provided valuable feedback either at the meeting or through written correspondence to OPSC. Below is a summary of stakeholder feedback received as a result of the June 12 meeting.

Stakeholder Feedback	OPSC Response
1. Regarding the State Share Basis for Natural Disaster Assistance, the stakeholder respectfully requested clarification as to whether the referenced state share percentages are intended to incorporate the matching share sliding scale provisions authorized under Proposition 2.	<p>1. The state share percentages for purposes of Natural Disaster Assistance will reflect the new matching share sliding scale provisions, pursuant to EC Sections 17070.59, 17072.30, and 17074.16.</p> <p>The latest version of proposed SFP Regulation Sections 1859.84.1 and</p>

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
	1. (cont.) 1859.84.2 has been amended to provide this clarification.
2. The stakeholder recommended amending the proposed section titles for SFP Regulation Sections 1859.84.1 and 1859.84.2 for clarity.	2. OPSC agrees with the stakeholder input that the proposed section titles could be more specific. OPSC has updated the latest proposed section titles as follows: “Interim Housing Assistance Following a Natural Disaster” and “Other Assistance Following a Natural Disaster.”
3. The stakeholder noted that as currently drafted, the proposed regulations do not provide examples or clear guidance on what constitutes “any other natural disaster assistance,” and requests that, respective to the proposed SFP Regulation Section 1859.84.2, the final regulation language or instructions for the <i>Interim Housing and Natural Disaster Assistance Request</i> (Form SAB 195) include examples of this type of assistance. The stakeholder suggested that examples could include, but not be limited to, accelerated processing and funding or assistance for facilities that do not fit the “classroom” definition. Providing such examples would support applicants in determining if they should apply for non-interim housing Natural Disaster Assistance.	3. OPSC intentionally did not include examples in this proposed regulation to provide maximum flexibility for the Board to consider and evaluate school districts’ requests in the context of specific circumstances on a case-by-case basis. In the future, OPSC could consider amending the proposed regulation section to incorporate examples or more specific guidance based on Board actions or direction following consideration of such requests. The examples noted within the stakeholder’s feedback are examples of potential requests.
4. The stakeholder requested the rationale for proposed SFP Regulation Section 1859.84.2(d), which reduces the apportionment for other natural disaster assistance by 50 percent of any insurance proceeds. The stakeholder noted that the appropriate reduction should depend on factors such as whether the project involves repair/modernization or replacement of the affected building, as well as the applicable state and district contribution	4. OPSC agrees with the stakeholder’s input, and notes that the latest version of proposed SFP Regulation Section 1859.84.2(d) has been amended to specify that a reduction to an apportionment based on receipt of insurance proceeds or government disaster assistance will be based on the applicable percentage for the state share of the apportionment, accounting for new construction and modernization/rehabilitation type

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
4. (cont.) rates under the sliding scale. Given these variables, the stakeholder indicated it is unclear why a uniform 50-percent reduction would be applied in all cases.	4. (cont.) projects and any applicable sliding scale adjustments.
5. For clarity, the stakeholder recommended revising the title of the Form SAB 195 to mitigate confusion, as it could be misinterpreted to suggest that the form may be used to request interim housing for reasons unrelated to a natural disaster.	5. OPSC agrees with the stakeholder's feedback and has revised the title for the latest proposed Form SAB 195 to "Application for Natural Disaster Assistance" to clarify that the form is limited to requests for interim housing and other assistance following a natural disaster.
6. The stakeholder requested clarification as to whether separate Forms SAB 195 must be submitted when a school district is requesting assistance for Interim Housing Assistance and Natural Disaster Assistance – Other Than Interim Housing. If separate submissions are required, the stakeholder recommended that this requirement be clearly stated in the Form SAB 195 instructions.	6. Separate Forms SAB 195 are required to be submitted when a school district is requesting either form of Natural Disaster Assistance. For instance, if a school district seeks funding for interim housing assistance and is also seeking other assistance following a natural disaster, the school district must submit two separate Forms SAB 195 for each request. OPSC agrees that this requirement should be included in the Form SAB 195 instructions and the latest proposed version of the Form has been amended as a result.

Considering the feedback received at and following the June 12 stakeholder meeting, OPSC developed modifications to the proposed regulations and considerations to implement these provisions.

Summary of Proposed SFP Regulations

The following summary of proposed regulations highlights changes from the proposed regulations previously presented at the June 12 stakeholder meeting.

SFP Regulation Section 1859.2 – Definitions

There are two components of this SFP Regulation, outlined below, that have proposed amendments:

STAFF ANALYSIS/DISCUSSION (cont.)Form SAB 195 Definition

The proposed Form SAB 195 definition is amended to rename the form from *Interim Housing and Natural Disaster Assistance Request* to the *Application for Natural Disaster Assistance* in response to stakeholder feedback. Conforming changes are also made to the proposed Form and instructions such that school districts would use the Form to request funding for either interim housing or other assistance following a natural disaster.

Interim Housing Definition

As noted in the last stakeholder meeting, the definition for Interim Housing is restructured and the term “purchase” is moved to the part of the definition that speaks only to the lease or purchase of portable classrooms due to a natural disaster for which the Governor has declared a state of emergency, pursuant to EC Section 17075.20.

SFP Regulation Section 1859.80 – General

This section is amended to remove the term “Interim Housing” from proposed subsection (d) to conform to the new proposed title of the Form SAB 195 and ensuing SFP Regulation sections for Interim Housing Assistance Following a Natural Disaster and Other Assistance Following a Natural Disaster.

SFP Regulation Section 1859.81.1 – Separate Apportionment for Site Acquisition and Design Costs

OPSC proposes the inclusion of subsection (f), which authorizes separate design funding requests for other assistance following a natural disaster for districts eligible for Financial Hardship assistance. For other assistance following a natural disaster pursuant to SFP Regulation Section 1859.84.2, a design Apportionment shall not exceed 25 percent of the state share of the grant, less any district funds available for the project pursuant to SFP Regulation Section 1859.81(a). The amount provided as a separate apportionment shall be offset from the future full grant for other assistance following a natural disaster.

As indicated in the proposed regulation, OPSC suggests that a separate design apportionment of 25 percent of costs supported by documentation provided is sufficient, given that this program does not have base grants, as the New Construction and Modernization programs do.

After the separate design apportionment, once the school district has the necessary plan approvals and contracts, the school district would submit a subsequent Form SAB 195 to request additional funding, which will receive an offset for the previous separate design apportionment.

STAFF ANALYSIS/DISCUSSION (cont.)*SFP Regulation Section 1859.84 – Natural Disaster Assistance Program*

First, the term “Interim Housing” has been removed from the title as interim housing in this context is part of the assistance needed in response to a natural disaster. The body of the proposed regulation has also been amended to state that a School District may apply for Interim Housing and “any other assistance as a result of a natural disaster for which the Governor has declared a state of emergency...”

The second proposed amendment is the inclusion of SFP Regulation Section 1859.79 in the cross-references pertaining to matching share requirements. Verbally noted within the last stakeholder presentation on this topic, OPSC is including a cross-reference to SFP Regulation Section 1859.79 because an apportionment for “any other natural disaster assistance” could be subject to either the New Construction and Modernization matching share requirements, including any applicable sliding scale adjustment, based on the nature of the assistance.

SFP Regulation Section 1859.84.1 – Interim Housing Assistance Following a Natural Disaster

Notable amendments and additions within this section include the following:

- The title is amended to “Interim Housing Assistance Following a Natural Disaster” to provide additional clarity.
- Portions of the Section are reorganized and shortened for clarity and to reduce duplication with requirements in other regulatory sections and the proposed Form SAB 195.
- Subsection (d) [formerly subsection (f)] is amended to clarify the portion of any funding received from insurance proceeds or government disaster assistance that will be reduced from an Apportionment provided in accordance with this Section.
- Subsection (e) is added to state that the apportionment will be subject to the availability of funds pursuant to SFP Regulation Section 1859.90 or Section 1859.90.2
- Subsection (f) is added to state that a Grant Agreement pursuant to Section 1859.90.4 is required as a condition of receiving funding pursuant to this Section.
- Subsection (g) is amended to specify that the School District is subject to the requirements of Section 1859.105.

SFP Regulation Section 1859.84.2 – Other Assistance Following a Natural Disaster

Notable amendments and additions within this section include the following:

- The title is amended to ““Other Assistance Following a Natural Disaster.”

STAFF ANALYSIS/DISCUSSION (cont.)

- Portions of the Section are reorganized and shortened for clarity and to reduce duplication with requirements in other regulatory sections and the proposed Form SAB 195.
- The first paragraph is amended to state that funding provided by this Section is subject to availability of New Construction or Modernization bond authority, as applicable to the scope of work in the request.
- Previously presented subdivision (c) has been separated into subdivisions (d) and (e) to demonstrate the differing adjustments to respective New Construction and Modernization eligibility baselines.
- Subdivision (f), previously presented as subdivision (d), is expanded to clarify the portion of any funding received from insurance proceeds or government disaster assistance that will be reduced from an Apportionment provided in accordance with this Section.
- Subsection (h) is added to state that the apportionment will be subject to the availability of funds pursuant to SFP Section 1859.90 or Section 1859.90.2
- Subsection (i) is added to state that a Grant Agreement pursuant to Section 1859.90.4 is required as a condition of receiving funding pursuant to this Section.
- Subsection (j) [formerly subsection (e)] is amended to specify that the School District is subject to the requirements of Section 1859.105.

SFP Regulation Section 1859.90 – Fund Release Process

In order to specify fund release requirements for applicants that request a separate apportionment for other assistance following a natural disaster, OPSC proposes amendments to this section as follows:

- Subdivision (a) has been amended to include reference to the proposed SFP Regulation Section 1859.81.1(f).
- Subdivision (d) has been amended to include reference to the proposed SFP Regulation Section 1859.81.1(f).

SFP Regulation Section 1859.93.1 – New Construction Project Funding Order

Within subdivision (b), included reference to Sections 1859.82.1(b) and 1859.82.2(b), which were unintentionally omitted from the previously proposed regulations.

SFP Regulation Section 1859.104 – Program Reporting Requirements

OPSC proposes the inclusion of subdivision (a)(1)(C), which indicates that a project shall be deemed complete eight years from the date of the final fund release for projects receiving funding pursuant to Sections 1859.84.1 and 1859.84.2.

STAFF ANALYSIS/DISCUSSION (cont.)

Additionally, OPSC proposes subsection (h) to be added to this regulatory section. This addition includes two paragraphs:

Paragraph (1) indicates that school districts must provide certification that upon project completion or no later than 60 months from the date the lease was signed for purposes of Interim Housing, the leased portable classrooms have either been removed or will remain in use within the school district.

The rationale for stating five years from the date of the lease is that pursuant to SFP Regulation Section 1859.51(i)(5), portable classrooms leased beyond five years to provide Interim Housing are subject to an adjustment on the school district's new construction eligibility baseline. For qualifying projects that receive Board approval for an extension of up to three years, the School District shall provide an additional certification no later than the approval date of the extension as approved by the Board.

Paragraph (2) indicates that school districts must provide certification upon project completion or no later than 96 months from the date of the Apportionment, that portables purchased for interim housing have either been removed or will remain in use within the school district.

The rationale for stating eight years is because, in accordance with the proposed SFP Regulation Section 1859.51(t)(2), purchased portable facilities for purposes of Interim Housing pursuant to EC Section 17075.20 that are removed from the school district within eight years of occupancy permit a reversal adjustment. This allows OPSC to track portable facility usage and also process eligibility adjustments as needed.

SFP Regulation Section 1859.106 – Program Accountability Expenditure Audit

For purposes of accounting for insurance and disaster assistance offsets for projects that receive funding for Natural Disaster Assistance, OPSC proposes an amendment to SFP Regulation Section 1859.106 to indicate that if expenditures were not made in accordance with the provisions of Sections 1859.84, 1859.84.1, or 1859.84.2, OPSC shall recommend to the Board that the apportionment be adjusted based upon audit findings. Additionally, any insurance proceeds or government disaster assistance received after apportionment will result in adjustment to the SFP funding. An additional proposed amendment to this Section specifies that once a project is audited, it is the school district's responsibility to report any proceeds received at a later date.

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

STAFF ANALYSIS/DISCUSSION (cont.)**Form SAB 195 and Checklist**

Below is an outline of proposed changes to the Form SAB 195 and checklist since the drafts were presented on June 12.

Application for Natural Disaster Assistance (Form SAB 195)

The proposed Form SAB 195 title (Application for Natural Disaster Assistance) has been amended.

Additional minor corresponding language amendments throughout the instructions have been made due to the proposed title changes.

The header at the top of the application has been amended to reflect the requested information on the Form SAB 50-04, inclusive of a box for the authorized district representative's information, a box for the Project Tracking Number associated with the application, and a High School Attendance Area. Instructions related to assignment of a Project Tracking Number were also added.

Within the instructions of the form, language has been added to clarify that school districts who wish to request both interim housing and other assistance following a natural disaster must submit separate Forms SAB 195 for each respective request per school site. Any additional requests, such as extensions to leasing portable classrooms, would require a separate Form SAB 195 submission.

Additionally, amendments have been made under Section 1 of the form (both within the instructions and the body) to add the following:

- Checkboxes indicating whether the application is a “new” or an “amended” request;
- Instructions for hybrid applications that share plans and specifications with one or more other SFP applications;
- An option to request Interim Housing for ancillary facilities;
- An option for districts that meet Financial Hardship criteria to request a separate design apportionment for requests for other assistance; and
- A space to indicate the number and grade level of classrooms destroyed or rendered unsafe to occupy by the natural disaster, as well as any ancillary facilities destroyed or rendered unsafe to occupy.

Next, under Section 7 of the form, both within the instructions and the body, hybrid applications are addressed in the event the application shares Division of State Architect (DSA) approved plans and specifications with one or more SFP application(s). The instructions have been updated to indicate that the district must provide the following:

STAFF ANALYSIS/DISCUSSION (cont.)

- A clear delineation of project scope that identifies all related hybrid applications and the project scope attributable to each, and
- A proration of project costs and an explanation of the proration methodology, and
- A certification that funds for one hybrid application will be used exclusively for that hybrid application, and
- An acknowledgement that expenditures should be tracked and reported separately according to the cost proration, unless the expenditure is only attributable to a specific project.

Finally, the Certification component of the form has been updated to include reporting and offset information specific to insurance proceeds or government disaster assistance.

The latest version of the proposed Form SAB 195 is included on Attachment A6c, and OPSC welcomes stakeholder feedback on the proposed form.

Natural Disaster Assistance Checklist

The checklist previously presented to stakeholders has been renamed as the “Application for Natural Disaster Assistance Checklist” for purposes of consistency between the amended proposed regulations and new Form SAB 195 name. Additional changes were made to the checklist to correspond with the latest version of the Form SAB 195.

As a reminder, this checklist is intended to be a functional document which the district may reference while preparing an application to request this assistance, and is included on Attachment A6d for purposes of stakeholder feedback.

Program Accountability Requirements

OPSC recognizes the importance of outlining program accountability requirements for purposes of transparency and maintaining integrity of the program. Below, program accountability requirements have been outlined for purposes of both Interim Housing and other natural disaster assistance requests.

Interim Housing Assistance Following a Natural Disaster

For purposes of Interim Housing assistance requests, OPSC proposes that school districts provide annual narratives from the fund release date in order to track interim housing usage. OPSC acknowledges that reporting for this assistance requires flexibility in the face of natural disaster recovery. In addition to being subject to existing SFP Regulation Section 1859.104, OPSC proposes the addition of subdivision (h) to this component of regulations, which builds in reporting timeframes associated with certifying to interim housing’s usage within the school district, whether they are leased or purchased.

STAFF ANALYSIS/DISCUSSION (cont.)Other Assistance Following a Natural Disaster

For purposes of other assistance following a natural disaster, OPSC proposes that school districts follow an annual reporting requirement wherein the school district provides an annual narrative from a status of the project standpoint, with a final expenditure report of three or four years, dependent on whether the project is located on an elementary school, middle school, or high school (pursuant to SFP Regulation Section 1859.104).

Grant Agreements

OPSC has built these program accountability considerations into proposed Grant Agreements (GAs) for purposes of each respective type of Natural Disaster Assistance. Below are descriptions of the intended format and contents of the proposed new GAs, which will be streamlined and briefer than existing GAs for other SFP projects.

Interim Housing Following a Natural Disaster

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

The proposed GA would be required for each approved interim housing following a natural disaster application and includes examples of eligible and ineligible project expenditures.

The GA indicates the scope of the project, such as the number of portable classrooms requested by means of leasing/purchasing, and the anticipated or known duration of use.

It also details annual reporting requirements for purposes of tracking interim housing usage, as outlined within SFP Regulation Section 1859.84.1.

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

Other Assistance Following a Natural Disaster

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

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

STAFF ANALYSIS/DISCUSSION (cont.)***Fund Release Authorization (Form SAB 50-05)***

OPSC proposes the addition of Part X. Natural Disaster Assistance. This proposed section would follow Part IX, Career Technical Education Facilities Projects, and precede the section for Identify District's Construction Delivery Method.

This proposed section would have the following checkboxes:

- ☐ The district certifies it has complied with Section 1859.81.1
- ☐ The district certifies that its applicable matching share has either:
 - been deposited in the County School Facility Fund
 - has already been expended by the district for the project
 - will be expended by the district prior to the Notice of Completion for the project
- ☐ The district certifies that it currently has Financial Hardship status under the provisions of Section 1859.81

OPSC welcomes stakeholder feedback on all considerations proposed within this stakeholder item.

Five-Year School Facilities Master Plan

With the passage of Proposition 2, school districts must provide specified minimum elements as part of the required five-year school facilities master plan, including an inventory of existing facilities, sites, and property. At the December 3, 2024 Board meeting, the Board adopted policies for initial implementation of Proposition 2 that relate to the timing of the submittal of the master plan to OPSC, dependent on the submittal date and project type.

Natural Disaster Assistance applications submitted on or after October 31, 2024 are subject to the Proposition 2 requirement to submit a five-year school facilities master plan.

To allow submittal, processing, and approval of these applications without delay, OPSC proposes to align requirements related to the timing of the master plan submittal for Natural Disaster Assistance applications with the Board-approved timing for Facility Hardship Program and Seismic Mitigation Program applications. Specifically, OPSC proposes that submittal of the master plan will be required by the time the school district's substantial progress certification for construction of the project is due (18 months after fund release), or by the time of submittal of the 100 percent complete *Expenditure Report* (Form SAB 50-06), whichever occurs first.

OPSC proposes that applicants that wish to request Natural Disaster Assistance funding must submit a governing board resolution acknowledging the requirement to submit the master plan by the previously mentioned deadline. The

STAFF ANALYSIS/DISCUSSION (cont.)

governing board resolution must also acknowledge the project may be rescinded for failure to submit a master plan with the required components.

Further information regarding this requirement may be found at the following webpage on OPSC's website: [School Facility Master Plans](#).

AUTHORITY**EC Section 17075.20 – Hardship Application**

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

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

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

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

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

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

PROPOSED REGULATIONS

Section 1859.2. Definitions.

...

"Form SAB 195" means the *Application for Natural Disaster Assistance Funding* (Form SAB 195) (New xx/25), which is incorporated by reference.

...

"Interim Housing" means the rental or lease of eClassrooms used to house pupils temporarily displaced as a result of the modernization or construction of classroom facilities; or the lease or purchase of Classrooms or ancillary facilities including but not limited to, restrooms, administrative space, or minimum essential facilities obtained due to a natural disaster for which the Governor has declared a state of emergency, pursuant to Education Code Section 17075.20.

...

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

Section 1859.31. Gross Classroom Inventory.

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

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

Note: Authority cited: Section 17070.35, Education Code.

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

Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Of less than 700 interior square feet.

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

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

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

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

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

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

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

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

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

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

(j) For Small School Districts:

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

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

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

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

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

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

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

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

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

(p) For a HSAA School eDistrict with Preliminary Apportionments within the 2002 or 2004 Critically Overcrowded School Facilities Account as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

Note: Authority cited: Section 17070.35, Education Code.

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

Section 1859.80. General.

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

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

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

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

(d) Qualification for natural disaster assistance pursuant to Sections 1859.84.1 or 1859.84.2 as a result of a natural disaster for which the Governor has declared a state of emergency.

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

Section 1859.81.1. Separate Apportionment for Site Acquisition and Design Costs.

A district that meets the Financial Hardship criteria in Section 1859.81 is eligible for the following:

(a) For a new construction project, a separate apportionment for site acquisition, with the exception of site acquisition funding authorized by Section 1859.81.2 or for projects receiving funding pursuant to the Overcrowding Relief Grant, Section 1859.180, when all the following requirements are met:

(1) The School District has eligibility for grants that equal at least 50 percent of the CDE master plan capacity of the site.

(2) The School District has received a contingent site approval letter from the CDE indicating that the proposed site is the best available.

(3) The School District has obtained a preliminary appraisal of the property by a qualified appraiser utilizing criteria outlined in Section 1859.74.1. This report may be made without access to the site.

(b) If the conditions in (a) are met on a site that does not require a RA, the Board will apportion all of the following less any district funds available for the project pursuant to Section 1859.81(a):

(1) An amount not to exceed 100 percent of the lesser of the preliminary appraised value of the site as determined by Section 1859.74.1 or the amount the district reasonably expects to pay for the site including any hazardous material clean-up.

(2) The estimated relocation expenses that will conform to Title 25, California Code of Regulations, Section 6000, et seq. The reasonable and necessary relocation costs for purchasing fixtures and equipment, personal property, new machinery/equipment, and the installation of any improvements at the replacement residence or business location may be included as relocation assistance.

(3) Four percent of the lesser of the preliminary appraised value of the site or the amount the School District reasonably expects to pay for the site acquisition including any hazardous material clean-up but not less than \$50,000.

(4) The estimated DTSC costs for review, approval, and oversight of the POESA and the PEA.

(c) If the conditions in (a) are met on a site that will require a RA, the district is eligible for a separate site apportionment not to exceed 50 percent of one and one half times the value of an appraisal that conforms to Section 1859.74.1 for the costs included in (c)(1) and (c)(4) plus the additional costs included in (c)(2) and (c)(3). The costs included in (c)(2) and (c)(3) are in addition to 50 percent of one and one half times the appraisal value cap.

(1) The cost of the site as determined in Section 1859.74.1 and the amount the School District reasonably expects to pay for any hazardous materials/waste removal and/or remediation costs for the site.

(2) Fifty percent of the estimated relocation expenses that will conform to Title 25, California Code of Regulations, Section 6000, et seq. The reasonable and necessary relocation costs for purchasing fixtures and equipment, personal property, new machinery/equipment, and the installation of any improvements at the replacement residence or business location may be included as relocation assistance.

(3) Fifty percent of four percent of the lesser of the appraised value of the site or the amount the School District reasonably expects to pay for the site acquisition including any hazardous materials/waste removal and/or remediation costs for the site, but not less than 50 percent of \$50,000.

(4) The estimated DTSC costs for review, approval and oversight of the POESA and the PEA.

(d) The limitation of 50 percent of one and one half times the value of an appraisal for costs in subsections (c), (c)(1) and (c)(4) may be exceeded when the Board finds that unforeseen circumstances exist, and when both of the following exist:

(1) CDE determines that the site is the best available site for meeting the educational and safety needs of the School District.

(2) Substantiation that the costs are limited to the minimum required to complete the evaluation and RA approved by the DTSC.

(e) For new construction projects, the Board will apportion an amount not to exceed 40 percent of the new construction grant less any School District funds available for the project pursuant to Section 1859.81(a), plus \$150,000 for new school projects and \$250,000 for new construction addition projects that will be pursuing high performance incentive grants as indicated on the school district governing board resolution that shall be submitted to the OPSC as part of a funding request pursuant to this Section. For modernization projects, the Board will apportion an amount not to exceed the following:

(1) If the Approved Application is received on or before April 29, 2002, 20 percent of the modernization grant less any district funds available for the project pursuant to Section 1859.81(a).

(2) If the Approved Application is received after April 29, 2002, 25 percent of the modernization grant less any School District funds available for the project pursuant to Section 1859.81(a), plus \$250,000 for projects that will be pursuing high performance incentive grants as indicated on the school district governing board resolution that shall be submitted to the OPSC as part of a funding request pursuant to this Section.

(f) For applications for other assistance following a natural disaster pursuant to Section 1859.84.2, the Board will apportion an amount not to exceed 25 percent of the state share of the grant less any School District funds available for the project pursuant to Section 1859.81(a). The amount provided as a separate Apportionment shall be offset from the full grant amount the School District would otherwise be eligible for pursuant to Section 1859.84.2 when the School District submits an additional Form SAB 195 to request additional funding.

The amount apportioned is an estimate of the funds needed for design, engineering, and other pre-construction project costs.

Qualifying School Districts may request a separate Apportionment for the design and for site acquisition for the same new construction project. Those projects requesting an Overcrowding Relief Grant, pursuant to Section 1859.180, do not qualify for these separate Apportionments.

The amount provided as a separate Apportionment shall be offset from the New Construction Adjusted Grant or the Modernization Adjusted Grant amount the district would otherwise be eligible for pursuant to Sections 1859.70, 1859.71.6, 1859.77.4 and 1859.81 when the district submits the Form SAB 50-04. A district seeking a separate Apportionment for site acquisition or design costs shall submit the Form SAB 50-04. If a new construction project received a previous design Apportionment, the district may request an additional design Apportionment for that project up to the 40 percent maximum design Apportionment allowed pursuant to this Section.

The Form SAB 50-04 that is subsequently submitted for the New Construction Adjusted Grant must be for at least 50 percent of the New Construction Grant the district requested as a separate design Apportionment.

The Form SAB 50-04 that is subsequently submitted for the Modernization Adjusted Grant must be for at least 80 percent of the Modernization Grant the district requested as a separate design Apportionment that was received on or before April 29, 2002.

The Form SAB 50-04 that is subsequently submitted for the Modernization Adjusted Grant must be for at least 60 percent of the Modernization Grant the district requested as a separate design Apportionment that was received after April 29, 2002.

When the Board is accepting applications pursuant to Section 1859.95, the funding of the new construction or modernization grant may be made from funds set aside by the Board for financial hardship. The amount provided as a separate Apportionment shall be adjusted at a future date to assure that hardship funding for the project does not exceed the amount the district was otherwise eligible to receive.

Note: Authority cited: Sections 17070.35, 17072.13, ~~and~~ 17075.15, and 17075.20, Education Code.

Reference: Sections 17072.12, 17072.20, 17072.33, 17074.15, 17074.16, 17075.20, and 17079.20, Education Code.

Section 1859.84. Natural Disaster Assistance Program

A School District may apply for Interim Housing and any other assistance as a result of a natural disaster for which the Governor has declared a state of emergency pursuant to Education Code Section 17075.20, subject to verification with the Governor's Office of Emergency Services to confirm the state of emergency is still open at the time of application submittal.

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

Applications received on or after October 31, 2024 are subject to matching share requirements in accordance with Sections 1859.77.1 and 1859.79.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17075.20, Education Code.

Section 1859.84.1. Interim Housing Assistance Following a Natural Disaster

Any funding provided by this Section is subject to the availability of New Construction bond authority and shall supplement insurance, local, state, and federal disaster funding.

An impacted School District is eligible for funding to procure Interim Housing if the School District has had facilities lost or damaged by a natural disaster for which the Governor has declared a state of emergency. The declared state of emergency must be "open" on the date OPSC receives a completed, valid Form SAB 195.

(a) To request funding to lease or purchase facilities, the School District must submit a completed, valid Form SAB 195 signed by an Authorized District Representative.

(b) The School District must submit one of the following to demonstrate that any funding provided by this Section will supplement funding from insurance or any other government disaster assistance:

(1) If the School District will not receive insurance proceeds or other government disaster assistance for Interim Housing, documentation in the form of a letter of denial or a certification, demonstrating that costs associated with Interim Housing have not been covered by insurance proceeds or any other local, state, or federal government disaster assistance.

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

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

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

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

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

(1) An Approved Application pursuant to Section 1859.70

(2) An Approved Application pursuant to Section 1859.82.1

(d) Any Apportionment provided in accordance with this Section shall be adjusted for funding received from insurance proceeds or government disaster assistance for Interim Housing. The Apportionment will be reduced by 50 percent of the funding received from insurance proceeds or government disaster assistance for Interim Housing, or a commensurate amount adjusted for the local matching share pursuant to Section 1859.77.1. Any insurance proceeds and/or government disaster assistance collected after Apportionment shall be reported to OPSC in the form of an annual narrative from the date of the Apportionment until all claims for insurance proceeds and requests for government disaster assistance are closed.

(e) The Board shall provide an Apportionment subject to the availability of funds pursuant to Section 1859.90 or Section 1859.90.2.

(f) A Grant Agreement pursuant to Section 1859.90.4. is required as a condition of receiving funding pursuant to this Section.

(g) The School District is subject to the requirements in Sections 1859.104 and 1859.105.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17075.20, Education Code.

Section 1859.84.2. Other Assistance Following a Natural Disaster

Any funding provided by this Section is subject to the availability of New Construction or Modernization bond authority, as applicable to the scope of work in the request, and shall supplement insurance, local, state, and federal disaster funding.

A School District may qualify for funding at the Board's discretion if it is determined by the Board to be impacted by a natural disaster for which the Governor has declared a state of emergency. The declared state of emergency must be "open" on the date OPSC receives a completed, valid Form SAB 195.

(a) In making a determination to provide any other assistance following a natural disaster, the Board may consider factors including, but not limited to, the following:

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

(2) All information required on the Form SAB 195.

(b) To request funding pursuant to this Section, the School District must submit a completed, valid Form SAB 195 signed by an Authorized District Representative.

(c) The School District must submit one of the following to demonstrate that any funding provided by this Section will supplement funding from insurance or any other government disaster assistance:

(1) If the School District will not receive insurance proceeds or other government disaster assistance for the scope of work in the Form SAB 195, documentation in the form of a letter of denial or a certification, demonstrating that costs associated with the scope of work in the Form SAB 195 have not been covered by insurance proceeds or any other local, state, or federal government disaster assistance.

(2) If the School District reasonably expects to receive future insurance proceeds or any other government disaster assistance attributable to the scope of work in the Form SAB 195, the School District must provide all of the following:

(A) An estimate of the insurance proceeds or any other government disaster assistance the School District may receive for the scope of work in the Form SAB 195;

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

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

(d) The School District's New Construction eligibility will be adjusted for any net increase in Classroom capacity in the project pursuant to Section 1859.51.

(e) The baseline eligibility for modernization as provided in Section 1859.60 will be adjusted for any funding received. The age of the Classroom/s and Square Footage in the project shall be reset to the date of the Apportionment for the project.

(f) Any Apportionment provided in accordance with this Section shall be adjusted for funding received from insurance proceeds or government disaster assistance for the same purpose or scope of work funded by the Apportionment, as follows:

(1) Reduced by 50 percent of the funding received from insurance or government disaster assistance, or a commensurate amount adjusted for the local matching share pursuant to Section 1859.77.1, or

(2) Reduced by 60 percent of the funding received from insurance or government disaster assistance, or a commensurate amount adjusted for the local matching share pursuant to Section 1859.79.

(g) Any insurance proceeds and/or government disaster assistance collected after Apportionment shall be reported to OPSC in the form of an annual narrative from the date of the Apportionment until all claims for insurance proceeds and requests for government disaster assistance are closed.

(h) The Board shall provide an Apportionment subject to the availability of funds pursuant to Section 1859.90 or Section 1859.90.2.

(i) A Grant Agreement pursuant to Section 1859.90.4. is required as a condition of receiving funding pursuant to this Section.

(j) The School District is subject to the requirements in Sections 1859.104 and 1859.105.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17075.20, Education Code.

Section 1859.90. Fund Release Process.

(a) With the exception of an Apportionment made pursuant to Sections 1859.81.1(e), 1859.81.1(f), or 1859.81.2, Apportionments provided through the Priority Funding Process and subject to 1859.90.2, the OPSC will release State funds that the Board has apportioned to the district after submittal, by the School District, of the Form SAB 50-05 and a Grant Agreement, pursuant to Section 1859.90.4.

(b) With the exception of Apportionments described in paragraphs (1) and (2) of subsection (c), a district must submit the Form SAB 50-05 and Grant Agreement, within 180 calendar days of the Apportionment of the SFP grant for the project or within 365 calendar days for Apportionments that include Financial Hardship assistance. If the School dDistrict does not submit the Form SAB 50-05 and Grant Agreement within the above specified time, the entire New Construction Adjusted Grant, or Modernization Adjusted Grant or Type I or II, part of a qualifying SFP Modernization project, or Joint-Use Project Apportionment shall be rescinded without further Board action, and the pupils housed in the project, if applicable, will be added back to the School dDistrict's baseline eligibility. The School dDistrict may refile a new Application for the project subject to district eligibility and available State funds at the time of resubmittal.

(c)(1) Notwithstanding subsection (b), if an Apportionment is made for an Application pertaining to a school facility located on a military installation that is the recipient of a federal grant that requires a local matching share, the Board may require the School dDistrict to submit the Form SAB 50-05 and Grant Agreement within a determined time period, not to exceed 18 months of the Apportionment of the SFP grant for the project. If the district does not submit the Form SAB 50-05 and Grant Agreement within the above specified time, the entire Apportionment shall be rescinded without further Board action, and the pupils housed in the project, if applicable, will be added back to the district's baseline eligibility. The district may refile a new Application for the project subject to district eligibility and available State funds at the time of resubmittal.

(2) Notwithstanding subsection (b), if the Apportionment was made for a Type II Joint-Use Project, not part of a qualifying SFP Modernization project, pursuant to Article 12 of these Regulations, the School dDistrict must submit the Form SAB 50-05 and a Grant Agreement within 18 months of the date the plans and specifications for the Joint-Use Project that have been approved by the DSA and the CDE are submitted to the OPSC or the Apportionment shall be rescinded without further Board action.

(d) OPSC will release State funds that have been apportioned by the Board pursuant to Sections 1859.81.1(e) or 1859.81.1(f) to the School dDistrict within 30 calendar days of the following, whichever occurs last: an Apportionment or upon submittal by the School dDistrict of a Grant Agreement pursuant to Section 1859.90.4. Submittal of the Grant Agreement must occur within 365 days of the Apportionment. If the School dDistrict received an Apportionment pursuant to 1859.90.2, the Grant Agreement must be submitted within the specified time period in 1859.90.2.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17072.12, 17072.30, 17074.15, 17076.10, 17077.40, 17077.42 and 17077.45, Education Code.

Section 1859.93. Modernization Project Funding Order.

Applications shall be funded as follows:

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

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

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

Note: Authority cited: Section 17070.35, Education Code.

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

Section 1859.93.1. New Construction Project Funding Order.

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

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

(b) Second, to applications for Facility Hardship pursuant to Sections 1859.82.1(b) and 1859.82.2(b) in order of receipt of an Approved Application for funding; then,

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

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

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

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

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

Note: Authority cited: Section 17070.35, Education Code.

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

Section 1859.104. Program Reporting Requirements.

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

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

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

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

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

(C) Notwithstanding (B), eight years from the date of the final fund release for projects receiving funding pursuant to Sections 1859.84.1 and 1859.84.2.

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

(b) With the exception of projects that qualify for an ~~a~~Apportionment pursuant to Section 1859.75.1, a progress report, in the form of a narrative from the School ~~d~~District, shall be due 18 months from the date any funds were released to the School ~~d~~District for the project pursuant to Section 1859.90 or 1859.90.2. The progress report shall include information regarding the progress the district has made towards substantial completion of the project. If the notice of completion has been filed within 18 months of the release of funds pursuant to Section 1859.90 or 1859.90.2, or the expenditure reports required in (a)(1) or (2) indicate that substantial progress (as defined in Section 1859.105) on the project has occurred, no progress report is required.

- (c) A progress report, in the form of a narrative from the district, shall be due 12 months from the date the site acquisition funds were apportioned to the School dDistrict for the project pursuant to Section 1859.75.1. The progress report shall include information regarding the progress the School dDistrict has made towards acquiring the site as outlined in Section 1859.105.1 and may contain other evidence of reasonable effort to substantiate progress towards acquiring the site for purposes of an extension of the site aApportionment as authorized by Education Code Section 17072.13(c)(2).
- (d) If an aApportionment was made for a district-owned site pursuant to Section 1859.74.5, a certification that the non-school function currently taking place on the district-owned site has been discontinued or relocated. The certification must be submitted to the OPSC no later than the following dates:
- (1) If the project is for an elementary school, 66 months from the date of the site aApportionment.
 - (2) For all other projects, 78 months from the date of the site aApportionment.
- (e) If an Apportionment was made under the Overcrowding Relief Grant pursuant to Section 1859.180, the School District must provide a certification that the replaced portables were removed from the eligible site and from service pursuant to Education Code Section 17079.30.
- (f) A School District receiving an Apportionment for high performance incentive grants pursuant to Section 1859.71.6 or 1859.77.4 shall submit a completed Project Information Worksheet to the OPSC for all expenditures related to the additional design and construction costs of the high performance building components. In addition, the School District shall provide information related to resulting energy savings and efficiency, as well as other resulting benefits. The Project Information Worksheet shall be submitted with the Form SAB 50-05 and the School District's first and final Forms SAB 50-06 pursuant to (a)(1) and (2) above.
- (g) A School District receiving funds shall submit a summary report of expenditures of state funds and of school district matching funds annually until all state funds and school district matching funds are expended, pursuant to Education Code Section 17076.10(a).
- (h) If an Apportionment was made under the Natural Disaster Assistance Program pursuant to Section 1859.84.1, the School District must provide a certification for the following:
- (1) Upon either project completion or no later than 60 months from the date the lease was signed for purposes of Interim Housing, that leased portable Classrooms have either been removed or remain in use within the School District. For leased portable Classrooms that have a qualifying project and receive an extension by the Board pursuant to Section 1859.51(i)(5), the School District shall provide an additional certification no later than the approval date of the extension as approved by the Board.
 - (2) Upon either project completion, or no later than 96 months from the date of the Apportionment, that the portable Classrooms purchased for Interim Housing have either been removed or remain in use within the School District.

Note: Authority cited: Sections 17070.35, 17072.13, 17075.20, and 17079.30, Education Code.

Reference: Sections 17070.35, 17070.99, 17072.12, 17072.13, 17076.10 and 17079.30, Education Code.

Section 1859.106. Program Accountability Expenditure Audit.

The projects will be audited to assure that the expenditures incurred by the district were made in accordance with the provisions of Education Code Section 17072.35 for new construction projects, Section 1859.120 for Joint-Use Projects, Section 1859.140 for Critically Overcrowded School projects, Section 1859.160 for Charter School projects, and Education Code Section 17074.25 and Section 1859.79.2 for modernization projects. The audit will also assure that the district complied with all site acquisition

guidelines as provided in Education Code Sections 17072.13 and 17072.14 and Sections 1859.74, 1859.74.1, 1859.74.2, 1859.74.3, 1859.74.4, 1859.75 and 1859.75.1.

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

- (a) The difference in the value of the site, relocation costs, DTSC fees, and hazardous waste/materials removal costs that were used to determine the New Construction Additional Grant and the actual amount paid by the district for the site, relocation costs, DTSC fees, and hazardous waste/materials removal costs. For applications received on or after January 1, 2004, the adjustment may be made regardless of whether the hazardous waste/materials removal costs were requested on the application for funding.
- (b) For any insurance proceeds collectable by the district for displaced facilities and net proceeds available from the disposition of displaced facilities pursuant to Sections 1859.82.1(d) and 1859.82.2(d).
- (c) For any insurance proceeds or other government disaster assistance collected by the School District for any project that received funding pursuant to 1859.84, 1859.84.1 or 1859.84.2.
- (~~ed~~) For any project that received funding pursuant to 1859.71.4(c) or 1859.78.1(b), 50 percent of one-fourth of one percent of the difference between the original Total Projected Bond Apportionment and the newly calculated amount.
- (~~de~~) Any adjustments made pursuant to this Section will be made only if sufficient bond authority is available for the adjustment. If an Unfunded List has been created by the Board, then any adjustments made pursuant to this Section will be placed on the Unfunded List.

When the OPSC receives the final expenditure report from the district on Form SAB 50-06, an audit of the expenditures by the OPSC shall commence within two years of the report. If the district is not notified by the OPSC within the two-year period that an audit will be made, there will be no audit of the project by the OPSC and the expenditures reported by the district shall be deemed appropriate. If the district has been notified that an audit of the expenditures will be made by the OPSC, the OPSC shall complete the audit within six months of the notification, unless additional information requested from the district has not been received.

School Districts shall be required to maintain all appropriate records that support all district certifications and expenditures for all costs associated with SFP, Charter School, and Joint-Use projects for a period of not less than four years from the date the notice of completion is filed for the project in order to allow other agencies, including, without limitation, the Bureau of State Audits and the State Controller to perform their audit responsibilities.

The School District is responsible to substantiate expenditures from the Joint-Use Partner(s) financial contribution pursuant to Section 1859.127 and from other local sources.

Should the OPSC conduct an audit of the School District certifications or the expenditures for the project and make a finding that some or all of the expenditures were not made in accordance with the provisions of Education Code Section 17072.35 for new construction projects, Sections 1859.84, 1859.84.1 or 1859.84.2 for projects following a natural disaster, Section 1859.120 for Joint-Use Projects, Section 1859.140 for Critically Overcrowded School projects, Section 1859.160 for Charter School projects, Education Code Section 17074.25 and Section 1859.79.2 for modernization projects, and Education Code Sections 17072.13 and 17072.14 for projects with additional costs imposed by the DTSC, the OPSC shall recommend to the Board that the apportionment be adjusted based on the audit findings.

Should the CDE make a finding that a project did not meet the standards that were adopted by the CDE pursuant to Education Code Section 17251 (b) and (c) when the district had self-certified that the project met those standards pursuant to Education Code Section 17070.50 (b), the Board may request that the CDE make a recommendation that the apportionment for the project be adjusted based on the CDE finding. Any adjustment in the apportionment shall be based on the percentage of space in the project that the CDE determined did not meet those standards.

If title to special education program facilities is transferred between a school district and a county office of education pursuant to Education Code Sections 17071.75(b)(2) and (f), the receiving School District shall remit payment to the State within 60 days or up to five years, pursuant to an approved repayment schedule, as requested by the School District. If a repayment schedule is requested, it shall be in equal annual installments and shall include interest at the same rate as that earned on the State's Pooled Money Investment Account on the date a repayment schedule is approved by the Board. The repayment amount shall be determined by prorating the Financial Hardship assistance received on the initial Apportionment for the transferred facilities, including site acquisition costs apportioned for any land transferred, by the percentage of building area being transferred divided by the total amount of building area approved on the initial Application containing the transfer of facilities, if all of the following conditions are met:

- (a) The transferred facilities were constructed with State funds under Chapter 12.5.
- (b) Transfer of the facilities took place within ten years of initial occupancy.
- (c) The School District that initially acquired or constructed the transferred facilities had approved Financial Hardship status at the time of Apportionment of the project.
- (d) The School District receiving the facility did not have approved Financial Hardship status at either the time of the title transfer or the time that the adjustment request is submitted to the OPSC.

For any project that received funding pursuant to 1859.84, 1859.84.1 or 1859.84.2, the School District is responsible for reporting to OPSC the receipt of any insurance or other government disaster assistance proceeds received after the completion of the Expenditure Audit.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.35, 17070.50, 17071.75, 17072.13, 17072.14, 17072.18, 17072.35, 17074.25, 17075.20, 17076.10, 17077.40, 17078.52 and 17251, Education Code, and Section 1771.3, Labor Code.

GENERAL INFORMATION

School Districts are required to use this form to initiate a request for funding pursuant to SFP Regulation Section 1859.84 Natural Disaster Assistance Program, for consideration by the State Allocation Board (SAB). The School District must state specifically the purpose and description of the School District's request. The School District must submit all supporting documentation to the Office of Public School Construction (OPSC). Requests for consideration are processed to the SAB upon receipt by OPSC of all required documentation and upon completion of a thorough analysis by OPSC.

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

For School Districts requesting both interim housing assistance following a natural disaster and other assistance following a natural disaster, separate applications must be submitted for each request per site.

SPECIFIC INSTRUCTIONS

The School District must assign a Project Tracking Number (PTN) to this project. The same PTN is used by OPSC, the Division of the State Architect (DSA) and the California Department of Education (CDE) for all project applications submitted to those agencies to track a particular project through the entire state application review process. If the School District has already assigned a PTN to this project by prior submittal of the plans and specifications to DSA and/or CDE for approval, use that PTN for this application submittal. If no PTN has been assigned for this project, a PTN may be obtained from the OPSC Online site at www.dgs.ca.gov/opsc/opsonline.

1. Type of Application

Check the appropriate box that indicates whether this application is a new or an amended Natural Disaster Assistance request.

Check the appropriate box that indicates the type of grant the School District is requesting for purposes of an Interim Housing or other assistance following a natural disaster request.

If the School District is requesting Interim Housing assistance, indicate the number of portable classrooms that are requested to be leased or purchased by grade level, as well as the number and type of all other ancillary facilities that are requested to be leased or purchased.

If the School District is requesting reimbursement for purchased or leased portables and/or ancillary facilities, indicate whether the portables and/or ancillary facilities existed on the impacted site at the time of the application submittal, and if so, the dates the facilities were placed or removed, as applicable.

If the School District is requesting Interim Housing assistance, indicate the total number of classrooms destroyed or rendered unsafe to occupy by the natural disaster, within the appropriate

grade level. Additionally, indicate any ancillary facilities destroyed or rendered unsafe to occupy by the natural disaster.

If the School District is requesting a separate design apportionment, check the appropriate box. This apportionment is available only to School Districts that meet the Financial Hardship criteria in Section 1859.81.

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

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

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

3. Prior SFP Apportionment(s) for Impacted Site

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

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

4. Natural Disaster – State of Emergency Proclamation

The School District must check the appropriate box indicating whether the state of emergency is listed as open at the time of application submittal to OPSC.

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

5. Financial Hardship Request

Check the appropriate box(es) if the School 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 School District must comply with the requirements of Section 1859.81.
- If there is Insufficient Bond Authority for the type of application, check the second box and attach a school board resolution pursuant to Section 1859.95.1(b).

6. Local Funding Adjustment Grant

Enter the following:

- a. The School District's total assessed valuation, pursuant to Section 1859.70.5(a)(1). The School District must provide a letter from the county auditor-controller that certifies the School District's total assessed valuation.
- b. The School 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 percent for non-unified School Districts or 2.5 percent for unified School Districts, rounded to two decimal places.

c. The School 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 School 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 School District indicates it intends to have a Project Labor Agreement, but does not yet, it will be audited for compliance and the funding will be adjusted accordingly if it does not have a Project Labor Agreement.

7. Division of the State Architect Plan Approval

The School District must submit any plans and specifications (P&S) for the project that were approved by DSA, and must indicate the approval date in this section. If approval has not been obtained, the School District must indicate in the applicable narrative section if the P&S have an exception for demolition, site work, and/or specific construction delivery methods, or if the School District is still in the process of obtaining DSA approval.

If this application shares DSA approved P&S with one or more SFP applications, the School District must provide the following:

- A clear delineation of project scope that identifies all related hybrid applications and the project scope attributable to each, and
- A proration of project costs and an explanation of the proration methodology, and
- A certification that funds for one hybrid application will be used exclusively for that hybrid application, and
- An acknowledgement that expenditures must be tracked and reported separately according to the cost proration, unless the expenditure is only attributable to a specific project.

8. Interim Housing Assistance Narrative

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

Include the following in the description:

1. The background and circumstances which prompted the School District's request.
2. Information relevant to the issues of the request, such as the number of classrooms that were destroyed or rendered unsafe

to occupy, the applicable grade levels associated with the classrooms, the anticipated duration of the lease if the School District is requesting assistance to lease facilities, and if the request includes the design, placement, site development, or equipment costs associated with the leased or purchased facilities.

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

In addition to the narrative, the School District should provide the following documentation:

1. Documentation which includes actual costs of the facilities, including but not limited to, invoices, lease agreements, or purchase agreements.
2. Documentation, such as invoices or contracts, which includes, but is not limited to, any work associated with placing the facilities on a site.
3. In lieu of actual costs, School Districts may provide bid proposals, quotes, or other documentation that supports the amount of funding requested.

9. Other Assistance Following a Natural Disaster Narrative

For purposes of requesting other natural disaster assistance, the School District must provide the following in addition to the Form SAB 195:

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

10. Certification

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

ATTACHMENTS

Attach substantiating documentation as necessary to support the School District's request. All supporting documentation must be received by the OPSC prior to presentation to the SAB.

ATTACHMENT H

STATE OF CALIFORNIA

APPLICATION FOR NATURAL DISASTER ASSISTANCE

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

SAB 195 (New xx/25)

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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

Is this application New or Amended?

☐ New

☐ Amended

☐ Interim housing (portable classrooms)

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

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

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

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

☐ Interim Housing (ancillary facilities):

☐ Leasing

☐ Restroom(s)

☐ Kitchen

☐ Administrative Space

☐ Minimum Essential Facilities (list the type): _____

☐ Other: _____

☐ Purchasing

☐ Restroom(s)

☐ Kitchen

☐ Administrative Space

☐ Minimum Essential Facilities (list the type): _____

☐ Other: _____

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

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

Date(s) portables were removed (if applicable): _____

Do these ancillary facilities exist on site at the time of application submittal? ☐ Yes ☐ No

Date(s) ancillary facilities were placed/purchased (if applicable): _____

Date(s) ancillary facilities were removed (if applicable): _____

Indicate the grade level of classrooms on the impacted site that are identified as destroyed or rendered unsafe to occupy below:

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

APPLICATION FOR NATURAL DISASTER ASSISTANCE

SAB 195 (New xx/25)

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Indicate the type of ancillary facilities that are identified as destroyed or rendered unsafe to occupy below:

- ☐ Restroom(s)
☐ Kitchen
☐ Administrative Space
☐ Minimum Essential Facilities (list the type): _____
☐ Other: _____

- ☐ Other assistance following a natural disaster pursuant to Section 1859.84.2 (specify) _____
☐ Design Only—Other Assistance Following a Natural Disaster

2. Application(s) Submitted for Impacted Site

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

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

Facility Hardship Replacement (Design/Full Grant): 51/ _____
 Facility Hardship Rehabilitation (Design/Full Grant): 58/ _____
 New Construction (Design/Full Grant): 50/ _____
 Modernization (Design/Full Grant): 57/ _____

4. Natural Disaster - State of Emergency Proclamation

- a. Is this an open state of emergency at the time of application submittal? ☐ Yes ☐ No
 b. Executive order number: _____
 c. Proclamation date: _____

5. Type of Financial Hardship Request

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

6. Local Funding Adjustment Grant

Complete the following:

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

7. DSA Plan Approval

Does the School District have DSA approval for any portion of the P&S requiring review and approval? ☐ Yes ☐ No

If so, enter the DSA approval date: _____

Does this application share plans and specifications with at least one additional SFP application? ☐ Yes ☐ No

If so, provide the following in conjunction with narrative in Sections 8 or 9:

- A clear delineation of project scope that identifies all related hybrid applications and the project scope attributable to each
- A proration of project costs and an explanation of the proration methodology, and
- A certification that funds for one hybrid application will be used exclusively for that hybrid application, and
- An acknowledgement that expenditures must be tracked and reported separately according to the cost proration, unless the expenditure is only attributable to a specific project.

8. Narrative Requesting Interim Housing Assistance Following a Natural Disaster:

9. Narrative Requesting Other Assistance Following a Natural Disaster:

10. Certification

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

- I am an authorized representative of the School District as authorized by the governing board of the School 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 School District's governing board or the designee of the Superintendent of Public Instruction on, _____; and,
- The School 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 School District has considered the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
- All contracts entered on or after November 4, 1998 for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
- If this request is for new construction funding, the School District has received approval of the site and the plans from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- The School District has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This School 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 School District matching funds required pursuant to Sections 1859.77.1 or 1859.79 have either been expended by the School District, deposited in the County School Facility Fund or will be expended by the School District prior to the notice of completion for the project; and,
- The School 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 School District is requesting site acquisition funds as part of this application, the School 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 School 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 School 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 School 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 must exist, the language in the OPSC form will prevail; and,
- The School 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 School 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 School District has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- If the School District requested additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4, the School 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 School 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 this application is submitted after January 1, 2004 for modernization funding, the School 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 School District is in compliance with current Labor Code requirements for prevailing wage monitoring and enforcement; and,

- Beginning with the 2005/2006 fiscal year, the School District has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and,
- The School District has considered the feasibility of using designs and materials for the new construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and the other characteristics of high performance schools; and,
- If this application is submitted when there is Insufficient Bond Authority, the School District has adopted a school board resolution pursuant to Section 1859.95.1; and,
- The School District will comply with all laws pertaining to the construction or modernization of its school building.
- If the School District marked the box for 'Yes' in Section 6. of this application that it has or will include a project labor agreement, the use of a project labor agreement will be verified as part of the audit required in EC Section 41024. If it is determined that a project labor agreement was not used, the additional Local Share Adjustment Grant funding provided as a result of the points assigned to the project to determine the matching share percentage will be required to be returned, with interest (based on the interest rate earned in Pooled Money Investment Account at the time of fund release) until funds are returned.
- The School District understands that any funding received from insurance proceeds or government disaster assistance after the Apportionment must be reported to OPSC in an annual narrative from the date of the Apportionment until all claims for insurance proceeds and requests for government disaster assistance are closed. The School District understands that any apportionment provided shall be adjusted for funding received from insurance proceeds or government disaster assistance, in accordance with the following:
 - An apportionment from New Construction bond authority pursuant to either Section 1859.84.1 or Section 1859.84.2 shall be reduced by 50 percent of the insurance proceeds or government disaster assistance for Interim Housing, or a commensurate amount adjusted for the local matching share pursuant to Section 1859.77.1.
 - An apportionment from Modernization bond authority pursuant to Section 1859.84.2 shall be reduced by 60 percent of the insurance proceeds

or government disaster assistance for the same purpose or scope of work funded by the Apportionment, or a commensurate amount adjusted for the local matching share pursuant to Section 1859.79.

APPLICATION FOR NATURAL DISASTER ASSISTANCE CHECKLIST

ATTACHMENT H

New MONTH 2025

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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)

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

GENERAL INSTRUCTIONS

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

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

Interim Housing Assistance Following a Natural Disaster Requests

- ☐ Section 1 –
 - ☐ Check whether the application is a “New” application, requesting a separate design apportionment, or an “Amended” application.
 - ☐ Check the applicable box on the Form SAB 195 to indicate whether the district is seeking to lease or purchase portable classroom(s) and/or ancillary facilities, or if the district is requesting other assistance following a natural disaster.
 - ☐ If the district is requesting interim housing assistance, the district must indicate whether the portable classrooms or ancillary facilities that the district is requesting assistance for exist on the site at the time of application submittal.
 - ☐ If the district is requesting interim housing assistance, the district must indicate the grade level of classrooms on the impacted site that are identified as destroyed or rendered unsafe to occupy in addition to any ancillary facilities identified as unsafe to occupy.
 - ☐ Check the box if the district is requesting other assistance following a natural disaster and is seeking a separate design apportionment.
- ☐ Section 2 – Check the applicable boxes and provide application numbers for any applications related to the impacted site that are currently on the OPSC workload or Applications Received Beyond Bond Authority lists.
- ☐ Section 3 – Enter any prior School Facility Program (SFP) applications specific to the impacted site for which the district received SAB approval since the time of the natural disaster.
- ☐ Section 4 – Enter information related to the state of emergency the Governor has declared for the natural disaster for which the district is requesting interim housing assistance.
- ☐ Section 5 – Check the applicable box to indicate if the district is requesting financial hardship assistance.
- ☐ Section 6 – Enter this information to determine the local funding adjustment grant and calculate the district’s matching share requirement.
- ☐ Section 7 – Enter applicable information for Division of the State Architect (DSA) Approval(s) related to the project.
- ☐ Section 8 – See the “Supporting Documentation” component of this checklist for detailed requirements.

Other Assistance Following a Natural Disaster Requests

- ☐ Section 1 - Check the applicable box on the Form SAB 195 to indicate that the district is requesting other assistance pursuant to Section 1859.84.2.
- ☐ Section 2 – Check the applicable boxes and provide application numbers for any applications related to the impacted site that are currently on the OPSC workload or Applications Received Beyond Bond Authority lists.
- ☐ Section 3 – Enter any prior School Facility Program (SFP) applications specific to the impacted site for which the district received SAB approval since the time of the natural disaster.
- ☐ Section 4 – Enter information related to the state of emergency the Governor has declared for the natural disaster for which the

**APPLICATION FOR NATURAL
DISASTER ASSISTANCE CHECKLIST****ATTACHMENT H**

New MONTH 2025

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district is requesting other assistance.

- ☐ Section 5 – Check the applicable box to indicate if the district is requesting financial hardship assistance.
- ☐ Section 6 – Enter this information to determine the local funding adjustment grant and calculate the district's matching share requirement.
- ☐ Section 7 – Enter applicable information for DSA Approval(s) related to the project.
- ☐ Section 8 – See the "Supporting Documentation" component of this checklist for detailed requirements.

Section 7

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

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

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

SUPPORTING DOCUMENTATION**Interim Housing Assistance Following a Natural Disaster Narrative**

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

Have affected facilities been vacated? ☐ Yes ☐ No

If Yes, describe how students are currently being housed:

☐ **Insurance Proceeds**

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

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

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

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

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

Other Assistance Following a Natural Disaster Narrative

The narrative is intended to explain the natural disaster for which the Governor has declared a state of emergency, as well as provide substantive documentation and information to justify the district's request. Although unique circumstances may affect what documentation is sufficient to support these requests, typically required information and documentation is listed below for your reference. For any

**APPLICATION FOR NATURAL
DISASTER ASSISTANCE CHECKLIST****ATTACHMENT H**

New MONTH 2025

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unavailable documentation, please add a brief explanation as to why the documentation does not apply. Other substantiating documentation may be attached as necessary to support the district's request.

Have affected facilities been vacated? ☐ Yes ☐ No

If Yes, describe how students are currently being housed:

Estimated project cost (100%): \$ _____

☐ **Insurance Proceeds**

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

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

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

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

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

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

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

☐ **Actual Costs**

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

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE

ATTACHMENT H

STATE OF CALIFORNIA

STATE ALLOCATION BOARD

**GRANT AGREEMENT [INTERIM
HOUSING ASSISTANCE FOLLOWING
A NATURAL DISASTER]**

OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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SCHOOL FACILITY PROGRAM

(New xx/25)

Office of Public School Construction Application Number: _____

GENERAL INFORMATION

Grantee Name: _____

School Name: _____

Grant Amount: _____ of which _____ is Financial Hardship Assistance.

Authority: _____ [relevant Bond Act(s)]

SFP Program Funding Source: _____
(e.g., New Construction, Modernization)

Future Priority Funding Rounds: _____
(first priority funding window, second priority funding window)

PROJECT DESCRIPTION

Type of Work: _____ (e.g., New Construction, Modernization Facility Hardship rehabilitation work funded with New Construction grants, Facility Hardship replacement work funded with Modernization grants, etc.)

Financial Hardship Approval Date: _____

Financial Hardship Status is valid until: _____ (date)

This project scope and resulting funding determination relied on the following documentation and state agency approvals:

- The Application for Natural Disaster Assistance (Form SAB 195), executed by the District Representative on XXXXX.
- Plan Approval letter from the California Department of Education dated XXXXX
- Division of the State Architect Approval letter(s) dated XXXXX for DSA Application Number(s) YYYY.
- Financial Hardship Approval Letter from the Office of Public School Construction dated XXXXX.
- Bridge Financing Approval Letter from the Office of Public School Construction dated XXXXX.

**GRANT AGREEMENT [INTERIM
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A NATURAL DISASTER]****SCHOOL FACILITY PROGRAM**

(New xx/25)

A copy of the documentation listed here is available as part of the project file maintained by OPSC and is also retained by the District for purposes of the project audit.

Grants are to be used in accordance with the provisions contained in the Leroy F. Greene School Facilities Act of 1998 (Education Code, Title 2, Division 1, Part 10, Chapter 12.5, commencing with Section 17070.10) and this Agreement.

The Grantee shall not make any change to the Project that would require a Change of Scope, without the State Allocation Board first approving the change to the Project.

GRANT DESCRIPTION

The Grant funds are awarded generally for purpose of the lease or the purchase of portable classrooms and/or ancillary facilities for school districts impacted by a natural disaster for which the Governor has declared a state of emergency.

Grant funds are to be used in accordance with the original proposed scope of work and the terms of this Agreement. The Grantee shall not make any changes to the scope of work without the prior written approval of OPSC.

TERMS AND CONDITIONS OF GRANT**A. Definitions**

Terms not defined below shall have the same meaning as set forth in SFP Regulation Section 1859.2.

"Act" means the Leroy F. Greene School Facilities Act of 1998 (Education Code, Title 1, Division 1, Part 10, Chapter 12.5, commencing with Section 17070.10).

"Agreement" means a contract to do or not to do a certain thing and refers to this Grant Agreement.

"Change of Scope" means the addition or deletion of any work that would change the approved Grant amount for the Project or require updated state agency approval(s). This includes, but is not limited to, changes to site acquisition acres, or buildings, including but not limited to classrooms, multipurpose rooms, gymnasiums, administration buildings, restrooms, and libraries/media centers, and any changes to the size of those buildings, the type of building (e.g. portable, modular, or permanent), or the location on the school site of those buildings.

"Expenditure Report" means the Form SAB 50-06 Expenditure Report and all required supplementary documentation, including but not limited to a detailed listing of project expenditures organized by fund source and provided at an object-code-level of accounting detail, pursuant to the California School Accounting Manual, that shall include fields to identify

**GRANT AGREEMENT [INTERIM
HOUSING ASSISTANCE FOLLOWING
A NATURAL DISASTER]**

SCHOOL FACILITY PROGRAM

(New xx/25)

information including, but not limited to dates, payees, warrant numbers, and the description and purpose of the expenditures as described in California Code of Regulations, Title 2, Regulation Section 1859.104.

“Financial Hardship” means State funding for all or a portion of the Grantee’s matching share required by School Facility Program Regulation Section 1859.77.1 or 1859.79.

“Form SAB 195” means the *Application for Natural Disaster Assistance* (Form SAB 195) (New xx/25), which is incorporated by reference.

“Fund Release Application” means the Form SAB 50-05, Fund Release Authorization, and all required supplementary documentation, which includes but is not limited to this Agreement, pursuant to the Act and the Regulations.

“Grantee Representative” means the authorized representative of a school district (as defined in California Code of Regulations, Title 2, Regulation Section 1859.2), charter school, or joint powers authority, as applicable, who signed this Agreement for Grants.

“Interim Housing” means the rental or lease of Classrooms used to house pupils temporarily displaced as a result of the modernization or construction of classroom facilities; or the lease or purchase of Classrooms or ancillary facilities including but not limited to, restrooms, administrative space, or minimum essential facilities obtained due to a natural disaster for which the Governor has declared a state of emergency, pursuant to Education Code Section 17075.20.

“Project” means the purposes for which the Grantee has applied for the Grants detailed in this Agreement.

“Office of Public School Construction (OPSC)” means the office within the California Department of General Services that administers this grant program on behalf of the Director of the Department of General Services.

“Savings” means Grants not used by the Grantee for the Project, pursuant to Regulation Section 1859.103, achieved by the Grantee’s efficient and prudent expenditure of Grants.

“School District” shall have the meaning set forth in Education Code Sections 17070.15(m) and 17073.25.

“School Facility Program (SFP)” means the programs implemented under the Act.

“State” means the State of California.

“Unfunded List (Lack of AB 55 Loans)” means an information list of unfunded projects that was created due to the state’s inability to provide interim financing from the Pooled Money Investment Account (AB 55 loans) to fund school construction project as declared in the Department of Finance Budget Letter #33 issued on December 18, 2008.

(Authority: SFP Regulation 1859.2)

**GRANT AGREEMENT [INTERIM
HOUSING ASSISTANCE FOLLOWING
A NATURAL DISASTER]**

SCHOOL FACILITY PROGRAM

(New xx/25)

B. Term of Grant Agreement

The Grantee and the Executive Officer, or designee, of the Office of Public School Construction shall be the parties to this Agreement. This Agreement must be entered into by both parties prior to, and as a condition of, the release of any funding for the Project. This Agreement becomes effective on the date the State Allocation Board approves the Project for either an Apportionment or placement on the Unfunded List (Lack of AB 55 Loans). This Agreement terminates once (1) all Grants and the Grantee's matching funds, including interest generated by the Grants, is expended, and when all of the Parties' obligations under this Grant Agreement are fully satisfied, or (2) if the Board rescinds the unfunded approval or apportionment, or (3) if the Grantee withdraws its Form SAB 195.

C. Project Execution

1. The Board hereby awards to the Grantee a sum of money (Grants)

\$ _____ in consideration of and on condition that the sum be expended in carrying out the purposes as set forth in the description of the Project in this Agreement and its attachments and under the Terms and Conditions set forth in this Agreement.

Grants may also be expended for the purposes of a future high priority Capital Outlay project as the result of Savings, or for the purposes of reimbursement, pursuant to SFP Regulation Section 1859.90.4.

(Authority: New Construction: Education Code Sections 17072.20 and 17070.63; New Construction and Modernization: SFP Regulations Article 8 commencing with Section 1859.70;)

2. Prior to the release of any funding for the Project, Office of Public School Construction staff has completed the following steps to finalize the Project funding amount outlined in this Agreement, as necessary:

i. The Form SAB 195 was accepted on _____ (date) and deemed to meet the definition of an Approved Application. The Grantee was provided written notification of any deficiencies and given 24 hours to remedy the identified deficiency(s) in order to retain the date upon which it was received.

ii. Upon confirmation of an Approved Application, Office of Public School Construction staff reviewed the Form SAB 195 for compliance with School Facility Program Regulations and verified eligibility for all available program grants. The Grantee was provided written notification of all deficiencies and/or changes necessary and given 15 calendar days to respond and remedy the identified deficiencies and/or changes necessary.

iii. Upon review of the submitted corrections, Office of Public School Construction staff provided the Grantee written notification of any final deficiencies and required a response within four business days.

**GRANT AGREEMENT [INTERIM
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iv. Upon receipt of the final amendments to the Form SAB 195, the Office of Public School Construction staff and the Grantee agreed that the Project was ready for presentation to the Board for either an Apportionment or placement on the Unfunded List (Lack of AB 55 Loans).

(Authority: SFP Regulation Sections 1859.2, 1859.70, 1859.90, 1859.93, 1859.93.1; and Office of Public School Construction process)

3. Grantee certifies that the Project complies with all laws and regulations applicable to the Project.

(Authority: Form SAB 50-04 certifications)

1. Grantee certifies that the Project complies with all labor and public contract laws, as applicable, including, but not limited to:

i. Public Contract Code Section 20111.6, as added by Chapter 808, Statutes of 2012 (Assembly Bill 1565), which became effective on September 30, 2012. Beginning January 1, 2014 through December 31, 2018, new contracting requirements are effective for school districts with an average daily attendance of 2,500 or more for construction projects with estimated expenditures of at least \$1,000,000 that will be funded through the SFP or any future state school bonds. These new Public Contract Code requirements require a standardized prequalification questionnaire and financial statement to be verified under oath from all bidders.

ii. Labor Code Section 1773.3, as amended by Senate Bill 854, Chapter 28, Statutes of 2014, which requires school districts that have School Facility Program projects with an initial public works contract awarded on or after January 1, 2012, to notify the Department of Industrial Relations (DIR). The DIR must provide prevailing wage monitoring services for all such projects, except in the cases of: (1) the district operates a DIR-approved internal wage monitoring program; or (2) the district has entered into a collective bargaining agreement that includes the requirements specified in Labor Code section 1771.4(b)(2).

iii. Chapter 378, Statutes of 2011 (Assembly Bill 436), which required the Department of Industrial Relations to monitor and enforce prevailing wage requirements for every State bond funded project, including School Facility Program projects, pursuant to Labor Code Section 1771.7 for projects in which the initial public works construction contract was awarded before January 1, 2012. The Project must have also been apportioned from either Proposition 47 or 55 and the construction phase of the Project commenced on or after April 1, 2003.

iv. Chapter 868 Statutes of 2002 (Assembly Bill 1506), which made projects funded from either Proposition 47 (2002) or Proposition 55 (2004) with a notice to proceed date on or after April 1, 2003 subject to Labor Compliance Program requirements as outlined in Labor Code Section 1771.5.

**GRANT AGREEMENT [INTERIM
HOUSING ASSISTANCE FOLLOWING
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SCHOOL FACILITY PROGRAM

(New xx/25)

Project Execution Signature

All laws and regulations noted in Sections (i), (ii), (iii), and (iv) above have been, and will be, followed, as applicable.

X _____ Date

(Authority: Form SAB 50-04 certifications)

D. Receiving and General Usage of Funds

The Grantee and the Executive Officer, or designee, of the Office of Public School Construction shall enter into this Agreement prior to, and as a condition of, the release of any funding for the Grant.

Grant funds shall be released in one installment. The fund release shall occur on or about, provided this Agreement has been fully executed and the State Allocation Board provides its approval, at the _____ (Month, Year Board date) meeting.

Funds are to be expended in accordance with the scope of work identified in the Grant Description. Expenditures associated with the scope of work made prior to the effective date of the agreement, may be considered eligible costs.

E. Program Reporting Requirements

As a condition of this Grant, the following information shall be submitted to the Office of Public School Construction:

- No later than _____ (or as soon as contracted) the Grantee will submit documentation confirming funds have been encumbered along with a copy of the encumbrance documents and a copy of the plan approval letter from the Division of State Architect.
- No later than _____ the Grantee will submit an annual project status report until project completion.
- In perpetuity, the Grantee will report any insurance and other government disaster proceeds received for the same scope of work as this project.

F. Record Retention

Grantee shall maintain satisfactory financial accounts, documents, and records for the Grant, at a Project-specific level of detail. All financial accounts, documents and records for the project must be retained until an audit by the Office of Public School Construction has been conducted and completed.

Financial accounts, documents, and records may be retained electronically.

**GRANT AGREEMENT [INTERIM
HOUSING ASSISTANCE FOLLOWING
A NATURAL DISASTER]****SCHOOL FACILITY PROGRAM****(New xx/25)**

If the school district submitted a web-based five-year facilities master plan, the website and all links must remain accessible until the State Controller's Office has certified the audit for the project.

G. Repayment of Grant Funds

Upon notification from OPSC of any amounts to be repaid to the State, the Grantee shall remit a warrant in the amount due within 60 calendar days.

H. Conflict of Interest

All Grantees are subject to State and Federal conflict of interest laws. Failure to comply with these laws, including business and financial disclosure provisions, will result in the Grant being rejected and any subsequent contract being declared void. Other legal action may also be taken. Applicable statutes include, but are not limited to, Government Code, Section 1090 and Public Contract Code, Sections 10410 and 10411, for State conflict of interest requirements.

1. Employees of the Grantee: Employees of the Grantee shall comply with all applicable provisions of law pertaining to conflicts of interest, including, but not limited to any applicable conflict of interest provisions of the California Political Reform Act, Cal. Gov't Code § 87100 et seq.
2. Employees and Consultants to the Grantee: Individuals working on behalf of the Grantee may be required by the Department to file a Statement of Economic Interests (Fair Political Practices Commission Form 700) if it is determined that an individual is a consultant for Political Reform Act purposes.

I. Compliance with Economic Sanctions

On March 4, 2022, Governor Gavin Newsom issued Executive Order N-6-22 regarding sanctions in response to Russian aggression in Ukraine. The EO is located at <https://www.gov.ca.gov/wp-content/uploads/2022/03/3.4.22-Russia-Ukraine-Executive-Order.pdf>.

The Grantee is notified that compliance with the economic sanctions imposed in response to Russia's actions in Ukraine is required, including with respect to, but not limited to, the federal executive orders identified in the Executive Order and the sanctions identified on the U.S. Department of the Treasury website (<https://home.treasury.gov/policy-issues/financial-sanctions/sanctions-programs-and-country-information/ukraine-russia-related-sanctions>). Failure to comply may result in the termination of contracts or grants, as applicable.

J. Severability

If any provision of this Agreement or the application thereof is held invalid, that invalidity shall not affect other provisions or applications of this Agreement which can be given effect without the invalid provision or application, and to this end the provisions of this Agreement are severable.

**GRANT AGREEMENT [INTERIM
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SCHOOL FACILITY PROGRAM

(New xx/25)

K. Electronic Filing

Any communication under this Grant Agreement shall be in writing and may be transmitted by electronic means. Communication sent electronically will be effective on the date of transmission.

L. Supplement, Not Supplant

The terms and conditions of this Agreement are intended to supplement, not supplant, the laws and regulations that apply to this Grant. The Grantee understands and agrees to adhere to all laws and regulations that apply to this Grant, even if those laws and regulations are not specifically cited in this Agreement.

M. Exact Duplicate

This Agreement is an exact duplicate (verbatim) of the Agreement provided by the Office of Public School Construction. In the event a conflict should exist, the language in the Agreement provided by the Office of Public School Construction will prevail.

SIGNATURES

The statements set forth in this Agreement are true and correct to the best of my knowledge and belief. IN WITNESS WHEREOF, this Agreement has been executed by the parties.

NAME OF GRANTEE REPRESENTATIVE (PRINT)	PHONE NUMBER
SIGNATURE OF GRANTEE REPRESENTATIVE	DATE
NAME OF EXECUTIVE OFFICER OF THE OFFICE OF PUBLIC SCHOOL CONSTRUCTION, OR DESIGNEE	DATE
SIGNATURE OF EXECUTIVE OFFICER OF THE OFFICE OF PUBLIC SCHOOL CONSTRUCTION, OR DESIGNEE	DATE

ATTACHMENT H

STATE OF CALIFORNIA

**GRANT AGREEMENT [OTHER
ASSISTANCE FOLLOWING A
NATURAL DISASTER]**

SCHOOL FACILITY PROGRAM

(New xx/25)

STATE ALLOCATION BOARD

OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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Office of Public School Construction Application Number: _____

GENERAL INFORMATION

Grantee Name: _____

School Name: _____

Grant Amount: _____ of which _____ is Financial Hardship Assistance.

Authority: _____ [relevant Bond Act(s)]

SFP Program Funding Source: _____
(e.g., New Construction, Modernization)

Future Priority Funding Rounds: _____
(first priority funding window, second priority funding window)

PROJECT DESCRIPTION

Type of Work: _____ (e.g., New Construction, Modernization Facility Hardship rehabilitation work funded with New Construction grants, Facility Hardship replacement work funded with Modernization grants, etc.)

Financial Hardship Approval Date: _____

Financial Hardship Status is valid until: _____ (date)

This project scope and resulting funding determination relied on the following documentation and state agency approvals:

- The Application for Natural Disaster Assistance Funding (Form SAB 195)
- The Funding Application (Form SAB 50-04), executed by the District Representative on XXXXX.
- Plan Approval letter from the California Department of Education dated XXXXX
- Division of the State Architect Approval letter(s) dated XXXXX for DSA Application Number(s) YYYY.
- Financial Hardship Approval Letter from the Office of Public School Construction dated XXXXX.
- Bridge Financing Approval Letter from the Office of Public School Construction dated XXXXX.

**GRANT AGREEMENT [OTHER
ASSISTANCE FOLLOWING A
NATURAL DISASTER]****SCHOOL FACILITY PROGRAM**

(New xx/25)

A copy of the documentation listed here is available as part of the project file maintained by OPSC and is also retained by the District for purposes of the project audit.

Grants are to be used in accordance with the provisions contained in the Leroy F. Greene School Facilities Act of 1998 (Education Code, Title 2, Division 1, Part 10, Chapter 12.5, commencing with Section 17070.10) and this Agreement.

The Grantee shall not make any change to the Project that would require a Change of Scope, without the State Allocation Board first approving the change to the Project.

GRANT DESCRIPTION

The Grant funds are awarded generally for purpose of

Grant funds are to be used in accordance with the original proposed scope of work and the terms of this Agreement. The Grantee shall not make any changes to the scope of work without the prior written approval of OPSC.

TERMS AND CONDITIONS OF GRANT**A. Definitions**

Terms not defined below shall have the same meaning as set forth in SFP Regulation Section 1859.2.

"Act" means the Leroy F. Greene School Facilities Act of 1998 (Education Code, Title 1, Division 1, Part 10, Chapter 12.5, commencing with Section 17070.10).

"Agreement" means a contract to do or not to do a certain thing and refers to this Grant Agreement.

"Change of Scope" means the addition or deletion of any work that would change the approved Grant amount for the Project or require updated state agency approval(s). This includes, but is not limited to, changes to site acquisition acres, or buildings, including but not limited to classrooms, multipurpose rooms, gymnasiums, administration buildings, restrooms, and libraries/media centers, and any changes to the size of those buildings, the type of building (e.g. portable, modular, or permanent), or the location on the school site of those buildings.

"Expenditure Report" means the Form SAB 50-06 Expenditure Report and all required supplementary documentation, including but not limited to a detailed listing of project expenditures organized by fund source and provided at an object-code-level of accounting detail, pursuant to the California School Accounting Manual, that shall include fields to identify information including, but not limited to dates, payees, warrant numbers, and the description and purpose of the expenditures as described in California Code of Regulations, Title 2, Regulation Section 1859.104.

**GRANT AGREEMENT [OTHER
ASSISTANCE FOLLOWING A
NATURAL DISASTER]****SCHOOL FACILITY PROGRAM**

(New xx/25)

“Financial Hardship” means State funding for all or a portion of the Grantee’s matching share required by School Facility Program Regulation Section 1859.77.1 or 1859.79.

“Form SAB 195” means the *Application for Natural Disaster Assistance* (Form SAB 195) (New xx/25), which is incorporated by reference. “Fund Release Application” means the Form SAB 50-05, Fund Release Authorization, and all required supplementary documentation, which includes but is not limited to this Agreement, pursuant to the Act and the Regulations.

“Funding Application” means the Form SAB 50-04, Application for Funding, or the Form SAB 50-09, Application for Charter School Preliminary Apportionment, or the Form SAB 50-10, Application for Career Technical Education Facilities Funding, and all required supplementary documentation pursuant to the Act and California Code of Regulations, Title 2, Regulation Sections 1859.70, 1859.161 or 1859.191, as applicable.

“Fund Release Application” means the Form SAB 50-05, Fund Release Authorization, and all required supplementary documentation, which includes but is not limited to this Agreement, pursuant to the Act and the Regulations.

“Grantee Representative” means the authorized representative of a school district (as defined in California Code of Regulations, Title 2, Regulation Section 1859.2), charter school, or joint powers authority, as applicable, who signed this Agreement for Grants.

“Interim Housing” means the rental or lease of Classrooms used to house pupils temporarily displaced as a result of the modernization or construction of classroom facilities; or the lease or purchase of Classrooms or ancillary facilities including but not limited to, restrooms, administrative space, or minimum essential facilities obtained due to a natural disaster for which the Governor has declared a state of emergency, pursuant to Education Code Section 17075.20.

“Modernization” means projects that are eligible for Grants based on Education Code Title 1, Division 1, Part 10, Chapter 12.5, Articles 6 (commencing with Section 17073.10) and 7 (commencing with Section 17074.10).

“New Construction” means projects that are eligible for Grants based on Education Code Title 1, Division 1, Part 10, Chapter 12.5, Articles 3 (commencing with Section 17071.75), 4 (commencing with Section 17072.10), and 5 (commencing with Section 17072.20).

“Project” means the purposes for which the Grantee has applied for the Grants detailed in this Agreement.

“Office of Public School Construction (OPSC)” means the office within the California Department of General Services that administers this grant program on behalf of the Director of the Department of General Services.

“Savings” means Grants not used by the Grantee for the Project, pursuant to Regulation Section 1859.103, achieved by the Grantee’s efficient and prudent expenditure of Grants.

“School District” shall have the meaning set forth in Education Code Sections 17070.15(m) and 17073.25.

**GRANT AGREEMENT [OTHER
ASSISTANCE FOLLOWING A
NATURAL DISASTER]****SCHOOL FACILITY PROGRAM****(New xx/25)**

“School Facility Program (SFP)” means the programs implemented under the Act.

“State” means the State of California.

“Unfunded List (Lack of AB 55 Loans)” means an information list of unfunded projects that was created due to the state’s inability to provide interim financing from the Pooled Money Investment Account (AB 55 loans) to fund school construction project as declared in the Department of Finance Budget Letter #33 issued on December 18, 2008.

(Authority: SFP Regulation 1859.2)

B. Term of Grant Agreement

The Grantee and the Executive Officer, or designee, of the Office of Public School Construction shall be the parties to this Agreement. This Agreement must be entered into by both parties prior to, and as a condition of, the release of any funding for the Project. This Agreement becomes effective on the date the State Allocation Board approves the Project for either an Apportionment or placement on the Unfunded List (Lack of AB 55 Loans). This Agreement terminates once (1) all Grants and the Grantee’s matching funds, including interest generated by the Grants, is expended, and when all of the Parties’ obligations under this Grant Agreement are fully satisfied, or (2) if the Board rescinds the unfunded approval or apportionment, or (3) if the Grantee withdraws its Form SAB 195.

C. Project Execution

1. The Board hereby awards to the Grantee a sum of money (Grants)
\$ _____ in consideration of and on condition that the sum be expended in carrying out the purposes as set forth in the description of the Project in this Agreement and its attachments and under the Terms and Conditions set forth in this Agreement.

Grants may also be expended for the purposes of a future high priority Capital Outlay project as the result of Savings, or for the purposes of reimbursement, pursuant to SFP Regulation Section 1859.90.4.

(Authority: New Construction: Education Code Sections 17072.20 and 17070.63; New Construction and Modernization: SFP Regulations Article 8 commencing with Section 1859.70;)

2. Prior to the release of any funding for the Project, Office of Public School Construction staff has completed the following steps to finalize the Project funding amount outlined in this Agreement, as necessary:

- i. The Form SAB 195 was accepted on _____ (date) and deemed to meet the definition of an Approved Application. The Grantee was provided written notification of any deficiencies and given 24 hours to remedy the identified deficiency(s) in order to retain the date upon which it was received.

- ii. Upon confirmation of an Approved Application, Office of Public School Construction staff reviewed the Form SAB 195 for compliance with School Facility Program Regulations and verified eligibility for all available program grants. The Grantee was

**GRANT AGREEMENT [OTHER
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NATURAL DISASTER]****SCHOOL FACILITY PROGRAM****(New xx/25)**

provided written notification of all deficiencies and/or changes necessary and given 15 calendar days to respond and remedy the identified deficiencies and/or changes necessary.

iii. Upon review of the submitted corrections, Office of Public School Construction staff provided the Grantee written notification of any final deficiencies and required a response within four business days.

iv. Upon receipt of the final amendments to the Form SAB 195, the Office of Public School Construction staff and the Grantee agreed that the Project was ready for presentation to the Board for either an Apportionment or placement on the Unfunded List (Lack of AB 55 Loans).

(Authority: SFP Regulation Sections 1859.2, 1859.70, 1859.90, 1859.93, 1859.93.1; and Office of Public School Construction process)

3. Grantee certifies that the Project complies with all laws and regulations applicable to the Project.

(Authority: Form SAB 50-04 certifications)

1. Grantee certifies that the Project complies with all labor and public contract laws, as applicable, including, but not limited to:

i. Public Contract Code Section 20111.6, as added by Chapter 808, Statutes of 2012 (Assembly Bill 1565), which became effective on September 30, 2012. Beginning January 1, 2014 through December 31, 2018, new contracting requirements are effective for school districts with an average daily attendance of 2,500 or more for construction projects with estimated expenditures of at least \$1,000,000 that will be funded through the SFP or any future state school bonds. These new Public Contract Code requirements require a standardized prequalification questionnaire and financial statement to be verified under oath from all bidders.

ii. Labor Code Section 1773.3, as amended by Senate Bill 854, Chapter 28, Statutes of 2014, which requires school districts that have School Facility Program projects with an initial public works contract awarded on or after January 1, 2012, to notify the Department of Industrial Relations (DIR). The DIR must provide prevailing wage monitoring services for all such projects, except in the cases of: (1) the district operates a DIR-approved internal wage monitoring program; or (2) the district has entered into a collective bargaining agreement that includes the requirements specified in Labor Code section 1771.4(b)(2).

iii. Chapter 378, Statutes of 2011 (Assembly Bill 436), which required the Department of Industrial Relations to monitor and enforce prevailing wage requirements for every State bond funded project, including School Facility Program projects, pursuant to Labor Code Section 1771.7 for projects in which the initial public works construction contract was awarded before January 1, 2012. The Project must have also been apportioned from

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either Proposition 47 or 55 and the construction phase of the Project commenced on or after April 1, 2003.

iv. Chapter 868 Statutes of 2002 (Assembly Bill 1506), which made projects funded from either Proposition 47 (2002) or Proposition 55 (2004) with a notice to proceed date on or after April 1, 2003 subject to Labor Compliance Program requirements as outlined in Labor Code Section 1771.5.

Project Execution Signature

All laws and regulations noted in Sections (i), (ii), (iii), and (iv) above have been, and will be, followed, as applicable.

X _____ Date

(Authority: Form SAB 50-04 certifications)

D. Receiving and General Usage of Funds

The Grantee and the Executive Officer, or designee, of the Office of Public School Construction shall enter into this Agreement prior to, and as a condition of, the release of any funding for the Grant.

Grant funds shall be released in one installment. The fund release shall occur on or about, provided this Agreement has been fully executed and the State Allocation Board provides its approval, at the _____ (Month, Year Board date) meeting.

Funds are to be expended in accordance with the scope of work identified in the Grant Description. A maximum of 5% of the total funds may be used for Grantee's administrative and/or overhead costs associated with the Grant. Expenditures associated with the scope of work made prior to the effective date of the agreement, may be considered eligible costs.

E. Program Reporting Requirements

As a condition of this Grant, the following information shall be submitted to the Office of Public School Construction:

- No later than _____ (or as soon as contracted) the Grantee will submit documentation confirming funds have been encumbered along with a copy of the encumbrance documents and a copy of the plan approval letter from the Division of State Architect.
- No later than _____ the Grantee will submit a project status report.

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- No later than _____ the Grantee will submit a final Expenditure Report and a narrative summary of the project outcome.
 - o Report format is at the discretion of the Grantee; however, reports should be detailed enough to clearly demonstrate progress and that expenditures are connected to the project.
 - o Submitted reports shall include a cover letter from the Grantee with a signed statement that the information submitted is true and accurate.
- In perpetuity, the Grantee will report any insurance and other government disaster proceeds received for the same scope of work as this project.

F. Record Retention

Grantee shall maintain satisfactory financial accounts, documents, and records for the Grant, at a Project-specific level of detail. All financial accounts, documents and records for the project must be retained until an audit by the Office of Public School Construction has been conducted and completed.

Financial accounts, documents, and records may be retained electronically.

G. Repayment of Grant Funds

Upon notification from OPSC of any amounts to be repaid to the State, the Grantee shall remit a warrant in the amount due within 60 calendar days.

H. Conflict of Interest

All Grantees are subject to State and Federal conflict of interest laws. Failure to comply with these laws, including business and financial disclosure provisions, will result in the Grant being rejected and any subsequent contract being declared void. Other legal action may also be taken. Applicable statutes include, but are not limited to, Government Code, Section 1090 and Public Contract Code, Sections 10410 and 10411, for State conflict of interest requirements.

1. Employees of the Grantee: Employees of the Grantee shall comply with all applicable provisions of law pertaining to conflicts of interest, including, but not limited to any applicable conflict of interest provisions of the California Political Reform Act, Cal. Gov't Code § 87100 et seq.
2. Employees and Consultants to the Grantee: Individuals working on behalf of the Grantee may be required by the Department to file a Statement of Economic Interests (Fair Political Practices Commission Form 700) if it is determined that an individual is a consultant for Political Reform Act purposes.

**GRANT AGREEMENT [OTHER
ASSISTANCE FOLLOWING A
NATURAL DISASTER]****SCHOOL FACILITY PROGRAM****(New xx/25)****I. Compliance with Economic Sanctions**

On March 4, 2022, Governor Gavin Newsom issued Executive Order N-6-22 regarding sanctions in response to Russian aggression in Ukraine. The EO is located at <https://www.gov.ca.gov/wp-content/uploads/2022/03/3.4.22-Russia-Ukraine-Executive-Order.pdf>.

The Grantee is notified that compliance with the economic sanctions imposed in response to Russia's actions in Ukraine is required, including with respect to, but not limited to, the federal executive orders identified in the Executive Order and the sanctions identified on the U.S. Department of the Treasury website (<https://home.treasury.gov/policy-issues/financial-sanctions/sanctions-programs-and-country-information/ukraine-russia-related-sanctions>). Failure to comply may result in the termination of contracts or grants, as applicable.

J. Severability

If any provision of this Agreement or the application thereof is held invalid, that invalidity shall not affect other provisions or applications of this Agreement which can be given effect without the invalid provision or application, and to this end the provisions of this Agreement are severable.

K. Electronic Filing

Any communication under this Grant Agreement shall be in writing and may be transmitted by electronic means. Communication sent electronically will be effective on the date of transmission.

L. Supplement, Not Supplant

The terms and conditions of this Agreement are intended to supplement, not supplant, the laws and regulations that apply to this Grant. The Grantee understands and agrees to adhere to all laws and regulations that apply to this Grant, even if those laws and regulations are not specifically cited in this Agreement.

M. Exact Duplicate

This Agreement is an exact duplicate (verbatim) of the Agreement provided by the Office of Public School Construction. In the event a conflict should exist, the language in the Agreement provided by the Office of Public School Construction will prevail.

ATTACHMENT H

STATE OF CALIFORNIA

**GRANT AGREEMENT [OTHER
ASSISTANCE FOLLOWING A
NATURAL DISASTER]**

SCHOOL FACILITY PROGRAM

(New xx/25)

STATE ALLOCATION BOARD

OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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SIGNATURES

The statements set forth in this Agreement are true and correct to the best of my knowledge and belief. IN WITNESS WHEREOF, this Agreement has been executed by the parties.

NAME OF GRANTEE REPRESENTATIVE (PRINT)	PHONE NUMBER
SIGNATURE OF GRANTEE REPRESENTATIVE	DATE
NAME OF EXECUTIVE OFFICER OF THE OFFICE OF PUBLIC SCHOOL CONSTRUCTION, OR DESIGNEE	DATE
SIGNATURE OF EXECUTIVE OFFICER OF THE OFFICE OF PUBLIC SCHOOL CONSTRUCTION, OR DESIGNEE	DATE



Alberto M. Carvalho
Superintendent

Los Angeles Unified School District
Legislative Affairs & Government Relations

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Board of Education

Scott M. Schmerelson, President
Dr. Rocío Rivas, Vice President
Sherlett Hendy Newbill
Nick Melvoin
Karla Griego
Kelly Gonez
Tanya Ortiz Franklin

August 8, 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 #14

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 July 24, 2025, Implementation Stakeholder Meeting #14.

Interim Housing/Natural Disaster

Stakeholder Feedback #4 – Los Angeles Unified requests OPSC provide an example of how a proposed apportionment that had insurance proceeds and/or other adjustments would be calculated under *Proposed 2 CCR Section 1859.84.2(d)*.

Proposed 2 CCR Section 1859.48.1(c) - OPSC states Interim Housing Assistance may not be requested in place of (1) An Approved Application pursuant to Section 1859.70 [or] (2) An Approved Application pursuant to Section 1859.82.1. These sections refer to New Construction and Modernization and Facility Hardship, respectively. Los Angeles Unified requests clarification on the intended purpose of this proposed regulation.

Proposed 2 CCR Section 1859.93 and 1859.93.1 – Los Angeles Unified is requesting clarification on the reasoning used for determining the order in which Interim Housing Assistance and Natural Disaster Assistance would be funded. Specifically, under proposed 2 CCR Section 1859.93, the reasoning for funding Form SAB 195 pursuant to 1859.84.1 over Facility Hardship applications.

Proposed Form SAB 195

- *Section 3 - Prior Apportionment(s) for Impacted Site* (p. 31) - Applicants are instructed to check the appropriate boxes, however on page 4 of Form SAB 195 (p. 34) there are no checkboxes. Los Angeles Unified suggests a revision be made to either section for clarity.
- *Section 8 - Interim Housing Assistance Narrative* (p. 32) – This section suggests that a district would be eligible for Interim Housing Assistance under *SFP Section 1859.84.1* only if none of the costs were covered by insurance or any other government disaster assistance. Los Angeles Unified requests clarification on the outcome of a scenario where insurance and/or other government assistance costs are available but insufficiently cover costs. Additionally, Los Angeles Unified suggests that this section include language about what information the narrative should include if the status of receipt of any insurance and/or other government assistance is unknown at the time of requesting assistance. This language could be similar to what is stated in the Insurance Proceeds section of the Natural Disaster Checklist (p. 40) allowing a school district to provide an estimate of the insurance proceeds or any other government disaster assistance.
- *Section 10 – Certification* (p. 37) – Bullet point 10 requires in part, certification of the receipt of the necessary approvals from the Division of the State Architect (DSA). Los Angeles Unified suggests this point be revised to allow flexibility for circumstances where DSA approval is pending.
- *Natural Disaster Assistance Checklist* (pp. 39 - 41) – Los Angeles Unified recommends integrating the checklist into Form SAB 195 instructions so that the guidance and instructions are officially part of an approved form.

Proposed Grant Agreement(s) (pp. 43 & 51) –The bold section (“Grant funds are to be used in accordance...”) states that changes to the scope of work must be approved by OPSC. This contradicts the language of current grant agreements and the preceding section (“The Grantee shall not make any change to the Project...”) that states a change in the scope must be approved by the State Allocation Board. Los Angeles Unified requests clarification on this proposed change.

Mandatory OPSC Online Usage

Modernization Baseline Adjustment Ledgers - Los Angeles Unified recommends OPSC explore adding functionality to provide images of all Forms SAB 50-03 that are either approved by the SAB or pending action viewable or downloadable through OPSC Online. This suggestion stems from

difficulties in reconciling OPSC's eligibility ledgers (like the Modernization Baseline Adjustment ledger) through OPSC Online.

Implementation of Receipt Confirmation System – Should OPSC require all “formal correspondence” including day letter responses, be submitted via OPSC Online, Los Angeles Unified strongly advocates for OPSC to implement a receipt confirmation system that verifies timely submissions. OPSC Online, as it currently functions, does not provide confirmation of Day Letter Response submissions which prevents districts from being able to confirm or verify that their submission was recorded in a timely manner.

Upload Processes – Los Angeles Unified recommends OPSC add a dedicated “Day Letter Section” on the application page that allows districts to upload an entire day letter response packet as a single submission. This section would allow certification of a submission and generate a confirmation receipt. OPSC staff could then distribute the day letter response documents to different OPSC Online sections internally. Additionally, as currently structured, signatories would need to certify FORM SAB 50-04s and 50-03s in separate sections of OPSC Online without a mechanism to bundle the forms, supporting documentation, and other correspondence together under one day-letter response. To aid in organization, establishing a dedicated 'Day Letter Section' to manage all related functions is recommended.

Site Listings – Los Angeles Unified has noted instances of duplicate or confusing listings and requests OPSC review site listings in OPSC online and eliminate redundant and/or incorrect entries. For example, South Gate Junior High (HSAA: 16 Southgate) has three site listings: South Gate Junior High (CDS 6058309), South Gate Junior High (CDS 9702017), and South Gate Middle (CDS 9706219). In this example, three site listings for South Gate Junior High may lead Districts to mistakenly create 50-03s and 50-04s for an inactive site. Additionally, Districts might select the wrong site from the three options and retrieve inaccurate baseline eligibility information. Before mandating the use of OPSC Online, Los Angeles Unified recommends OPSC consolidate site listings under a single and consistent site name or alternatively, include the CDS Code in site listings and allow site searches by CDS code.

Los Angeles Unified would like to thank OPSC in advance for the upcoming OPSC Online User Guide and would like to request to be included in testing the draft guide prior to official release.

Thank you for the opportunity to provide feedback on this item.

Sincerely,



Sasha Horwitz
Legislative Advocate
Los Angeles Unified School District

Stakeholder Feedback and Staff Responses – July 24, 2025 Meeting

Natural Disaster Assistance

Stakeholder Comment	Staff Response
<p>1. The stakeholder requests OPSC provide an example of how a proposed apportionment that had insurance proceeds and/or other adjustments would be calculated under proposed SFP Regulation Section 1859.84.2(d).</p>	<p>1. If insurance proceeds or other government disaster assistance are received after an apportionment, the total project cost would be reduced by the amount received in insurance proceeds or government disaster assistance that is attributable to the same purpose or scope of work in the request for the apportionment. The state and local match would be reduced by the insurance proceeds proportionately to the original prorated state and local matching share.</p> <p>OPSC notes that the provisions previously proposed in subsections (d) and (e) of Section 1859.84.2, which referred to eligibility adjustments to a district's New Construction or Modernization baseline eligibility due to receipt of other assistance following a natural disaster, have been removed.</p> <p>As proposed in Section 1859.84.2(d), to the extent that an apportionment for other assistance following a natural disaster results in a net increase in classroom capacity, the district's New Construction eligibility will be adjusted accordingly pursuant to Section 1859.51. Because any adjustment to the apportionment resulting from the receipt of insurance proceeds and/or government disaster assistance effectively reduces the total project cost but does not change the scope of the project that resulted in a net increase in classroom capacity, receipt of insurance proceeds and/or other government disaster assistance would not impact any New Construction eligibility adjustment made due to a net increase in classroom capacity.</p>

Stakeholder Comment	Staff Response
	<p>1. (cont.) As an example, if a school district submits a request for other assistance following a natural disaster with a scope of work to reconstruct a classroom building containing two additional classrooms beyond the classroom count in the school district's existing school building capacity (a net increase in classroom capacity), at the time the Board approves the application for an</p> <p>Unfunded Approval, the school district's New Construction eligibility baseline would be adjusted to account for the additional capacity of two classrooms. If the district later received insurance proceeds attributable to reconstruction of the classroom building, the apportionment would be adjusted to ensure the SFP funding supplements and does not duplicate the insurance proceeds, and the previous adjustment to the district's baseline New Construction eligibility would remain unchanged to account for the additional capacity from the project scope, capturing an accurate existing school building capacity.</p>
<p>2. OPSC states Interim Housing assistance may not be requested in place of (1) An Approved Application pursuant to Section 1859.70 or (2) an Approved Application pursuant to Section 1859.82.1. These sections refer to New Construction and Modernization and Facility Hardship, respectively. The stakeholder requests clarification on the intended purpose of this proposed regulation.</p>	<p>2. The original intention of this language was to indicate that Interim Housing assistance is not intended to supplant applications pursuant to Sections 1859.70 or 1859.82.1. However, OPSC subsequently found this language to be unnecessary and has since removed these previously proposed provisions from SFP Regulation Section 1859.84.1.</p>

Stakeholder Comment	Staff Response
<p>3. The stakeholder requests clarification on the reasoning used for determining the order in which Interim Housing and Natural Disaster assistance would be funded. Specifically, under proposed SFP Regulation Section 1859.93, the stakeholder requests OPSC's reasoning for funding Form SAB 195 pursuant to 1859.84.1 over Facility Hardship applications.</p>	<p>3. OPSC notes that the proposed Modernization project funding order in the proposed amendments to SFP Regulation Section 1859.93 prioritizes Facility Hardship rehabilitation projects over applications for Modernization projects pursuant to Section 1859.84.2 (requests for other assistance following a natural disaster).</p> <p>OPSC assumes the stakeholder intended to request clarification on OPSC's rationale for proposing to fund applications for interim housing following a natural disaster pursuant to proposed SFP Regulation Section 1859.84.1 over applications for Facility Hardship from New Construction bond authority, as indicated by the amendments proposed to SFP Regulation Section 1859.93.1 on New Construction Project Funding Order. The reason for this proposed funding order is that the need for interim housing following a natural disaster is anticipated to be a more immediate need to house students, and these specific Natural Disaster Assistance applications are anticipated to be processed as soon as possible in an effort to mitigate disruption to the school and to house students as expeditiously as possible.</p> <p>As both types of applications are already prioritized by the Board, the order specified in the proposed amendments to Sections 1859.93 and 1859.93.1 only becomes relevant when bond authority is nearly exhausted</p>

Stakeholder Comment	Staff Response
<p>4. The stakeholder recommends that the instructions or form field for Section 3 of the proposed Form SAB 195 be revised, as the application instructions inform applicants to check the appropriate boxes, where there are none.</p>	<p>4. OPSC thanks the stakeholder for bringing attention to this issue. OPSC has amended the Section 3 instructions to specify that the applicant should provide the applicable application numbers and has removed reference to checkboxes.</p>
<p>5. a) The stakeholder notes that Section 8 of the Form SAB 195 suggests that a district would be eligible for Interim Housing assistance under SFP Regulation Section 1859.84.1, if <u>none</u> of the costs were covered by insurance or any other government disaster assistance. The stakeholder requests clarification on the outcome of a scenario where insurance and/or government assistance funding is available but insufficiently covers costs.</p> <p>b) Additionally, the stakeholder suggests that this section include language about what information the narrative should include if the status of receipt of any insurance and/or other government assistance is unknown at the time of requesting assistance. This language could be similar to what is stated in the Insurance Proceeds section of the proposed checklist, allowing a school district to provide an estimate of the insurance proceeds or any other government disaster assistance.</p>	<p>5. a) OPSC thanks the stakeholder for bringing attention to this issue, as this section of the proposed form was not intended to suggest that districts are only eligible for Interim Housing assistance if none of its costs were covered by insurance or other government disaster assistance. OPSC has made clarifying edits to this section of the proposed form to conform to the proposed regulations and Education Code (EC) Section 17075.20, indicating that any funding provided for Interim Housing will supplement funding from insurance proceeds or other government disaster assistance.</p> <p>b) For the stakeholder's reference, proposed SFP Regulation Section 1859.84.1(b)(2) and 1859.84.2(c)(2) outline the necessary information to provide if the status of receipt of any insurance proceeds and/or government assistance is unknown at the time of requesting assistance. OPSC has included reference to these regulations within the instructions for both Section 8 and Section 9 of the proposed Form SAB 195. OPSC has left the narrative section intentionally broad to provide flexibility to the school district in providing information to the Board.</p>

Stakeholder Comment	Staff Response
<p>6. The stakeholder noted that under the Certification section of the Form SAB 195, bullet point 10 requires in part, certification of the receipt of the necessary approvals from the Division of the State Architect (DSA).</p> <p>The stakeholder suggests this point be revised to allow flexibility for circumstances in which DSA approval is pending.</p>	<p>6. OPSC appreciates the stakeholder's feedback, and has amended the certification to state:</p> <p>"The School District has received, or will obtain, the necessary approval of the plans and specifications..."</p>
<p>7. For the proposed Checklist, the stakeholder recommends integrating the checklist into the Form SAB 195 instructions so that the guidance and instructions are officially part of an approved form.</p>	<p>7. OPSC appreciates the stakeholder's suggestion, but maintains that the Checklist is not intended to not be a required document for submittal of a Form SAB 195, but rather a helpful tool to use alongside the submission of an application. As such, OPSC intends to maintain the Checklist as a separate document from the Form SAB 195.</p>
<p>8. Within the proposed Grant Agreements, the section "Grant funds are to be used in accordance..." states that changes to the scope of work must be approved by <u>OPSC</u>. This contradicts the language of current grant agreements and the preceding section ("The Grantee shall not make any change to the Project...") that states a change in the scope must be approved by the State Allocation Board. The stakeholder requests clarification on this proposed change.</p>	<p>8. Staff appreciates this feedback and agrees that this section on both grant agreements should be "approved by the <i>State Allocation Board</i>." This reference has been updated in both proposed grant agreements.</p>