

REPORT OF THE EXECUTIVE OFFICER
State Allocation Board Meeting, October 22, 2025

PROPOSED 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 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, and further amendments intended to clarify and standardize regulations for the Facility Hardship and Seismic Mitigation Programs.

DESCRIPTION

Office of Public School Construction (OPSC) staff first held a stakeholder meeting on June 4, 2024, to discuss and receive stakeholder input regarding proposed amendments to the Facility Hardship Program (FHP) and Seismic Mitigation Program (SMP).

Subsequently, voter approval of Proposition 2 in November 2024 made statutory changes operative that include the repeal and re-addition of Education Code (EC) Section 17075.10 for SFP Hardship Applications, which is the statutory basis for the FHP and SMP. Staff conducted a second stakeholder meeting on March 20, 2025, to discuss and receive feedback on proposed regulatory amendments related to these statutory changes, along with the amendments previously proposed and stakeholder feedback received following the June 2024 meeting.

The full text of both stakeholder items is reflected in Attachment E. Stakeholder feedback received following the March 2025 meeting is reflected in Attachment F and is summarized in the Staff Analysis section of this item.

Based upon feedback received, OPSC determined that the proposed regulatory amendments for these programs, as described in the Staff Analysis section of this item, are able to move forward for Board consideration. This item seeks Board approval of staff's recommendation to adopt the proposed regulatory amendments to clarify and standardize the FHP and SMP regulations, as well as align them with statutory changes pursuant to the provisions of Proposition 2.

AUTHORITY

See Attachment A.

BACKGROUND

Prior to the passage of Proposition 2, OPSC staff held a stakeholder meeting on June 4, 2024 to discuss proposed regulatory amendments to SFP Regulation Sections 1859.61, 1859.82.1 and 1859.82.2, as well as changes to the *Facility Hardship Cost Estimate* (Form SAB 58-01). The proposed Form changes would align the calculations for contractor burden, currently labeled *soft costs*, with the applicable Sierra West publishing guide and industry standards. The proposed regulatory amendments were intended to clarify specific sections, standardize language to make both programs equivalent where appropriate, and improve user readability of the regulations governing these programs. Stakeholder feedback was requested at the meeting and/or to be submitted in writing following the meeting.

Voter approval of Proposition 2 on November 5, 2024, made numerous statutory changes to the SFP operative, applicable to applications received on or after October 31, 2024. On March 20, 2025, staff presented additional proposed regulatory amendments to implement Proposition 2 provisions for FHP and SMP applications received on or after October 31, 2024, which also included follow-up to the proposed amendments presented in June 2024.

STAFF ANALYSIS/STATEMENTS

Stakeholder Meetings

Staff held the first stakeholder meeting in June 2024 with the intent of proposing regulatory amendments to clarify existing SFP Regulations regarding the FHP and SMP. Subsequently, Proposition 2 repealed and readopted an amended version of EC Article 8 regarding Hardship Applications, in part amending the statutory basis for the existing Facility Hardship and Seismic Mitigation Programs. A second stakeholder meeting was held in March 2025 to present proposed regulatory amendments to ensure alignment with the recent statutory changes, in addition to the proposed amendments originally proposed in June 2024.

Statutory Changes

Seismic Mitigation Program Rehabilitation Projects – Matching Share

The recently amended EC Section 17075.10 states that funding for health and safety projects will be determined based on a cost-benefit analysis of the minimum mitigation cost to remain in the classroom or related facility compared to the current replacement cost of the facility. If the cost to remain in the facility is at least 50 percent of the cost to replace it, the project qualifies for replacement facilities. Current regulations define the current replacement cost and provide instructions for calculating grants for replacement facilities. Grants for replacement of school facilities have historically been provided with new construction funds. OPSC interprets the updated statute to mean that projects that qualify for replacement will continue to receive new construction funding. This interpretation is further supported by subdivision (b)(2), which states that “the project qualifies for modernization funding if the minimum cost is less than 50 percent of the current replacement cost...” Current SFP Regulations refer to this circumstance as “funding to

STAFF ANALYSIS STATEMENTS (cont.)

rehabilitate school buildings, components of school buildings or site conditions,” also called rehabilitation projects.

Previously, all SMP rehabilitation projects were provided grants from new construction sources based on the prior statutory authority. Thus, SMP rehabilitation funding was provided on a 50-percent state share and 50-percent local share basis. Furthermore, Proposition 2 added EC Section 17070.87, which states that “New construction and modernization applications submitted before October 31, 2024, shall be processed and apportioned in accordance with this chapter, as it read on January 1, 2024.” As a result of these combined statutory changes, SMP rehabilitation projects received on or after October 31, 2024 will be provided modernization funding, which is allocated on a 60-percent state share and 40-percent local share basis, with the addition of any applicable financial hardship assistance and/or Local Funding Adjustment Grant. The proposed regulatory amendments described below incorporate this change.

Facility Hardship Program Eligibility – Natural Disasters

Additionally, Proposition 2 added EC Section 17075.20. Subdivision (b) states in part that school districts and county offices of education (COE) determined by the Board to be impacted by a natural disaster for which the Governor declared a state of emergency, “are deemed to meet the requirements set forth in Section 17075.10.” Staff interprets this section to mean that these school districts and COEs determined by the Board to be impacted by a natural disaster automatically qualify for the FHP.

Summary of Proposed Regulatory Amendments Resulting From Proposition 2

- The SFP Regulation Section 1859.2. definition for “Seismic Rehabilitation Grant,” is amended to reference EC Section 17075.10(a) and (b)(2) as it read on January 1, 2024 for Approved Applications received on or before October 30, 2024, and EC Section 17075.10(a)(2) and (b)(2) as it read on November 6, 2024 for Approved Applications received on or after October 31, 2024.
- SFP Regulation Section 1859.82 is amended to reference EC Section 17075.10 as it read on January 1, 2024, for Approved Applications received on or before October 30, 2024, and EC Section 17075.10 as it read on November 6, 2024, for Approved Applications received on or after October 31, 2024.
- SFP Regulation Section 1859.82.1(b)(1)(A) is added and 1859.82.1(b)(1)(B) is amended to describe required documentation for Approved Applications for replacement funding received on or after October 31, 2024, or for Approved Applications received on or before October 30, 2024, respectively, for school buildings that were lost or damaged and are unable to be repaired as a result of a natural disaster that the Board determined to meet the requirements of EC Section 17075.20, or due to circumstances that are not the result of a natural disaster determined by the Board to meet the requirements of EC Section 17075.20.

STAFF ANALYSIS STATEMENTS (cont.)

- SFP Regulation Section 1859.82.1(c)(3)(A) is added and 1859.82.1(c)(3)(B), (C), and (D)3. are amended to describe required documentation for Approved Applications for rehabilitation funding received on or after October 31, 2024, or for Approved Applications received on or before October 30, 2024, respectively, for school buildings or components that were damaged as a result of a natural disaster that the Board has determined to meet the requirements of EC Section 17075.20.
- The third paragraph of SFP Regulation Section 1859.82.2 and Section 1859.82.2(c)(4)(A) are amended, and Section 1859.82.2(c)(4)(B) is added, to indicate that Approved Applications for SMP rehabilitation funding received on or before October 30, 2024, will be funded based on 50 percent of the eligible costs in the Form SAB 58-01, while Approved Applications for SMP rehabilitation funding received on or after October 31, 2024 are funded based on 60 percent of those costs.
- SFP Regulation Section 1859.82.2(d)(2)(A) is amended and 1859.82.2(d)(2)(B) is added to indicate that for SMP rehabilitation projects for which the Approved Application was received on or before October 30, 2024, funding will be reduced by 50 percent of any insurance proceeds, while SMP rehabilitation projects for which the Approved Application was received on or after October 31, 2024 will be reduced by 60 percent of any insurance proceeds.
- SFP Regulation Section 1859.82.2(d)(2)(C) is amended and 1859.82.2(d)(2)(D) is added to indicate that for SMP rehabilitation projects for which the Approved Application was received on or before October 30, 2024, funding will be reduced by 50 percent of any net proceeds from the disposition of any displaced facilities in the project, while SMP rehabilitation projects for which the Approved Application was received on or after October 31, 2024 will be reduced by 60 percent of any net proceeds from the disposition of any displaced facilities in the project.
- SFP Regulation Sections 1859.82.1 and 1859.82.2 are amended to conform to recently approved regulations implementing Proposition 2 provisions that established a points-based determination and sliding scale for the required state and local matching shares of SFP applications submitted on or after October 31, 2024. The amendments clarify that for FHP and SMP applications submitted on or after October 31, 2024, any applicable offset for insurance proceeds or proceeds from the disposition of facilities, will be made in an amount commensurate to the district's matching share for the project.

Additional Proposed Regulatory Amendments Unrelated to Proposition 2

- SFP Regulation Section 1859.61(m) is amended to clarify the conditions for adjusting modernization eligibility for sites where school buildings and/or classrooms have received funding for replacement, have been demolished, or have been permanently removed from classroom use pursuant to Section 1859.82.1(b) or Section 1859.82.2(b). In part, the amendments clarify that

STAFF ANALYSIS STATEMENTS (cont.)

school districts are only required to submit a school board resolution acknowledging their removal of school buildings from classroom use when the qualifying buildings remain on the site; a school board resolution is not required when qualifying buildings have been demolished.

- The opening paragraphs of SFP Regulation Sections 1859.82.1 and 1859.82.2 are amended to include new definitions for the terms “grade category” and “facility type” to ensure consistent meaning of the terms for purposes of these sections.
- The second paragraph of SFP Regulation Section 1859.82.1 is amended to clarify the meaning of “related required components” eligible for Facility Hardship funding. This section is also amended to state that projects solely to mitigate asbestos that became friable in the course of maintenance, repair, or modernization work are not eligible for Facility Hardship funding.
- Section 1859.82.1(b)(2)(A) is amended to state that requests for asbestos mitigation must include lab test results that confirm the presence of asbestos and an industry specialist’s report that states that the asbestos is currently friable, and provides the location, material, and testing methods used. Section 1859.82.1(c)(2)(B) is amended to clarify that qualifying criteria for Facility Hardship rehabilitation funding includes the presence of friable asbestos. These amendments are further explained in the Stakeholder Feedback portion of this report.
- SFP Regulations Sections 1859.82.1(b)(4)(B), (b)(4)(C) and 1859.82.2(b)(4)(B) are amended to clarify how the total eligible replacement square footage is determined for qualifying school buildings and/or classrooms.
- SFP Regulation Section 1859.82.2(c)(4)(D)(3) is removed from the list of supplemental grants that qualifying SMP rehabilitation applications may request. Inclusion of the Excessive Cost Hardship Grant for accessibility and fire code requirements in the list of supplemental grants is duplicative because such costs required by DSA are already eligible to be included in the cost estimate. Moreover, if the cost-benefit analysis finds the rehabilitation costs to be less than 50 percent of the building replacement cost, the necessary costs would be included on the Form SAB 58-01 that generates rehabilitation funding for the project.
- SFP Regulation Sections 1859.82.1 and 1859.82.2 are amended for the following:
 - Consistent use of the defined term “Governmental Agency.”
 - Further definition of eligible funding for rehabilitation applications, in particular for unenclosed roof structures.
 - Authorization for school districts to apply for a separate site apportionment for Environmental Hardship pursuant to Section 1859.71.

STAFF ANALYSIS STATEMENTS (cont.)

- Clarification that required components of school buildings causing a health and safety threat eligible for Facility Hardship funding include water supply, electrical, and site development.
- A requirement that districts seeking FHP or SMP funding must submit a gross inventory of all school buildings located on the project site, as specified.
- A requirement that if a school district intends to request additional grants for site development costs for an FHP or SMP replacement project, the district must submit a detailed cost estimate for the eligible site development work and any additional supporting justification for the requested costs as part of a complete application.
- Standardized language and capitalization conventions throughout all sections.

Proposed Amendments to the *Facility Hardship Cost Estimate* (Form SAB 58-01)

The proposed amendments to the Form SAB 58-01 are intended to make the Form consistent with the Sierra West Publishing's construction cost publications. OPSC reviewed these changes with the publisher on several occasions to ensure accuracy. Additionally, the form is proposed to be amended to clarify that costs for General Conditions, which are provided using a sliding scale based on the total project costs to account for economies of scale, will be calculated based on the total project cost reported to the Division of the State Architect (DSA) for the DSA-approved plan set, which may contain work beyond the minimum work required for mitigation. This approach takes into consideration the economies of scale attributed to the total project and then applies it to the fundable portion of the project.

Following the March 2025 stakeholder meeting, staff re-reviewed the proposed form amendments and determined that additional instructions are necessary to ensure that the calculations for each item in the form are clearly articulated. Although the additional instructional language was not presented at another stakeholder meeting, the changes are clarifying in nature and are consistent with an Excel worksheet version of the form that has been used by school districts to calculate the various allowances in Parts II and III of the form.

Proposed Amendments to the *Application for Funding* (Form SAB 50-04)

The proposed amendments to the Form SAB 50-04 include the following:

- Amends the instructions to correct a reference to the SFP Regulations for the FHP and SMP.
- Amends Section 1, Type of Application, to clarify that the Facility Hardship rehabilitation costs can only be entered at 60 percent, and to make a conforming change for the Seismic Mitigation rehabilitation costs.
- Adds options in Section 1, Type of Application, under Separate Apportionment for Site Only and Site Only (District-owned) for the FHP and SMP to facilitate the processing of the funding request.

STAFF ANALYSIS STATEMENTS (cont.)

- Adds to Section 5, New Construction Additional Grant Request—New Construction Only, a check box for Multilevel Construction (Replaced Facilities) pursuant to Section 1859.73.2, with lines for the entry of Toilet and Other Square footage, plus a conforming addition to the instructions for Section 5. Facility Hardship and Seismic Mitigation Program projects are already eligible for this grant, and the amendment is an update to the form to request the additional grant.

Stakeholder Feedback

On June 4, 2024, staff held a stakeholder meeting to discuss and receive feedback on proposed amendments to the SFP Regulations related to the FHP and SMP. Staff held a second stakeholder meeting on March 20, 2025, to further discuss the proposals presented in June 2024 and to propose additional changes related to the passage of Proposition 2. Staff appreciates the engagement and input from those who attended, raised questions and provided feedback during and after the stakeholder meetings.

Below is a summary of feedback received following the March 20, 2025 stakeholder meeting and staff responses.

Stakeholder Feedback	OPSC Response
<u>Asbestos Abatement</u> The stakeholder expressed that at the February 26, 2025 Board meeting, in which the Board approved an appeal to fund asbestos remediation for asbestos that was discovered after carpet was removed in the course of routine modernization work, it seemed that not all Board members were ready to support the position that friable asbestos discovered in the course of routine modernization should not qualify as a facility hardship. The stakeholder acknowledged that OPSC clearly expressed the intent of the proposed regulatory change during the February 2025 Board meeting, but noted that several Board members expressed concern with codifying the change to the program in such a way that would prohibit projects similar to that of the successful appeal from receiving funding in the future.	As indicated by the stakeholder, the Board approved a school district appeal in February 2025 to provide Facility Hardship conceptual approval and affirmed that the district had a unique circumstance. At that time, staff recommended if the Board approved the appeal request, that the Board also direct staff to present proposed regulatory amendments at a future Board meeting to prospectively clarify that health and safety issues that cannot be demonstrated to exist prior to an active construction project are ineligible for Facility Hardship funding. Staff indicated that the proposed regulations would be subject to the Board's consideration in a future Board item. As part of its February 2025 action, the Board directed staff to present proposed amendments to the SFP Regulations at a future Board meeting to provide

STAFF ANALYSIS STATEMENTS (cont.)

Stakeholder Feedback	OPSC Response
(cont.) The stakeholder inquired whether OPSC plans to address this issue more fully in the staff report to the Board when the proposed regulatory amendments are presented.	(cont.) clarity addressing asbestos found during the course of modernization work. Asbestos was a common building material when many facilities throughout the state were constructed, and it still exists in many facilities and schools throughout the state. Staff maintains that if left undisturbed or encapsulated, asbestos creates no imminent health and safety threat to building occupants. The proposed amendments for the Board's consideration in this item state that projects solely to mitigate asbestos that became friable during routine maintenance, repairs, or modernization work are not eligible for Facility Hardship funding. However, SFP Modernization funding can be used for asbestos mitigation. Additionally, if asbestos is determined to be friable by an industry specialist in its present condition when undisturbed by routine building maintenance, repairs or other modernization work, then the mitigation work alone may be eligible for Facility Hardship funding. Existing SFP Regulations require Facility Hardship requests for asbestos mitigation to include lab test results indicating "asbestos is currently friable." The intent of the proposed regulatory amendments is to make clear and maintain this precept. As requested, stakeholder feedback is addressed in this item, and with clarification regarding the intent of these provisions in the proposed regulations.

RECOMMENDATIONS

1. Adopt the proposed amendments to the SFP Regulations as shown on Attachment B.
2. Adopt the proposed amendments to the Form SAB 58-01 as shown on Attachment C.
3. Adopt the proposed amendments to the Form SAB 50-04 as shown on Attachment D.
4. Authorize the Executive Officer to file the proposed regulatory amendments with the Office of Administrative Law and make the regulations permanent.

This Item was approved by the State Allocation Board on October 22, 2025.

ATTACHMENT A

AUTHORITY

Education Code (EC) Section 17070.35 states in part:

(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.

...

EC Section 17070.87 as of November 6, 2024

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

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

EC Section 17075.10 as it read on January 1, 2024.

(a) A school district may apply for hardship assistance in cases of extraordinary circumstances. Extraordinary circumstances may include, but are not limited to, the need to repair, reconstruct, or replace the most vulnerable school facilities that are identified as a Category 2 building, as defined in the report submitted pursuant to Section 17317, determined by the department to pose an unacceptable risk of injury to its occupants in the event of a seismic event.

(b) A school district applying for hardship state funding under this article shall comply with either paragraph (1) or (2).

(1) Demonstrate both of the following:

(A) That due to extreme financial, disaster-related, or other hardship the school district has unmet need for pupil housing.

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(B) That the school district is not financially capable of providing the matching funds otherwise required for state participation, that the district has made all reasonable efforts to impose all levels of local debt capacity and development fees, and that the school district is, therefore, unable to participate in the program pursuant to this chapter except as set forth in this article.

(2) Demonstrate that due to unusual circumstances that are beyond the control of the district, excessive costs need to be incurred in the construction of school facilities. Funds for the purpose of seismic mitigation work or facility replacement pursuant to this section shall be allocated by the board on a 50-percent state share basis from funds reserved for that purpose in any bond approved by the voters after January 1, 2006. If the board determines that the seismic mitigation work of a school building would require funding that is greater than 50 percent of the funds required to construct a new facility, the school district shall be eligible for funding to construct a new facility under this chapter.

(c) The board shall review the increased costs that may be uniquely associated with urban construction and shall adjust the per-pupil grant for new construction or modernization hardship applications as necessary to accommodate those costs. The board shall adopt regulations setting forth the standards, methodology, and a schedule of allowable adjustments, for the urban adjustment factor established pursuant to this subdivision.

(Amended by Stats. 2008, Ch. 179, Sec. 41. Effective January 1, 2009.)

EC Section 17075.10 as of November 6, 2024

(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.

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(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.

(Repealed and added by Stats. 2024, Ch. 81, Sec. 18. (AB 247) Effective July 3, 2024. Operative November 6, 2024, pursuant to Sec. 30 of Ch. 81.)

EC Section 17075.11 as of June 27, 2025

(a) A school district may apply for hardship assistance in cases of extraordinary circumstances.

(b) A school district applying for state funding under this section shall demonstrate 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.

(c) The board shall review the increased costs that may be uniquely associated with urban construction and shall adjust the per-pupil grant for new construction or modernization hardship applications as necessary to accommodate those costs. The board shall adopt regulations setting forth the standards, methodology, and a schedule of allowable adjustments for the urban adjustment factor established pursuant to this subdivision.

(d) This section shall apply to applications submitted on or after October 31, 2024.

(Added by Stats. 2025, Ch. 8, Sec. 13. (AB 121) Effective June 27, 2025.)

EC Section 17075.20 as of November 6, 2024

(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

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

ATTACHMENT B

Proposed Regulatory Amendments

School Facility Program (SFP) Regulation Section 1859.2. Definitions.

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

...

“Rehabilitation Cost” means health and safety mitigation cost that is less than 50 percent of the Current Replacement Cost of the School Building. Rehabilitation Costs provided shall be 60 percent of the eligible costs in Form SAB 58-01 required in Section 1859.82.1(c)(3)(~~GD~~) that has been reviewed and approved by OPSC and approved by the Board.

...

“Seismic Rehabilitation Grant” means a grant allowable for Approved Applications received on or before October 30, 2024 under Education Code Section 17075.10(a) and (b)(2) as it read on January 1, 2024, and Section 1859.82.2(c)(4), excluding additional grants; or for Approved Applications received on or after October 31, 2024, under Education Code Section 17075.10(a)(2) and (b)(2) as it read on November 6, 2024, and Section 1859.82.2(c)(4), excluding additional grants.

....

Section 1859.61. Adjustments to the Modernization Baseline Eligibility.

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

- (a) Reduced by the number of pupils provided grants in a modernization SFP project or a CSFP Rehabilitation project at the specific site.
- (b) Reduced by the number of pupils housed, based on the loading standards pursuant to Education Code Section 17071.25(a)(2), in a modernization LPP project funded under the LPP pursuant to Sections 1859.14 and 1859.15.
- (c) Increased by changes in projected enrollment in subsequent enrollment reporting years.
- (d) Increased for additional facilities not previously modernized with State funds, that become 25 years old, if permanent, or 20 years old, if portable or as a result of audit findings made pursuant to Sections 1859.90, 1859.90.3 and 1859.105.
- (e) Adjusted as a result of errors or omissions by the district or by the OPSC.
- (f) Adjusted as a result of amendments to these Subgroup 5.5 Regulations that affect the eligibility.
- (g) For classroom loading standards adopted by the Board for non-severely disabled individuals with exceptional needs and severely disabled individuals with exceptional needs.
- (h) As directed by the Board due to a finding of a Material Inaccuracy pursuant to Regulation Section 1859.104.1.
- (i) Increased for facilities previously modernized with State funds, which qualify for an additional modernization apportionment pursuant to Section 1859.78.8 or Education Code Section 17073.15(b).
- (j) Decreased for facilities that were deemed eligible for modernization pursuant to Sections 1859.60 and 1859.61(d) and subsequently replaced, or will be replaced under a signed contract for construction or acquisition of facilities, in a project funded by the School ~~d~~District without participation from the State.

ATTACHMENT B

(k) Adjusted as a result of replaced eligible ~~p~~Portable Classrooms funded with the Overcrowding Relief Grant, pursuant to Education Code Section 17079, et seq.

(l) Increased for additional facilities located on a military installation pursuant to Education Code Section 17073.15(b) not previously modernized with State funds, that become 10 years old, if permanent or portable. Portable buildings modernized pursuant to this subsection shall be replaced with a permanent structure.

~~(m) Adjusted upon Board receipt of the local school board resolution acknowledging that the buildings have been removed from K-12 classroom use,~~ Adjusted as a result of school buildings, as defined in Section 1859.82.1, and/or Classrooms that have been replaced, demolished, or removed from Classroom use pursuant to Section 1859.82.1(b), or Section 1859.82.2(b) as follows:

~~(1) School Buildings For school buildings and/or eClassrooms that receive replacement funding via the New Construction Grant or the Facility Hardship Square Footage Grant pursuant to Section 1859.82.1 or Section 1859.82.2, the school building age shall be reset to the date of the Apportionment for the corresponding Form SAB 50-04.~~

~~(2) School Buildings For school buildings and/or eClassrooms that were originally included in the School District's baseline eligibility and were later demolished or removed from eClassroom use due to health and/or safety concerns that meet the requirements of Regulation Section 1859.82.1 or 1859.82.2 as verified by OPSC, except the School District did not have the current enrollment to support the replacement and funding of those Sschool Bbuildings and/or eClassrooms, Buildings and/or classrooms removed from K-12 classroom use that remain on the school site will be identified on a list published on OPSC's website, as follows:~~

~~(A) For school buildings and/or Classrooms that have been demolished, the school building and/or Classroom shall be removed from the gross Classroom inventory that was used to establish modernization eligibility at the site.~~

~~(B) For school buildings and/or Classrooms that have been removed from Classroom use and remain on the site, upon receipt of a local school board resolution acknowledging that the school buildings and/or Classrooms have been removed from Classroom use, the school building and/or Classroom shall be identified on a list published on OPSC's website and removed from the gross Classroom inventory that was used to establish modernization eligibility at the site.~~

~~For (m)(1) the building age shall be reset to the date of the Apportionment for the corresponding project. For (m)(2) the building shall be removed from the classroom inventory used to establish modernization eligibility at the site.~~

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

Reference: Sections 17070.51, 17071.25, 17072.15, 17072.20, 17073.15, 17074.10, 17075.10 in effect as of January 1, 2024, and as repealed and added by Assembly Bill 247, Chapter 81, Statutes of 2024, and with the successful passage of Proposition 2 on November 5, 2024, and 17079.30, Education Code.

Section 1859.82. Facility Hardship Program and Seismic Mitigation Program.

A sSchool dDistrict may apply for Facility Hardship, including Seismic Mitigation Program, assistance, in cases of extraordinary circumstances that have caused an imminent health and safety threat pursuant to Education Code Section 17075.10. An Approved Application received on or before October 30, 2024, pursuant to this Section shall be subject to Education Code Section

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17075.10 as it read on January 1, 2024. An Approved Application received on or after October 31, 2024, pursuant to this Section shall be subject to Education Code 17075.10 as it read on November 6, 2024.

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

Reference: Sections 17075.10 in effect as of January 1, 2024, and as repealed and added by Assembly Bill 247, Chapter 81, Statutes of 2024, and with the successful passage of Proposition 2 on November 5, 2024, 17075.15, 100420, 100620, 100820, 101012(a)(1) and 101122, Education Code.

Section 1859.82.1. Facility Hardship Program.

“School Bbuilding” for the purposes of this Section shall have the same definition as Education Code Section 17283 and shall also exclude any districtwide administrative facilities. For the purposes of this Section, “grade category” shall refer to any of the following: kindergarten (including transitional kindergarten) through sixth grade (K-6), seventh grade through eighth grade (7-8), ninth grade though twelfth grade (9-12), Non-Severely Disabled Individuals with Exceptional Needs, and Severely Disabled Individuals with Exceptional Needs. “Facility type,” for the purposes of this section, refers to the type of facility listed in the chart below.

A School dDistrict is eligible for Facility Hardship funding to repair, replace, or construct Sschool Bbuildings or related required components, including but not limited to water supply, electrical, and site development, that are currently causing a health and safety threat to the students and/or staff. Projects solely to replace components that have reached the end of their useful life;; perform routine maintenance or repair; mitigate asbestos that becomes friable in the course of school building maintenance, repairs or modernization; issues resulting from the deferment of routine maintenance or repair;; lack of current code compliance;; or the addition of components that were not previously existing, do not meet the qualifying criteria of the program. However, this work may be incorporated into a qualifying Facility Hardship application if it is required to be completed to gain DSA approval Work beyond the minimum required to mitigate the qualifying health and safety threat may be incorporated into a qualifying Facility Hardship application if it is required to be completed to obtain approval(s) from DSA and/or other Governmental Agencies.

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

(a) School Districts may qualify for funding to replace or construct new Sschool Bbuildings.

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Factors to be considered by the Board to determine eligibility for Facility Hardship program replacement funding may include, but are not limited to:

- (1) Damage or loss as a result of a natural disaster such as a fire, flood, or earthquake.
- (2) Proximity to a major freeway, airport, electrical facility, high power transmission lines, dam, pipeline, or industrial facility.
- (3) Adverse air quality.
- (4) Structural deficiency to the Sschool Building, and
- (5) Site conditions such as faulting, toxic soil, or liquefaction.
- (b) To qualify for replacement funding for Sschool Buildings, the sSchool dDistrict must submit an Approved Application for funding and either (1) or (2) below:
 - (1) For Sschool Buildings that are lost, destroyed, or unable to be repaired, the School District must submit the following:
 - (A) For Approved Applications received on or after October 31, 2024 that are for school buildings that were lost, destroyed or are unable to repaired as a result of a natural disaster for which the Governor has declared a state of emergency, documentation which demonstrates that the School District has been or will be determined by the Board to meet the requirements of Education Code Section 17075.20.
 - (AB) For all Approved Applications received on or before October 30, 2024; and for Approved Applications received on or after October 31, 2024 that are for school buildings that were lost, destroyed, or are unable to be repaired due to circumstances that are not the result of a natural disaster determined by the Board to meet the requirements of Education Code Section 17075.20, A report from an industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) that states that the only way to mitigate the health and safety threat is to replace the Sschool Building(s).
 - (BC) Documentation which demonstrates that the facilities in the project must be reconstructed in order to house the current enrollment of the School District.
 - (D) If the School District intends to request additional grants for site development costs applicable to the qualifying project, a detailed cost estimate for the eligible site development work contained within Section 1859.76 and any justification documents that support the requested costs as part of a complete application for funding.
 - (2) For permanent Sschool Building(s) where the cost to rehabilitate the Sschool Building(s) exceeds 50 percent of the Current Replacement Cost, or for Portable Classrooms where the cost to rehabilitate exceeds the Portable Classroom Replacement Grant or Portable Toilet Replacement Grant, the School District must submit:
 - (A) A report by an industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) that outlines~~describes~~ the minimum work to mitigate the health and safety threat and remain in the existing Sschool Building. If the threat is due to the presence of mold, OPSC must conduct a site visit to discuss the scope of the project prior to remediation. If the remediation is done prior to a site visit, the application will be ineligible for funding. Requests for asbestos mitigation must include lab test results indicating the presence of asbestos and an industry specialist report that states that the asbestos is currently friable, and provides the location, material, and testing methods used.
 - (B) A letter of concurrence from a gGovernmental aAgency that has jurisdiction or expertise over the field in which the health and safety threat originates. The letter must concur with the industry specialist report on both 1. and 2. below:
 1. An imminent health and safety threat to student and/or staff exists.
 2. The mitigation measures outlined in the industry specialist's report are the minimum measures

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- required to mitigate the threat and allow the continued use of the Sschool Bbuilding(s).
- (C) Applications must include a detailed Form SAB 58-01 that meets the following requirements:
1. The Form SAB 58-01 must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. For all materials or items listed in the most current edition of the Current Construction Remodeling and Repair Cost publication, amounts entered on the Form SAB 58-01 must use the provided unit costs. For individual materials or items that are not contained in the most current edition of the Current Construction Remodeling and Repair publication, the School District must provide supporting documentation for OPSC to review the requested unit cost.
 2. All requested line items shall include Construction Specifications Institute reference number (CSI #), description, F3 total unit cost amount, and quantity. Any line items that include amounts in lump-sum formats will not be reviewed or approved.
 3. The work in the Form SAB 58-01 shall match the work outlined in the report provided by the industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) for the minimum work required to mitigate the health and safety threat.
 4. The estimate submitted to OPSC shall be for the same scope of work reviewed and concurred to by DSA, and that is referenced in the governmental concurrence letter for the project.
 5. The Form SAB 58-01 may also include any work required by DSA and other Governmental Agencies to obtain plan approval for the minimum work required to mitigate the health and safety threat.
- (D) A cost/benefit analysis that demonstrates the minimum work required to mitigate the health and safety threat and remain in the Sschool Bbuilding exceeds 50 percent of the Current Replacement Cost of the existing Square Footage of the Sschool Bbuilding. The minimum work required may include work required by DSA to gain approval for the mitigation project.
- (E) A gross inventory of all school buildings located on the project site, such as a site diagram or floor plan. The documentation must indicate the current usage, Square Footage, and facility type of all school buildings located on the project site at the time of application submittal. For all spaces used as Classrooms, the current grade level must also be indicated.
- ~~(E)~~ All other documents required to complete an Approved Application for funding. This includes:
1. A completed *Application for Funding* (Form SAB 50-04).
 2. The DSA Plan Approval letter for the project or documentation from DSA verifying that the project is exempt from their approval process.
 3. CDE Plan Approval letter for the project or documentation from CDE verifying that the project is exempt from their approval process.
 4. If the project is for a high school site, a letter or meeting minutes from the School District's Career and Technical Education Advisory Committee (CTEAC) certifying that the School District is in compliance with all career technical facility needs and assessments as outlined in Education Code, Section 17070.955.
 5. If the School District is requesting additional funding for site development costs and performed or will perform site development work as part of the qualifying project, a detailed cost estimate for eligible site development costs contained within Section 1859.76 and any justification documents that support the requested costs.
- (3) Applications for Facility Hardship replacement funding that do not submit all documents required as part of (1) or (2) above shall be returned without review.
- (4) If the School District qualifies for funding to replace its Sschool Bbuildings, the School District is eligible to receive funding for the project as follows:

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- (A) If the School District is required to replace all School Buildings on site, the School District is eligible to receive funding as follows:
1. A New Construction Grant will be provided for the lesser of 2. or 3. below.
 2. The eClassroom capacity determined by multiplying the number of eClassrooms in each grade category on the project site being replaced by:
 - a. 25 pupils for each K-6 eClassroom.
 - b. 27 pupils for each 7-12 eClassroom.
 - c. 13 pupils for each Non-Severely Disabled Individuals with Exceptional Needs eClassroom.
 - d. 9 pupils for each Severely Disabled Individuals with Exceptional Needs eClassroom.
 3. The higher of a., b., or c. below:
 - a. The CBEDS Report of the current enrollment reporting year at the existing project site.
 - b. The average CBEDS Report of the current enrollment reporting year and two immediately preceding enrollment reporting years at the existing project site.
 - c. If the site is closed, use the CBEDS Report of the last enrollment reporting year in which the site was open.
 4. Additional funding may be provided, as applicable, for:
 - a. ~~Fire Code~~ Requirements pursuant to Section 1859.71.2,
 - b. therapy room pursuant to Section 1859.72,
 - c. multilevel construction pursuant to Section 1859.73,
 - d. project assistance pursuant to Section 1859.73.1.
 - e. replacement with multistory construction pursuant to Section 1859.73.2,
 - f. site acquisition pursuant to Sections 1859.74, 1859.74.5, and 1859.75,
 - g. ~~Hazardous waste removal~~ pursuant to Sections 1859.74.2, 1859.74.3, and 1859.74.4,
 - h. ~~Applicable site development costs pursuant to contained within~~ Section 1859.76, and
 - i. New Construction Excessive Cost Hardship Grant for geographic location pursuant to Section 1859.83(a),
 - j. New Construction Excessive Cost Hardship Grant(s) for small size projects pursuant to Section 1859.83(b),
 - k. New Construction Excessive Cost Hardship Grant(s) for new school projects pursuant to Section 1859.83(c), and
 - l. New Construction Excessive Cost Hardship Grant(s) for urban location, security requirements and impacted site pursuant to Section 1859.83(d).
- (B) If the School District qualifies to replace some, but not all permanent School Building(s) on the project site, ~~funding will be the School District is eligible to receive a Facility Hardship Square Footage Grant based on the Square Footage of the qualifying School Buildings replaced and is capped by the lesser of the amount provided in accordance to the chart below and the Square Footage constructed for each category as justified by enrollment at the project site as follows:~~
1. ~~The Determine the enrollment at the project site, is determined by using the higher of a., or b. below, or c. below:~~
 - a. The CBEDS Report of the current enrollment reporting year at the existing project site.
 - b. The average CBEDS Report of the current enrollment reporting year and two immediately preceding enrollment reporting years at the existing project site.
 - c. If the site is closed, use the CBEDS Report of the last enrollment reporting year in which the site was open.
 2. ~~Using the enrollment determined in 1. above, and the gross inventory described in (b)(2)(E), any permanent replacement Square Footage provided will be calculated in accordance to a., b., c., below and the chart below: determine the maximum amount of eligible Square Footage~~

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for the school building(s) being replaced based on a. through f. as follows and the facility type in the chart below.

- a. If the actual Square Footage being constructed in the replacement project of the qualifying school building(s), not including Classrooms, is less than the amount allowable minimum in the chart for each facility type, the replacement Square Footage shall be limited to the lesser of the actual square footage constructed or the minimum in the chart.
- b. If the actual Square Footage of the qualifying school building(s), not including Classrooms, is larger than the minimum in the chart for the facility type, the replacement Square Footage shall be the lesser of the actual Square Footage constructed or the Square Footage justified by enrollment pursuant to the chart below.
- c. Non-specialized eClassrooms space provided isare limited by the enrollment determined in 1. rounded up to the nearest whole eClassroom based on 1859.82.1(b)(4)(A)(2), and then reduced for any eClassroom space available at the site to house the pupils at the site.
- d. Classrooms with specialized design such as auto shop, metal shop, music rooms, consumer home economic laboratories, industrial technology laboratories, or science laboratories will qualify for funding if used for its specialized purpose in the current enrollment reporting year or immediately preceding enrollment reporting year. Additionally, these spaces will not count as available capacity for purposes of providing funding in this section when calculating space available to house displaced pupils.
- e. Any space not in the chart below will be provided based on the Square Footage replaced. This may include, but is not limited to, janitor's closets, hallways, workrooms, and vestibules. If the Square Footage of the school building(s) being replaced is less than the minimum amount allowable in the chart for each facility type, the replacement Square Footage shall be the lesser of the minimum amount allowable in the chart for the facility type and the actual Square Footage being constructed for the facility type in the replacement project.
- f. If a School District submits documentation that demonstrates that additional toilet space must be constructed to obtain plan approval from DSA, the replacement Toilet Square Footage may be increased by the amount of Square Footage required to obtain plan approval.

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

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Library/Media Center	2.3 sq. ft. per pupil plus 600 sq. ft., minimum 960 sq. ft.	3.3 sq. ft. per pupil plus 600 sq. ft., minimum 960 sq. ft.	4.3 sq. ft. per pupil plus 600 sq. ft., minimum 960 sq. ft.
Kindergarten Classrooms (including Transitional Kindergarten)	1,350 sq. ft. for each replacement classroom.	NA	NA
Classrooms (1 st -12 th grade)	960 sq. ft. for each replacement classroom	960 sq. ft. for each replacement classroom	960 sq. ft. for each replacement classroom
Computer instructional support area, Industrial and Technology/Education Laboratory	960 sq. ft. for each replacement classroom.	960 sq. ft. for each replacement classroom.	960 sq. ft. for each replacement classroom.
Laboratory Classrooms (including science and consumer home economics. (Does not include Industrial and Technology/Education Laboratory)	1,300 sq. ft. for each replacement classroom.	1,300 sq. ft. for each replacement classroom.	1,300 sq. ft. for each replacement classroom.

eg. Beginning August 31, 2020, the resulting Square Footage amount(s) determined in (B)(2) above shall be multiplied by \$204 per square foot for all non-Toilet Facilities and by \$366 per square foot for Toilet Facilities (includes shower/locker area and physical therapy area for Individuals with Exceptional Needs). The amounts shown will be adjusted in the manner prescribed in Section 1859.71.

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

- a. therapy room pursuant to Section 1859.72,
- b. multilevel construction pursuant to Section 1859.73,
- c. project assistance pursuant to Section 1859.73.1.
- d. replacement with multistory construction pursuant to Section 1859.73.2,
- e. site acquisition pursuant to Section 1859.74,
- f. ~~H~~azardous waste removal pursuant to Sections 1859.74.2, 1859.74.3 and 1859.74.4,
- g. Applicable site development costs pursuant to contained within Section 1859.76, and
- h. New Construction Excessive Cost Hardship Grant(s) for geographic location pursuant to Section 1859.83(a),
- i. New Construction Excessive Cost Hardship Grant(s) for small size Projects pursuant to Section 1859.83(b), and
- j. New Construction Excessive Cost Hardship Grant(s) for urban location, security requirements and impacted site pursuant to Section 1859.83(d).

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

1. Additional funding may be provided, as applicable, for:
 - a. ~~F~~ire ~~C~~ode ~~R~~equirements pursuant to Section 1859.71.2,
 - b. therapy room pursuant to Section 1859.72,
 - c. project assistance pursuant to Section 1859.73.1.

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- d. site acquisition pursuant to Section 1859.74,
 - e. ~~H~~azardous waste removal pursuant to Sections 1859.74.2, 1859.74.3 and 1859.74.4,
 - f. ~~A~~pplicable site development costs ~~pursuant to~~ contained within Section 1859.76, and
 - g. Excessive Cost Hardship Grant(s) for geographic location pursuant to Section 1859.83(a),
 - h. New Construction Excessive Cost Hardship Grant(s) for small size projects pursuant to Section 1859.83(b), and
 - i. Excessive Cost Hardship Grant(s) ~~for~~ urban location, security requirements and impacted site pursuant to Section 1859.83(d).
- (D) If the School District qualifies for replacement funding, the funding may be used to rehabilitate the facility as long as the qualifying health and safety threat is fully mitigated. If replacement funding is used for rehabilitation work, the School District may request the following supplemental grants, as applicable, for:
- 1. ~~F~~ire code requirements pursuant to Section 1859.71.2 if the funding is based on a per-pupil basis pursuant to Section 1859.82.1(b)(4)(A),
 - 2. ~~T~~herapy room pursuant to Section 1859.72,
 - 3. ~~P~~roject assistance pursuant to Section 1859.73.1,
 - 4. Excessive Cost Hardship Grant(s) for geographic location pursuant to Section 1859.83(a),
 - 5. New Construction Excessive Cost Hardship Grant(s) for small size projects pursuant to Section 1859.83(b), and
 - 6. Excessive Cost Hardship Grant for urban location, security requirements and impacted site pursuant to Section 1859.83(d).
- (c) School Districts may qualify for funding to rehabilitate their ~~S~~School Buildings, components of ~~S~~School Buildings, unenclosed roofed structures used for school purposes, or school site conditions. Factors to be considered by the Board may include (1) or (2) below:
- (1) ~~School B~~uildings where the minimum cost to mitigate the health and safety threat and remain in the ~~S~~School Building is 50 percent or less of the Current Replacement Cost.
 - (2) Components of the ~~S~~School Buildings, unenclosed roofed structures used for school purposes, or school ~~sites~~ site conditions that are causing a health and safety threat to students and/or staff. Health and safety threats that may qualify include, but are not limited to:
 - (A) ~~School B~~uilding structural deficiency.
 - (B) Hazardous conditions such as the presence of methane, lead, or friable asbestos mitigation.
 - (C) Unsafe water supply.
 - (D) Site conditions such as faulting, toxic soil, landslide risk, or liquefaction.
- (3) To qualify for Facility Hardship rehabilitation funding for ~~S~~School Buildings, ~~or~~ components of ~~S~~School Building(s), unenclosed roofed structures used for school use, or school site conditions, the School District must submit an Approved Application for funding and all documents outlined below. Applications that do not meet the requirements below shall be returned without review.
- (A) For Approved Applications received on or after October 31, 2024, for school buildings or components that were damaged or other hazardous conditions that occurred as a result of a natural disaster for which the Governor has declared a state of emergency, documentation which demonstrates that the School District has been or will be determined by the Board to meet the requirements of Education Code Section 17075.20
- (AB) For all Approved Applications received on or before October 30, 2024; and for Approved Applications received on or after October 31, 2024, for school buildings or components that were damaged or other hazardous conditions that did not occur as a result of a natural disaster for which the Governor has declared a state of emergency, A report by an industry specialist

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(a person or entity that specializes in the specific area of expertise for that health and safety issue) that ~~outlines~~ describes the minimum work to mitigate the health and safety threat and ~~remain in the existing School Building.~~ If the Approved Application is for an existing school building(s), the report must also describe the minimum work to allow the continued use of the school building(s). If the Approved Application is for a component of a school building(s) or an unenclosed roofed structure used for school purposes, the report must either describe the minimum work to allow the continued use of the component or unenclosed roofed structure or the minimum work to replace the component or unenclosed roofed structure with an equivalent component or structure with only the minimum required improvements necessary to obtain DSA approval. If the threat is due to the presence of mold, OPSC must conduct a site visit to view the damage prior to remediation. If the remediation is done prior to a site visit, the application will be ineligible for funding. Requests for asbestos mitigation that is required to mitigate the qualifying health and safety threat must include lab test results indicating the asbestos is currently friable, and ~~providing~~ provides the location, material, and testing methods used.

(~~B~~C) For all Approved Applications received on or before October 30, 2024, and for Approved Applications received on or after October 31, 2024, for school buildings or components that were damaged or other hazardous conditions that did not occur as a result of a natural disaster for which the Governor has declared a state of emergency, ~~A~~ a letter of concurrence from a ~~g~~ Governmental a Agency that has jurisdiction or expertise over the field in which the health and safety threat originates. The letter must concur with the industry specialist's report on both 1. and 2. below:

1. An imminent health and safety threat to students and/or staff exists.
2. The mitigation measures outlined in the industry specialist's report are the minimum measures required to mitigate the threat and, as applicable, either allow the continued use of the S ~~S~~ school B ~~B~~ building(s), or component, or unenclosed roofed structure, or replace the component or unenclosed roofed structure with an equivalent component or unenclosed roofed structure with required safety improvements. If the application is for the cleanup and/or remediation of hazardous materials and waste, the Governmental Agency concurrence letter must be from the Department of Toxic Substances Control.

(~~C~~D) Approved Applications for rehabilitation must include a detailed Form SAB 58-01 that meets the following requirements:

1. The Form SAB 58-01 must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. For all materials or items listed in the most current edition of the Current Construction Remodeling and Repair Cost publication, amounts entered on the Form SAB 58-01 must use the provided unit costs. For individual materials or items that are not contained in the most current edition of the Current Construction Remodeling and Repair publication, the School D ~~D~~ istrict must provide supporting documentation for OPSC to review the requested unit cost.
2. All requested line items shall include Construction Specifications Institute reference number (CSI #), description, F3 total unit cost amount, and quantity. Any line items that include amounts in lump-sum formats will not be reviewed and will be disallowed.
3. For all Approved Applications received on or before October 30, 2024, and for Approved Applications received on or after October 31, 2024, for school buildings or components that were damaged or for other hazardous conditions that did not occur as a result of a natural disaster for which the Governor has declared a state of emergency, ~~T~~ the work in the Form SAB 58-01 shall match the work outlined in the report provided by the industry specialist (a

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person or entity that specializes in the specific area of expertise for that health and safety issue) for the minimum work required to mitigate the health and safety threat.

4. If the project requires DSA plan approval, the Form SAB 58-01 submitted to OPSC shall be for the same scope of work reviewed and concurred to by DSA, and that is referenced in the governmental concurrence letter for the project.
5. The Form SAB 58-01 may also include any associated work required by DSA and other Governmental Agencies to obtain approval for the minimum work required to mitigate as a result of the mitigation of the health and safety threat.
6. If the minimum work required to mitigate the health and safety threat is the replacement of unenclosed roofed structures used for school purposes, funding shall be provided for costs associated with replacing the unenclosed structure with required safety improvements to obtain DSA approval.

(DE) Facility Hardship applications for ~~S~~school ~~B~~uildings must also include a cost/benefit analysis. The cost/benefit analysis shall be completed based on the type of the project as outlined below:

1. For permanent school buildings, the School District must demonstrate the minimum work required to mitigate the health and safety threat and remain in the ~~S~~school ~~B~~uildings is less than 50 percent of the Current Replacement Cost of the ~~S~~school ~~B~~uilding. The minimum work required may include work required by Division of the State Architect to gain approval for the mitigation project.
2. For ~~P~~ortable ~~S~~school ~~B~~uildings, the School District must demonstrate the minimum work required to mitigate the health and safety threat and remain in the portable school building is less than the Portable Classroom Replacement Grant. The minimum work required may also include any associated work required by DSA as a result of the mitigation of the health and safety threat.
3. Applications that are for necessary components of a site or ~~S~~school ~~B~~uilding or school site condition, such as hazardous water supply, methane mitigation, faulting, liquefaction, landslide potential, friable asbestos, or unenclosed roofed structures used for school purposes do not require a Cost Benefit Analysis to be submitted.

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

1. A completed *Application for Funding* (Form SAB 50-04).
2. The DSA Plan Approval letter for the project or documentation from DSA verifying that the project is exempt from their approval process.
3. CDE Plan Approval letter for the project or documentation from CDE verifying that the project is exempt from their approval process.
4. If the project is for a high school site, a letter or meeting minutes from the School District's Career and Technical Education Advisory Committee (CTEAC) certifying that the School District is in compliance with all career technical facility needs and assessments as outlined in Education Code Section 17070.955.
- (4) If the School District qualifies for funding to rehabilitate or repair its School Buildings pursuant to 1859.82.1(c), the School District is eligible to receive funding for the project as follows:
 - (A) Rehabilitation Costs provided shall be 60 percent of the eligible costs in the Form SAB 58-01 required in Section 1859.82.1(c)(3)(~~ED~~) that has been reviewed and approved by the OPSC and approved by the Board.
 - (B) If the School District qualifies for rehabilitation funding, the funding may be used towards the replacement of the facility, as long as the qualifying health and safety threat is fully mitigated.
 - (C) Applicable supplemental grants may be provided for the following:

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1. project assistance pursuant to Section 1859.73.1.
2. geographic percentage factor pursuant to 1859.83(a)
- (d) Any grants provided in accordance to (b) or (c) above shall be adjusted as follows:
 - (1) For projects funded in accordance to (b) above:
 - (A) Reduced for any space deemed available by the Board in the School dDistrict, HSAA, or Super HSAA that could be used to house some or all of the displaced pupils in the project,
 - (B) For Approved Applications received on or before October 30, 2024, rReduced by 50 percent of any insurance proceeds collectable by the School dDistrict for the project. For Approved Applications received on or after October 31, 2024, reduced by 50 percent of any insurance proceeds collected by the School District for the project, or a commensurate amount adjusted for the School District matching share pursuant to Section 1859.77.1. Any insurance proceeds collected after Apportionment shall be reported to OPSC and the Apportionment will be amended accordingly.
 - (C) For Approved Applications received on or before October 30, 2024, rReduced by 50 percent of the net proceeds available from the disposition of the property and/or facilities in the project. For Approved Applications received on or after October 31, 2024, reduced by 50 percent of the net proceeds available from the disposition of the property and/or facilities in the project, or a commensurate amount adjusted for the School District matching share pursuant to Section 1859.77.1.
 - (2) For projects funded in accordance to (c) above:
 - (A) For Approved Applications received on or before October 30, 2024, reduced by 60 percent of any insurance proceeds collectable by the School dDistrict for the project. For Approved Applications received on or after October 31, 2024, reduced by 60 percent of any insurance proceeds collected by the School District for the project, or a commensurate amount adjusted for the School District matching share pursuant to Section 1859.79.
 - (B) For Approved Applications received on or before October 30, 2024, reduced by 60 percent of the net proceeds available from the disposition of any displaced facilities in the project. For Approved Applications received on or after October 31, 2024, reduced by 60 percent of the net proceeds available from the disposition of the property and/or facilities in the project, or a commensurate amount adjusted for the School District matching share pursuant to Section 1859.79.
- (e) Adjustments to School Facility Program per-pupil grants.
 - (1) The ~~s~~School dDistrict's New Construction Eligibility will be adjusted for any net increase in classroom capacity in the project pursuant to Section 1859.51(i).
 - (2) The baseline eligibility for modernization as provided in Section 1859.60 will be adjusted for any funding received in accordance to (b) above. The age of the classroom and square footage in the project shall be reset to the date of the Apportionment for the project.
- (f) School Districts that qualify for separate site apportionment for Environmental Hardship pursuant to Section 1859.71 may file an application for site funding in advance of construction funding.
- ~~(f)~~(g) School Districts that qualify for Financial Hardship assistance may file an application for design funding, site funding, and determination of program eligibility in advance of construction funding.
 - (1) To request advanced funding for design for eligible projects, the ~~s~~School dDistrict must submit an *Application for Funding* (Form SAB 50-04) indicating the request for design funding and all documents listed in Section 1859.82.1(c)(3)(A) through Section 1859.82.1(c)(3)(~~DE~~)(3).
 - (2) Advanced funding for design shall be provided based on the eligible project type as follows:

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- (A) For projects receiving funding for advanced design for the replacement of all ~~S~~school ~~B~~uildings on the project site pursuant to Section 1859.82.1(b)(4)(A), the Board will apportion an amount not to exceed 40 percent of the New Construction Grant less any ~~S~~chool ~~D~~istrict funds available for the project pursuant to Section 1859.81(a).
- (B) For projects receiving funding for advanced design for at least one but not all ~~S~~school ~~B~~uildings on the project site pursuant to Section 1859.82.1(b)(4)(B), the Board will apportion an amount not to exceed 40 percent of the Facility Hardship Square Footage Grant less any ~~S~~chool ~~D~~istrict funds available for the project pursuant to Section 1859.81(a).
- (C) For projects receiving funding for advanced design for Rehabilitation Costs pursuant to Section 1859.82.1(c)(4)(A), the Board will apportion an amount not to exceed 25 percent of the Rehabilitation Costs determined pursuant to Section 1859.82.1(c)(4)(A) less any ~~S~~chool ~~D~~istrict funds available for the project pursuant to Section 1859.81(a).
- (3) Advanced funding for site shall be provided pursuant to 1859.82.1(b)(4)(A)(4). The ~~S~~chool ~~D~~istrict is eligible for advanced funding for site acquisition as calculated pursuant to 1859.81.1.
- (4) The amount apportioned for advanced design is an estimate of the funds needed for design, engineering, and other pre-construction project costs. Qualifying ~~S~~chool ~~D~~istricts may request a separate Apportionment for the design and for site acquisition for the same ~~F~~acility ~~H~~ardship project.
- (5) The ~~S~~chool ~~D~~istrict is required to submit an Approved Application for funding and an updated Form SAB 58-01 for projects funded in accordance to 1859.82.1(c) or site development worksheet for projects funded in accordance to 1859.82.1(b), that reflects the final approved drawings for the project within:
 - (A) 18 months from the date of Apportionment if the project scope will be for repair or replacement on the same site.
 - (B) 24 months from the date of Apportionment if the project scope is for the replacement of ~~S~~school ~~B~~uilding(s) which will be located on a replacement site.
- (6) If the ~~S~~chool ~~D~~istrict does not submit the Approved Application for funding within the timelines required by Section (2) above, the application will be reduced to eligible costs incurred.
- (7) Upon receipt of the Approved Application, the application will be reviewed for conformance with all program laws and regulations.
- (8) Any funding provided in Section 1859.82.1 shall be offset by any funding previously provided for the project.

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

Reference: Sections 17075.10 in effect as of January 1, 2024, and as repealed and added by Assembly Bill 247, Chapter 81, Statutes of 2024, and with the successful passage of Proposition 2 on November 5, 2024, 17075.15, 100420, 100620, 100820, 101012 and 101122, Education Code.

Section 1859.82.2. Seismic Mitigation Program.

“School ~~B~~uilding” for the purposes of this Section shall have the same definition as Education Code Section 17283 and shall also exclude any districtwide administrative facilities. For the purposes of

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this Section, “grade category” shall refer to any of the following: kindergarten (including transitional kindergarten) through sixth grade (K-6), seventh grade through eighth grade (7-8), ninth grade through twelfth grade (9-12), Non-Severely Disabled Individuals with Exceptional Needs, and Severely Disabled Individuals with Exceptional Needs. “Facility type,” for the purposes of this section, refers to the types of facilities listed in the chart below.

A School District is eligible for funding to repair, reconstruct, or replace the Most Vulnerable Category 2 Buildings which were originally constructed to be used as School Facilities and pose an unacceptable risk of injury to its occupants in the event of seismic activity. Program eligibility is determined by the DSA while determination of grant funding is determined by the Board based on the following criteria.

~~Notwithstanding~~ In accordance with Sections 1859.93 and 1859.93.1, all applications for the seismic mitigation of the Most Vulnerable Category 2 Buildings shall be funded in the order of receipt of an Approved Application for funding. For Approved Applications received on or after October 31, 2024, Any grants funding for replacement of school buildings provided for the purpose of this section shall be provided as a new construction project and allocated on a 50 percent state share basis, and funding for rehabilitation of school buildings shall be provided as a modernization project and allocated on a 60 percent state share basis.

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

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

- (b) To qualify for replacement funding for School Building(s), the School District must submit an Approved Application for funding based on their specific circumstances in accordance to either (1) or (2) below:
 - (1) For School Building(s) that are lost, destroyed, or unable to be repaired the School District must submit:
 - (A) A report from a licensed design professional (a design professional licensed by the appropriate State of California oversight authority) identifying the School Building(s) that are the Most Vulnerable Category 2 Building(s) and;
 - (B) DSA letter(s) of concurrence to the findings in the report required in (b)(1)(A);
 - (C) If the collapse potential is due to faulting, liquefaction, or landslide, or if it is otherwise required by DSA for project approval, the School District must submit 1. and 2. below:

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1. A geological hazards report prepared by an engineering geologist indicating the potential for building displacement and recommended site improvements to mitigate the hazard
2. Concurrence to the report from the California Geological Survey.
- (D) Documentation which demonstrates that the facilities in the project must be reconstructed in order to house the current enrollment of the School District.
- (E) If the School District is requesting additional funding for site development costs and performed or will perform site development work as part of the qualifying project, a detailed cost estimate for eligible site development costs contained within Section 1859.76 and any justification documents that will support the work.
- (2) For ~~S~~school ~~B~~buildings with interior square footage to be mitigated, the School dDistrict must submit:
 - (A) A report from a licensed design professional (a design professional licensed by the appropriate State of California oversight authority) identifying the structural deficiencies that pose an unacceptable risk of injury to its occupants in a seismic event and the minimum ~~mitigation~~-work necessary to obtain DSA approval of the seismic mitigation work.
 - (B) DSA letter(s) of concurrence to the report.
 - (C) If the collapse potential is due to faulting, liquefaction, or landslide, or if it is otherwise required by DSA for project approval the School dDistrict must submit 1. and 2. below:
 1. A geological hazards report prepared by an engineering geologist indicating the potential for building displacement and recommended site improvements to mitigate the hazard
 2. Concurrence to the report from the California Geological Survey.
 - (D) Documentation that demonstrates that the facilities in the project must be reconstructed in order to house the current enrollment of the School dDistrict.
 - (E) A detailed Form SAB 58-01 that meets the following requirements:
 1. The Form SAB 58-01 must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. For all materials or items listed in the most current edition of the Current Construction Remodeling and Repair Cost publication, amounts entered on the Form SAB 58-01 must use the provided unit costs. For individual materials or items that are not contained in the most current edition of the Current Construction Remodeling and Repair publication, the School District must provide supporting documentation for OPSC to review the requested unit cost.
 2. All requested line items shall include Construction Specifications Institute reference number (CSI #), description, quantity, unit, cost per unit, and School District's request. Any line items that include amounts in lump-sum formats will not be reviewed or approved.
 3. The work in the Form SAB 58-01 shall match the work ~~outlined~~-described in the report provided by the industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) for the minimum work that would be required to mitigate the seismic threat if the ~~S~~school ~~B~~building(s) were to be rehabilitated instead of replaced.
 4. The Form SAB 58-01 may also include any ancillary work required by DSA and other Governmental Agencies to obtain plan approval for the minimum work required to mitigate the seismic threat.
 - (F) A cost/benefit analysis that demonstrates that the minimum work to mitigate the seismic threat and remain in the ~~S~~school ~~B~~building(s) exceeds 50 percent of the Current Replacement Cost.
 - (G) A gross inventory of all school buildings located on the project site, such as a site diagram

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or floor plan. The documentation must indicate the current usage, Square Footage, and facility type of all school buildings located on the project site at the time of application submittal. For all spaces used as Classrooms, the current grade level must also be indicated.

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

1. A completed *Application For Funding* (Form SAB 50-04).
 2. The DSA Plan Approval letter for the project or documentation from DSA verifying that the project is exempt from their approval process.
 3. CDE Plan Approval letter for the project or documentation from CDE verifying that the project is exempt from their approval process.
 4. If the project is for a high school site, a letter or meeting minutes from the School District's Career and Technical Education Advisory Committee (CTEAC) certifying that the School District is in compliance with all career technical facility needs and assessments as outlined in required by Education Code, Section 17070.955.
 5. If the School District is requesting additional funding for site development costs and has performed or will perform site development work as part of the qualifying project, a detailed cost estimate for eligible site development costs contained within Section 1859.76 and any justification documents that support the work.
- (3) Applications for seismic mitigation replacement funding that do not meet the requirements of (1) or (2) above shall be returned without review.
- (4) If the School District qualifies for Replacement funding in accordance to (a)(1) or (a)(2) above, the School District is eligible to receive funding for the project as follows:
- (A) If the School District is required to replace the entire site and relocate to a new site, the School District is eligible to receive funding as follows:
1. A New Construction Grant will be provided for the lesser of 2. or 3. below.
 2. The eClassroom capacity determined by multiplying the number of eClassrooms in each grade category on the project site being replaced by:
 - a. 25 pupils for each K-6 eClassroom.
 - b. 27 pupils for each 7-12 eClassroom.
 - c. 13 pupils for each Non-Severely Disabled Individuals with Exceptional Needs eClassroom.
 - d. 9 pupils for each Severely Disabled Individuals with Exceptional Needs eClassroom.
 3. The higher of a., b., or c. below:
 - a. The CBEDS Report of the current enrollment reporting year at the existing project site.
 - b. The average CBEDS Report of the current enrollment reporting year and two immediately preceding enrollment reporting years at the existing project site.
 - c. If the site is closed, use the CBEDS Report of the last enrollment reporting year in which the site was open.
 4. Additional funding may be provided, as applicable, for:
 - a. Fire code requirements pursuant to Section 1859.71.2,
 - b. therapy room pursuant to Section 1859.72,
 - c. multilevel construction pursuant to Section 1859.73,
 - d. project assistance pursuant to Section 1859.73.1.
 - e. replacement with multistory construction pursuant to Section 1859.73.2,
 - f. site acquisition pursuant to Sections 1859.74, 1859.74.5 and 1859.75,
 - g. Hazardous waste removal pursuant to Sections 1859.74.2, 1859.74.3 and 1859.74.4,
 - h. Applicable site development costs pursuant to contained within Section 1859.76, and
 - i. New construction Excessive Cost Hardship Grant for geographic location pursuant to Section 1859.83(a),

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- j. New construction Excessive Cost Hardship Grant for small size projects pursuant to Section 1859.83(b),
- k. New construction Excessive Cost Hardship Grant for new school projects pursuant to Section 1859.83(c),
- l. New construction Excessive Cost Hardship Grant for urban location, security requirements and impacted site pursuant to Section 1859.83(d).
- (B) If the School District qualifies to replace some, but not all permanent School Building(s) on the project site, ~~funding will be the School District is eligible to receive a Facility Hardship Square Footage Grant based on the Square Footage of the qualifying School Building(s) replaced and is capped by the lesser of the amount provided in accordance to the chart below and the Square Footage constructed for each category as and~~ justified by enrollment at the project site as follows:
 - 1. ~~The Determine the enrollment at the project site, is determined by using the higher of a., b., or c. below:~~
 - a. The CBEDS Report of the current enrollment reporting year at the existing project site.
 - b. The average CBEDS Report of the current enrollment reporting year and two immediately preceding enrollment reporting years at the existing project site.
 - c. If the site is closed, use the CBEDS Report of the last enrollment reporting year in which the site was open.
 - 2. Using the enrollment determined in 1. ~~above and the gross inventory described in (b)(2)(G), any permanent replacement Square Footage provided in accordance to a. and b. below will be calculated in accordance to determine the maximum amount of eligible permanent replacement Square Footage for the school building(s) being replaced based on a. through f. and the facility type in the chart below:~~
 - a. If the actual Square Footage of the qualifying school building(s), not including Classrooms, is less than the minimum in the chart for the facility type, the replacement Square Footage shall be the lesser of the actual Square Footage constructed or the minimum in the chart.
 - b. If the actual Square Footage of the qualifying school building(s), not including Classrooms, is larger than the minimum in the chart for the facility type, the replacement Square Footage shall be the lesser of the Square Footage of the qualifying school building or the Square Footage justified by enrollment pursuant to the chart below.
 - ac. Non-specialized eClassrooms space provided isare limited by the enrollment determined in Section 1859.82.2(b)(4)(B)(1), rounded up to the nearest whole eClassroom based on Section 1859.82.2(b)(4)(A)(2), and then reduced for any classrooms space available at the site to house the displaced pupils.
 - bd. Classrooms with specialized design such as auto shop, metal shop, music rooms, consumer home economic laboratories, industrial technology laboratories, or science laboratories will qualify for funding if used for its specialized purpose in the current enrollment reporting year or immediately preceding enrollment reporting year. Additionally, these spaces will not count as available capacity for purposes of providing funding in this section when calculating space available to house displaced pupils.
 - ee. Any space not in the chart below will be provided based on the Square Footage replaced. This may include, but is not limited to, janitor's closets, hallways, workrooms, and vestibules.
 - f. If a School District submits documentation that demonstrates that additional toilet space must be constructed to obtain plan approval from DSA, the Toilet Square Footage may be increased by the amount of Square Footage required to obtain approval.

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

d-g. Beginning August 31, 2020, the ~~resulting~~ Square Footage amount(s) determined in (B)(2) above shall be multiplied by \$204 per square foot for all non-Toilet Facilities and by \$366 per square foot for Toilet Facilities (includes shower/locker area and physical therapy area for Individuals with Exceptional Needs).

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

- a. therapy room pursuant to Section 1859.72,
- b. multilevel construction pursuant to Section 1859.73,
- c. project assistance pursuant to Section 1859.73.1.
- d. replacement with multistory construction pursuant to Section 1859.73.2,
- e. site acquisition pursuant to Section 1859.74,
- f. ~~H~~azardous waste removal pursuant to Sections 1859.74.2, 1859.74.3 and 1859.74.4,
- g. ~~A~~pplicable site development costs ~~pursuant to~~ contained within Section 1859.76, and
- h. Excessive Cost Hardship Grant for geographic location pursuant to Section 1859.83(a), and
- i. Excessive Cost Hardship Grant for small size projects pursuant to Section 1859.83(b).
- j. Excessive Cost Hardship Grant(s) for urban location, security requirements and impacted site pursuant to Section 1859.83(d).

(C) If the School District qualifies for replacement funding, the funding may be used to rehabilitate

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the facility as long as the seismic hazard is fully mitigated. If replacement funding is used for rehabilitation work, the School District may request the following supplemental grants, as applicable, for:

1. ~~F~~ire code requirements pursuant to Section 1859.71.2 if the funding is based on a per-pupil basis pursuant to Section 1859.82.2(b)(4)(A),
 2. ~~T~~herapy room pursuant to Section 1859.72,
 3. ~~P~~roject assistance pursuant to Section 1859.73.1,
 4. Excessive Cost Hardship Grant for geographic location pursuant to Section 1859.83(a),
 5. Excessive Cost Hardship Grant for small size projects pursuant to Section 1859.83(b), and
 6. Excessive Cost Hardship Grant for urban location, security requirements and impacted site pursuant to Section 1859.83(d).
- (c) School Districts may qualify for seismic mitigation funding to rehabilitate their S~~S~~chool B~~B~~uilding(s), unenclosed roofed structures used for school purposes including, but not limited to lunch shelters and covered walkways, exterior square footage of School Buildings, or site conditions. Factors to be considered by the Board may include (1) or (2) below:
- (1) School Buildings where the minimum cost to rehabilitate and remain in the S~~S~~chool Building is 50 percent or less of the Current Replacement Cost.
 - (2) Square footage of the Most Vulnerable Category 2 School Buildings, Unenclosed roofed structures used for school purposes including, but not limited to covered walkways; and lunch shelters that need repair or replacement to mitigate a collapse potential in the event of seismic activity as confirmed by the DSA.
- (3) To qualify for seismic mitigation rehabilitation funding, the School District must submit an Approved Application for funding as well as all documents outlined below. Applications that do not meet these requirements will be returned without review.
- (A) A report from a licensed design professional (a design professional licensed by the appropriate State of California oversight authority) identifying the structural deficiencies that pose an unacceptable risk of injury to its occupants in a seismic event and the minimum ~~mitigation work~~ necessary to obtain DSA approval for the seismic mitigation work. If the application is for an unenclosed roofed structure used for school purposes, the report must either describe the minimum work to allow the continued use of the unenclosed roofed structure or the minimum work to replace the unenclosed roofed structure with a structure of like-kind with only the minimum required safety improvements needed to obtain plan approval.
- (B) DSA letter(s) that concur to the findings and minimum mitigation work ~~outlined-~~ described in the report required by (b)(1)(A).
- (C) If the collapse potential is due to faulting, liquefaction, or landslide, or if it is otherwise required by DSA for project approval, the School District must submit 1. and 2. below:
1. A geological hazards report prepared by an engineering geologist in accordance with California Building Code, Part 2, Chapter 18, Section 1803A and with the concurrence of the California Geological Survey.
 2. Concurrence to the report in 1. from the California Geological Survey.
- (D) A detailed Form SAB 58-01 that meets the following requirements:
1. The Form SAB 58-01 must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. For all materials or items listed in the most current edition of the Current Construction Remodeling and Repair Cost publication, amounts entered on the Form SAB 58-01 must use the provided unit costs. For individual materials or items that are not contained in the most current edition of the Current Construction Remodeling and Repair publication, the School District must provide supporting

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- documentation for OPSC to review the requested unit cost.
2. All requested line items shall include Construction Specifications Institute reference number (CSI #), description, quantity, unit, cost per unit, and School District's request. Any line items that include amounts in lump-sum formats will not be reviewed or approved.
 3. The work in the Form SAB 58-01 shall match the work ~~outlined~~ described in the report provided by the industry specialist (a person or entity that specializes in the area of expertise for that health and safety issue) for the minimum work required to mitigate the seismic threat. The Form SAB 58-01 submitted to OPSC shall be for the same scope of work reviewed and concurred to by DSA, and that is referenced in the governmental concurrence letter for the project.
 4. The Form SAB 58-01 may also include any ancillary work required by DSA and other Governmental Agencies to obtain ~~plan~~ approval for the minimum work required to mitigate the seismic threat.
 5. If the minimum work required to mitigate the seismic threat is the replacement of an unenclosed roofed structure(s) used for school purposes including, but not limited to lunch shelters and covered walkways, funding shall be provided for costs associated with replacing the unenclosed roofed structure(s) in like-kind with required safety improvements.
- (E) A cost/benefit analysis that demonstrates that the minimum work to mitigate the seismic threat and remain in the ~~S~~school B~~uilding(s)~~ is less than 50 percent of the Current Replacement Cost.
- (F) All other documents required to complete an Approved Application for funding. This includes:
1. A completed *Application For Funding* (Form SAB 50-04).
 2. The DSA Plan Approval letter for the project or documentation from DSA verifying that the project is exempt from their approval process.
 3. CDE Plan Approval letter for the project or documentation from CDE verifying that the project is exempt from their approval process.
 4. If the project is for a high school site, a letter or meeting minutes from the School District's Career and Technical Education Advisory Committee (CTEAC) certifying that the School District is in compliance with all career technical facility needs and assessments as ~~outlined~~ required in Education Code Section 17070.955.
- (4) If the School District qualifies for seismic mitigation rehabilitation funding ~~to repair their permanent School Buildings~~, the School District is eligible to receive funding for the project as follows:
- (A) For Approved Applications received on or before October 30, 2024, tThe Seismic Rehabilitation Grant is based on 50 percent of the eligible costs in the Form SAB 58-01 required in Section 1859.82.2(c)(3)(D) that have been reviewed by OPSC and approved by the Board.
- (B) For Approved Applications received on or after October 31, 2024, the Seismic Rehabilitation Grant is based on 60 percent of the eligible costs in the Form SAB 58-01 required in Section 1859.82.2(c)(3)(D) that have been reviewed by OPSC and approved by the Board.
- (~~B~~C) If the School District qualifies for rehabilitation funding, the funding may be used towards the replacement of the facility, as long as the qualifying seismic threat is fully mitigated.
- (~~E~~D) Applicable supplemental grants may be provided for the following:
1. project assistance pursuant to Section 1859.73.1., and
 2. ~~Excessive Cost Hardship Grant for geographic~~ percentage factor ~~location~~ pursuant to Section 1859.83(a), and

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3. ~~Excessive Cost Hardship Grant for accessibility and fire code requirements in accordance with Section 1859.83(e)(3).~~
- (d) Any grants provided in accordance to (b) or (c) above shall be adjusted as follows:
- (1) For projects funded in accordance to (b) above:
- (A) Reduced for any space deemed available by the Board in the School District, HSAA, or Super HSAA that could be used to house some or all of the displaced pupils in the project,
- (B) For Approved Applications received on or before October 30, 2024, reduced by 50 percent of any insurance proceeds collected by the School District for the project. For Approved Applications received on or after October 31, 2024, reduced by 50 percent of any insurance proceeds collected by the School District for the project, or a commensurate amount adjusted for the School District matching share pursuant to Section 1859.77.1. Any insurance proceeds collected after Apportionment shall be reported to OPSC and the Apportionment will be amended accordingly.
- (C) For Approved Applications received on or before October 30, 2024, reduced by 50 percent of the net proceeds available from the disposition of the property and/or facilities in the project. For Approved Applications received on or after October 31, 2024, reduced by 50 percent of the net proceeds available from the disposition of the property and/or facilities in the School District for the project, or a commensurate amount adjusted for the School District matching share pursuant to Section 1859.77.1.
- (2) For projects funded in accordance to (c) above:
- (A) For Approved Applications received on or before October 30, 2024, reduced by 50 percent of any insurance proceeds collectable by the School District for the project.
- (B) For Approved Applications received on or after October 31, 2024, reduced by 60 percent of any insurance proceeds collectable by the School District for the project, or a commensurate amount adjusted for the School District matching share pursuant to Section 1859.79.
- (~~B~~) For Approved Applications received on or before October 30, 2024, reduced by 50 percent of the net proceeds available from the disposition of any displaced facilities in the project.
- (D) For Approved Applications received on or after October 31, 2024, reduced by 60 percent of the net proceeds available from the disposition of any displaced facilities in the project, or a commensurate amount adjusted for the School District matching share pursuant to Section 1859.79.
- (e) Adjustments to School Facility Program per-pupil grants.
- (1) 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(i).
- (2) The baseline eligibility for modernization as provided in Section 1859.60 will be adjusted for any funding received in accordance to (b) above. The age of the ~~e~~Classroom and Square Footage in the project shall be reset to the date of the Apportionment for the project.
- (f) School Districts that qualify for Separate site apportionment for Environmental Hardship pursuant to Section 1859.71 may file an application for site funding in advance of construction funding.
- (~~f~~)(g) School Districts that qualify for Financial Hardship assistance may file an application for design funding, site funding, and determination of program eligibility in advance of construction funding.
- (1) To request advanced funding for design for eligible projects, the School District must submit an *Application for Funding* (Form SAB 50-04) indicating the request for design funding and all documents listed in Section 1859.82.2(c)(3)(A) through Section 1859.82.2(c)(3)(E).
- (2) Advanced funding for design shall be provided based on the eligible project type as follows:

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- (A) For projects receiving funding for advanced design for the replacement of all ~~S~~school ~~B~~uilding(s) on the project site, pursuant to Section 1859.82.2(b)(4)(A), the Board will apportion an amount not to exceed 40 percent of the New Construction Grant less any School District funds available for the project pursuant to Section 1859.81(a).
- (B) For projects receiving funding for advanced design for at least one but not all ~~S~~school ~~B~~uildings on the project site pursuant to Section 1859.82.2(b)(4)(B), the Board will apportion an amount not to exceed 40 percent of the Facility Hardship Square Footage Grant less any School District funds available for the project pursuant to Section 1859.81(a).
- (C) For projects receiving funding for advanced design for a Seismic Rehabilitation Grant pursuant to Section 1859.82.2(c), the Board will apportion an amount not to exceed 25 percent of the costs determined pursuant to Section 1859.82.2(c)(4)(A) less any School District funds available for the project pursuant to Section 1859.81(a).
- (3) Advanced funding for site shall be provided pursuant to Section 1859.82.2(b)(4)(A)(4). The School District is eligible for advanced funding for site acquisition as calculated pursuant to Section 1859.81.1.
- (4) The amount apportioned for advanced design is an estimate of the funds needed for design, engineering, and other pre-construction project costs. Qualifying School Districts may request a separate Apportionment for the design and for site acquisition for the same seismic mitigation project.
- (5) The School District is required to submit an Approved Application for funding and an updated Form SAB 58-01 for projects funded in accordance with Section 1859.82.2(c) or site development worksheet for projects funded in accordance with Section 1859.82.2(b), that reflects the final approved drawings for the project within:
 - (A) 18 months from the date of Apportionment if the project scope will be for repair or replacement on the same site.
 - (B) 24 months from the date of Apportionment if the project scope is for the replacement of ~~S~~school ~~B~~uilding(s) which will be located on a replacement site.
- (6) If the School District does not submit the Approved Application for funding within the timelines required by Section (2) above, the application will be reduced to eligible costs incurred.
- (7) Upon receipt of the Approved Application, the application will be reviewed for conformance with all program laws and regulations.
- (8) Any funding provided in Section 1859.82.2 shall be offset by any advanced design funding previously provided for the project pursuant to Section 1859.82.2(~~fg~~)(2).

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

Reference: Sections 17075.10 in effect as of January 1, 2024, and as repealed and added by Assembly Bill 247, Chapter 81, Statutes of 2024, and with the successful passage of Proposition 2 on November 5, 2024, 17075.15, 101012(a)(1) and 101122, Education Code.

Section 1859.82.3. Facility Hardship Program and Seismic Mitigation Program Conceptual Approvals.

A School District may request approval from the Board to determine eligibility for ~~F~~acility ~~h~~ardship or seismic mitigation programs in advance of project funding. Board approval does not

ATTACHMENT B

constitute a reservation of bond authority. Board approval only confirms the School District meets the criteria in Section 1859.82.

- (a) To request conceptual approval for Facility Hardship projects, the School District must submit an *Application For Funding* (Form SAB 50-04) indicating the request for conceptual approval and all documents listed below:
 - (1) For replacement projects, all of the documents listed in Section 1859.82.1(b)(2)(A) through Section 1859.82.1(b)(2)(~~D~~E).
 - (2) For rehabilitation projects, all of the documents listed in Section 1859.82.1(c)(3)(A) through Section 1859.82.1(c)(3)(~~D~~E)(3).
- (b) To request conceptual approval for seismic mitigation projects, the School District must submit an *Application For Funding* (Form SAB 50-04) indicating the request for conceptual approval and all documents listed below:
 - (1) For replacement projects, all of the documents listed in Section 1859.82.2(b)(2)(A) through Section 1859.82.2(b)(2)(F).
 - (2) For rehabilitation projects, all of the documents listed in Section 1859.82.2(c)(3)(A) through Section 1859.82.2(c)(3)(E).

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

Reference: Sections 17075.10 in effect as of January 1, 2024, and as repealed and added by Assembly Bill 247, Chapter 81, Statutes of 2024, and with the successful passage of Proposition 2 on November 5, 2024, 17075.15, 100420, 100620, 100820, 101012(a)(1) and 101122, Education Code.

ATTACHMENT C

STATE OF CALIFORNIA
FACILITY HARDSHIP COST ESTIMATE
SCHOOL FACILITY PROGRAM
SAB 58-01 (~~NEW 05/20~~ Rev. xx/2025)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

INSTRUCTIONS

This form is to be used by a School District for the purposes of preparing generating and submitting the cost estimate required to request for eligible Facility Hardship Program or Seismic Mitigation projects pursuant to SFP Regulation Section 1859.82.1(b)(2)(C), 1859.82.1(c)(3)(C), and 1859.82.2(c)(3)(D). Program grants. A completed Form SAB 58-01 must accompany all applications for funding for these programs.

1. For Facility Hardship and Seismic Mitigation Program applications for Rehabilitation Costs, the completed form must comply with Section 1859.82.1(c)(3)(D) or Section 1859.82.2(c)(3)(D).
2. For Facility Hardship Program or Seismic Mitigation Program applications for replacement funding, the completed form must comply with Section 1859.82.1(b)(2)(C) or Section 1859.82.2(b)(2)(E).

Refer to the most current published edition of the Current Construction Remodeling Costs publication by Sierra West Publishing, using F3 unit costs, for data needed to complete this form. Throughout these instructions, all references to "Sierra West" indicate this publication.

All lines in Part I must be broken out to individual items or materials. Do not enter ~~line-line~~-item requests in a lump sum format. Line-Line-item requests in lump sum format may not be eligible for funding. The applicant may add additional lines as needed in Part I to submit a complete Form.

PART I

For each ~~line-line~~-item request, complete the following:

- CSI #** - Enter the Construction Specifications Institute number (CSI #) corresponding to the item or material included in the project as it appears in Sierra West.
- Description** - Enter the description corresponding to the item or material as it appears in Sierra West.
- Quantity** - Enter the numeric quantity of the item or material used as indicated in the project plans approved by the Division of the State Architect (DSA). For projects that do not require DSA plan approval, enter the quantity as indicated in the supporting documentation submitted with the application.
- Unit** - Enter the unit of measure for the specified material or item as it appears in Sierra West.
- Cost/Unit** - Enter the total unit cost, or cost per unit, as it is listed in the F3 column in Sierra West. Do not add installation cost as this has been included in the total unit cost amount.
- School District's Request** - Enter the product of the Quantity ~~and~~ multiplied by the amount in the Cost/Unit column.
- OPSC Verified Allowance** - Leave blank. This column will be completed by OPSC upon review of the application.
- ~~7-8.~~ **School District Comments** – The ~~district~~ School District may ~~optionally~~ indicate any relevant plan page numbers or reference information to assist the ~~plan~~ OPSC reviewer in the ~~comments~~ this column.
- OPSC Review Comments** - Leave blank. This section will be completed by OPSC upon review of the application.

ATTACHMENT C

STATE OF CALIFORNIA
FACILITY HARDSHIP COST ESTIMATE
 SCHOOL FACILITY PROGRAM
 SAB 58-01 (NEW 05/20 Rev. xx/2025)

STATE ALLOCATION BOARD
 OFFICE OF PUBLIC SCHOOL CONSTRUCTION

- 10. Title 24 Maximum Requirement** - When using this form to prepare a Cost Benefit Analysis, pursuant to Section 1859.82.1(b)(2)(C) or 1859.82.2(b)(2)(E), in lieu of requesting individual line items for access compliance, the School District may request a 20 percent allowance to cover the costs of the maximum access compliance work required by DSA, as applicable. This allowance is not applicable when preparing the final cost estimate for Rehabilitation Costs or the Seismic Rehabilitation Grant. This allowance is reflective of the maximum requirements in the California Building Code Title 24, Section 11B-202.4, Exemptions, 8.
- 11. Part I Subtotals:** The School District enters the sum of the amounts entered above in column 6. School District's Request. OPSC enters the sum of the amounts in column 7. OPSC Verified Allowance.

PART II – Contractor Burden

For the purposes of Part II of this form, refer to the table below to determine the applicable construction classification to use when referencing the most current published edition of the Current Construction Remodeling Costs publication by Sierra West Publishing.

OPSC Project Type	Sierra West Construction Classification
Facility Hardship rehabilitation for Fire and/or Water Damage	"Repair of Fire Damage"
Facility Hardship rehabilitation of historical structures	"Unique Structures"
All other Facility Hardship rehabilitation projects	"Alterations and Additions"
Seismic Mitigation rehabilitation	"Alterations and Additions"

For each Allowance category described below, the School District will use the School District Request subtotal in item 11 to submit a complete Form SAB 58-01. The OPSC Verified Allowance subtotal in item 11 will be used to calculate these Allowances for purposes of determining qualification for replacement funding or for grant amounts for a rehabilitation project.

If the application is for conceptual approval, design funding, or does not require DSA approval, use the subtotal from Part I instead of the total project cost reported to DSA for determining the applicable percentage.

The calculations for the allowances for each item in this section will be compounded in the order presented.

- ~~8-12. General Conditions-Conditions – Using the OPSC Allowance Subtotal from Part I and the applicable OPSC project type, enter the percentage as indicated in the General Conditions table in Sierra West (CSI# 01.100.000). To determine the applicable multiplier, use the total project cost as reported to DSA* and the applicable OPSC project type listed above, reference the applicable percentage as indicated in the General Conditions table in Sierra West (CSI# 01.1000.000). Enter the percentage in the Multiplier column (Part II).~~

To determine the applicable allowance, multiply the applicable percentage by the subtotal of Part I (item 11). Enter the value into the Allowances column. The DSA total project cost value is used so that the application values provided are representative of the economies of scale for the overall scope of the project.

- ~~9. General Requirements– Using the OPSC Allowance Subtotal from Part I and the applicable OPSC project type, enter the percentage as indicated in the General Requirements table in-~~

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STATE OF CALIFORNIA
FACILITY HARDSHIP COST ESTIMATE
SCHOOL FACILITY PROGRAM
SAB 58-01 (NEW 05/20 Rev. xx/2025)

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OFFICE OF PUBLIC SCHOOL CONSTRUCTION

~~Sierra West (CSI# 01.2000 000).~~

~~10. **Bonds**– Using the OPSC Allowance Subtotal from Part I, enter the applicable percentage as indicated in the “Bonds” section in Sierra West (CSI# 01.2000 000).~~

~~11. **Overhead & Profit**– Using the OPSC Allowance Subtotal from Part I, enter the applicable percentage as indicated in the “Institutional Structure” column in Sierra West (CSI# 01.2000 000).~~

13. **Overhead, Profit & Bonds** – To determine the applicable multiplier, using the total project cost as reported to DSA, reference the applicable percentage as indicated in the “Bonds” section in Sierra West (CSI# 01.2000 000). Enter the applicable percentage in the Multiplier column (Part II.).

To determine the allowance, sum the subtotal of Part I (item 11) with the allowance for General Conditions. Then multiply that sum by the applicable percentage by the subtotal in item 11. Enter the value in the Allowances column.

~~12. **DSA Inspection Fee**– For projects that require DSA plan approval, enter 1%. For projects that do not require DSA plan approval, enter 0%.~~

~~13.14. **Escalation**– If the project has not been completed at the time of approval from the State Allocation Board, use the OPSC allowance total from Part I to enter the applicable percentage as indicated in “Escalation” section of Sierra West (CSI# 01.3000 000). If the project will be completed by the time the construction phase is approved by the State Allocation Board, enter 0%. If the project has been completed, the application does not qualify for escalation. If a project requires DSA approval and the project has a Certification and Close letter at DSA, the project is considered complete.~~

To determine the multiplier, reference the “Escalation” section of Sierra West (CSI# 01.3000 000). Enter the applicable percentage for the current year in the Multiplier column for Escalation.

To determine the allowance, first sum the subtotal in item 11, the total Allowances for General Conditions and the Overhead, Profit & Bonds. Then multiply that total by the applicable percentage entered in Column F.

15. **Contingencies** – Contingencies are provided for projects when there are no final working drawings for the work being requested. This only applies to applications for conceptual approval or design funding. Sierra West provides an allowance of "0 percent" when funding is based on “Final Working Drawings”. Projects that have plans approved by DSA or final plans that do not require DSA approval, are considered “Final Working Drawings”.

If the project is for conceptual approval for the Seismic Mitigation Program and the project has not received Final Plan Approval from DSA, enter the percentage for “schematic drawings” indicated on the “Contingencies” table in Sierra West Section 1.4000 000 in the Multiplier column. Multiply this percentage by the sum of the subtotal in item 11 and the total Allowances for General Conditions, Overhead Profit & Bond, and Escalation to determine the Contingencies Allowance.

If the project is for the conceptual or design approval for the Facility Hardship program, enter the percentage for “Conceptual Stage” indicated on the “Contingencies” table in Sierra West

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STATE OF CALIFORNIA
FACILITY HARDSHIP COST ESTIMATE
SCHOOL FACILITY PROGRAM
SAB 58-01 (~~NEW 05/20~~ Rev. xx/2025)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

Section 1.4000 000 in the Multiplier column. Multiply this percentage by the sum of the subtotal in item 11 and the total Allowances for General Conditions, Overhead Profit & Bonds, and Escalation to determine the Contingencies Allowance.

16. Construction Subtotal - Sum of Items 11, 12, 13, 14 and 15.

PART III - Design Allowances & Fees

17. Project Inspection Allowance - The allowance is provided for the services of a DSA certified inspector for the duration of the project. For projects that require DSA plan approval, the allowance is one percent of the value of item 16, Part II Construction Subtotal. For projects that do not require DSA plan approval, the allowance is zero.

~~14.~~**18. Industry Specialist's Report Costs**- For rehabilitation projects enter the greater of \$10,000 or 1% of the OPSC Allowance Subtotal. This is in accordance with Sierra West Division 1, CSI 1.2000 000 for Common Adders and Deductors for Special Inspection Procedures. For replacement projects, enter 0%.

~~15.~~**19. Construction Testing Allowance**- For rehabilitation projects that require specialized testing and inspection of materials during construction, ~~enter 1%.~~ such as soil tests, foundation tests, exploratory borings, and similar testing prior to construction, the allowance is one percent of the value of item 16, Part II Construction Subtotal. The School District must submit written verification of the specialized testing required for the scope of work. For all other projects, enter 0%. ~~the allowance is zero.~~

~~16.~~**20. Design Specialist Cost Allowance**- ~~Based on the Construction Subtotal, use the Design Cost Allowance chart on at the bottom of the form to calculate the applicable Design Cost Allowance and enter the resulting amount here. Using the amount in item 16 as a starting value, the allowance for the design specialist is calculated using the Design Specialist Cost Allowance sliding scale multiplier percentages below Part III of the Form. The total Design Cost Allowance equals the sum of the product of the allowance value on each line.~~

~~17.~~**21. CDE Plan Review Fee**- Allowance is for the proportionate amount of fees charged by the California Department of Education (CDE), as required by law, for the Facility Hardship or Seismic Mitigation Program portion of the project. The allowance is calculated by multiplying 0.0007 by the value of item 16, Part II Construction Subtotal. Enter the California Department of Education (CDE) plan review fee as ~~The CDE calculation is published on CDE's website, as follows: <https://www.cde.ca.gov/ls/fa/sf/forms.asp>~~

~~18.~~**22. DSA Plan Review Fee**- ~~Use the Construction Subtotal in Part II to calculate this amount using the calculator found on DSA's website.~~ Allowance is for the proportionate amount of fees charged by DSA, as required by law, for the Facility Hardship or Seismic Mitigation Program portion of the project. Following the instructions for DSA Project Fee Calculator page linked below, the user enters the value of item 16 into the calculator to determine the appropriate DSA Plan Review Fee amount: <https://www.apps2.dgs.ca.gov/dsa/tracker/FeeCalculator.aspx>. ~~Enter the resulting fee in this section.~~

23. Total Project Cost - is the sum of items 16, 17, 18, 19, 20, 21 and 22.

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

<u>1. CSI #</u> <u>(XX.YYYY ZZ)</u>	<u>2. Description</u>	<u>3. Quantity</u>	<u>4. Unit</u> <u>(Linear Foot (LF), Each</u> <u>(EA), Cubic Yard (CY),</u> <u>etc.)</u>	<u>5. Cost/Unit</u> <u>(F3 Level)</u>	<u>6. School</u> <u>District's Request</u>	<u>7. OPSC's Verified</u> <u>Allowance</u>	<u>7-8. School District Comments</u>	<u>9. OPSC Review Comments</u>
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<u>10. Title 24 maximum requirement</u>	<u>Access Compliance, 20 percent</u>			0%			In lieu of requesting individual line items for access compliance, the School District may request a 20 percent allowance to cover the costs of the maximum access compliance work required by the Division of the State Architect (DSA). This allowance is reflective of the maximum requirements in California Building Code Title 24, Section 11B-202.4, Exemptions, 8. See instructions for further detail.	
Part I - 11. Subtotal - School District's Request (6.) and OPSC's Allowance (7.)				\$ -	\$ -	\$ -		

General Requirements (CSI # 01.0000-000)			
8. General Conditions (Field Office Overhead) (enter %)	0.00%	\$ — — — —	Based on OPSC's Allowance Subtotal and upon CSI# 01.1000-000 Project Type in Sierra West. • Facility Hardship Rehabilitation (Fire and/or Water Damage) — "Repair of Fire Damage" • Facility Hardship Rehabilitation (historical structures) — "Unique Structures" • Facility Hardship Rehabilitation (all others) — "Alterations & Additions" • Seismic Mitigation Program Rehabilitation — "Alterations & Additions"
9. General Requirements (Home Office) (enter %)	0.00%	\$ — — — —	Based on OPSC's Allowance Subtotal and upon CSI# 01.2000-000 Project Type in Sierra West.
10. Bonds (enter %)	0.00%	\$ — — — —	Based on OPSC's Allowance Subtotal and based upon CSI# 01.2000-000 Project Type in Sierra West.
11. Overhead & Profit			Based on OPSC's Allowance Subtotal and upon CSI# 01.2000-000, "Institutional Structure" in Sierra West. (Note: \$0 – This is included in General Requirements)
Construction Subtotal:		\$ — — — —	
12. DSA Inspection Fee (allowed at 1.00%):	1.00%	\$ — — — —	Always 1.00%, based on Construction Subtotal. Only allowed if project required DSA approval.
13. Escalation (enter % for current year):	0.00%	\$ — — — —	This is based on Construction Subtotal, Allowed if the project has not been completed at the time of SAB approval. Allow one year escalation, based upon CSI# 01.3000-000, "Institutional Structure" in Sierra West.
14. Industry Specialist's Report Costs: (\$10,000 or 1% of OPSC's Allowance)		\$ — 10,000.00	Based on OPSC's Allowance Subtotal, enter the greater of \$10,000 or 1% of OPSC's Allowance.

ATTACHMENT C

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

15- Construction Testing Allowance:	1.00%	\$ _____ -	Always 1.00%, based on Construction Subtotal. Only allowed for rehabilitation projects if specialized testing of construction materials is required Based on Construction Subtotal, using the Design Cost Allowance chart below. Based on the published fee found on CDE's website. https://www.cde.ca.gov/ls/fa/st/forms.asp Based on Construction Subtotal, use the calculator found on the DSA's website. https://www.apps2.dgs.ca.gov/dsa/tracker/FeeCalculator.aspx
16- Design Cost Allowance:		\$ _____ -	
17- CDE Plan Fee:		\$ _____ -	
18- DSA Plan Fee (enter \$ amount):		\$ _____ -	
OPSC Approved Total Project Cost:		\$ _____ 10,000.00	

PART II - Contractor Burden

1. CSI #	2. Description	Multiplier	Allowance	Calculation Detail
1.1000 000	12. General Conditions (insert percentage) Broad categories covered by General Conditions include: • Mobilization, • Non-distributable labor and supervision, • Permits, licenses & fees, • Temporary utilities, structures, and fencing • Material handling equipment, trucks, safety, fuel, scaffolding, • Non-manual labor, benefits, payroll tax, workers compensation insurance • Insurances, comprehensive, builders risk.	0.00%	\$ _____ -	To determine the applicable multiplier, use the total project cost as reported to DSA* and the applicable OPSC project type listed above, reference the applicable percentage as indicated in the General Conditions table in Sierra West (CSI# 01.1000 000). Enter the percentage in the Multiplier column (Part II,... To determine the applicable allowance, multiply the applicable percentage by the subtotal of Part I (item 11). Enter the value into the Allowances column. The DSA total project cost value is used so that the application values provided representative of the economies of scale for the overall scope of the project.
1.2000 000	13. Overhead, Profit, and Bonds Broad categories covered by overhead include: rent, utilities, legal, accounting, estimating, travel, general insurance, taxes, marketing, advertising, computers, etc. and are distinctly not related to the physical construction of the project.	0.00%	\$ _____ -	To determine the applicable multiplier, using the total project cost as reported to DSA, reference the applicable percentage as indicated in the "Bonds" section in Sierra West (CSI# 01.2000 000). Enter the applicable percentage the Multiplier column (Part II,... To determine the allowance, sum the subtotal of Part I (item 11) with the allowance for General Conditions. Then multiply that sum by the applicable percentage by the subtotal in item 11. Enter the value in the Allowances column.
1.3000 000	14. Escalation This allowance provides for the general adjustment in construction costs over the duration of an estimating year.	0.00%	\$ _____ -	If the project has been completed, the application does not qualify for escalation. If a project requires DSA approval and the project has a Certification and Close letter at DSA, the project is considered complete. To determine the multiplier, reference the "Escalation" section of Sierra West (CSI# 01.3000 000).Enter the applicable percentage for the current year in the Multiplier column for Escalation . To determine the allowance, first sum the subtotal in item 11, the total Allowances for General Conditions and the Overhead, Profit & Bonds. Then multiply that total by the applicable percentage entered in Column F.
1.4000 000	15. Contingencies Contingencies are provided for projects when the construction line items in Part I are represented in a drawing stage that is less than 90 percent complete per Sierra West. Sierra West provides an allowance of "0 percent" when funding is based on "Final Working Drawings", such as DSA- approved plans.	0.00%	\$ _____ -	Contingencies are provided for projects when there are no final working drawings for the work being requested. This only applies to applications for conceptual approval or design funding. Sierra West provides an allowance of "0 percent" when funding is based on "Final Working Drawings". Projects that have plans approved by DSA or final plans that do not require DSA approval, are considered "Final Working Drawings." If the project is for conceptual approval for the Seismic Mitigation Program and the project has not received Final Plan Approval from DSA, enter the percentage for "schematic drawings" indicated on the "Contingencies" table in Section 1.4000 000 in the Multiplier column. Multiply this percentage by the sum of the subtotal in item 11 and the total Allowances for General Conditions, Overhead Profit & Bond, and Escalation to determine the Contingencies Allowance. If the project is for the conceptual or design approval for the Facility Hardship program, enter the percentage for "Conceptual Stage" indicated on the "Contingencies" table in Section 1.4000 000 in the Multiplier column. Multiply this percentage by the sum of the subtotal in item 11 and the total Allowances for General Conditions, Overhead Profit & Bond, and Escalation to determine the Contingencies Allowance.
Part II- 16. Construction Subtotal			\$ _____ -	Sum of Items 11, through 15.

PART III- Design Allowances & Fees

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ATTACHMENT C

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

Design Costs	Multiplier	Allowance	Calculation Detail
17. Project Inspection Allowance	1.00%		The allowance is provided for the services of a DSA certified inspector for the duration of the project. For projects that require DSA plan approval, the allowance is one percent of the value of item 16, Part II Construction Subtotal. For projects that do not require DSA plan approval, the allowance is zero.
18. Industry Specialist Report Allowance	\$10,000 or 1.00%		For rehabilitation projects enter the greater of \$10,000 or 1% of the OPSC Allowance Subtotal. This is in accordance with Sierra West Division 1, CSI 1.2000, 000 for Common Adders and Deductors for Special Inspection Procedures. For replacement projects, enter 0%.
19. Construction Testing Allowance	1.00%		For rehabilitation projects that require specialized testing and inspection of materials during construction, such as soil tests, foundation tests, exploratory borings, and similar testing prior to construction, the allowance is one percent of the value of item 16, Part II Construction Subtotal. The School District must submit written verification of the specialized testing required for the scope of work. For all other projects, the allowance is zero.
20. Design Specialist Cost Allowance	Sliding Scale		Using the amount in item 16 as a starting value, the allowance for the design specialist is calculated using the Design Specialist Cost Allowance sliding scale multiplier percentages below Part III of the Form. The total Design Cost Allowance equals the sum of the product of the allowance value on each line.
21. CDE Plan Review Fee	0.07%		Allowance is for the proportionate amount of fees charged by the California Department of Education (CDE), as required by law, for the Facility Hardship or Seismic Mitigation Program portion of the project. The allowance is calculated by multiplying 0.0007 by the value of item 16, Part II Construction Subtotal. The CDE calculation is published on CDE's website, as follows: https://www.cde.ca.gov/ls/fa/forms.asp
22. DSA Plan Review Fee	DSA Fee Calculator		Allowance is for the proportionate amount of fees charged by DSA, as required by law, for the Facility Hardship or Seismic Mitigation Program portion of the project. Following the instructions for DSA Project Fee Calculator page linked below, the user enters the value of item 16 into the calculator to determine the appropriate DSA Plan Review Fee amount: https://www.apps2.dgs.ca.gov/dsa/tracker/FeeCalculator.aspx
Part III- 23. Total Project Cost			Sum of Items 16 through 22.

For Reference:

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

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

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

Name of District Representative (Print):	Phone Number:
Signature of District Representative:	Date:

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

APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 08/25XX/25)

ATTACHMENT D

GENERAL INFORMATION

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

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

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

Requests for funding may be made as follows:

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

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

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ATTACHMENT D

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

comply with the requirements of Section 1859.81.

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

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

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

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

SPECIFIC INSTRUCTIONS

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

1. Type of Application

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

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

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

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

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

2. Type of Project

- a. Select the type of project that best represents this application request and enter the total number of pupils assigned to the project for each grade group. Include pupils to be housed in a new or replacement school authorized by ~~Section 1859.82 (a)~~ 1859.82.1 or 1859.82.2. The amount entered cannot exceed the district's baseline eligibility determined on Form SAB 50-03 and will be the basis for the amount of the new construction or modernization grants provided for the project.

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

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

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

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

- Enter the appropriate number assigned to the project for each grade group. The number of pupils entered cannot exceed the cumulative number of pupil grants requested in Section 2a. and determined by using the percentage factor above.

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

3. Number of Classrooms

Enter the:

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

4. Financial Hardship Request

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

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

5. New Construction Additional Grant Request

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

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

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leased site or an addition to an existing site, refer to Sections 1859.74.3 or 1859.74.4, respectively. The limitation of 50 percent may be exceeded when unforeseen circumstances exist, the CDE determines that the site is the best available site, and substantiation that the costs are the minimum required to complete the evaluation and RA.

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

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

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

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

- g. If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.71.3, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.71.3(a)(3).
- h. Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.71.2.
- i. If the district is requesting an Additional Grant for High Performance Incentive pursuant to Section 1859.70.4, enter the number of high performance points as prescribed in Section 1859.71.6 or 1859.77.4, as appropriate, subject to Education Code Section 17070.965.
- j. Multilevel building(s) in the P&S pursuant to Section 1859.73.2.

6. Modernization Additional Grant Request

- a. Check the box if the district is requesting project assistance allowance pursuant to Section 1859.78.2. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- b. If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.78.5(a)(3).
- c. Check the box if the district requests an additional grant for site development utility cost necessary for the modernization of 50 years or older permanent building(s). Enter 60 percent of the eligible costs allowable pursuant to

Section 1859.78.7(a).

- d. Check the box if the district requests an additional grant for site development utility cost necessary for the replacement of a 75 Years or Older Building, if not already provided under the provisions pursuant to Section 1859.78.7(a). Enter 60 percent of the eligible costs allowable.
- e. Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.78.4.
- f. If the district is requesting an Additional Grant for High Performance Incentive pursuant to Section 1859.70.4, enter the number of high performance points as prescribed in Section 1859.77.4, subject to Education Code Section 17070.965.
- g. Check the box if the district is requesting an Additional Grant for a Minimum Essential Facility pursuant to Regulation Section 1859.78.9.1. Check the box for the type of facility being requested (if the facility is a hybrid facility, select 'Hybrid' and indicate the type of facility on the line provided) and indicate the amount of eligible Toilet and Other square footage being built in the project. Check the appropriate box depending on whether the Minimum Essential Facility is permanent or portable construction. Check the box if the district is requesting an additional grant for Site Development pursuant to Regulation Section 1859.78.9.1. At the district's option, the district may request 35 percent of the Minimum Essential Facility supplemental grant or enter 60 percent of the amount calculated pursuant to Regulation Section 1859.78.9.1(b)(7) or 1859.78.9.1(c)(7).
- h. 1) Check the box if the district is requesting an Additional Grant for Transitional Kindergarten classrooms for the construction of a new transitional kindergarten classroom(s) and/or retrofit of an existing school facility to be a transitional kindergarten classroom(s). Check the appropriate boxes if the district is augmenting the grant with additional supplemental grants respective of the transitional kindergarten classroom project scope. Check the box if the district is requesting an additional grant for Site Development pursuant to Regulation Section 1859.78.9.2. The district may choose to request 35 percent of the Transitional Kindergarten supplemental grant, or enter 60 percent of minimum work amount, pursuant to Regulation Section 1859.78.9.2(c)(4) or 1859.78.9.2(c)(5).
- h. 2) The information needed to complete this section is based on the latest California Basic Educational Data System (CBEDS) enrollment data. Applications filed on or after November 1st must include the current school year enrollment. Enter the CBEDS enrollment for grades TK-3 at the school site for the current year and the three prior years' TK-3 enrollment, as appropriate.

Requests for funding shall include the documents as follows:

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

7. Excessive Cost Hardship Request

Check the appropriate box to request an augmentation to the New Construction or Modernization Grants for an excessive cost hardship for the items listed. Refer to Section 1859.83 for eligibility criteria. Requests for excessive cost grants for accessibility requirements are allowed only if required by the Division of the State Architect (DSA). At the district's option, the district may request three percent of the modernization

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base grant or enter the amount calculated pursuant to Regulation Section 1859.83(f). 1859.83(e)(2). Attach a copy of the DSA approved list that shows the minimum work necessary for accessibility requirements.

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

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

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

Excessive Cost Hardship Request

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

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

9. Project Priority Funding Order

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

10. Prior Approval Under the LPP

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

11. Prior Apportionment Under the SFP

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

12. Preliminary Apportionment to a Final Apportionment

If this request is to convert a Preliminary Apportionment to a Final Apportionment, enter the application number of the Preliminary Apportionment. Failure to report this information may delay the processing of the application by the OPSC.

13. Alternative Developer Fee

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

14. Adjustment to New Construction Baseline Eligibility

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

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

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

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

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

15. Pending Reorganization Election

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

16. Joint-Use Facility/Leased Property

Check the box if:

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

17. Project Progress Dates

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

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18. Prevailing Wage Monitoring and Enforcement Costs

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

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

19. Construction Delivery Method

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

20. Career Technical Education Funds Request

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

21. Overcrowding Relief Grant Narrative

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

22. Local Funding Adjustment Grant

Enter the following:

- a. The district's total assessed valuation, pursuant to Section 1859.70.5(a)(1).
The district must provide a letter from the county auditor-controller that certifies the school district's total assessed valuation.
- b. The district's gross bonding capacity, rounded to the nearest whole dollar.
To calculate this, take the total assessed valuation and multiply that by 1.25% for non-unified school districts or 2.5% for unified school districts, rounded to two decimal places.
- c. The district's unduplicated pupil percentage as determined for purposes of the local control funding formula pursuant to Education Code Section 42238.02, rounded to two decimal places.
- d. The district's enrollment, pursuant to Section 1859.70.5(a)(3) based on the latest California Basic Educational Data System (CBEDS) enrollment data as it would have been reported using the criteria in Parts A, C and D of the Form SAB 50-01. Applications filed on or after November 1 must include the current school year enrollment.
- e. Check Yes or No to indicate whether the project includes the use of a Project Labor Agreement for this application. If the district indicates it intends to have a Project Labor Agreement, but does not yet, it will be audited for compliance and the funding will be adjusted accordingly if it does not have a Project Labor Agreement.

23. Architect of Record or Licensed Architect Certification

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

24. Architect of Record or Design Professional Certification

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

25. Certification

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

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The school district named below applies to the State Allocation Board via the Office of Public School Construction for a grant under the provisions of Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et seq., of the Education Code and the Regulations thereto.

SCHOOL DISTRICT		APPLICATION NUMBER
SCHOOL NAME		PROJECT TRACKING NUMBER
COUNTY	DISTRICT REPRESENTATIVE'S E-MAIL ADDRESS	HIGH SCHOOL ATTENDANCE AREA (HSAA) OR SUPER HSAA (IF APPLICABLE)

1. Type of Application—Check Only One

- ☐ New Construction
☐ New Construction (Final Apportionment)
☐ New Construction (Final Charter School Apportionment)
☐ New Construction (Overcrowding Relief Grant)
☐ Rehabilitation (Final Charter School Apportionment)
☐ Modernization
☐ Modernization of California Schools for Deaf/Blind
☐ Facility Hardship [Section 1859.82.1]
☐ Conceptual Approval [Section 1859.82.3(a)]
☐ Replacement Site
☐ Replacement School Building(s):

Toilets (sq. ft.) _____

Other (sq. ft.) _____

☐ 60 percent Rehabilitation Costs: \$ _____

- ☐ Seismic Mitigation [Section 1859.82.2]
☐ Conceptual Approval [Section 1859.82.3(b)]
☐ Replacement Site
☐ Replacement School Building(s):

Toilets (sq. ft.) _____

Other (sq. ft.) _____

☐ 60 percent Seismic Rehabilitation Grant Costs: \$ _____
Separate Apportionment

- ☐ Site Only—New Construction [Section 1859.81.1]
☐ Site Only (District owned)—New Construction [Section 1859.81.2]
☐ Site Only—Environmental Hardship [Section 1859.75.1]
☐ Site Only—Facility Hardship [Section 1859.82.1]
☐ Site Only (District owned)—Facility Hardship [Section 1859.82.1]
☐ Site Only—Seismic Mitigation [Section 1859.82.2]
☐ Site Only (District owned)—Seismic Mitigation [Section 1859.82.2]
☐ Design Only—New Construction [Section 1859.81.1]
☐ Design Only—New Construction with High Performance
☐ Design Only—Modernization
☐ Design Only—Modernization with High Performance
☐ Design Only—Modernization of California Schools for Deaf/Blind
☐ Design Only—Facility Hardship [Section 1859.82.1]
☐ Design Only—Seismic Mitigation [Section 1859.82.2]
☐ Advance Funding for Evaluation and RA

2. Type of Project

- a. ☐ Elementary School
☐ Middle School
☐ High School

Total Pupils Assigned:

K–6: _____

7–8: _____

9–12: _____

Non-Severe: _____

Severe: _____

- b. ☐ 50 Years or Older Building Funding (Modernization Only)

Total Eligible Classrooms/Square Footage: _____

Classroom/Square Footage at Least 50 Years Old: _____ Ratio
of 50 Years Old Classrooms/Square Footage: _____ %

From 2a above, how many are 50 Year or Older Pupil Grants?

K–6: _____

7–8: _____

9–12: _____

Non-Severe: _____

Severe: _____

- c. Included in 2a above, how many pupils are generated by the Alternative Enrollment Projection? (New Construction Only)

K–6: _____

7–8: _____

9–12: _____

Non-Severe: _____

Severe: _____

- d. If the request is to replace 75 Years or Older Facilities (Modernization Only)

Number of existing classrooms being demolished _____

The total square footage of non-classroom space being demolished _____

The number of classrooms being constructed _____

The total square footage of non-classroom space being constructed _____

From 2a above, how many are 75 Years or Older Pupil Grants?

K–6: _____

7–8: _____

9–12: _____

Non-Severe: _____

Severe: _____

- e. Is this a 6–8 school? ☐ Yes ☐ No

If you answered yes, how many K–6 pupils reported above are sixth graders? _____

Is this an Alternative Education School? ☐ Yes ☐ No

- f. Is this a use of grant request pursuant to Section 1859.77.2? ☐ Yes ☐ No

Is this request pursuant to Section 1859.77.2(c)? ☐ Yes ☐ No

If yes, enter date of successful bond election: _____

Is this a use of grant request pursuant to Section 1859.77.3? ☐ Yes ☐ NoIs this request pursuant to Section 1859.77.3(c)? ☐ Yes ☐ No

If yes, enter date of successful bond election: _____

- g. Charter School Facilities Program Rehabilitation Request:

Toilets (sq. ft.) _____

Other (sq. ft.) _____

- h. Project to be located on:

☐ Leased Site☐ New Site☐ Existing Site with Additional Acreage Acquired☐ Existing Site with No Additional Acreage Acquired

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Additional Grant Request

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

Excessive Cost Hardship Request

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

9. Project Priority Funding Order—New Construction Only

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

Project meets:

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

10. Prior Approval Under the LPP

New Construction: 22/ _____

Modernization: 77/ _____

11. Prior Apportionment Under the SFP

Site/Design—New Construction: 50/ _____

Design—Modernization: 57/ _____

12. Preliminary Apportionment to Final Apportionment

Preliminary Apportionment Application Number: # _____

13. Alternative Developer Fee—New Construction Only

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

14. Adjustment to New Construction Baseline Eligibility

- a. Classroom(s) provided:
- | Additional | Replacement |
|-------------------|------------------|
| K-6: _____ | K-6 _____ |
| 7-8: _____ | 7-8 _____ |
| 9-12: _____ | 9-12 _____ |
| Non-Severe: _____ | Non-Severe _____ |
| Severe: _____ | Severe _____ |

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

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

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

17. Project Progress Dates

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

18. Prevailing Wage Monitoring and Enforcement Costs

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

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

19. Construction Delivery Method

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

20. Career Technical Education Funds Request

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

Number of CTE classroom(s): _____

21. Overcrowding Relief Grant Narrative

22. Local Funding Adjustment Grant

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

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23. Architect of Record or Licensed Architect Certification

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

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

ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

SIGNATURE

DATE

24. Architect of Record or Design Professional Certification

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

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

plans apart from the other Modernization work in the DSA-approved plans and indicate that the estimated construction cost of the work in the P&S, including deferred items and interim housing (if any) relating to the proposed project, is at least 60 percent of that portion of the grant amount provided by the State and the district's matching share.

ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

SIGNATURE

DATE

25. Certification

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

- I am an authorized representative of the district as authorized by the governing board of the district; and,
- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et. seq., of the Education Code was adopted by the school district's governing board or the designee of the Superintendent of Public Instruction on, _____; and,
- The district has established a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (refer to Sections 1859.100 through 1859.102); and,
- The district has considered the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
- If this funding request is for the modernization of portable classrooms eligible for an additional apportionment pursuant to Education Code Section 17073.15, the district certifies that (check the applicable box below):
 - ☐ 1. The state modernization funds will be used to replace the portable classrooms and permanently remove the displaced portables from the classroom use within six months of the filing of the Notice of Completion for the project; or,
 - ☐ 2. It has provided documentation to the Office of Public School Construction which indicates that modernizing the portable classrooms eligible for an additional apportionment is better use of public resources than the replacement of these facilities.
- Facilities to be rehabilitated under the Charter School Facilities Program previously funded with School Facility Program State funds meet the requirements of Section 1859.163.6; and,
- All contracts entered on or after November 4, 1998 for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
- If this request is for new construction funding, the district has received approval of the site and the plans from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- If this request is for modernization or Charter School Facilities Program Rehabilitation funding, the district has received approval of the plans for the project from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,

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- This district has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- The district matching funds required pursuant to Sections 1859.77.1 or 1859.79 has either been expended by the district, deposited in the County School Facility Fund or will be expended by the district prior to the notice of completion for the project; and,
- The district has received the necessary approval of the plans and specifications from the Division of the State Architect unless the request is for a separate site and/or design apportionment; and,
- If the district is requesting site acquisition funds as part of this application, the district has complied with Sections 1859.74 through 1859.75.1 as appropriate; and,
- With the exception of an apportionment made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105); and,
- If the apportionment for this project was made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 12 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105.1); and,
- The district understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Section 1859.90); and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
- The district understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Sections 1859.105, 1859.105.1, 1859.106; and,
- The district has complied with the provisions of Sections 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,
- If the SFP grants will be used for the construction or modernization of school facilities on leased land, the district has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- If the application contains a "Use of New Construction Grant" request, the district has adopted a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board on _____ as specified in Sections 1859.77.2, or 1859.77.3, as appropriate. The district's approved housing plan is as indicated (check all that apply):
 - ☐ 1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB and the district must identify the source of the funds. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
 - ☐ 2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom. [Applicable for Sections 1859.77.2(a) and (b) and 1859.73(a) and (b)]
 - ☐ 3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project. [Applicable for Sections 1859.77.2(b) and 1859.77.3(b)].
- If the district requested additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4, the district will include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project; and,
- The district has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and the need for vocational and career technical facilities is being adequately met in accordance with Education Code Sections 51224, 51225.3(b), and 51228(b), and 52336.1; and,
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the increased costs for the energy efficiency components in the project exceeds the amount of funding otherwise available to the district; and,
- If this application is submitted after January 1, 2004 for modernization funding, the district has considered the potential for the presence of lead-containing materials in the modernization project and will follow all relevant federal, state, and local standards for the management of any identified lead; and,
- The district has initiated and enforced an LCP that has been approved by the DIR, pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003 and before January 1, 2012; and,
- The district has contracted with the DIR for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014, if the construction contract was awarded on January 1, 2012 through June 19, 2014 and the district has not obtained a waiver for the requirement, pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014. The district understands that if it fails to meet this requirement, it will be required to repay all state bond funds received including interest; and,
- Beginning with the 2005/2006 fiscal year, the district has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and,
- If this application is submitted pursuant to Section 1859.180, the district certifies that within six months of occupancy of the permanent classrooms, it will remove the replaced portables from the eligible school site and K-12 grade classroom use with the exception of schools described in Education Code Section 17079.30(c); and,
- The district has considered the feasibility of using designs and materials for the new construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and the other characteristics of high performance schools; and,
- If the district is requesting an additional grant for high performance incentive funding, the school district governing board must have a resolution on file that demonstrates support for the high performance incentive grant request and the intent to incorporate high performance features in future facilities projects; and,
- If this application is submitted when there is Insufficient Bond Authority, the

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district has adopted a school board resolution pursuant to Section 1859.95.1;
and,

- The district will comply with all laws pertaining to the construction or modernization of its school building.
- If the district marked the box for 'Yes' in Section 22 e. of this application that it has or will include a project labor agreement, the use of a project labor agreement will be verified as part of the audit required in EC Section 41024. If it is determined that a project labor agreement was not used, the additional Local Share Adjustment Grant funding provided as a result of the points assigned to the project to determine the matching share percentage will be required to be returned, with interest (based on the interest rate earned in the Pooled Money Investment Account at the time of fund release) until funds are returned.
- If the district is requesting the modernization supplemental grant for Minimum Essential Facilities pursuant to Section 1859.78.9.1 as part of this application, the district certifies that any classrooms displaced as a result of reconfiguration are replaced in the same plan set, or the district certifies that the classrooms are not being replaced due to a demonstrated lack of need and the district acknowledges that no adjustment to the district's new construction eligibility will be made for the removal of these classrooms;
and,
- If this funding request is for the retrofit of kindergarten classrooms, the School District certifies that the classrooms did not meet design requirements for a kindergarten classroom at the time they were built or previously retrofitted to meet kindergarten standards; and,
- If funding for new or retrofitted Transitional Kindergarten classrooms is being requested, the School District certifies that _____ classrooms were constructed or previously altered to meet the requirements for a kindergarten classroom; and,
- With regards to providing Transitional Kindergarten instruction as pursuant to Section 1859.78.9.2, the School District certifies that the School District is currently or will provide Transitional Kindergarten at the project site.

NAME OF DISTRICT REPRESENTATIVE (PRINT)	PHONE NUMBER
SIGNATURE OF DISTRICT REPRESENTATIVE	DATE

ATTACHMENT E

OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING June 4, 2024

Proposed Amendments to the Facility Hardship and Seismic Mitigation Program Regulations

PURPOSE

To discuss and receive stakeholder input regarding updates to the Facility Hardship Program (FHP) and Seismic Mitigation Program (SMP) for the purposes of providing clarity, consistency, and general updates in School Facility Program (SFP) Regulation Sections 1859.82.1, and 1859.82.2, and to the *Facility Hardship Cost Estimate* (Form SAB 58-01).

DESCRIPTION

The FHP began in 1998 with the creation of the SFP. In 2006, California voters approved Proposition 1D, which provided funding to create the SMP.

The FHP provides funding assistance in cases of extraordinary circumstances that have caused an imminent health and safety threat to students and staff. Extraordinary circumstances may include but are not limited to:

The need to replace school buildings as a result of any of the following:

- a natural disaster such as a fire, flood, or earthquake,
- proximity to a major freeway, airport, electrical facility, high power transmission lines, dam, pipeline, or industrial facility,
- adverse air quality,
- structural deficiency to the school building, or,
- site conditions such as faulting, toxic soil, or liquefaction.

The need to rehabilitate school buildings, components of school buildings, or school site conditions. Examples of this may include:

- school building structural deficiencies,
- hazardous conditions such as methane, or lead,
- unsafe water supply, or,
- site conditions such as faulting, toxic soil, landslide risk, or liquefaction.

Staff has prepared proposed program regulation and Form SAB 58-01 changes for the FHP and SMP that are included as Attachments A and B. These changes are intended to build upon the amendments approved by the Board in May 2020 and improve the functionality and effectiveness of the program regulations. In many cases the language is reorganized and clarified to ensure clarity for program applicants and the Office of Public School Construction (OPSC) as administrator of the programs.

AUTHORITY

See Attachment C.

BACKGROUND

On May 27, 2020, after three public meetings seeking stakeholder feedback, OPSC presented and the State Allocation Board (SAB) approved regulatory amendments, corresponding edits to the *Application for Funding* (Form SAB 50-04), and the establishment of a new cost estimate form called the *Facility Hardship Cost Estimate* (Form SAB 58-01). The amendments included comprehensive changes to the overall organization and structure of the regulation text, program funding, and eligibility criteria.

Through the course of processing applications received under the FHP and SMP since the 2020 program changes went into effect, OPSC has identified several areas of opportunity to provide further clarification, standardization, and improved user readability and experience of the SFP regulations governing this program.

STAFF ANALYSIS/DISCUSSION

The following improvements to the regulatory language for the FHP and SMP are presented for consideration below in order of appearance. Proposed changes that are applicable to both sections 1859.82.1 and 82.2 are listed only one time and noted as such.

Summary of Changes to SFP Regulation Section 1859.61 and FHP and SMP Regulations Sections 1859.82.1 & 82.2

Section 1859.61 – Adjustments to Modernization Baseline as a result of FHP and/or SMP Funding

The intent of SFP Regulation Section 1859.61(l) is to outline the conditions for when an adjustment to a district's modernization eligibility baseline is required as a result of receiving a New Construction Grant or Facility Hardship Square Footage Grant. For school buildings and/or classrooms that were originally included in the district's baseline eligibility and were later demolished or removed from classroom use due to health and/or safety concerns that meet the requirements of Regulation Section 1859.82.1 or 1859.82.2, except the district did not have the current enrollment to support the replacement and funding of those school buildings and/or classrooms, the regulations allow for an adjustment to the district's modernization eligibility.

As written, a school board resolution is required in two instances; however, the school board resolution required to allow this adjustment should only apply to qualifying classrooms that did not have enrollment to support the funding. Therefore, staff proposes language to state the requirements more clearly for how this adjustment will be made by reorganizing and renumbering the current language. A school board resolution is only required under the new Section 1859.61(l)(2)(B).

Sections 1859.82.1 & .82.2 Add Definition for Grade Category

When determining the number of classrooms needed to house enrollment at a school site, OPSC assesses this need on grade category basis in the same fashion SFP grants are assigned. The resulting number of classrooms needed to house pupils enrolled at the site are assigned by grade categories K-6, 7-8, 9-12, Non-Severe, and Severe, rather than by each grade level individually. Thus, staff proposes to define the term "grade category" in regulation.

The proposed regulation text includes the addition of the definition of "grade category" for the purposes of the FHP and SMP regulation sections only, which shall mean kindergarten through sixth grade (inclusive of transitional kindergarten), seventh grade through eighth grade, ninth grade through twelfth grade, Non-Severely Disabled Individuals with Exceptional Needs, and Severely Disabled Individuals with Exceptional Needs. Facilities for Non-Severely

Disabled Individuals with Exceptional Needs and Severely Disabled Individuals with Exceptional Needs receive a higher per pupil grant than K-12 pupils. Non-Severely Disabled Individuals with Exceptional Needs and Severely Disabled Individuals with Exceptional Needs students are not considered grade levels under the SFP. This added definition will better clarify that classroom capacity for Replacement applications will be determined by grade category rather than individual grade levels.

Sections 1859.82.1 & .82.2 - Minimum Work and Required Additional Work

The purpose of this change is to clarify that other governmental agencies, in addition to the Division of the State Architect (DSA), may require work to be completed as part of the qualifying FHP or SMP project. This work may also be included in the application for funding.

Sections 1859.82.1 & .82.2 - Require Additional Documents for a Complete Application Submittal for Replacement Projects

To avoid delays and enable more expeditious processing of FHP and SMP Replacement applications, the proposed regulations include two additional documents that a district must submit for a complete Approved Application.

1. A site development worksheet for projects wherein site development work was or will be performed and additional funding is being requested for site development costs.
2. A gross inventory of all school buildings located on the project site at the time of submittal of the Approved Application, such as a site diagram or floor plan, that indicates current usage/building type, grade level, and square footage of each facility.

Section 1859.82.1 - Mitigation of Asbestos

Current regulations allow for mitigation of asbestos when lab results demonstrate that it is currently friable. Staff has determined that additional clarifying language should be added to outline when asbestos mitigation can be funded under the FHP. The FHP is intended to cover costs for extraordinary circumstances pursuant to Education Code (EC) Section 17075.10. In addition, EC Section 17074.25 already provides that a district may use modernization grants for various purposes including “abatement of hazardous asbestos.” The inclusion of this allowance in section 17074.25 suggests that asbestos is not an extraordinary circumstance. FHP funding for asbestos abatement is limited to situations that arise when asbestos becomes friable only through extraordinary circumstances outside of routine repair, maintenance, or modernization work.

For example, the Board has funded asbestos mitigation for buildings damaged as a result of an earthquake that caused previously encapsulated asbestos to become friable. The friable asbestos was also confirmed by lab results. This type of project would be eligible for Facility Hardship funding because of the extraordinary circumstance that precipitated its friability.

Abatement of asbestos that is exposed or disturbed and becomes friable during routine modernization, repair or maintenance work, such as fire or access compliance upgrades, or flooring replacement, is an eligible use of SFP Modernization grants. This type of project would not qualify for the Facility Hardship Program.

Sections 1859.82.1 & .82.2 - Clarify the Calculation Methodology for Base Grant Funding of Individual Building Replacement Applications

OPSC has received funding requests recently that are changing the use of the space being replaced, had less than adequately sized facilities prior to the health and safety issue, and/or are required to build back more square footage than is provided for in SFP regulations in order to obtain DSA plan approval. OPSC saw an opportunity to incorporate language that will help to clarify how funding is calculated when some, but not all buildings on the site are being replaced.

The base grant for applications that qualify for Replacement funding to replace some but not all school buildings on a school site is based upon the Square Footage grant amount determined by the calculation methodology in SFP Regulation Sections 1859.82.1(b)(4)(B) and 1859.82.2(b)(4)(B). To more clearly explain the grant calculation process for Replacement applications, the proposed regulations include the following clarifying changes to the language detailing this grant calculation methodology:

- Add language clarifying that funding will be based upon the facility type of the school building being constructed in addition to the Square Footage of the building being replaced. This change will clarify how funding will be provided in scenarios wherein a school district is replacing the eligible school building of one Facility Type with a school building of a different Facility Type.
- Add language clarifying that funding may be provided for at least the minimum Square Footage amount allowable in the regulation chart for the applicable Facility Type if the Square Footage of the school building being replaced was less than the amount prescribed in the chart, provided that the District is constructing at least that minimum Square Footage. Making this change will ensure that the funding provided will be for a facility that is adequately sized for the Facility Type and the site's enrollment.
- Add language to provide flexibility for circumstances in which school districts are required to construct more toilet square footage than the Square Footage calculation determines as allowable for the project and site in order to obtain plan approval from DSA.

Sections 1859.82.1 & .82.2 - Further Define Eligible Funding for Rehabilitation Applications

Through the course of processing applications seeking Rehabilitation funding, OPSC identified the need to further outline how funding would be provided for Rehabilitation applications involving the replacement of components or unenclosed roofed structures, such as lunch shelters, shade structures, and covered walkways.

While the regulations are clear in that school districts can perform work that is beyond the health and safety scope, FHP and SMP funds are intended to be based only on costs associated with the minimum work necessary to mitigate a qualifying health and safety threat and any additional work that may be required in order to obtain required approvals from governmental entities. Staff's intent with these proposed changes is to maintain the Program's focus on funding only the minimum mitigation work outlined in the industry specialist's report submitted with the application while also allowing for flexibility in Program funding for additional costs school districts are required to incur in order to meet governmental agency requirements in the pursuit of completing the mitigation work and obtaining plan approval.

For example, a structural engineer has determined that a wooden lunch shelter has significant dry rot and structural integrity issues due to design failures, making collapse of the structure likely and, as such, threatening the health and safety of the students and staff. Due to the significant issues posed, the industry specialist has determined that the most cost effective way to mitigate the health and safety issue is to replace the wooden lunch shelter with one made of steel. In this scenario, funds associated with replacing the wooden lunch shelter with a metal lunch shelter would be deemed eligible for Rehabilitation funding because the industry specialist's report detailed how the change in material was integral in fully mitigating the health and safety threat as the combination of the wood, adverse climate conditions, and design all were contributing factors to rendering the lunch shelter at imminent risk of collapse.

However, if the district in this same scenario instead opts to replace the wooden lunch shelter with a state-of-the-art lunch shelter made with high-end materials, retractable walls, and enhanced supplemental components like HVAC units, funding for this project would not be

based on the costs involved with constructing the enhanced lunch shelter but, rather, to provide replacement of what was existing before but may include required safety upgrades such as material changes as outlined in the industry specialist's report.

In cases where the industry specialist's report outlines rehabilitation work as the resolution to mitigate the health and safety threat, the rehabilitation work outlined in the report will be used to generate the funding provided for the funding request as it would represent the minimum work needed to provide a safe structure and meet the requirements needed to obtain plan approval of the project.

Sections 1859.82.2 - Supplemental Grants

Staff determined that the following amendments were needed regarding the supplemental grants that certain applications may be eligible to request.

1. Staff proposes adding the New Construction Excessive Cost Hardship Grant for urban location, security requirements and impacted site to the list of supplemental grants qualifying SMP applications seeking Replacement funding to replace some but not all school buildings may request. The omission of this grant was an oversight when regulations were updated in 2020, and this amendment will ensure that qualifying SMP Replacement applications may receive funding to properly account for added costs presented by urban construction that these new construction-type projects may face and that are not accounted for in the base funding for SMP Replacement funding. This amendment will also ensure consistency in the supplemental grant opportunities provided to both FHP Replacement applications and SMP Replacement applications.
2. Staff proposes removing the Excessive Cost Hardship Grant for accessibility and fire code requirements for a new two-stop elevator from the list of supplemental grants that qualifying SMP Rehabilitation applications may request. This supplemental grant is duplicative. Costs for the new two-stop elevators required by DSA would already be eligible to be included in the cost estimate. If the cost benefit analysis finds the rehabilitation costs to be less than 50 percent of the replacement amount for the building, the necessary costs would be included on the Form SAB 58-01 that generates rehabilitation funding for the project.

Sections 1859.82.1 & .82.2 - Eligible Costs for Inclusion in the Form SAB 58-01

In response to stakeholder feedback provided at the stakeholder meetings held prior to the 2020 regulation changes, and through written correspondence to OPSC, staff incorporated language clarifying that funding will be provided for code compliance work if it is required by DSA to obtain plan approval of the health and safety scope. Since the enactment of the updated regulations, staff has identified an opportunity to strengthen this language while also providing flexibility for the Board to provide additional funding to cover supplemental work that school districts may be required to perform in order to obtain all needed approvals for the health and safety work. The proposed regulations include language to specifically note that Districts may include additional work beyond the minimum work needed to mitigate the qualifying health and safety threat in the Form SAB 58-01 if it is required to be completed to gain required approvals from DSA and/or other Governmental Agencies (as defined in Section 1859.2).

Sections 1859.82.1 & 82.2 - Specify Concurring Agency for Rehabilitation Applications for Hazardous Materials and Waste Projects

The proposed regulations specify that FHP Rehabilitation applications for the cleanup and/or remediation of hazardous materials and waste under the jurisdiction/oversight of the Department of Toxic Substances Control (DTSC) must obtain a letter of concurrence from DTSC. The requirement for DTSC concurrence for hazardous cleanup projects aligns with guidance in SFP Regulations for New Construction projects and ensures that the proper

authority over such work is involved in FHP Rehabilitation projects.

Facility Hardship Cost Estimate (Form SAB 58-01) Update

When the Form SAB 58-01 (Form) was approved, it was intended that Staff would annually publish the SAB 58-01 in a template format with updated allowances in conformance with the Current Construction Remodeling Costs publication, as needed. Staff is amending the format of the official Form SAB 58-01 to align with the order of the categories for the General Requirements Section as published in the Sierra West Publication, *Current Construction Remodeling Costs*.

Regulation Section 1859.82.1(c)(3)(C) already outlines what the Form SAB 58-01 needs to include. Subsection 1 requires all Forms SAB 58-01 to be prepared in accordance with Sierra West. This section states, "The Form SAB 58-01 must use the most current edition of the Current Construction Remodeling Costs publication by Sierra West Publishing...." Staff has confirmed with Sierra West staff that these changes to the soft cost schedule align with their publications. A summary of the proposed changes follows.

Instructions tab is updated to better explain the requirements of the Form and its calculations.

Estimate Detail tab is expanded and updated as follows:

Part I

- Numbered the column for "OPSC's Allowance." This assists with providing instructions and references to this section.
- Added a column for "OPSC Review Comments." Currently a column is not available for OPSC to provide an explanation for why a value was disallowed or allowed at a value different than requested.
- Access Compliance - OPSC is proposing the addition of this line to save districts time, make application processing more efficient, and ensure that funding is provided to cover the maximum accessibility work that would be required for the project. In cases where a school district qualifies for funding as a rehabilitation project, but intends to do replacement work, OPSC does not require fully approved construction plans to support the cost estimate used to generate the rehabilitation estimate used to provide funding for the project. This approach may also be used when creating a cost estimate for rehabilitation work used as part of the cost benefit analysis conducted to determine if the project is eligible for rehabilitation or replacement funding.

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

- NOTE: The 20-percent allowance is only used for applications using conceptual or schematic drawings, typically part of the cost benefit analysis to determine if the project will receive rehabilitation or replacement funding. It does not apply to applications with DSA-approved plans showing the actual work required. The facility hardship grant may only be provided for work directly associated with the minimum mitigation of the health and safety threat, as well as any other work required to gain plan approval or to complete the project by agencies with project oversight. Delineating this work out from the other improvements being made in the same plan set can be challenging, especially for hybrid projects.

Part II

Contractor Burden Costs - This Part has been renamed from *General Requirements* to *Contractor Burden*. In consultation with Sierra West representatives and districts, OPSC received feedback that the term “Contractor Burden” would be a more accurate description. The update in terminology is to clarify that these are hard costs related to the items the contractor is required to provide for a successful project completion. The Sierra West publication allows contractor burden for the following items:

General Conditions- There is a two-step process for calculating this allowance, as follows:

1. “Multiplier” - Determine the applicable percentage to multiply the total by from Sierra West. The percentage is based on the scope of the project, as reflected in the total project cost reported to DSA, compared to CSI# 01.1000 000 in Sierra West. The purpose of completing this calculation is to get the allowance percentage to be commensurate with what the district is paying as part of the contract to complete the hardship work. Often FHP and SMP applications fund a portion of a comprehensive modernization project. If the percentage was based just on the OPSC allowance subtotal, it would appear that the project was smaller and therefore would generate a higher percentage allowance. This could ultimately result in significantly more contractor burden funding than actually applicable to the health and safety mitigation. Additionally, the FHP and SMP can only fund the minimum work required to mitigate the health and safety threat. Providing excess contractor burden allowances would not be in alignment with program intent.
2. Multiply the percentage determined above, by the section Construction Subtotal. This calculation will result in the eligible grant amount for General Conditions.

Example A. A project was a stand-alone Facility Hardship application where the only scope in the DSA-approved plans is the minimum mitigation work and any required ancillary work to gain plan approval and complete the project. The application qualified for an OPSC Allowance Subtotal of \$1.5 million and has a total project cost reported to DSA for the plan set of \$1.5 million. In accordance with Sierra West, the Project would qualify for a General Conditions percentage of 12%, which results in a grant of \$180,000 for General Conditions.

An example of the Sierra West publication reference can be found below:

01.1000 000		GENERAL CONDITIONS: <i>Note: General conditions will range from 6% of project costs for large projects to 20% of project costs for small projects. If manual labor distributables are excluded, allow for 0.9% of project cost. Congested urban areas, allow an additional 2%.</i>									
	REPAIR OF FIRE DAMAGE	ALTERATIONS & ADDITIONS	UNIQUE STRUCTURE	INSTITUTIONAL STRUCTURE	COMMERCIAL STRUCTURE	PUBLIC WORKS HEAVY	HIGH RISE HOUSING	LOW RISE HOUSING	SINGLE FAMILY TRACT	SINGLE FAMILY CUSTOM	SINGLE FAMILY ARCHITECTURAL
AMOUNT/SIZE	%	%	%	%	%	%	%	%	%	%	%
Under \$200 Thousand	20.0	20.0	18.0	16.5	15.0	15.0	15.0	15.0	15.0	15.0	20.0
\$200 to \$500 Thousand	18.0	16.0	14.0	12.0	10.0	10.0	10.0	10.0	10.0	12.0	15.0
\$500 Thousand to \$1 Million	16.0	14.0	12.0	10.0	8.0	9.0	8.0	8.0	8.0	10.0	11.0
\$1 to \$2 Million	14.0	12.0	10.0	8.0	6.5	7.0	6.5	6.5	6.5	8.0	10.0
\$2 to \$5 Million	12.0	10.0	8.0	8.0	5.5	6.5	5.5	5.5	5.5	6.5	7.5
\$5 to \$10 Million	10.0	8.0	7.0	8.0	5.0	6.0	5.0	5.0	5.0	6.0	7.0
\$10 to \$20 Million	8.0	7.0	6.0	7.5	5.2	5.5	5.0	5.0	5.0	0.0	0.0
\$20 to \$50 Million	7.0	6.5	6.0	7.0	5.0	5.0	4.5	4.5	4.5	0.0	0.0
\$50 to \$100 Million	6.5	6.0	5.5	6.5	4.5	4.7	4.5	4.5	4.2	0.0	0.0
\$100 Million and Up	6.0	5.5	5.0	6.0	4.5	4.5	4.5	4.5	0.0	0.0	0.0

Example B. A project is to mitigate a health and safety threat that qualifies for the Facility Hardship program. While completing the work to mitigate the threat, the district would also like to complete a comprehensive modernization project for the site. The application qualified for an OPSC Allowance Subtotal of \$1.5 million and has a total project cost reported to DSA for the plan set of \$100.5 million. In accordance with Sierra West, the Project would qualify for a General Conditions percentage of 5.5% based off of the total project cost of \$100.5 million.

That percentage would then be applied to the \$1.5 million OPSC Allowance Subtotal and result in a General Conditions grant of \$82,500. This approach reflects the benefits of the economies of scale from combining the facility hardship scope of work with the additional scope completed in the same plan set.

An example of the Sierra West publication reference can be found below:

01.1000 000	GENERAL CONDITIONS: <i>Note: General conditions will range from 6% of project costs for large projects to 20% of project costs for small projects. If manual labor distributables are excluded, allow for 0.9% of project cost. Congested urban areas, allow an additional 2%.</i>
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	REPAIR OF FIRE DAMAGE	ALTERATIONS & ADDITIONS	UNIQUE STRUCTURE	INSTITUTIONAL STRUCTURE	COMMERCIAL STRUCTURE	PUBLIC WORKS HEAVY	HIGH RISE HOUSING	LOW RISE HOUSING	SINGLE FAMILY TRACT	SINGLE FAMILY CUSTOM	SINGLE FAMILY ARCHITECTURAL
AMOUNT/SIZE	%	%	%	%	%	%	%	%	%	%	%
Under \$200 Thousand	20.0	20.0	18.0	16.5	15.0	15.0	15.0	15.0	15.0	15.0	20.0
\$200 to \$500 Thousand	18.0	16.0	14.0	12.0	10.0	10.0	10.0	10.0	10.0	12.0	15.0
\$500 Thousand to \$1 Million	16.0	14.0	12.0	10.0	8.0	9.0	8.0	8.0	8.0	10.0	11.0
\$1 to \$2 Million	14.0	12.0	10.0	8.0	6.5	7.0	6.5	6.5	6.5	8.0	10.0
\$2 to \$5 Million	12.0	10.0	8.0	8.0	5.5	6.5	5.5	5.5	5.5	6.5	7.5
\$5 to \$10 Million	10.0	8.0	7.0	8.0	5.0	6.0	5.0	5.0	5.0	6.0	7.0
\$10 to \$20 Million	8.0	7.0	6.0	7.5	5.2	5.5	5.0	5.0	5.0	0.0	0.0
\$20 to \$50 Million	7.0	6.5	6.0	7.0	5.0	5.0	4.5	4.5	4.5	0.0	0.0
\$50 to \$100 Million	6.5	6.0	5.5	6.5	4.5	4.7	4.5	4.5	4.2	0.0	0.0
\$100 Million and Up	6.0	5.5	5.0	6.0	4.5	4.5	4.5	4.5	0.0	0.0	0.0

The FHP and SMP require funding be provided for the minimum work required to mitigate the threat. Providing funding for contractor burden costs disproportionate to the project, as reflected in the DSA-approved plan set, would result in over-funding of these applications beyond the minimum work to mitigate the health and safety threat, and result in less hardship funding being available to other districts in need.

Overhead, Profit, and Bond- Like General Conditions, there is a two-step process for calculating this allowance as follows:

1. "Multiplier" - Determine the applicable percentage from Sierra West to multiply by the total. The percentage is based on the scope of the project, as reflected in the total project cost reported to DSA, compared to CSI# 01.2000 000 in Sierra West. Like with General Conditions, the purpose of completing this calculation is to get the allowance percentage to be commensurate with the cost of the project (DSA-approved plan set).
2. Multiply the percentage by the sum of the Construction Subtotal from Part 1 and the allowance for General Conditions from Part II. This calculation will result in the eligible grant amount for Overhead, Profit and Bonds.

Escalation- The allowance provided is in accordance with CSI#1.300 000 and updated annually in accordance with the latest version of the Sierra West publication. To calculate this allowance, perform the following steps:

1. Sum the Construction Subtotal from Part 1 with the allowances for General Conditions and Overhead, Profit & Bond from Part II.
2. Multiply the sum by the allowance outlined in Sierra West, in accordance with Sierra West CSI#1.300 000. The amount for escalation will vary based on each project's circumstances.

If the project has been completed, the application does not qualify for Escalation. Project completion is based on the submittal of Form DSA 156, *Commencement/Completion of Work Notification* to DSA.

Contingencies- This is a newly provided allowance, in accordance with Sierra West CSI#1.400 000. This allowance is available to applications that are eligible to receive program funding but do not have final DSA-approved plans for the actual work being

funded. Examples of these types of applications include SMP applications that qualify for rehabilitation funding but will be replacing their school building. In these cases, a District submits schematic drawings of the seismic mitigation work they would have had to complete if the building was being repaired and retained. While the District is eligible to receive funding for the total minimum cost it would take to rehabilitate, the conceptual drawings do not include the full design, scope, or exact measurements that would be included on a DSA-approved plan set if the rehabilitation work were being completed. For this reason, the contingency allowance is extended to these applications to account for the additional work that would be outlined if the plans were final working drawings.

This allowance is also extended to FHP and SMP applications for conceptual and/or design approval since there are no working drawings for the proposed project. When these applications return to OPSC for their project funding, the contingency fee allowance will be \$0, assuming there are final working drawings for the project.

Geographic Differences- Sierra West includes a section for geographical differences as Section 1.500 000. However, this adjustment is not applied towards FHP and SMP projects. The Sierra West publication already defaults to the San Francisco Index at 100 percent, meaning all costs reviewed by OPSC are approved at the San Francisco rate. If OPSC were to adjust based on the actual location of the project, the vast majority of the projects funded would be decreased based on the chart shown below from the publication.

MAJOR CITIES COST RELATIONSHIP INDEX	
ALABAMA	
Birmingham	66
Huntsville	63
Mobile	67
Montgomery	65
ALASKA	
Anchorage	153
Fairbanks	168
ALBERTA*	
Calgary	93
ARIZONA	
Phoenix	70
Tucson	71
ARKANSAS	
Little Rock	61
Pine Bluff	61
BRITISH COLUMBIA*	
Vancouver	106
CALIFORNIA	
San Francisco	100
29 Palms	91
Alameda	96
Bakersfield	97
Barstow	91
Bridgeport	93
China Lake	88
Concord	99
El Centro	89
Fremont	96
Fresno	88
Lancaster	93
Lemoore	90
Lompoc	89
Long Beach	100
Los Angeles	96
Marysville	91
Modesto	93
Monterrey	91
Oakland	97
Paso Robles	96
Petaluma	101
Redding	92
Riverside	98
Sacramento	98
San Clemente	124
San Diego	88
San Francisco	100
San Jose	96
San Nicholas Island	127
Stockton	94
Susanville	88
Tracy	95
Vacaville	96
Yreka	93
Ukiah	88
Witchipec	110
CONNECTICUT	
Bridgeport	83
New London	85
Hartford	103
New Haven	101
Stamford	103
DELAWARE	
Dover	81
Wilmington	79
FLORIDA	
Jacksonville	64
Miami	65
Pensacola	64
Tampa	67
GEORGIA	
Albany	67
Atlanta	68
Athens	61
Savannah	64
HAWAII	
Honolulu	168
Kaneohe Bay	185
IDAHO	
Boise	75
Mountain Home	79
ILLINOIS	
Belleview	76
Chicago	96
Peoria	80
Rock Island	76
Rockford	79
INDIANA	
Evansville	87
Hammond	90
Indianapolis	88
South Bend	87
IOWA	
Des Moines	78
KANSAS	
Manhattan	74
Topeka	66
Wichita	68
KENTUCKY	
Lexington	64
Louisville	65
LOUISIANA	
New Orleans	69
Shreveport	60
MAINE	
Bangor	76
Portland	76

Additionally, FHP and SMP projects are able to request the Excessive Cost Hardship Grant in accordance with SFP Regulation Section 1859.83(a) for projects in areas that are recognized as needing geographic adjustment in SFP regulations.

Compounding of Allowances - Allowances for Part II - Contractor Burden shall be compounded in the order listed in the applicable Sierra West publication. The importance of this compounding method was emphasized by the Sierra West representatives during our discussions on use of their publication.

Part III - Design Costs and Fees

Project Inspection Allowance - The name of this allowance has been updated from “DSA Inspection Fee.” This is to help clarify that the allowance provided is for the services of a DSA-certified inspector for the duration of the project, not a fee paid to DSA. The allowance provided continues to be 1.00 percent, based on Construction Subtotal. This is only allowed if the project requires DSA approval.

Design Cost Specialist Allowance - The calculation remains the same, but the name of this allowance has been updated from “Design Cost Allowance.” This is to help clarify the allowance provided is for the costs of the services of a licensed design specialist to provide professional services in the design development and construction phases of a project. The allowance is not intended to cover all costs related to the design phase of a construction project. The allowance continues to be based on a sliding scale which was used in the Lease-Purchase Program and continues to be used under the SFP. In 2020, the sliding scale was adopted as part of the creation of the Form SAB 58-01. The sliding scale is referenced below Part III- Design Costs & Fees.

NEXT STEPS

Staff is seeking stakeholder feedback on all of the above proposals to ensure that funding is provided to address any additional work required by approving governmental entities that is precipitated by the health and safety threat, to provide additional program clarity, and to maintain program integrity related to providing funding only related to minimum health and safety mitigation work.

The proposed regulation text has been included as Attachment A, while the proposed revisions to the Form SAB 58-01 and Form SAB 50-04 have been included as Attachment B and Attachment C, respectively.

Staff requests stakeholder feedback on the proposed changes and topics outlined in this item. Any stakeholder wishing to provide feedback should email Staff by end of day on June 14, 2024.

If necessary, OPSC will present at a future stakeholder meeting any revisions to the proposed SFP regulations and related forms based on today’s discussion and feedback that is received by June 14. If you would like to submit written feedback, please email your suggestions to the OPSC Communications Team at OPSCCommunications@dgs.ca.gov.

ATTACHMENT E

Section 1859.61. Adjustments to the Modernization Baseline Eligibility.

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

- (a) Reduced by the number of pupils provided grants in a modernization SFP project or a CSFP Rehabilitation project at the specific site.
- (b) Reduced by the number of pupils housed, based on the loading standards pursuant to Education Code Section 17071.25(a)(2), in a modernization LPP project funded under the LPP pursuant to Sections 1859.14 and 1859.15.
- (c) Increased by changes in projected enrollment in subsequent enrollment reporting years.
- (d) Increased for additional facilities not previously modernized with State funds, that become 25 years old, if permanent, or 20 years old, if portable or as a result of audit findings made pursuant to Sections 1859.90, 1859.90.3 and 1859.105.
- (e) Adjusted as a result of errors or omissions by the district or by the OPSC.
- (f) Adjusted as a result of amendments to these Subgroup 5.5 Regulations that affect the eligibility.
- (g) For classroom loading standards adopted by the Board for non-severely disabled individuals with exceptional needs and severely disabled individuals with exceptional needs.
- (h) As directed by the Board due to a finding of a Material Inaccuracy pursuant to Regulation Section 1859.104.1.
- (i) Increased for facilities previously modernized with State funds, which qualify for an additional modernization apportionment pursuant to Section 1859.78.8.
- (j) Decreased for facilities that were deemed eligible for modernization pursuant to Sections 1859.60 and 1859.61(d) and subsequently replaced, or will be replaced under a signed contract for construction or acquisition of facilities, in a project funded by the district without participation from the State.
- (k) Adjusted as a result of replaced eligible portables funded with the Overcrowding Relief Grant, pursuant to Education Code Section 17079, et seq.
- (l) ~~Adjusted upon Board receipt of the local school board resolution acknowledging that the buildings have been removed from K-12 use.~~ Adjusted as a result of school buildings, as defined in Section 1859.82, and/or classrooms that have been replaced, demolished, or removed from classroom use via the New Construction Grant or the Facility Hardship Square Footage Grant pursuant to Section 1859.82.1 or Section 1859.82.2 as follows:
 - (1) ~~School Buildings~~ For school buildings and/or classrooms that receive replacement funding via the New Construction Grant or the Facility Hardship Square Footage Grant pursuant to Section 1859.82.1 or Section 1859.82.2, the building age shall be reset to the date of the Apportionment for the corresponding project.
 - (2) ~~School Buildings~~ For school buildings and/or classrooms that were originally included in the district's baseline eligibility and were later demolished or removed from classroom use due to health and/or safety concerns that meet the requirements of Regulation Section 1859.82.1 or 1859.82.2 as verified by OPSC, except the district did not have the current enrollment to support the replacement and funding of those ~~School Buildings and/or classrooms. Buildings and/or classrooms removed from K-12 classroom use that remain on the school site will be identified on a list published on OPSC's website. as follows:~~
 - (A) For school buildings and/or classrooms that have been demolished, the building and/or classroom shall be removed from the classroom inventory that was used to establish modernization eligibility at the site.
 - (B) For school buildings and/or classrooms that have been removed from K-12 classroom use and remain on the site, upon receipt of a local school board resolution acknowledging that the school buildings and/or classrooms have been removed from K-12 classroom use, the building and/or classroom shall be identified on a list published on OPSC's website and removed from the Gross Classroom Inventory that was used to establish modernization eligibility at the site.

~~For (l)(1) the building age shall be reset to the date of the Apportionment for the corresponding project. For (l)(2) the building shall be removed from the classroom inventory used to establish modernization eligibility at the site.~~

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.51, 17071.25, 17072.15, 17072.20, 17073.15, 17074.10, 17075.10 and 17079.30, Education Code.

[...]

ATTACHMENT E

Section 1859.82. Facility Hardship Program and Seismic Mitigation Program.

A school district may apply for Facility Hardship, including Seismic Mitigation Program assistance in cases of extraordinary circumstances that have caused an imminent health and safety threat.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17075.10, 17075.15, 100420, 100620, 100820, 101012(a)(1) and 101122, Education Code.

Section 1859.82.1. Facility Hardship Program.

“School Building” for the purposes of this Section shall have the same definition as Education Code Section 17283 and shall also exclude any districtwide administrative facilities. For the purposes of this Section, “grade category” shall refer to any of the following: kindergarten (including transitional kindergarten) through sixth grade (K-6), seventh grade through eighth grade (7-8), ninth grade through twelfth grade (9-12), Non-Severely Disabled Individuals with Exceptional Needs, and Severely Disabled Individuals with Exceptional Needs.

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

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

- (a) Districts may qualify for funding to replace or construct new School Buildings. Factors to be considered by the Board to determine eligibility for Facility Hardship program replacement funding may include, but are not limited to:
 - (1) Damage or loss as a result of a natural disaster such as a fire, flood, or earthquake.
 - (2) Proximity to a major freeway, airport, electrical facility, high power transmission lines, dam, pipeline, or industrial facility.
 - (3) Adverse air quality.
 - (4) Structural deficiency to the School Building, and
 - (5) Site conditions such as faulting, toxic soil, or liquefaction.
- (b) To qualify for replacement funding for School Buildings, the district must submit an Approved Application for funding and either (1) or (2) below:
 - (1) For School Buildings that are lost, destroyed, or unable to be repaired, the district must submit:
 - (A) A report from an industry specialist (a person or entity that specializes in the specific area of expertise for that

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health and safety issue) that states that the only way to mitigate the health and safety threat is to replace the Sschool Bbuilding(s).

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

(C) If the district is requesting additional funding for site development costs and performed or will perform site development work as part of the qualifying project, a detailed cost estimate for applicable site development work pursuant to Section 1859.76 and any justification documents that support the work.

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

(A) A report by an industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) that outlines the minimum work to mitigate the health and safety threat and remain in the existing Sschool Bbuilding. If the threat is due to the presence of mold, OPSC must conduct a site visit to discuss the scope of the project prior to remediation. If the remediation is done prior to a site visit, the application will be ineligible for funding. Requests for asbestos mitigation must include lab test results indicating the asbestos is currently friable, and provides the location, material, and testing methods used. Mitigation of asbestos that becomes friable in the course of school building maintenance, repairs or modernization work is not eligible for funding pursuant to Section 1859.82.1.

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

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

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

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

1. The Form SAB 58-01 must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. For all materials or items listed in the most current edition of the Current Construction Remodeling and Repair Cost publication, amounts entered on the Form SAB 58-01 must use the provided unit costs. For individual materials or items that are not contained in the most current edition of the Current Construction Remodeling and Repair publication, the district must provide supporting documentation for OPSC to review the requested unit cost.
2. All requested line items shall include Construction Specifications Institute reference number (CSI #), description, F3 total unit cost amount, and quantity. Any line items that include amounts in lump-sum formats will not be reviewed or approved.
3. The work in the Form SAB 58-01 shall match the work outlined in the report provided by the industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) for the minimum work required to mitigate the health and safety threat.
4. The estimate submitted to OPSC shall be for the same scope of work reviewed and concurred to by DSA, and that is referenced in the governmental concurrence letter for the project.
5. The Form SAB 58-01 may also include any work required by DSA and other Governmental Agencies to obtain plan approval for the minimum work required to mitigate the health and safety threat.

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

(E) A gross inventory of all school buildings located on the project site, such as a site diagram or floor plan. The documentation must indicate the current usage, square footage, and facility type of all school buildings located on the project site at the time of application submittal. For all spaces used as classrooms, the current grade level must also be indicated.

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

1. A completed *Application for Funding* (Form SAB 50-04).
2. The DSA Plan Approval letter for the project or documentation from DSA verifying that the project is exempt

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from their approval process.

3. CDE Plan Approval letter for the project or documentation from CDE verifying that the project is exempt from their approval process.
4. If the project is for a high school site, a letter or meeting minutes from the district's Career and Technical Education Advisory Committee (CTEAC) certifying that the district is in compliance with all career technical facility needs and assessments as outlined in Education Code, Section 17070.955.
5. If the district is requesting additional funding for site development costs and performed or will perform site development work as part of the qualifying project, a detailed cost estimate for applicable site development work pursuant to Section 1859.76 and any justification documents that support the work.
- (3) Applications for Facility Hardship replacement funding that do not submit all documents required as part of (1) or (2) above shall be returned without review.
- (4) If the district qualifies for funding to replace its ~~S~~school ~~B~~uildings, the district is eligible to receive funding for the project as follows:
 - (A) If the district is required to replace all ~~S~~school ~~B~~uildings on site, the district is eligible to receive funding as follows:
 1. A New Construction Grant will be provided for the lesser of 2. or 3. below.
 2. The classroom capacity determined by multiplying the number of classrooms in each grade category on the project site being replaced by:
 - a. 25 pupils for each K-6 classroom.
 - b. 27 pupils for each 7-12 classroom.
 - c. 13 pupils for each Non-Severely Disabled Individuals with Exceptional Needs classroom.
 - d. 9 pupils for each Severely Disabled Individuals with Exceptional Needs classroom.
 3. The higher of a., b., or c. below:
 - a. The CBEDS Report of the current enrollment reporting year at the existing project site.
 - b. The average CBEDS Report of the current enrollment reporting year and two immediately preceding enrollment reporting years at the existing project site.
 - c. If the site is closed, use the CBEDS Report of the last enrollment reporting year in which the site was open.
 4. Additional funding may be provided, as applicable, for:
 - a. ~~F~~ire ~~C~~ode ~~R~~requirements pursuant to Section 1859.71.2,
 - b. therapy room pursuant to Section 1859.72,
 - c. multilevel construction pursuant to Section 1859.73,
 - d. project assistance pursuant to Section 1859.73.1.
 - e. replacement with multistory construction pursuant to Section 1859.73.2,
 - f. site acquisition pursuant to Sections 1859.74, 1859.74.5, and 1859.75,
 - g. Hazardous waste removal pursuant to Sections 1859.74.2, 1859.74.3, and 1859.74.4,
 - h. Applicable site development costs pursuant to Section 1859.76, and
 - i. New Construction Excessive Cost Hardship Grant(s) for geographic location pursuant to Section 1859.83(a),
 - j. New Construction Excessive Cost Hardship Grant(s) for small size projects pursuant to Section 1859.83(b),
 - k. New Construction Excessive Cost Hardship Grant(s) for new school projects pursuant to Section 1859.83(c), and
 - l. New Construction Excessive Cost Hardship Grant(s) for urban location, security requirements and impacted site pursuant to Section 1859.83(d).
 - (B) If the district qualifies to replace some, but not all permanent ~~S~~school ~~B~~uilding(s) on the project site, ~~funding will be based on the Square Footage of the School Buildings replaced and is capped by the lesser of the amount provided in accordance to the chart below and the Square Footage constructed for each category justified by enrollment at the project site as follows~~ the district is eligible to receive a grant based on the total eligible Square Footage of permanent school buildings replaced determined as follows:
 1. ~~The~~ Determine the enrollment at the project site, is determined by using the higher of a., b., or c. below:
 - a. The CBEDS Report of the current enrollment reporting year at the existing project site.
 - b. The average CBEDS Report of the current enrollment reporting year and two immediately preceding enrollment reporting years at the existing project site.
 - c. If the site is closed, use the CBEDS Report of the last enrollment reporting year in which the site was open.

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2. Using the enrollment determined in 1. any permanent replacement Square Footage provided will be calculated in accordance to a., b., c., below and the chart below: Determine the total eligible Square Footage of the school building(s) being replaced using the enrollment determined in 1. for each facility type in the chart and limited by a., b. and c. below. The total eligible Square Footage is capped by the lesser of the amount provided for each facility type in the chart below and the actual Square Footage constructed for each facility type.
 - a. If the actual square footage being constructed in the replacement project is less than the amount allowable in the chart for each facility type, the replacement Square Footage shall be limited to the actual square footage constructed.
 - b. Non-specialized classroom space classrooms provided is are limited by the enrollment determined in 1. rounded up to the nearest whole classroom based on 1859.82.1(b)(4)(A)2., and then reduced for any classroom space available at the site to house the pupils at the site.
 - c. Classrooms with specialized design such as auto shop, metal shop, music rooms, consumer home economic laboratories, industrial technology laboratories, or science laboratories will qualify for funding if used for its specialized purpose in the current enrollment reporting year or immediately preceding enrollment reporting year. Additionally, these spaces will not count as available capacity for purposes of providing funding in this section when calculating space available to house displaced pupils.
 - d. Any space not in the chart below will be provided based on the Square Footage replaced. This may include, but is not limited to, janitor's closets, hallways, workrooms, and vestibules.
 - e. If the Square Footage of the school building(s) being replaced is less than the minimum amount allowable in the chart for each facility type, the replacement Square Footage shall be the lesser of the minimum amount allowable in the chart for the facility type and the actual Square Footage being constructed for the facility type in the replacement project.
 - f. If a district submits documentation that demonstrates that in order to obtain plan approval from DSA the district was required to construct more Toilet Square Footage than the Square Footage amount determined to be allowable for funding pursuant to the calculation methodology outlined in (B) above, funding may be provided for the Toilet Square Footage required to be constructed that is beyond the amount calculated in accordance with (B) above.

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

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Laboratory Classrooms (including science and consumer home economics. (Does not include Industrial and Technology/Education Laboratory)	1,300 sq. ft. for each replacement classroom.	1,300 sq. ft. for each replacement classroom.	1,300 sq. ft. for each replacement classroom.
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- g. Beginning August 31, 2020, the resulting Square Footage amount(s) shall be multiplied by \$204 per square foot for all non-Toilet Facilities and by \$366 per square foot for Toilet Facilities (includes shower/locker area and physical therapy area for Individuals with Exceptional Needs). The amounts shown will be adjusted in the manner prescribed in Section 1859.71.
3. Additional funding may be provided, as applicable, for:
- therapy room pursuant to Section 1859.72,
 - multilevel construction pursuant to Section 1859.73,
 - project assistance pursuant to Section 1859.73.1.
 - replacement with multistory construction pursuant to Section 1859.73.2,
 - site acquisition pursuant to Section 1859.74,
 - Hazardous waste removal pursuant to Sections 1859.74.2, 1859.74.3 and 1859.74.4,
 - Applicable site development costs pursuant to Section 1859.76, and
 - New Construction Excessive Cost Hardship Grant(s) for geographic location pursuant to Section 1859.83(a),
 - New Construction Excessive Cost Hardship Grant(s) for small size Projects pursuant to Section 1859.83(b), and
 - New Construction Excessive Cost Hardship Grant(s) urban location, security requirements and impacted site pursuant to Section 1859.83(d).
- (C) ~~Using the enrollment determined in (b)(4)(B)1., any Portable Classroom replacement funding will be calculated using the Portable Replacement Grant. Any portable toilet facilities provided will be calculated using the Portable Toilet Replacement Grant. The total Portable Classroom or portable toilet Square Footage eligible for replacement will be based on the enrollment determined in (b)(4)(B)1 and the chart above. Any space not in the chart above will be provided based on the Square Footage replaced. This may include, but is not limited to, janitor's closets, hallways, workrooms, and vestibules. Funding for the replacement of Portable Classroom Square Footage will be calculated using the Portable Replacement Grant. Funding for replacement of portable toilet Square Footage will be calculated using the Portable Toilet Replacement Grant.~~
- Additional funding may be provided, as applicable, for:
 - Fire pursuant to Section 1859.71.2,
 - therapy room pursuant to Section 1859.72,
 - project assistance pursuant to Section 1859.73.1.
 - site acquisition pursuant to Section 1859.74,
 - Hazardous waste removal pursuant to Sections 1859.74.2, 1859.74.3 and 1859.74.4,
 - Applicable site development costs pursuant to Section 1859.76, and
 - Excessive Cost Hardship Grant(s) for geographic location pursuant to Section 1859.83(a),
 - New Construction Excessive Cost Hardship Grant(s) for small size projects pursuant to Section 1859.83(b), and
 - Excessive Cost Hardship Grant(s) urban location, security requirements and impacted site pursuant to Section 1859.83(d).
 - (D) If the district qualifies for replacement funding, the funding may be used to rehabilitate the facility as long as the qualifying health and safety threat is fully mitigated. If replacement funding is used for rehabilitation work, the district may request the following supplemental grants, as applicable, for:
 - Fire code requirements pursuant to Section 1859.71.2 if the funding is based on a per-pupil basis pursuant to Section 1859.82.1(b)(4)(A),
 - Therapy room pursuant to Section 1859.72,
 - Project assistance pursuant to Section 1859.73.1,
 - Excessive Cost Hardship Grant(s) for geographic location pursuant to Section 1859.83(a),
 - New Construction Excessive Cost Hardship Grant(s) for small size projects pursuant to Section 1859.83(b), and

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6. Excessive Cost Hardship Grant for urban location, security requirements and impacted site pursuant to Section 1859.83(d).
- (c) Districts may qualify for funding to rehabilitate their Sschool Bbuildings, components of Sschool Bbuildings, unenclosed roofed structures used for school purposes, or school site conditions. Factors to be considered by the Board may include (1) or (2) below:
 - (1) School Bbuildings where the minimum cost to mitigate the health and safety threat and remain in the Sschool Bbuilding is 50 percent or less of the Current Replacement Cost.
 - (2) Components of the Sschool Bbuildings, unenclosed roofed structures used for school purposes, or school sites site conditions that are causing a health and safety threat to students and/or staff. Health and safety threats that may qualify include, but are not limited to:
 - (A) School Bbuilding structural deficiency.
 - (B) Hazardous conditions such as methane, lead, or asbestos mitigation.
 - (C) Unsafe water supply.
 - (D) Site conditions such as faulting, toxic soil, landslide risk, or liquefaction.
 - (3) To qualify for Facility Hardship rehabilitation funding for Sschool Bbuildings, or components of Sschool Bbuilding(s), unenclosed roofed structures used for school use, or school site conditions, the district must submit an Approved Application for funding and all documents outlined below. Applications that do not meet the requirements below shall be returned without review.
 - (A) A report by an industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) that outlines the minimum work to mitigate the health and safety threat and remain in the existing School Building. If the application is for an existing school building(s), the report must also outline the minimum work to allow the continued use of the school building(s). If the application is for a component of a school building(s) or an unenclosed roofed structure used for school purposes, the report must either outline the minimum work to allow the continued use of the component or unenclosed roofed structure or the minimum work to replace the component or unenclosed roofed structure with a component or structure of like-kind with only the minimum required safety improvements needed to obtain DSA approval. If the threat is due to the presence of mold, OPSC must conduct a site visit to view the damage prior to remediation. If the remediation is done prior to a site visit, the application will be ineligible for funding. Requests for asbestos mitigation must include lab test results indicating the asbestos is currently friable, and provides the location, material, and testing methods used Mitigation of asbestos that becomes friable in the course of school building maintenance, repairs or a modernization project is not eligible for funding under Section 1859.82.
 - (B) A letter of concurrence from a gGovernmental aAgency that has jurisdiction or expertise over the field in which the health and safety threat originates. The letter must concur with the industry specialist's report on both 1. and 2. below:
 1. An imminent health and safety threat to students and/or staff exists.
 2. The mitigation measures outlined in the industry specialist's report are the minimum measures required to mitigate the threat and as applicable, either allow the continued use of the Sschool Bbuilding(s), or component, unenclosed roofed structure or replace the component or unenclosed structure with a component or unenclosed roofed structure of like-kind with required safety improvements. If the application is for the cleanup and/or remediation of hazardous materials and waste, the governmental concurrence letter must be from the Department of Toxic Substances Control.
 - (C) Applications must include a detailed Form SAB 58-01 that meets the following requirements:
 1. The Form SAB 58-01 must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. For all materials or items listed in the most current edition of the Current Construction Remodeling and Repair Cost publication, amounts entered on the Form SAB 58-01 must use the provided unit costs. For individual materials or items that are not contained in the most current edition of the Current Construction Remodeling and Repair publication, the district must provide supporting documentation for OPSC to review the requested unit cost.
 2. All requested line items shall include Construction Specifications Institute reference number (CSI #), description, F3 total unit cost amount, and quantity. Any line items that include amounts in lump-sum formats will not be reviewed and will be disallowed.
 3. The work in the Form SAB 58-01 shall match the work outlined in the report provided by the industry specialist

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(a person or entity that specializes in the specific area of expertise for that health and safety issue) for the minimum work required to mitigate the health and safety threat.

4. If the project requires DSA plan approval, the Form SAB 58-01 submitted to OPSC shall be for the same scope of work reviewed and concurred to by DSA, and that is referenced in the governmental concurrence letter for the project.
5. The Form SAB 58-01 may also include any associated work required by DSA and other Governmental Agencies to obtain approval for the minimum work required to mitigate as a result of the mitigation of the health and safety threat.
6. If the minimum work required to mitigate the health and safety threat is the replacement of unenclosed roofed structures used for school purposes, funding shall be provided for costs associated with replacing the unenclosed structure in like-kind with required safety improvements to obtain DSA approval.
- (D) Facility Hardship applications for Sschool Buildings must also include a cost/benefit analysis. The cost/benefit analysis shall be completed based on the type of the project as outlined below:
 1. For permanent buildings, the district must demonstrate the minimum work required to mitigate the health and safety threat and remain in the Sschool Buildings is less than 50 percent of the Current Replacement Cost of the Sschool Building. The minimum work required may include work required by Division of the State Architect to gain approval for the mitigation project.
 2. For ~~P~~portable Sschool Buildings, the district must demonstrate the minimum work required to mitigate the health and safety threat and remain in the portable building is less than the Portable Classroom Replacement Grant. The minimum work required may also include any associated work required by DSA as a result of the mitigation of the health and safety threat.
 3. Applications that are for necessary components of a ~~site or~~ Sschool Building or school site condition, such as hazardous water supply, methane mitigation, faulting, liquefaction, landslide potential, friable asbestos, or unenclosed roofed structures used for school purposes do not require a Cost Benefit Analysis to be submitted.
- (E) All other documents required to complete an Approved Application for funding. This includes:
 1. A completed *Application for Funding* (Form SAB 50-04).
 2. The DSA Plan Approval letter for the project or documentation from DSA verifying that the project is exempt from their approval process.
 3. CDE Plan Approval letter for the project or documentation from CDE verifying that the project is exempt from their approval process.
 4. If the project is for a high school site, a letter or meeting minutes from the district's Career and Technical Education Advisory Committee (CTEAC) certifying that the district is in compliance with all career technical facility needs and assessments as outlined in Education Code Section 17070.955.
- (4) If the district qualifies for funding ~~to rehabilitate or repair its School Buildings pursuant to 1859.82.1(c)~~, the district is eligible to receive funding for the project as follows:
 - (A) Rehabilitation Costs provided shall be 60 percent of the eligible costs in the Form SAB 58-01 required in Section 1859.82.1(c)(3)(C) that has been reviewed and approved by the OPSC and approved by the Board.
 - (B) If the district qualifies for rehabilitation funding, the funding may be used towards the replacement of the ~~facility~~ school building as long as the qualifying health and safety threat is fully mitigated.
 - (C) Applicable supplemental grants may be provided for the following:
 1. project assistance pursuant to Section 1859.73.1.
 2. geographic percentage factor pursuant to 1859.83(a)
 - (d) Any grants provided in accordance to (b) or (c) above shall be adjusted as follows:
 - (1) For projects funded in accordance to (b) above:
 - (A) Reduced for any space deemed available by the Board in the district, HSAA, or Super HSAA that could be used to house some or all of the displaced pupils in the project,
 - (B) Reduced by 50 percent of any insurance proceeds collectable by the district for the project. Any insurance proceeds collected after Apportionment shall be reported to OPSC and the Apportionment will be amended accordingly.
 - (C) Reduced by 50 percent of the net proceeds available from the disposition of the property and/or facilities in the project.

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- (2) For projects funded in accordance to (c) above:
 - (A) 60 percent of any insurance proceeds collectable by the district for the project.
 - (B) 60 percent of the net proceeds available from the disposition of any displaced facilities in the project.
 - (e) Adjustments to School Facility Program per-pupil grants.
- (1) The district's New Construction Eligibility will be adjusted for any net increase in classroom capacity in the project pursuant to Section 1859.51(i).
- (2) The baseline eligibility for modernization as provided in Section 1859.60 will be adjusted for any funding received in accordance to (b) above. The age of the classroom and square footage in the project shall be reset to the date of the Apportionment for the project.
- (f) Districts that qualify for Financial Hardship assistance may file an application for design funding, site funding, and determination of program eligibility in advance of construction funding.
- (1) To request advanced funding for design for eligible projects, the district must submit an *Application for Funding* (Form SAB 50-04) indicating the request for design funding and all documents listed in Section 1859.82.1(c)(3)(A) through Section 1859.82.1(c)(3)(D)3.
- (2) Advanced funding for design shall be provided based on the eligible project type as follows:
 - (A) For projects receiving funding for advanced design for the replacement of all ~~S~~school ~~B~~uildings on the project site pursuant to Section 1859.82.1(b)(4)(A), the Board will apportion an amount not to exceed 40 percent of the New Construction Grant less any district funds available for the project pursuant to Section 1859.81(a).
 - (B) For projects receiving funding for advanced design for at least one but not all ~~S~~school ~~B~~uildings on the project site pursuant to Section 1859.82.1(b)(4)(B), the Board will apportion an amount not to exceed 40 percent of the Facility Hardship Square Footage Grant less any district funds available for the project pursuant to Section 1859.81(a).
 - (C) For projects receiving funding for advanced design for Rehabilitation Costs pursuant to Section 1859.82.1(c)(4)(A), the Board will apportion an amount not to exceed 25 percent of the Rehabilitation Costs determined pursuant to Section 1859.82.1(c)(4)(A) less any district funds available for the project pursuant to Section 1859.81(a).
- (3) Advanced funding for site shall be provided pursuant to 1859.82.1(b)(4)(A)4. The district is eligible for advanced funding for site acquisition as calculated pursuant to 1859.81.1.
- (4) The amount apportioned for advanced design is an estimate of the funds needed for design, engineering, and other pre-construction project costs. Qualifying districts may request a separate Apportionment for the design and for site acquisition for the same facility hardship project.
- (5) The district is required to submit an Approved Application for funding and an updated Form SAB 58-01 for projects funded in accordance to 1859.82.1(c) or site development worksheet for projects funded in accordance to 1859.82.1(b), that reflects the final approved drawings for the project within:
 - (A) 18 months from the date of Apportionment if the project scope will be for repair or replacement on the same site.
 - (B) 24 months from the date of Apportionment if the project scope is for the replacement of ~~S~~school ~~B~~uilding(s) which will be located on a replacement site.
- (6) If the district does not submit the Approved Application for funding within the timelines required by Section (2) above, the application will be reduced to eligible costs incurred.
- (7) Upon receipt of the Approved Application, the application will be reviewed for conformance with all program laws and regulations.
- (8) Any funding provided in Section 1859.82.1 shall be offset by any funding previously provided for the project.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17075.10, 17075.15, 100420, 100620, 100820, 101012 and 101122, Education Code.

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Section 1859.82.2. Seismic Mitigation Program.

"School Building" for the purposes of this Section shall have the same definition as Education Code Section 17283 and shall also exclude any districtwide administrative facilities. For the purposes of this Section, "grade category" shall mean kindergarten (including transitional kindergarten) through sixth grade (K-6), seventh grade through eighth grade (7-8), ninth grade through twelfth grade (9-12), Non-Severely Disabled Individuals with Exceptional Needs, and Severely Disabled Individuals with Exceptional Needs. "Facility type," for the purposes of this section, refers to the types of facilities listed in the chart below.

A school district is eligible for funding to repair, reconstruct, or replace the Most Vulnerable Category 2 Buildings which were originally constructed to be used as School Facilities and pose an unacceptable risk of injury to its occupants in the event of seismic activity. Program eligibility is determined by the DSA while determination of grant funding is determined by the Board based on the following criteria.

Notwithstanding Sections 1859.93 and 1859.93.1, all applications for the seismic mitigation of the Most Vulnerable Category 2 Buildings shall be funded in the order of receipt of an Approved Application for funding. Any grants provided for the purpose of this section shall be provided as a new construction project and allocated on a 50 percent state share basis.

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

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

- (b) To qualify for replacement funding for School Building(s), the district must submit an Approved Application for funding based on their specific circumstances in accordance to either (1) or (2) below:
 - (1) For School Building(s) that are lost, destroyed, or unable to be repaired the district must submit:
 - (A) A report from a licensed design professional (a design professional licensed by the appropriate State of California oversight authority) identifying the School Building(s) that are the Most Vulnerable Category 2 Building(s) and;
 - (B) DSA letter(s) of concurrence to the findings in the report required in (b)(1)(A);
 - (C) If the collapse potential is due to faulting, liquefaction, or landslide, or if it is otherwise required by DSA for project approval, the district must submit 1. and 2. below:
 - 1. A geological hazards report prepared by an engineering geologist indicating the potential for building displacement and recommended site improvements to mitigate the hazard
 - 2. Concurrence to the report from the California Geological Survey.
 - (D) Documentation which demonstrates that the facilities in the project must be reconstructed in order to house the current enrollment of the District.
 - (E) If the district is requesting additional funding for site development costs and performed or will perform site development work as part of the qualifying project, a detailed cost estimate for applicable site development work pursuant to Section 1859.76 and any justification documents that will support the work.
 - (2) For School Buildings with interior square footage to be mitigated, the district must submit:
 - (A) A report from a licensed design professional (a design professional licensed by the appropriate State of California oversight authority) identifying the structural deficiencies that pose an unacceptable risk of injury to its

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occupants in a seismic event and the minimum ~~mitigation~~ work necessary to obtain DSA approval of the seismic mitigation work.

- (B) DSA letter(s) of concurrence to the report.
- (C) If the collapse potential is due to faulting, liquefaction, or landslide, or if it is otherwise required by DSA for project approval the district must submit 1. and 2. below:
 - 1. A geological hazards report prepared by an engineering geologist indicating the potential for building displacement and recommended site improvements to mitigate the hazard
 - 2. Concurrence to the report from the California Geological Survey.
- (D) Documentation that demonstrates that the facilities in the project must be reconstructed in order to house the current enrollment of the ~~district~~ project site.
- (E) A detailed Form SAB 58-01 that meets the following requirements:
 - 1. The Form SAB 58-01 must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. For all materials or items listed in the most current edition of the Current Construction Remodeling and Repair Cost publication, amounts entered on the Form SAB 58-01 must use the provided unit costs. For individual materials or items that are not contained in the most current edition of the Current Construction Remodeling and Repair publication, the district must provide supporting documentation for OPSC to review the requested unit cost.
 - 2. All requested line items shall include Construction Specifications Institute reference number (CSI #), description, quantity, unit, cost per unit, and District's request. Any line items that include amounts in lump-sum formats will not be reviewed or approved.
 - 3. The work in the Form SAB 58-01 shall match the work outlined in the report provided by the industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) for the minimum work that would be required to mitigate the seismic threat if the ~~S~~school ~~B~~building(s) were to be rehabilitated instead of replaced.
 - 4. The Form SAB 58-01 may also include any ancillary work required by DSA and other governmental entities to obtain plan approval for the minimum work required to mitigate the seismic threat.
- (F) A cost/benefit analysis that demonstrates that the minimum work to mitigate the seismic threat and remain in the ~~S~~school ~~B~~building(s) exceeds 50 percent of the Current Replacement Cost.
- (G) A gross inventory of all school buildings located on the project site, such as a site diagram or floor plan. The documentation must indicate the current usage, square footage, and facility type of all school buildings located on the project site at the time of application submittal. For all spaces used as classrooms, the current grade level must also be indicated.
- ~~(G)~~(H) All other documents required to complete an Approved Application for funding. This includes:
 - 1. A completed *Application For Funding* (Form SAB 50-04).
 - 2. The DSA Plan Approval letter for the project or documentation from DSA verifying that the project is exempt from their approval process.
 - 3. CDE Plan Approval letter for the project or documentation from CDE verifying that the project is exempt from their approval process.
 - 4. If the project is for a high school site, a letter or meeting minutes from the district's Career and Technical Education Advisory Committee (CTEAC) certifying that the district is in compliance with all career technical facility needs and assessments as outlined in Education Code, Section 17070.955.
 - 5. If the district is requesting additional funding for site development costs and has performed or will perform site development work as part of the qualifying project, a detailed cost estimate for applicable site development work pursuant to Section 1859.76 and any justification documents that support the work.
- (3) Applications for seismic mitigation replacement funding that do not meet the requirements of (1) or (2) above shall be returned without review.
- (4) If the district qualifies for Replacement funding in accordance to (a)(1) or (a)(2) above, the district is eligible to receive funding for the project as follows:
 - (A) If the district is required to replace the entire site and relocate to a new site, the district is eligible to receive funding as follows:
 - 1. A New Construction Grant will be provided for the lesser of 2. or 3. below.
 - 2. The classroom capacity determined by multiplying the number of classrooms in each grade category on the

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project site being replaced by:

- a. 25 pupils for each K-6 classroom.
- b. 27 pupils for each 7-12 classroom.
- c. 13 pupils for each Non-Severely Disabled Individuals with Exceptional Needs classroom.
- d. 9 pupils for each Severely Disabled Individuals with Exceptional Needs classroom.
3. The higher of a., b., or c. below:
 - a. The CBEDS Report of the current enrollment reporting year at the existing project site.
 - b. The average CBEDS Report of the current enrollment reporting year and two immediately preceding enrollment reporting years at the existing project site.
 - c. If the site is closed, use the CBEDS Report of the last enrollment reporting year in which the site was open.
4. Additional funding may be provided, as applicable, for:
 - a. Fire code requirements pursuant to Section 1859.71.2,
 - b. therapy room pursuant to Section 1859.72,
 - c. multilevel construction pursuant to Section 1859.73,
 - d. project assistance pursuant to Section 1859.73.1.
 - e. replacement with multistory construction pursuant to Section 1859.73.2,
 - f. site acquisition pursuant to Sections 1859.74, 1859.74.5 and 1859.75,
 - g. Hazardous waste removal pursuant to Sections 1859.74.2, 1859.74.3 and 1859.74.4,
 - h. Applicable site development costs pursuant to Section 1859.76, and
 - i. New construction Excessive Cost Hardship Grant for geographic location pursuant to Section 1859.83(a),
 - j. New construction Excessive Cost Hardship Grant for small size projects pursuant to Section 1859.83(b),
 - k. New construction Excessive Cost Hardship Grant for new school projects pursuant to Section 1859.83(c),
 - l. New construction Excessive Cost Hardship Grant urban location, security requirements and impacted site pursuant to Section 1859.83(d).
- (B) ~~If the district qualifies to replace some, but not all permanent School Building(s) on the project site, funding will be based on the Square Footage of the School Buildings replaced and is capped by the lesser of the amount provided in accordance to the chart below and the Square Footage constructed for each category justified by enrollment at the project site as follows the district is eligible to receive a grant based on the total eligible Square Footage of permanent school buildings replaced determined follows:~~
 1. ~~The Determine the enrollment at the project site, is determined by using the higher of a., b., or c. below:~~
 - a. The CBEDS Report of the current enrollment reporting year at the existing project site.
 - b. The average CBEDS Report of the current enrollment reporting year and two immediately preceding enrollment reporting years at the existing project site.
 - c. If the site is closed, use the CBEDS Report of the last enrollment reporting year in which the site was open.
 2. ~~Using the enrollment determined in 1. any permanent replacement Square Footage provided will be calculated in accordance to a., b., c., below and the chart below: Determine the total eligible Square Footage of the school building(s) being replaced using the enrollment determined in 1. for each facility type in the chart and limited by a., b. and c. below. The total eligible Square Footage is capped by the lesser of the amount provided for each facility type in the chart below and the actual Square Footage constructed for each facility type.~~
 - a. Non-specialized classroom space classrooms provided is are limited by the enrollment determined in Section 1859.82.2(b)(4)(B)1. rounded up to the nearest whole classroom based on Section 1859.82.2(b)(4)(A)2., and reduced for any space available to house the displaced pupils.
 - b. Classrooms with specialized design such as auto shop, metal shop, music rooms, consumer home economic laboratories, industrial technology laboratories, or science laboratories will qualify for funding if used for its specialized purpose in the current enrollment reporting year or immediately preceding enrollment reporting year. Additionally, these spaces will not count as available capacity for purposes of providing funding in this section when calculating space available to house displaced pupils.
 - c. Any space not in the chart below will be provided based on the Square Footage replaced. This may include but is not limited to janitor's closets, hallways, workrooms, and vestibules.
 - d. If the Square Footage of the school buildings being replaced is less than the minimum amount allowable in the chart for each facility type, the replacement Square Footage shall be the lesser of the minimum amount allowable in the chart for

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- the facility type and the actual Square Footage being constructed for the facility type in the replacement project.
- e. If a district submits documentation that demonstrates that in order to obtain plan approval from DSA the district was required to construct more Toilet Facilities Square Footage than the Square Footage amount determined to be allowable for funding pursuant to the calculation methodology outlined in (B) above, funding may be provided for the Toilet Facilities Square Footage required to be constructed that is beyond the amount calculated in accordance with (B) above.

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

- f. Beginning August 31, 2020, the resulting Square Footage amount(s) shall be multiplied by \$204 per square foot for all non-Toilet Facilities and by \$366 per square foot for Toilet Facilities (includes shower/locker area and physical therapy area for Individuals with Exceptional Needs).
3. Additional funding may be provided, as applicable, for:
- therapy room pursuant to Section 1859.72,
 - multilevel construction pursuant to Section 1859.73,
 - project assistance pursuant to Section 1859.73.1.
 - replacement with multistory construction pursuant to Section 1859.73.2,
 - site acquisition pursuant to Section 1859.74,
 - Hazardous waste removal pursuant to Sections 1859.74.2, 1859.74.3 and 1859.74.4,
 - Applicable site development costs pursuant to Section 1859.76, and
 - Excessive Cost Hardship Grant for geographic location pursuant to Section 1859.83(a), and
 - Excessive Cost Hardship Grant for small size projects pursuant to Section 1859.83(b), and
 - Excessive Cost Hardship Grant(s) urban location, security requirements and impacted site pursuant to Section 1859.83(d).
- (C) If the district qualifies for replacement funding, the funding may be used to rehabilitate the facility as long as the seismic hazard is fully mitigated. If replacement funding is used for rehabilitation work, the district may request the following supplemental grants, as applicable, for:

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1. Fire code requirements pursuant to Section 1859.71.2 if the funding is based on a per-pupil basis pursuant to Section 1859.82.2(b)(4)(A),
 2. Therapy room pursuant to Section 1859.72,
 3. Project assistance pursuant to Section 1859.73.1,
 4. Excessive Cost Hardship Grant for geographic location pursuant to Section 1859.83(a),
 5. Excessive Cost Hardship Grant for small size projects pursuant to Section 1859.83(b), and
 6. Excessive Cost Hardship Grant for urban location, security requirements and impacted site pursuant to Section 1859.83(d).
- (c) Districts may qualify for seismic mitigation funding to rehabilitate their Sschool Bbuilding(s), unenclosed roofed structures used for school purposes including but not limited to lunch shelters and covered walkways, exterior-square footage of School Buildings, or site conditions. Factors to be considered by the Board may include (1) or (2) below:
- (1) School Bbuilding where the minimum cost to rehabilitate and remain in the Sschool Bbuilding is 50 percent or less of the Current Replacement Cost.
 - (2) Square footage of the Most Vulnerable Category 2 School Buildings, Unenclosed roofed structures used for school purposes including, but not limited to covered walkways, and lunch shelters that need repair or replacement to mitigate a collapse potential in the event of seismic activity as confirmed by the DSA.
 - (3) To qualify for seismic mitigation rehabilitation funding, the district must submit an Approved Application for funding as well as all documents outlined below. Applications that do not meet these requirements will be returned without review.
- (A) A report from a licensed design professional (a design professional licensed by the appropriate State of California oversight authority) identifying the structural deficiencies that pose an unacceptable risk of injury to its occupants in a seismic event and the minimum ~~mitigation~~ work necessary to obtain DSA approval for the seismic mitigation work. If the application is for an unenclosed roofed structure used for school purposes, the report must either outline the minimum work to allow the continued use of the unenclosed roofed structure or the minimum work to replace the unenclosed roofed structure with a structure of like-kind with only the minimum required safety improvements needed to obtain plan approval.
- (B) DSA letter(s) that concur to the findings and minimum mitigation work outlined in the report required by (b)(1)(A).
- (C) If the collapse potential is due to faulting, liquefaction, or landslide, or if it is otherwise required by DSA for project approval, the district must submit 1. and 2. below:
1. A geological hazards report prepared by an engineering geologist in accordance with California Building Code, Part 2, Chapter 18, Section 1803A and with the concurrence of the California Geological Survey.
 2. Concurrence to the report in 1. from the California Geological Survey.
- (D) A detailed Form SAB 58-01 that meets the following requirements:
1. The Form SAB 58-01 must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. For all materials or items listed in the most current edition of the Current Construction Remodeling and Repair Cost publication, amounts entered on the Form SAB 58-01 must use the provided unit costs. For individual materials or items that are not contained in the most current edition of the Current Construction Remodeling and Repair publication, the district must provide supporting documentation for OPSC to review the requested unit cost.
 2. All requested line items shall include Construction Specifications Institute reference number (CSI #), description, quantity, unit, cost per unit, and District's request. Any line items that include amounts in lump-sum formats will not be reviewed or approved.
 3. The work in the Form SAB 58-01 shall match the work outlined in the report provided by the industry specialist (a person or entity that specializes in the area of expertise for that health and safety issue) for the minimum work required to mitigate the seismic threat. The Form SAB 58-01 submitted to OPSC shall be for the same scope of work reviewed and concurred to by DSA, and that is referenced in the governmental concurrence letter for the project.
 4. The Form SAB 58-01 may also include any ancillary work required by DSA and other governmental entities to obtain required plan approval for the minimum work required to mitigate the seismic threat.
 5. If the minimum work required to mitigate the seismic threat is the replacement of an unenclosed roofed structure(s) used for school purposes including but not limited to lunch shelters and covered walkways,

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funding shall be provided for costs associated with replacing the unenclosed roofed structure(s) in like-kind with required safety improvements.

- (E) A cost/benefit analysis that demonstrates that the minimum work to mitigate the seismic threat and remain in the ~~S~~school ~~B~~building(s) is less than 50 percent of the Current Replacement Cost.
- (F) All other documents required to complete an Approved Application for funding. This includes:
 - 1. A completed *Application For Funding* (Form SAB 50-04).
 - 2. The DSA Plan Approval letter for the project or documentation from DSA verifying that the project is exempt from their approval process.
 - 3. CDE Plan Approval letter for the project or documentation from CDE verifying that the project is exempt from their approval process.
 - 4. If the project is for a high school site, a letter or meeting minutes from the district's Career and Technical Education Advisory Committee (CTEAC) certifying that the district is in compliance with all career technical facility needs and assessments as outlined in Education Code Section 17070.955.
- (4) If the district qualifies for seismic mitigation rehabilitation ~~funding to repair their permanent School Buildings~~, the district is eligible to receive funding for the project as follows:
 - (A) The Seismic Rehabilitation Grant based on 50 percent of the eligible costs in the Form SAB 58-01 required in Section 1859.82.2(c)(3)(D) that have been reviewed by OPSC and approved by the Board.
 - (B) If the district qualifies for rehabilitation funding, the funding may be used towards the replacement of the facility as long as the qualifying seismic threat is fully mitigated.
 - (C) Applicable supplemental grants may be provided for the following:
 - 1. project assistance pursuant to Section 1859.73.1., and
 - 2. Excessive Cost Hardship Grant for geographic location pursuant to Section 1859.83(a), and
 - 3. ~~Excessive Cost Hardship Grant for accessibility and fire code requirements in accordance with Section 1859.83(e)(3).~~
 - (d) Any grants provided in accordance to (b) or (c) above shall be adjusted as follows:
 - (1) For projects funded in accordance to (b) above:
 - (A) Reduced for any space deemed available by the Board in the district, HSAA, or Super HSAA that could be used to house some or all of the displaced pupils in the project,
 - (B) Reduced by 50 percent of any insurance proceeds collected by the district for the project. Any insurance proceeds collected after Apportionment shall be reported to OPSC and the Apportionment will be amended accordingly.
 - (C) Reduced by 50 percent of the net proceeds available from the disposition of the property and/or facilities in the project.
 - (2) For projects funded in accordance to (c) above:
 - (A) 50 percent of any insurance proceeds collectable by the district for the project.
 - (B) 50 percent of the net proceeds available from the disposition of any displaced facilities in the project.
 - (e) Adjustments to School Facility Program per-pupil grants.
 - (1) The district's New Construction Eligibility will be adjusted for any net increase in classroom capacity in the project pursuant to Section 1859.51(i).
 - (2) The baseline eligibility for modernization as provided in Section 1859.60 will be adjusted for any funding received in accordance to (b) above. The age of the classroom and Square Footage in the project shall be reset to the date of the Apportionment for the project.
 - (f) Districts that qualify for Financial Hardship assistance may file an application for design funding, site funding, and determination of program eligibility in advance of construction funding.
 - (1) To request advanced funding for design for eligible projects, the district must submit an *Application for Funding* (Form SAB 50-04) indicating the request for design funding and all documents listed in Section 1859.82.2(c)(3)(A) through Section 1859.82.2(c)(3)(E).
 - (2) Advanced funding for design shall be provided based on the eligible project type as follows:
 - (A) For projects receiving funding for advanced design for the replacement of all ~~S~~school ~~B~~building(s) on the project site, pursuant to Section 1859.82.2(b)(4)(A), the Board will apportion an amount not to exceed 40 percent of the New Construction Grant less any district funds available for the project pursuant to Section 1859.81(a).

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- (B) For projects receiving funding for advanced design for at least one but not all School Buildings on the project site pursuant to Section 1859.82.2(b)(4)(B), the Board will apportion an amount not to exceed 40 percent of the Facility Hardship Square Footage Grant less any district funds available for the project pursuant to Section 1859.81(a).
- (C) For projects receiving funding for advanced design for a Seismic Rehabilitation Grant pursuant to Section 1859.82.2(c), the Board will apportion an amount not to exceed 25 percent of the costs determined pursuant to Section 1859.82.2(c)(4)(A) less any district funds available for the project pursuant to Section 1859.81(a).
- (3) Advanced funding for site shall be provided pursuant to Section 1859.82.2(b)(4)(A)4. The district is eligible for advanced funding for site acquisition as calculated pursuant to Section 1859.81.1.
- (4) The amount apportioned for advanced design is an estimate of the funds needed for design, engineering, and other pre-construction project costs. Qualifying districts may request a separate Apportionment for the design and for site acquisition for the same seismic mitigation project.
- (5) The district is required to submit an Approved Application for funding and an updated Form SAB 58-01 for projects funded in accordance with Section 1859.82.2(c) or site development worksheet for projects funded in accordance with Section 1859.82.2(b), that reflects the final approved drawings for the project within:
 - (A) 18 months from the date of Apportionment if the project scope will be for repair or replacement on the same site.
 - (B) 24 months from the date of Apportionment if the project scope is for the replacement of School Building(s) which will be located on a replacement site.
- (6) If the district does not submit the Approved Application for funding within the timelines required by Section (2) above, the application will be reduced to eligible costs incurred.
- (7) Upon receipt of the Approved Application, the application will be reviewed for conformance with all program laws and regulations.
- (8) Any funding provided in Section 1859.82.2 shall be offset by any advanced design funding previously provided for the project pursuant to Section 1859.82.2(f)(2).

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17075.10, 17075.15, 101012(a)(1) and 101122, Education Code.

Section 1859.82.3. Facility Hardship Program and Seismic Mitigation Program Conceptual Approvals.

A district may request approval from the Board to determine eligibility for facility hardship or seismic mitigation programs in advance of project funding. Board approval does not constitute a reservation of bond authority. Board approval only confirms the district meets the criteria in Section 1859.82.

- (a) To request conceptual approval for facility hardship projects, the district must submit an *Application For Funding* (Form SAB 50-04) indicating the request for conceptual approval and all documents listed below:
 - (1) For replacement projects, all of the documents listed in Section 1859.82.1(b)(2)(A) through Section 1859.82.1(b)(2)(D).
 - (2) For rehabilitation projects, all of the documents listed in Section 1859.82.1(c)(3)(A) through Section 1859.82.1(c)(3)(D)3.
- (b) To request conceptual approval for seismic mitigation projects, the district must submit an *Application For Funding* (Form SAB 50-04) indicating the request for conceptual approval and all documents listed below:
 - (1) For replacement projects, all of the documents listed in Section 1859.82.2(b)(2)(A) through Section 1859.82.2(b)(2)(F).
 - (2) For rehabilitation projects, all of the documents listed in Section 1859.82.2(c)(3)(A) through Section 1859.82.2(c)(3)(E).

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17075.10, 17075.15, 100420, 100620, 100820, 101012(a)(1) and 101122, Education Code.

Section 1859.83. Excessive Cost Hardship Grant.

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In addition to any other funding authorized by these Regulations, a district is eligible for funding as a result of unusual circumstances that created excessive project costs beyond the control of the district. The Excessive Cost Hardship Grant shall be based on any of the following:

(a) Excessive Cost due to Geographic Location.

A district with a project that is located in a geographic area designated in the Geographic Percentage Chart below is eligible for the sum of the Excessive Cost Hardship Grant(s) determined by multiplying the indicated percentage factor shown in the Geographic Percentage Chart below by each of the following amounts:

- (1) The New Construction Grant and the Modernization Grant.
- (2) The funding provided by Sections 1859.71.2, 1859.71.3, 1859.72, 1859.73, 1859.73.2, 1859.76(d)(1) and (2), 1859.78.4, 1859.78.5, 1859.82.1, 1859.82.2, 1859.83(b), (c), (d) and (e) and 1859.125(a)(1) through (a)(2).

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STATE OF CALIFORNIA
FACILITY HARDSHIP COST ESTIMATE
SCHOOL FACILITY PROGRAM
SAB 58-01(NEW 05/20)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

INSTRUCTIONS

The Form SAB 58-01 is to be used for the purposes of generating and submitting the cost estimate required for eligible Facility Hardship or Seismic Mitigation projects pursuant to SFP Regulation Section 1859.82.1(b)(2)(C), 1859.82.1(c)(3)(C), and 1859.82.2(c)(3)(D).

Refer to the most current published edition of the Current Construction Remodeling Costs publication by Sierra West Publishing, F3 unit costs, for data needed to complete this form. Throughout these instructions, all references to "Sierra West" indicate this publication.

All lines in Part I must be broken out to individual items or materials. Do not enter line item requests in a lump sum format. Line item requests in lump sum format may not be eligible for funding.

PART 1 – Line-Item Requests

For each line-item request, complete the following:

1. **CSI #** - Enter the Construction Specifications Institute number (CSI #) corresponding to the item or material included in
2. **Description** - Enter the description corresponding to the item or material as it appears in Sierra West.
3. **Quantity** - Enter the numeric quantity of the item or material used as indicated in the project plans approved by the
4. **Unit** - Enter the unit of measure for the specified material or item as it appears in Sierra West.
5. **Cost/Unit** - Enter the total unit cost, or cost per unit, as it is listed in the F3 column in Sierra West. Do not add installation cost as this has been included in the total unit cost amount.
6. **District's Request** - Enter the product of the Quantity and Cost/Unit column.
7. **OPSC's Allowance** - Leave blank. This section will be completed by OPSC upon review of the application.
8. **Comments** - The district may optionally indicate any relevant plan page numbers or reference information to assist the plan reviewer in the comments column.
9. **OPSC Review Comments** - Leave blank. This section will be completed by OPSC upon review of the application.
10. **Title 24 Max Requirement** - In lieu of requesting individual line items for Access Compliance, the district may request a 20% allowance to cover the costs of the maximum Access Compliance work required by the Division of the State Architect. This allowance is reflective of the maximum requirements in Title 24, Section 11B-202.4, Exemptions, 8.

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STATE OF CALIFORNIA
FACILITY HARDSHIP COST ESTIMATE
SCHOOL FACILITY PROGRAM
SAB 58-01(NEW 05/20)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

PART II – Contractor Burden

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

OPSC Project Type	Sierra West Construction Classification
Facility Hardship rehabilitation for Fire and/or Water Damage	"Repair of Fire Damage"
Facility Hardship rehabilitation of historical structures	"Unique Structures"
All other Facility Hardship rehabilitation projects	"Alterations and Additions"
Seismic Mitigation rehabilitation	"Alterations and Additions"

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

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

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

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

PART III – Design Cost Allowances

DSA Inspection Fee - For projects that require DSA plan approval, enter 1%. For projects that do not require DSA plan approval, enter 0%.

Industry Specialist's Report Costs - For rehabilitation projects enter the greater of \$10,000 or 1% of the OPSC Allowance Subtotal. For replacement projects, enter 0%.

Construction Testing Allowance - For rehabilitation projects that require specialized testing and inspection of materials during construction such as soil tests, foundation tests, exploratory borings, and similar testing prior to construction, enter 1%. The District must submit written verification of the specialized testing required for the scope of work. For all other projects, enter 0%.

Design Specialist Cost Allowance - Based on the Construction Subtotal (Part II), the allowance for the Design Specialist will be automatically calculated using the Design Specialist Cost Allowance sliding scale at the end of the estimate. Alternatively, the District may manually enter the cost allowance based on this scale.

ATTACHMENT E

STATE OF CALIFORNIA
FACILITY HARDSHIP COST ESTIMATE
SCHOOL FACILITY PROGRAM
SAB 58-01(NEW 05/20)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

CDE Plan Review Fee - Allowance is for the proportionate amount of fees charged by the California Department of Education, as required by law, for the hardship portion of the project. The allowance provided will be 0.07% of the OPSC Allowed Construction Subtotal as published on CDE's website:

<https://www.cde.ca.gov/ls/fa/sf/forms.asp>

DSA Plan Review Fee - Allowance is for the proportionate amount of fees charged by the Department of the State Architect, as required by law, for the hardship portion of the project. Based on the product of the OPSC Allowed Construction Subtotal applied to the DSA Project Fee Calculator:

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

ATTACHMENT E

STATE OF CALIFORNIA
FACILITY HARDSHIP COST ESTIMATE
 SCHOOL FACILITY PROGRAM
 SAB 58-01 (XX/24)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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

PART I - Line Item Request

[illegible]

ATTACHMENT E

STATE OF CALIFORNIA
FACILITY HARDSHIP COST ESTIMATE
SCHOOL FACILITY PROGRAM
SAB 58-01 (XX/24)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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

PART II - Contractor Burden

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

PART III- Design Costs & Fees

Design Costs	Multiplier	Allowance	Calculation Detail
Project Inspection Allowance	1.00%	-	Allowance provided for the services of a DSA certified inspector for the duration of the project. The allowance provided is 1.00%, based on Construction Subtotal. Only allowed if project required DSA approval.
Industry Specialist Report	\$10,000 or 1.00%	10,000	Allowance provided for the services of an Industry Specialist to completing the required report. The allowance provided is the greater of either the Construction Subtotal multiplied by 1%, or \$10,000 .
Construction Testing Allowance	1.00%	-	For rehabilitation projects that require specialized testing and inspection of materials during construction such as soil tests, foundation tests, exploratory borings, and similar testing prior to construction, enter 1%. The District must submit written verification of the specialized testing required for the scope of work. For all other projects, enter 0%. The allowance is the applicable percentage multiplied by the Construction Subtotal.
Design Specialist Cost Allowance *See Sliding Scale, below.	Sliding Scale	-	Based on Construction Subtotal, using the Design Cost Allowance chart below.
CDE Plan Review Fee	0.07%	-	Allowance is for the proportionate amount of fees charged by the California Department of Education, as required by law, for the hardship portion of the project. The allowance provided will be CDE's fee calculation applied to the Construction Subtotal.
DSA Plan Review Fee	DSA Project Fee Calculator		Allowance is for the proportionate amount of fees charged by the Department of the State Architect, as required by law, for the hardship portion of the project. Based on the product of the Construction Subtotal applied to the DSA Project Fee Calculator: https://www.apps2.dgs.ca.gov/dsa/tracker/FeeCalculator.aspx .
Part III- OPSC Approved Total Project Cost:		10,000	Sum of Part II and Part III

ATTACHMENT E

STATE OF CALIFORNIA
FACILITY HARDSHIP COST ESTIMATE
SCHOOL FACILITY PROGRAM
SAB 58-01 (XX/24)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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

For Reference:

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

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

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

Name of District Representative (Print):	Phone Number:
Signature of District Representative:	Date:

ATTACHMENT E

AUTHORITY

Education Code Section 17074.25

(a) A modernization apportionment may be used for an improvement to extend the useful life of, or to enhance the physical environment of, the school. The improvement may only include the cost of design, engineering, testing, inspection, plan checking, construction management, demolition, construction, the replacement of portable classrooms, necessary utility costs, utility connection and other fees, the purchase and installation of air-conditioning equipment and insulation materials and related costs, furniture and equipment, including telecommunication equipment to increase school security, fire safety improvements, playground safety improvements, the identification, assessment, or abatement of hazardous asbestos, seismic safety improvements, and the upgrading of electrical systems or the wiring or cabling of classrooms in order to accommodate educational technology. A modernization grant may not be used for costs associated with acquisition and development of real property or for routine maintenance and repair.

(b) A modernization apportionment may also be used for the cost of designs and materials that promote the efficient use of energy and water, the maximum use of natural lighting and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and other characteristics of high-performance schools.

(c) (1) A modernization apportionment may be used to limit pupil exposure to harmful air pollutants by updating air filtration systems.

(2) (A) This subdivision is declaratory of existing law.

(B) It is the intent of the Legislature in enacting the act amending this section in the 2017–18 Regular Session to encourage school districts to add air filtration systems to applications for modernization apportionments when air pollution occasionally or regularly exceeds levels known to be harmful to public health.

(Amended by Stats. 2018, Ch. 714, Sec. 1. (AB 2453) Effective January 1, 2019.)

Education Code Section 17075.10.

(a) A school district may apply for hardship assistance in cases of extraordinary circumstances. Extraordinary circumstances may include, but are not limited to, the need to repair, reconstruct, or replace the most vulnerable school facilities that are identified as a Category 2 building, as defined in the report submitted pursuant to Section 17317, determined by the department to pose an unacceptable risk of injury to its occupants in the event of a seismic event.

(b) A school district applying for hardship state funding under this article shall comply with either paragraph (1) or (2).

(1) Demonstrate both of the following:

(A) That due to extreme financial, disaster-related, or other hardship the school district has unmet need for pupil housing.

(B) That the school district is not financially capable of providing the matching funds otherwise required for state participation, that the district has made all reasonable efforts to impose all levels of local debt capacity and development fees, and that the school district is, therefore, unable to participate in the program pursuant to this chapter except as set forth in this article.

(2) Demonstrate that due to unusual circumstances that are beyond the control of the district, excessive costs need to be incurred in the construction of school facilities. Funds for the purpose of seismic mitigation work or facility replacement pursuant to this section

ATTACHMENT E

shall be allocated by the board on a 50-percent state share basis from funds reserved for that purpose in any bond approved by the voters after January 1, 2006. If the board determines that the seismic mitigation work of a school building would require funding that is greater than 50 percent of the funds required to construct a new facility, the school district shall be eligible for funding to construct a new facility under this chapter.

(c) The board shall review the increased costs that may be uniquely associated with urban construction and shall adjust the per-pupil grant for new construction or modernization hardship applications as necessary to accommodate those costs. The board shall adopt regulations setting forth the standards, methodology, and a schedule of allowable adjustments, for the urban adjustment factor established pursuant to this subdivision.

(Amended by Stats. 2008, Ch. 179, Sec. 41. Effective January 1, 2009.)

ATTACHMENT E
OFFICE OF PUBLIC SCHOOL CONSTRUCTION
STAKEHOLDER MEETING
March 20, 2025

PROPOSED REGULATORY AMENDMENTS FOR HARDSHIP APPLICATIONS

PURPOSE

To discuss and receive stakeholder feedback regarding proposed regulatory amendments resulting from Assembly Bill (AB) 247, the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2), which was approved by a majority of California's voters on November 5, 2024. The proposed amendments to School Facility Program (SFP) Regulations are related to the repeal and re-addition of Education Code (EC) Section 17075.10 for Hardship Applications, which is the statutory basis for the Facility Hardship (FHP) and Seismic Mitigation Programs (SMP) and the Excessive Cost Hardship supplemental grant for Urban Location, Security Requirements, and Impacted Sites. In addition, clarifying regulatory amendments related to these Programs are included in this report, which were first proposed by the Office of Public School Construction (OPSC) in June 2024.

AUTHORITY

See Attachment A.

BACKGROUND

Proposition 2 repealed the prior EC Section 17075.10 language and added new language that continues to provide the authority to fund projects to replace, reconstruct, or construct new school facilities when there is a threat to the health and safety of pupils. The new language also states how the funding will be determined. In summary, the Proposition 2 amendments state the following:

- To qualify for Hardship funding, the school district must demonstrate that there is a threat to the health and safety of pupils.
- Health and safety projects include the replacement of the most vulnerable school facilities that are identified as Category 2 buildings by the report completed pursuant to EC Section 17317.
- For school facilities that pose an unacceptable risk of injury to occupants in a seismic event, a school district must demonstrate both of the following:
 - Due to unusual circumstances beyond the control of the school district, excessive costs need to be incurred in the construction of school facilities.
 - The facilities are needed to ensure the health and safety of pupils.

BACKGROUND (cont.)

- The district must prepare a cost-benefit analysis to determine if the cost to remain in the school facility and mitigate the problem is at least 50 percent of the replacement cost.
 - If the cost is at least 50 percent, the district qualifies for replacement facilities.
 - If the cost is less than 50 percent, the district qualifies for modernization funding.
- Subdivision (c) of the former EC Section 17075.10 was repealed and removed the authority for the Excessive Cost Hardship supplemental grant for Urban Location, Security Requirements, and Impacted Sites.
- Staff is directed to develop regulations to define eligible health and safety projects.

Proposition 2 also added EC Section 17070.59 to establish a points-based determination and sliding scale for the required state and local match for SFP projects. It also amended the language for EC Section 17072.30 to outline the sliding scale and point allocation as it relates to New Construction projects, including FHP and SMP replacement funding, and EC Section 17074.16 to add similar language for modernization projects, including FHP and SMP rehabilitation funding. OPSC staff presented draft proposals to implement the changes required by Proposition 2 through amendments of SFP Regulation Sections 1859.77.1 (New Construction District Matching Share Requirement) and 1859.79 (Modernization Matching Share Requirement), and the proposed addition of SFP Regulation Section 1859.70.5, at stakeholder meetings on January 30, 2025, and March 13, 2025.

Prior to the passage of Proposition 2, OPSC staff held a stakeholder meeting on June 4, 2024 to discuss proposed regulatory amendments to SFP Regulation Sections 1859.61, 1859.82.1 and 1859.82.2, as well as changes to the Forms SAB 50-04 and 58-01. The amendments included clarification, standardization, and improved user readability and experience of the SFP Regulations governing these programs. Stakeholder feedback was requested at the meeting and/or to be submitted in writing.

STAFF ANALYSIS/DISCUSSION

OPSC staff have reviewed the changes to EC Section 17075.10 resulting from the passage of Proposition 2 and interpret that the statute continues to support the FHP and SMP as they currently exist with a change to the matching share for SMP rehabilitation projects. The new EC Section 17075.10 essentially reorganizes the concepts from the former language for the two programs and creates a single funding determination that is applicable to both FHP and SMP projects. In addition, OPSC received stakeholder feedback following a meeting held in June 2024 for proposed regulatory amendments to the FHP and SMP, as well as the related *Program Application for Funding* (Form SAB 50-04) and *Facility Hardship Cost*

STAFF ANALYSIS/DISCUSSION (cont.)

Estimate (Form SAB 58-01). A description of all proposed regulatory amendments and prior feedback received is included here. Another significant change resulting from Proposition 2 is the removal of the statutory authority for the Excessive Cost Hardship supplemental grant for Urban Location, Security Requirements and Impacted Sites, which was the former subdivision (c) of EC Section 17075.10. Proposed regulatory amendments are included to address this change as well.

There are two Attachments to this report that include proposed regulatory amendments:

1. Attachment B is the proposed regulation amendments.
2. Attachment C is the proposed amendments to Form SAB 58-01.

Changes to Matching Share for SMP Rehabilitation Projects

Prior to the passage of Proposition 2, EC Section 17075.10 stated that SMP funding was provided on a 50 percent state and 50 percent district matching share basis for qualifying Most Vulnerable Category 2 Buildings whether the facility qualified for replacement or rehabilitation funding. Based on this language, all SMP projects were funded from New Construction bond authority. The newly enacted EC Section 17075.10 no longer differentiates between health and safety projects that result from Most Vulnerable Category 2 Buildings and other health and safety threats.

Funding will still be provided for both FHP and SMP replacement facilities on a 50 percent state and 50 percent local matching share basis as a new construction grant pursuant to SFP Regulation Section 1859.77.1, subject to adjustment by the sliding scale mentioned in the following section. However, as a result of the changes to EC Section 17075.10 enacted by Proposition 2, funding for facilities that qualify for either FHP or SMP rehabilitation funding will now be provided on a 60 percent state share and 40 percent local matching share basis as a modernization grant pursuant to SFP Regulation Section 1859.79, subject to adjustment by the sliding scale mentioned in the following section.

The changes to EC 17075.10 apply to funding applications received by OPSC on or after October 31, 2024. Therefore, the proposed amendments included in SFP Regulation Section 1859.82 distinguish which version of EC applies based on the OPSC received date of an Approved Application (see Attachment B).

Sliding Scale for New Construction and Modernization Funding Levels

In addition to the changes described above for SMP rehabilitation projects, EC Section 17070.5 is added to Chapter 12.5 and establishes a points-based system and a sliding scale to adjust the standard matching share for SFP New Construction and Modernization funding applications. This section also applies to FHP and SMP funding applications. The proposed regulatory amendments related to this topic are included in a separate report and not included here.

STAFF ANALYSIS/DISCUSSION (cont.)*Repeal of Subdivision (c) – Supplemental Grant for Urban Construction*

EC Section 17075.10 was repealed and re-added upon the passage of Proposition 2. The prior section included subdivision (c), which stated the following:

The board shall review the increased costs that may be uniquely associated with urban construction and shall adjust the per-pupil grant for new construction or modernization hardship applications as necessary to accommodate those costs. The board shall adopt regulations setting forth the standards, methodology, and a schedule of allowable adjustments, for the urban adjustment factor established pursuant to this subdivision.

Because this subdivision was repealed, OPSC proposes regulatory amendments to provide the supplemental grant known as the Excessive Cost Hardship grant for Urban Location, Security Requirements, and Impacted Sites only to Approved Applications for FHP and SMP received on or before October 30, 2024, as the statutory authority to provide this supplemental grant after that date no longer exists.

Previously Proposed Regulatory Amendments from June 2024

This section is a continuation of and addition to the proposed regulatory amendments presented to stakeholders on June 4, 2024. OPSC received written comments from one school district 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. The proposed amendments are related to the following:

- Consistent use of the defined term, *Governmental Agency*.
- Clarification of SFP Regulation 1859.93.1. New Construction Project Funding Order to include references to both SFP Regulation Sections 1859.82.1(b) and 1859.82.2(b).
- Clarification of the adjustments to the Modernization Eligibility Baseline for sites that receive replacement funding.
- Clarification of when asbestos mitigation costs are allowable in FHP and SMP projects.
- Clarification of how the total eligible square footage is determined for projects that replace individual school buildings and/or classrooms.
- Further define eligible funding for rehabilitation applications
- Amendments and clarification on the Form SAB 58-01.

OPSC welcomes comments and feedback on any of the proposed changes reflected in Attachment B. The proposed amendments to the SFP Regulations are summarized below in numerical order. Changes that are applicable to both SFP Regulation Sections 1859.82.1 and 1859.82.2 are listed only one time and noted as such.

STAFF ANALYSIS/DISCUSSION (cont.)*SFP Regulation Section 1859.2 - Governmental Agency*

Staff concurs with the stakeholder recommendation to use the term “Governmental Agency” throughout Sections 1859.82.1 and 1859.82.2 for consistency. The term is already defined in SFP Regulations; thus, the proposed amendments reflect this change.

SFP Regulation Section 1859.2 states that a “Governmental Agency shall include but is not limited to a public entity as defined by Government Code Section 7260(a) including California federally recognized or historically established tribal governments.”

For reference, Government Code Section 7260(a) states that a:

“Public entity” includes the state, the Regents of the University of California, a county, city, city and county, district, public authority, public agency, and any other political subdivision or public corporation in the state or any entity acting on behalf of these agencies when acquiring real property, or any interest therein, in any city or county for public use, and any person who has the authority to acquire property by eminent domain under state law.

Section 1859.61 – Adjustments to Modernization Baseline as a result of FHP and/or SMP Replacement Funding

SFP Regulation Section 1859.61(l) provides the conditions for when an adjustment to a school district’s modernization eligibility baseline is required as a result of receiving replacement funding via a New Construction Grant or Facility Hardship Square Footage Grant. As written, a school board resolution is required in all instances.

However, the school board resolution required to allow this adjustment should only apply to school buildings and/or classrooms for which the district did not have the current enrollment to support the replacement and that remain on the site but have been permanently removed from K-12 use. Therefore, staff proposes language to state the requirements more clearly for how this adjustment will be made by reorganizing and renumbering the current language. A school board resolution is only required under the new Section 1859.61(l)(2)(B). This is in alignment with our current process.

Section 1859.82.1 - Mitigation of Asbestos

In the first meeting, Staff proposed that the following statement be added to Section 1859.82.1 (b)(2)(A):

Mitigation of asbestos that becomes friable in the course of school building maintenance, repairs or modernization work is not eligible for funding pursuant to Section 1859.82.1.

After further review, the language was adjusted for clarity and placed in the second introduction paragraph of SFP Regulation Section 1859.82.1 where general

STAFF ANALYSIS/DISCUSSION (cont.)

program tenets are stated. Section 1859.82.1(b)(2)(A) regarding the industry specialist's report has also been updated to indicate that the lab test results only identify the *presence* of asbestos and that the industry specialist's report will be required to state that the asbestos is currently friable.

In addition, Staff clarifies that costs for the abatement of friable asbestos could be included in the Form SAB 58-01 and/or site development worksheet if it is required in the course of mitigating a different qualifying health and safety hazard. For example, if asbestos becomes friable in the course of performing the work to mitigate structural deficiencies that are part of a qualifying FHP or SMP project, the abatement costs may be eligible as minimum mitigation work attributed to the structural mitigation work.

SFP Regulation Sections 1859.82.1 & .82.2 - Clarify the Calculation Methodology for Base Grant Funding of Individual Building Replacement Applications

The base grant for applications that qualify for Replacement funding to replace some but not all school buildings on a school site is based upon the Square Footage grant amount determined by the calculation methodology in SFP Regulation Sections 1859.82.1(b)(4)(B) and 1859.82.2(b)(4)(B). Current program regulations state that "funding will be based on the Square Footage of the School Buildings replaced [existing qualifying building] and is capped by the lesser of the amount provided in accordance with the chart below and the Square Footage constructed..."

To determine the amount of square footage to be funded, the square footage of the existing facility is also compared to what is justified by the enrollment. Staff revised the previously proposed amendments for this section. The newly proposed language clarifies the methodology and parameters for applying the minimum and maximum values presented in the facility chart in both regulation sections. The original intent was that both sections would be the same and some additions are added that were not previously existing to make the language uniform.

Stakeholder feedback stated that the existing square footage is not a factor in this calculation. However, it can be a factor in some instances. This is best illustrated by looking at two examples: one where the existing building being replaced is less than the minimum square footage for that facility type provided in program regulations, and one where the existing building is larger than the minimum size, but less than the maximum size.

Example 1 – Multi-Purpose Room Below Minimum Size

As shown in the excerpt from the Facility charts in Regulation Sections 1859.82.1 and 1859.82.2 below, the minimum size for a Multi-Purpose Room (MPR) at an elementary school is 4,000 square feet.

STAFF ANALYSIS/DISCUSSION (cont.)

Facility	Elementary School Pupils	Middle School Pupils	High School Pupils
Multi-Purpose (includes food service)	5.3 sq. ft. per pupil minimum 4,000 sq. ft.	5.3 sq. ft. per pupil minimum 5,000 sq. ft.	6.3 sq. ft. per pupil minimum 8,200 sq. ft.

If an elementary school site has an existing MPR that is 3,500 square feet and qualifies for replacement, the replacement square footage provided will be elevated to the minimum of 4,000 square feet, regardless of the square footage derived from the chart, provided the district is constructing at least 4,000 square feet. If the district constructs only 3,500 square feet, the replacement square footage is capped at the amount constructed. This concept is applied to all facility types with minimum sizes provided in the chart.

Example 2 – Gymnasium Between Minimum and Maximum Sizes

As shown in the excerpt from the same Facility charts below, the far-right column for high school pupils shows 15.3 square feet per pupil with a minimum of 8,380 square feet and a maximum of 18,000 square feet.

Facility	Elementary School Pupils	Middle School Pupils	High School Pupils
Gymnasium (includes shower/locker area)	N/A	12.9 sq. ft. per pupil minimum 6,828 sq. ft. maximum 16,000 sq. ft.	15.3 sq. ft. per pupil minimum 8,380 sq. ft. maximum 18,000 sq. ft.

In this example, a high school has a qualifying gymnasium that is 16,000 square feet that qualifies for replacement, and the district is constructing a new 20,000-square-foot gym. The chart states that high school sites should have a gymnasium that is a minimum of 8,380 square feet and limits replacement square footage to a maximum of 18,000 square feet, regardless of the square footage otherwise justified by enrollment. As noted above, the program regulations state that funding is based on the Square Footage of the school buildings being replaced (old buildings) and is capped by either the amount in the chart or what is constructed, whichever is less. To determine the amount of square footage to be funded, the square footage of the existing facility is compared to what is justified by the enrollment.

For this example, assume the enrollment at the site is 1,200 students. Following the chart above, 1,200 pupils multiplied by 15.3 square feet per pupil is 18,360 square feet. While the resulting amount exceeds the chart maximum of 18,000 square feet, the amount of eligible replacement square footage funding is limited to 16,000 because the existing facility was 16,000 square feet, which already exceeded the minimum of 8,380 square feet.

Example 3 – Classrooms

The calculation of replacement classrooms is a two-step calculation. First the number of eligible replacement classrooms is determined. Second, the eligible classroom(s) is converted to a square footage amount using the chart in Regulation.

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

First, the enrollment at the site is compared to the number of available classrooms on the site to determine how many replacement classrooms the site requires to adequately house the *displaced* pupils.

For example, using the methodology in SFP Regulation Section 1859.82.1 (a)(4)(B) for FHP and Section 1859.82.2 (a)(4)(B) for the SMP, it is determined that the enrollment at an elementary school is 750 K-6 pupils. The loading standard for K-6 pupils is 25 per classroom. Thus, the enrollment justifies the need for 30 classrooms on the site.

Next, the available capacity at the site is determined to see how many classrooms that the site needs. Classrooms that are part of the FHP/SMP program application and have health and safety threats, are not considered available. In this example, there are 21 classrooms on site, and all are affected, leaving zero classrooms available for use.

Assume there are 25 replacement classrooms in the Division of the State Architect (DSA) approved plan set.

Funding is provided based on the school buildings *replaced*. School buildings can only be replaced if they were previously existing, and they will be re-constructed. In this case, the number of classrooms eligible for replacement is 21.

The additional 4 classrooms would be considered additional capacity, unless the DSA-approved plans include the demolition of at least 4 classrooms beyond the replacement funding qualifying buildings. They may be locally funded, or the district has the option to submit a separate application for either modernization if the additional classrooms are replacing other demolished classrooms, or new construction funding if they are additional capacity.

Converting Classrooms to Square Footage

Once the total number of eligible classrooms is determined, the classroom types are compared to the chart in applicable regulation to arrive at the Replacement Square Footage Grant.

Using the example above, the district is eligible for funding to replace 21 classrooms. Assume that based on enrollment, the site is justified to have two kindergarten classrooms and 19 1-6th grade classrooms.

STAFF ANALYSIS/DISCUSSION (cont.)

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

Two Kindergarten classrooms @ 1,350 sq ft each = 2,700 sq. ft.
 19 1st-6th grade classrooms @ 960 sq ft each = 18,240 sq. ft.
 Total Other Replacement Square Footage = 20,940 sq. ft.

SFP Regulation Sections 1859.82.1 & .82.2 - Further Define Eligible Funding for Rehabilitation Applications

Through the course of processing applications seeking Rehabilitation funding, OPSC identified the need to further outline how funding would be provided for Rehabilitation applications involving the replacement of components or unenclosed roofed structures, such as lunch shelters, shade structures, and covered walkways.

In response to stakeholder feedback that the term 'like-kind' was too broad and unclear, staff has changed that term to 'equivalent.' The goal of these changes is to allow flexibility when replacing these structures but to also maintain the intent of the FHP and SMP to only fund minimum work. The language is designed to allow for necessary or required safety, code, or material upgrades, but to also make clear that enhancements or the addition of systems or features that weren't in the existing structure being replaced cannot be allowed under these minimum work programs.

For example, if the site had a 1,200-square-foot lunch shelter that was determined to no longer be safe for school use and that could not be repaired, program grants would be provided to build back an equivalent 1,200-square-foot lunch shelter that meets current code and safety requirements only. Any elective systems or features that weren't in the original shelter cannot be funded unless they are a requirement as part of obtaining plan approval.

Summary of Proposed Amendments in Attachment C***Form SAB 58-01***

Overall, the Form amendments represent changes that make the form consistent with the Sierra West Publishing's construction cost publications. OPSC reviewed these changes with the publisher on several occasions to ensure accuracy. One

STAFF ANALYSIS/DISCUSSION (cont.)

stakeholder comment was received regarding the proposed change to the General Conditions multiplier factor from the OPSC Allowance Subtotal to the total project cost reported to DSA. The comment states that they believe “the data used for the form should speak to a uniform scope and data source, and not be comingled with scopes that are not being considered for funding or with data sources that include cost information beyond what is being considered for funding.” General Conditions are provided on a sliding scale, the higher the total project costs, the lower the percentage increase. This is because with higher total project/contract costs, economies of scale are realized which drive down the General Conditions percentages for higher cost projects.

Being that the FHP and SMP require funding be provided for the minimum work required to mitigate the identified health and safety threat, staff must closely review the industry specialist reports and governmental concurrence documents and compare them to the Form SAB 58-01 to ensure that only the minimum work is funded. Therefore, OPSC has been using the total project costs to determine the correct General Conditions percentage most accurate to the overall project, and then using that percentage to apply to the eligible project costs in the FHP or SMP application. This approach takes into consideration the economies of scale attributed to the total project, and then applies it to the fundable portion of the project.

The stakeholder further states that using the total project costs reflected in DSA Tracker results in the scopes of unrelated projects to be comingled, and that “the OPSC allowance subtotal should determine the multiplier factor used to calculate fee costs as it aligns with the work being represented in the submitted applications.”

In many cases, the minimum work to mitigate the qualifying health and safety threat is embedded in the DSA approved plan set for a larger modernization or new construction project. By separating the FHP or SMP eligible portion of funding from the rest of the total project as designed in the DSA approved plans, it could result in a higher percentage of General Conditions being applied than is appropriate, thus providing funding beyond the minimum work required to mitigate the health and safety threat. Scaling the contractor burden to align with the larger overall project appropriately and proportionately funds the FHP or SMP application.

Summary of Stakeholder Feedback

Staff would like to thank stakeholders that were able to view, attend or participate in this meeting and also thank those who provided valuable feedback either at the meeting or through written correspondence to OPSC. On the following page is a table summarizing the topics raised by stakeholders and incorporated into these proposed regulations:

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
1. <u>Corresponding Project</u> Stakeholder believes additional clarification would be beneficial for this: Section 1859.61 (1)(1) states " ... the building age shall be reset to the date of the Apportionment for the corresponding project." The stakeholder requests OPSC consider clarifying "corresponding project" to indicate whether it is referring to the FHP/SMP application, or the actual project itself.	1. Agreed, proposed amendments are adjusted to address these comments by referencing the Form SAB 50-04, tying it to the funded FHP or SMP application.
2. <u>Classroom Inventory</u> Stakeholder believes additional clarification would be beneficial for this: Section 1859.61 (I)(2)(A) refers to the classroom inventory that was used to establish modernization eligibility. The stakeholder suggests "classroom inventory" be revised to "Gross Classroom Inventory". This change would provide consistency between Section 1859.61 (I)(2)(A) and Section 1859.61 (1)(2)(8), which references the Gross Classroom Inventory.	2. Agreed, proposed amendments are adjusted to address these comments by inserting the defined term "Gross Classroom Inventory."
3. <u>Redundancy of Replacement Limit Language</u> Stakeholder believes Section 1859.81.2(b)(4)(8)(2)(e) and Section 1859.82.2(b)(4)(8)(2)(d) are redundant of Section 1859.81.2(b)(4)(8)(2) and Section 1859.82.2(b)(4)(8)(2) respectively. While the stakeholder understands this inclusion might be to clarify what the outcome would be in situations	3. OPSC believes the stakeholder intended to reference Sections 1859.82.1 and 1859.82.2, and not 1859.81.2.
4. <u>Redundancy of Replacement Limit Language</u> (continued) where the replaced square footage is less than the minimum, it ultimately provides the same information as the above main section. Eligible square footage is a determination between the chart included in the regulations and the actual constructed square footage, existing	4. By removing the language suggested at the first stakeholder meeting on this topic and replacing it with amended language more clearly outlining how existing square footage plays a factor in determining eligible replacement area and how existing square footage is a determining factor when the square footage replacement facility exceeds the

STAFF ANALYSIS/DISCUSSION (cont.)

4. (cont.) square footage is not a determining factor; so, the inclusion of this scenario in the regulations adds confusion to the section. The stakeholder requests that OPSC consider this information when determining whether to continue with the inclusion of the sections.	4. (cont.) original facility and exceeds the minimum amount listed in the chart.
5. "Outline" Stakeholder believes OPSC's use of "outline" when referring to how the industry expert's report should present the minimum required work, to be too broad. Previously, OPSC has not accepted the information presented in the industry expert's report due to a lack of specific language indicating what is the minimum required work. Therefore, the stakeholder requests OPSC provide clarification on this amendment that clearly states how the minimum required work needs to be presented for it to be considered for funding. If specific language is required, guidance on the appropriate and acceptable language should be provided. This is applicable to Sections 1859.81.2(c)(3)(A); 1859.81.2(c)(3)(8)(2); 1859.82.2(c)(3)(A); and 1859.82.2(c)(3)(D)(4).	The word "outlined" could be replaced with the word <i>described</i> in most instances. When the phrase <i>outlined in</i> refers to Education Code, the better replacement phrase could be <i>required by</i>. These changes have been made, however OPSC is interested in other stakeholder feedback to meet the intent of the language, which is for the industry specialist to be required to use their report to articulate what the imminent health and safety threat is, what has caused the threat, and the minimum work required to mitigate the threat.
6. "Like-kind" The stakeholder believes OPSC's use of "like-kind" when referring to the replacement of unenclosed roofed structures, to be too broad. As the proposed amendment currently reads, it is unclear whether like-kind refers to similar structure material or similar site conditions. The District requests that OPSC provide guidance on what is meant by "like-kind" when "Like-kind" is used in the regulations. This is applicable to Sections 1859.81.2(c)(3)(A); 1859.81.2(c)(3)(B)(2); 1859.81.2(c)(3)(C)(6); 1859.82.2(c)(3)(A);	6. OPSC has changed the word in the proposed amendments to "equivalent" and is interested in other stakeholder feedback if this is not an acceptable alternative. The intent of the updated language is to all for funding of an equivalent component or structure that allows for safety or code updates but does not add new or enhanced features not required to obtain plan approval.

STAFF ANALYSIS/DISCUSSION (cont.)

6. (cont.) 1859.82.2(c)(3)(D)(4); and 1859.82.2(c)(3)(D)(5).	
7. <u>"Governmental Agencies"</u> Stakeholder requests OPSC consider broadening language to include "Governmental Agencies" in all instances where the regulations reference required DSA Approval. There are instances in proposed amendments where it is stated that additional work beyond the minimum required may qualify for the funding if it is found to be required for required approvals from DSA or compliance for other Governmental Agencies. For consistency, throughout the amendments, please consider including this same language in the following five sections: 1859.82.1 (c)(3)(A); 1859.82.1 (c)(3)(C)(6); 1859.82.2(a)(2); 1859.82.2(b)(2)(A); and 1859.82.2(c)(3)(A). The stakeholder would also like to note that Sections 1859.82.2(b)(2)(E)(4) and 1859.82.2(c)(3)(A) insert "Governmental Entities" rather than "Governmental Agencies". For consistency, the stakeholder suggests OPSC use "Governmental Agencies" in these instances, as there is an existing definition for this term in the SFP Regulations.	7. Agreed, this change has been made. The defined term, Government Agencies, is the best suited replacement.
8. <u>Asbestos Abatement</u> Regarding SFP Regulation Section 1859.82.1(b)(2)(A), stakeholder requests OPSC consider asbestos abatement work as minimum work required and eligible costs. If asbestos abatement work is required because of work being funded through FHP and SMP, the work would not be able to be completed unless the abatement work is also completed, therefore making the abatement work part of the minimum required work.	8. OPSC agrees that asbestos abatement work required as part of the mitigation of a qualifying health and safety threat is eligible. The intent is to only fund required work to resolve an existing health and safety issue. This concern has been clarified in the proposed changes and further clarified in the summary statements.

STAFF ANALYSIS/DISCUSSION (cont.)

9. <u>Gross Inventory of School Buildings</u> Stakeholder notes that Sections 1859.82.1(b)(2)(E) and 1859.82.2(b)(2)(G) insert a requirement that the district submit <u>Gross Inventory of School Buildings</u> (continued) gross inventory of school buildings located on the site at the time of application submittal. The proposed requirement can be interpreted as a requirement for the district to submit "before" project completion gross inventory of school buildings. This seems to contradict OPSC process for recent applications, where OPSC has requested and analyzed school buildings on the site that reflect the configuration of the site "after" the completion of the project. The stakeholder requests OPSC to clarify if the requirement is the "before" project completion gross inventory of school buildings, the "after" project completion of school buildings, or both. Additionally, the District suggests OPSC update the last sentences of the section to mirror the previously defined language and indicate that the current "grade category," rather than "grade level" be indicated on spaces.	9. Some recent applications for SMP funding have been particularly complex compared to other applications processed in the past. School sites with school buildings that qualify for SMP funding are being redesigned and the replacement buildings are not necessarily a one-for-one replacement. In addition, replacement buildings are not always in the same DSA-approved plan set. Due to these complexities, OPSC has worked closely with the applicant to assess the square footage of the existing qualifying buildings and their usage (classrooms, MPR, gymnasium, auditorium, etc.) and compare them to the school buildings that are replacing them. However, the replacement buildings may not always maintain the same use or type. Thus, determining eligible replacement square footage in accordance with SFP Regulations has necessitated before and after site inventories. The term, "grade level," is intentional to identify the current grade level of each classroom on the site. It is necessary to determine the proper amount of square footage is provided for each classroom.
10. <u>Minimum Work Required</u> Similar to how the stakeholder has requested OPSC consider asbestos abatement work as minimum work required, they would also like OPSC to consider additional work that <u>Minimum Work Required</u> (continued) becomes required through the course of completing the FHP/SMP scope, as minimum work required. For example and context, if a district must open a wall to complete the mitigation work being funded, the work and cost to open and then repair the wall back to its pre-existing condition should be	10. Any work that is required to obtain plan approval as part of mitigating the qualifying health and safety threat is permissible as reflected throughout program regulation sections 1859.82.1, and 1859.82.2. Staff's proposed amendments have not changed to remove that eligibility. If there is additional work that is required to be completed in order to obtain plan approval for the project, it is considered part of the minimum work to mitigate the health and safety issue and is eligible for program funding.

STAFF ANALYSIS/DISCUSSION (cont.)

10. (cont.) considered as minimum work required to complete the mitigation activities. The stakeholder is concerned that the proposed amendment to specify the language throughout the regs to say "seismic mitigation work" creates a possibility for work that becomes required for the mitigation work to be completed to be excluded due to it technically not being seismic related, even though it is required for the mitigation activities.	
11. <u>Form 58-01 Updates</u> The stakeholder strongly disagrees with OPSC's proposed change to the Form 58-01 General Conditions multiplier factor from the OPSC Allowance Subtotal to the total project cost reported to DSA. The stakeholder believes the data used for the form should speak to a uniform scope and data source, and not be comingled with scopes that are not being considered for funding or with data sources that include cost information beyond what is being considered for funding. The stakeholder believes that to keep the scopes and costs aligned, the OPSC Allowance subtotal should determine the multiplier factor used to calculate fee costs as it aligns with the work being represented in the submitted applications. The project cost reported to DSA is not always representative of the work that is being considered for funding. For example, in scenarios where a district applies for rehabilitation funding, but chooses to replace the structure, using the DSA tracker information would not be representative of the work that is being estimated on Form 58-01, and would be comingling scopes and costs. If OPSC is looking to only fund the minimum required work for mitigation, any fees being calculated should be based on the same minimum required work for mitigation and	11. Further discussion is provided in the Staff Analysis section; however, OPSC reasserts that providing funding for contractor burden costs that are disproportionate to the project, as reflected in the total DSA-approved plan set that may include work beyond what is being funded in the FHP or SMP application, would result in over-funding of these applications beyond the minimum work to mitigate the health and safety threat.

STAFF ANALYSIS/DISCUSSION (cont.)

11. (cont.) not on unrelated scopes or costs.	
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NEXT STEPS

Staff is seeking stakeholder feedback on all of the above proposals to ensure that funding is provided to address any additional work required by approving governmental entities that is precipitated by the health and safety threat, to provide additional program clarity, and to maintain program integrity related to providing funding only related to minimum health and safety mitigation work.

The proposed regulation text has been included as Attachment B, while the proposed revisions to the Form SAB 58-01 have been included as Attachment C.

Staff requests stakeholder feedback on the proposed changes and topics outlined in this item. Any stakeholder wishing to provide feedback should email Staff by end of day on April 4, 2025.

If necessary, OPSC will present at a future stakeholder meeting any revisions to the proposed SFP regulations and related forms based on today's discussion and feedback that is received by April 4, 2025. If you would like to submit written feedback, please email your suggestions to the OPSC Communications Team at OPSCCommunications@dgs.ca.gov.

AUTHORITY

Education Code Section 17075.10. as it read on January 1, 2024.

(a) A school district may apply for hardship assistance in cases of extraordinary circumstances. Extraordinary circumstances may include, but are not limited to, the need to repair, reconstruct, or replace the most vulnerable school facilities that are identified as a Category 2 building, as defined in the report submitted pursuant to Section 17317, determined by the department to pose an unacceptable risk of injury to its occupants in the event of a seismic event.

(b) A school district applying for hardship state funding under this article shall comply with either paragraph (1) or (2).

(1) Demonstrate both of the following:

(A) That due to extreme financial, disaster-related, or other hardship the school district has unmet need for pupil housing.

(B) That the school district is not financially capable of providing the matching funds otherwise required for state participation, that the district has made all reasonable efforts to impose all levels of local debt capacity and development fees, and that the school district is, therefore, unable to participate in the program pursuant to this chapter except as set forth in this article.

(2) Demonstrate that due to unusual circumstances that are beyond the control of the district, excessive costs need to be incurred in the construction of school facilities. Funds for the purpose of seismic mitigation work or facility replacement pursuant to this section shall be allocated by the board on a 50-percent state share basis from funds reserved for that purpose in any bond approved by the voters after January 1, 2006. If the board determines that the seismic mitigation work of a school building would require funding that is greater than 50 percent of the funds required to construct a new facility, the school district shall be eligible for funding to construct a new facility under this chapter.

(c) The board shall review the increased costs that may be uniquely associated with urban construction and shall adjust the per-pupil grant for new construction or modernization hardship applications as necessary to accommodate those costs. The board shall adopt regulations setting forth the standards, methodology, and a schedule of allowable adjustments, for the urban adjustment factor established pursuant to this subdivision.

(Amended by Stats. 2008, Ch. 179, Sec. 41. Effective January 1, 2009.)

Education Code Section 17075.10. as repealed and added by Assembly Bill 247, Chapter 81, Statutes of 2024, and with the successful passage of Proposition 2 on November 5, 2024

(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:

ATTACHMENT E

(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.

(Repealed and added by Stats. 2024, Ch. 81, Sec. 18. (AB 247) Effective July 3, 2024. Operative November 6, 2024, pursuant to Sec. 30 of Ch. 81.)

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PROPOSED REGULATIONS

Section 1859.61. Adjustments to the Modernization Baseline Eligibility.

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

- (a) Reduced by the number of pupils provided grants in a modernization SFP project or a CSFP Rehabilitation project at the specific site.
- (b) Reduced by the number of pupils housed, based on the loading standards pursuant to Education Code Section 17071.25(a)(2), in a modernization LPP project funded under the LPP pursuant to Sections 1859.14 and 1859.15.
- (c) Increased by changes in projected enrollment in subsequent enrollment reporting years.
- (d) Increased for additional facilities not previously modernized with State funds, that become 25 years old, if permanent, or 20 years old, if portable or as a result of audit findings made pursuant to Sections 1859.90, 1859.90.3 and 1859.105.
- (e) Adjusted as a result of errors or omissions by the district or by the OPSC.
- (f) Adjusted as a result of amendments to these Subgroup 5.5 Regulations that affect the eligibility.
- (g) For classroom loading standards adopted by the Board for non-severely disabled individuals with exceptional needs and severely disabled individuals with exceptional needs.
- (h) As directed by the Board due to a finding of a Material Inaccuracy pursuant to Regulation Section 1859.104.1.
- (i) Increased for facilities previously modernized with State funds, which qualify for an additional modernization apportionment pursuant to Section 1859.78.8.
- (j) Decreased for facilities that were deemed eligible for modernization pursuant to Sections 1859.60 and 1859.61(d) and subsequently replaced, or will be replaced under a signed contract for construction or acquisition of facilities, in a project funded by the district without participation from the State.
- (k) Adjusted as a result of replaced eligible portables funded with the Overcrowding Relief Grant, pursuant to Education Code Section 17079, et seq.
- (l) ~~Adjusted upon Board receipt of the local school board resolution acknowledging that the buildings have been removed from K-12 use.~~ Adjusted as a result of school buildings, as defined in Section 1859.82.1 and 1859.82.2, and/or classrooms that have been replaced, demolished, or removed from K-12 use as a result of the New Construction Grant or the Facility Hardship Square Footage Grant pursuant to Section 1859.82.1 or Section 1859.82.2 as follows:
 - ~~(1) School Buildings For school buildings and/or classrooms that receive replacement funding via the New Construction Grant or the Facility Hardship Square Footage Grant pursuant to Section 1859.82.1 or Section 1859.82.2, the building age shall be reset to the date of the Apportionment for the corresponding Form SAB 50-04.~~
 - ~~(2) School Buildings For school buildings and/or classrooms that were originally included in the district's baseline eligibility and were later demolished or removed from K-12 use due to health and/or safety concerns that meet the requirements of Regulation Section 1859.82.1 or 1859.82.2 as verified by OPSC, except the district did not have the current enrollment to support the replacement and funding of those Sschool Bbuildings and/or classrooms. Buildings and/or classrooms removed from K-12 classroom use that remain on the school site will be identified on a list published on OPSC's website. as follows:~~
 - ~~(A) For school buildings and/or classrooms that have been demolished, the building and/or classroom shall be removed from the Gross Classroom Inventory that was used to establish modernization eligibility at the site.~~
 - ~~(B) For school buildings and/or classrooms that have been removed from K-12 use and remain on the site: Upon receipt of a local school board resolution acknowledging that the school buildings and/or classrooms have been removed from K-12 use, the building and/or classroom shall be identified on a list published on OPSC's website and removed from the Gross Classroom Inventory that was used to establish modernization eligibility at the site.~~

~~For (l)(1) the building age shall be reset to the date of the Apportionment for the corresponding project. For (l)(2) the building shall be removed from the classroom inventory used to establish modernization eligibility at the site.~~

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.51, 17071.25, 17072.15, 17072.20, 17073.15, 17074.10, 17075.10 and 17079.30, Education Code.

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Section 1859.82. Facility Hardship Program and Seismic Mitigation Program.

A ~~S~~School ~~d~~District may apply for Facility Hardship, including Seismic Mitigation Program assistance in cases of extraordinary circumstances that have caused an imminent health and safety threat pursuant to Education Code Section 17075.10. An Approved Application received on or before October 30, 2024, pursuant to this Section shall be subject to Education Code Section 17075.10 as it read on January 1, 2024. An Approved Application received on or after October 31, 2024, shall be subject to Education Code 17075.10 as it read on November 5, 2024.

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

Reference: Sections 17075.10 in effect as of January 1, 2024, and repealed and added by Assembly Bill 247, Chapter 81, Statutes of 2024, and with the successful passage of Proposition 2 on November 5, 2024, 17075.15, 100420, 100620, 100820, 101012(a)(1) and 101122, Education Code.

Section 1859.82.1. Facility Hardship Program.

“School Building” for the purposes of this Section shall have the same definition as Education Code Section 17283 and shall also exclude any districtwide administrative facilities. For the purposes of this Section, “grade category” shall refer to any of the following: kindergarten (including transitional kindergarten) through sixth grade (K-6), seventh grade through eighth grade (7-8), ninth grade through twelfth grade (9-12), Non-Severely Disabled Individuals with Exceptional Needs, and Severely Disabled Individuals with Exceptional Needs.

A ~~S~~School ~~d~~District is eligible for Facility Hardship funding to repair, replace, or construct ~~S~~School Buildings or related required components, including but not limited to, water supply, electrical, and site development, that are currently causing a health and safety threat to the students and/or staff. Projects solely to replace components that have reached the end of their useful life; perform routine maintenance or repair, mitigate asbestos that becomes friable in the course of school building maintenance, repairs or modernization, issues resulting from the deferment of routine maintenance or repair; lack of current code compliance; or the addition of components that were not previously existing do not meet the qualifying criteria of the program. However, ~~this work may be incorporated into a qualifying Facility Hardship application if it is required to be completed to gain DSA approval~~ additional work beyond the minimum work to mitigate the qualifying health and safety threat may be incorporated into a Facility Hardship application if it is required to be completed to obtain required approvals from DSA and/or other Governmental Agencies.

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

- (a) ~~S~~School Districts may qualify for funding to replace or construct new ~~S~~School Buildings. Factors to be considered by the Board to determine eligibility for Facility Hardship program replacement funding may include, but are not limited to:
- (1) Damage or loss as a result of a natural disaster such as a fire, flood, or earthquake.
 - (2) Proximity to a major freeway, airport, electrical facility, high power transmission lines, dam, pipeline, or industrial facility.

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- (3) Adverse air quality.
- (4) Structural deficiency to the Sschool Bbuilding, and
- (5) Site conditions such as faulting, toxic soil, or liquefaction.
- (b) To qualify for replacement funding for Sschool Bbuildings, the School Ddistrict must submit an Approved Application for funding and either (1) or (2) below:
 - (1) For Sschool Bbuildings that are lost, destroyed, or are unable to be repaired, the School Ddistrict must submit:
 - (A) For Approved Applications received on or after October 31, 2024, for school buildings that were lost, destroyed or are unable to repaired as a result of a natural disaster for which the Governor has declared a state of emergency, documentation which demonstrates that the District has been or will be determined by the Board to meet the requirements of Education Code Section 17075.20.
 - (AB) For all Approved Applications received on or before October 30, 2024 and for Approved Applications received on or after October 31, 2024, for school buildings that were lost, destroyed, or are unable to be repaired due to circumstances that are not the result of a natural disaster for which the Governor has declared a State of Emergency, Aa report from an industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) that states that the only way to mitigate the health and safety threat is to replace the Sschool Bbuilding(s).
 - (BC) Documentation which demonstrates that the facilities in the project must be reconstructed in order to house the current enrollment of the School Ddistrict.
 - (D) If the School District intends to request additional grants for site development costs applicable to the qualifying project, a detailed cost estimate for the site development work pursuant to Section 1859.76 and any justification documents that support the requested costs.
 - (2) For permanent Sschool Bbuilding(s) where the cost to rehabilitate the Sschool Bbuilding(s) exceeds 50 percent of the Current Replacement Cost, or for Portable Classrooms where the cost to rehabilitate exceeds the Portable Classroom Replacement Grant or Portable Toilet Replacement Grant, the School Ddistrict must submit:
 - (A) A report by an industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) that outlines the minimum work to mitigate the health and safety threat and remain in the existing Sschool Bbuilding. If the threat is due to the presence of mold, OPSC must conduct a site visit to discuss the scope of the project prior to remediation. If the remediation is done prior to a site visit, the application will be ineligible for funding. Requests for asbestos mitigation must include lab test results indicating the presence of asbestos and an industry specialist report that states that the asbestos is currently friable, and provides the location, material, and testing methods used.
 - (B) A letter of concurrence from a gGovernmental aAgency that has jurisdiction or expertise over the field in which the health and safety threat originates. The letter must concur with the industry specialist report on both 1. and 2. below:
 - 1. An imminent health and safety threat to student and/or staff exists.
 - 2. The mitigation measures outlined in the industry specialist's report are the minimum measures required to mitigate the threat and allow the continued use of the Sschool Bbuilding(s).
- (C) Applications must include a detailed Form SAB 58-01 that meets the following requirements:
 - 1. The Form SAB 58-01 must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. For all materials or items listed in the most current edition of the Current Construction Remodeling and Repair Cost publication, amounts entered on the Form SAB 58-01 must use the provided unit costs. For individual materials or items that are not contained in the most current edition of the Current Construction Remodeling and Repair publication, the School Ddistrict must provide supporting documentation for OPSC to review the requested unit cost.
 - 2. All requested line items shall include Construction Specifications Institute reference number (CSI #), description, F3 total unit cost amount, and quantity. Any line items that include amounts in lump-sum formats will not be reviewed or approved.
 - 3. The work in the Form SAB 58-01 shall match the work outlined in the report provided by the industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) for the minimum work required to mitigate the health and safety threat.

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4. The estimate submitted to OPSC shall be for the same scope of work reviewed and concurred to by DSA, and that is referenced in the governmental concurrence letter for the project.
5. The Form SAB 58-01 may also include any work required by DSA and other Governmental Agencies to obtain plan approval for the minimum work required to mitigate the health and safety threat.
- (D) A cost/benefit analysis that demonstrates the minimum work required to mitigate the health and safety threat and remain in the Sschool Bbuilding exceeds 50 percent of the Current Replacement Cost of the existing Square Footage of the Sschool Bbuilding. The minimum work required may include work required by DSA to gain approval for the mitigation project.
- (E) A gross inventory of all school buildings located on the project site, such as a site diagram or floor plan. The documentation must indicate the current usage, square footage, and facility type of all school buildings located on the project site at the time of application submittal. For all spaces used as classrooms, the current grade level must also be indicated.
- (E) All other documents required to complete an Approved Application for funding. This includes:
 1. A completed *Application for Funding* (Form SAB 50-04).
 2. The DSA Plan Approval letter for the project or documentation from DSA verifying that the project is exempt from their approval process.
 3. CDE Plan Approval letter for the project or documentation from CDE verifying that the project is exempt from their approval process.
 4. If the project is for a high school site, a letter or meeting minutes from the School Deistrict's Career and Technical Education Advisory Committee (CTEAC) certifying that the School Deistrict is in compliance with all career technical facility needs and assessments as outlined in Education Code, Section 17070.955.
 5. If the district intends to request additional grants for site development costs applicable to the qualifying project, a detailed cost estimate for the site development work pursuant to Section 1859.76 and any justification documents that support the requested costs.
- (3) Applications for Facility Hardship replacement funding that do not submit all documents required as part of (1) or (2) above shall be returned without review.
- (4) If the School Deistrict qualifies for funding to replace its Sschool Bbuildings, the School Deistrict is eligible to receive funding for the project as follows:
 - (A) If the School Deistrict is required to replace all Sschool Bbuildings on site, the School Deistrict is eligible to receive funding as follows:
 1. A New Construction Grant will be provided for the lesser of 2. or 3. below.
 2. The classroom capacity determined by multiplying the number of classrooms in each grade category on the project site being replaced by:
 - a. 25 pupils for each K-6 classroom.
 - b. 27 pupils for each 7-12 classroom.
 - c. 13 pupils for each Non-Severely Disabled Individuals with Exceptional Needs classroom.
 - d. 9 pupils for each Severely Disabled Individuals with Exceptional Needs classroom.
 3. The higher of a., b., or c. below:
 - a. The CBEDS Report of the current enrollment reporting year at the existing project site.
 - b. The average CBEDS Report of the current enrollment reporting year and two immediately preceding enrollment reporting years at the existing project site.
 - c. If the site is closed, use the CBEDS Report of the last enrollment reporting year in which the site was open.
 4. Additional funding may be provided, as applicable, for:
 - a. Fire ~~Ccode~~ Rrequirements pursuant to Section 1859.71.2,
 - b. therapy room pursuant to Section 1859.72,
 - c. multilevel construction pursuant to Section 1859.73,
 - d. project assistance pursuant to Section 1859.73.1.
 - e. replacement with multistory construction pursuant to Section 1859.73.2,
 - f. site acquisition pursuant to Sections 1859.74, 1859.74.5, and 1859.75,
 - g. Hazardous waste removal pursuant to Sections 1859.74.2, 1859.74.3, and 1859.74.4,
 - h. Applicable site development costs pursuant to Section 1859.76, and

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- i. ~~Excessive Cost Hardship Grant For a~~ Geographic location percentage factor pursuant to 1859.83(a),
 - j. New Construction Excessive Cost Hardship Grant(s) for small size projects pursuant to Section 1859.83(b),
 - k. New Construction Excessive Cost Hardship Grant(s) for new school projects pursuant to Section 1859.83(c), and
 - l. For Approved Applications received on or before October 30, 2024, New Construction Excessive Cost Hardship Grant(s) for urban location, security requirements and impacted site pursuant to Section 1859.83(d).
- (B) If the School District qualifies to replace some, but not all permanent School Building(s) on the project site, the School District is eligible to receive a Facility Hardship Square Footage Grant - funding will be based on the Square Footage of the qualifying School Buildings replaced and is capped by the lesser of the amount provided in accordance to the chart below and Square Footage constructed for each category as justified by enrollment at the project site as follows:
1. The Determine the enrollment at the project site, is determined by using the higher of a. or b., or c. below:
 - a. The CBEDS Report of the current enrollment reporting year at the existing project site.
 - b. The average CBEDS Report of the current enrollment reporting year and two immediately preceding enrollment reporting years at the existing project site.
 - c. If the site is closed, use the CBEDS Report of the last enrollment reporting year in which the site was open.
 2. Using the enrollment determined in 1. above, and the gross inventory described in (b)(2)(E), any permanent replacement Square Footage provided will be calculated in accordance to a., b., c., below and the chart below: determine the maximum amount of eligible permanent replacement Square Footage for the school building(s) being replaced based on a. through f. as follows and the facility type in the chart below:
 - a. If the actual Square Footage being constructed in the replacement project of the qualifying school building(s), not including classrooms, is less than the amount allowable minimum in the chart for the facility type, the replacement Square Footage shall be limited to the lesser of the actual Square Footage constructed or the minimum in the chart.
 - b. If the actual Square Footage of the qualifying school building(s), not including classrooms, is larger than the minimum in the chart for the facility type, the replacement Square Footage shall be the lesser of the actual Square Footage constructed or the Square Footage justified by enrollment pursuant to the chart below.
 - bc. Non-specialized classrooms space provided isare limited by the enrollment determined in 1. rounded up to the nearest whole classroom based on 1859.82.1(b)(4)(A)2., and then reduced for any classroom space available at the site to house the pupils at the site.
 - ed. Classrooms with specialized design such as auto shop, metal shop, music rooms, consumer home economic laboratories, industrial technology laboratories, or science laboratories will qualify for funding if used for its specialized purpose in the current enrollment reporting year or immediately preceding enrollment reporting year. Additionally, these spaces will not count as available capacity for purposes of providing funding in this section when calculating space available to house displaced pupils.
 - de. Any space not in the chart below will be provided based on the Square Footage replaced. This may include, but is not limited to, janitor's closets, hallways, workrooms, and vestibules.
 - f. If a School District submits documentation that demonstrates that additional toilet space must be constructed to obtain plan approval from DSA, the eligible replacement Toilet Square Footage may be increased by the amount of Square Footage required to obtain plan approval.

Facility Type	Elementary School Pupils	Middle School Pupils	High School Pupils
Multi-Purpose (includes food service)	5.3 sq. ft. per pupil minimum 4,000 sq. ft.	5.3 sq. ft. per pupil minimum 5,000 sq. ft.	6.3 sq. ft. per pupil minimum 8,200 sq. ft.
Toilet	3 sq. ft. per pupil minimum 300 sq. ft.	4 sq. ft. per pupil minimum 300 sq. ft.	5 sq. ft. per pupil minimum 300 sq. ft.
Gymnasium (includes shower/locker area)	N/A	12.9 sq. ft. per pupil minimum 6,828 sq. ft. maximum 16,000 sq. ft.	15.3 sq. ft. per pupil minimum 8,380 sq. ft. maximum 18,000 sq. ft.
School Administration	3 sq. ft. per pupil minimum 600 sq. ft.	3 sq. ft. per pupil minimum 600 sq. ft.	4 sq. ft. per pupil minimum 800 sq. ft.

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Library/Media Center	2.3 sq. ft. per pupil plus 600 sq. ft., minimum 960 sq. ft.	3.3 sq. ft. per pupil plus 600 sq. ft. minimum 960 sq. ft.	4.3 sq. ft. per pupil plus 600 sq. ft. minimum 960 sq. ft.
Kindergarten Classrooms (including Transitional Kindergarten)	1,350 sq. ft. for each replacement classroom.	NA	NA
Classrooms (1 st -12 th grade)	960 sq. ft. for each replacement classroom	960 sq. ft. for each replacement classroom	960 sq. ft. for each replacement classroom
Computer instructional support area, Industrial and Technology/Education Laboratory	960 sq. ft. for each replacement classroom.	960 sq. ft. for each replacement classroom.	960 sq. ft. for each replacement classroom.
Laboratory Classrooms (including science and consumer home economics. (Does not include Industrial and Technology/Education Laboratory)	1,300 sq. ft. for each replacement classroom.	1,300 sq. ft. for each replacement classroom.	1,300 sq. ft. for each replacement classroom.

F3. Beginning August 31, 2020, the ~~resulting~~ Square Footage amount(s) determined in (B)(2) above shall be multiplied by \$204 per square foot for all non-Toilet Facilities and by \$366 per square foot for Toilet Facilities (includes shower/locker area and physical therapy area for Individuals with Exceptional Needs). The amounts shown will be adjusted in the manner prescribed in Section 1859.71.

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

- a. therapy room pursuant to Section 1859.72,
- b. multilevel construction pursuant to Section 1859.73,
- c. project assistance pursuant to Section 1859.73.1.
- d. replacement with multistory construction pursuant to Section 1859.73.2,
- e. site acquisition pursuant to Section 1859.74,
- f. Hazardous waste removal pursuant to Sections 1859.74.2, 1859.74.3 and 1859.74.4,
- g. Applicable site development costs pursuant to Section 1859.76,
- h. ~~Excessive Cost Hardship Grant For~~ Geographic location percentage factor pursuant to 1859.83(a),
- i. New Construction Excessive Cost Hardship Grant(s) for small size Projects pursuant to Section 1859.83(b), and
- j. For Approved Applications received on or before October 30, 2024, New Construction Excessive Cost Hardship Grant(s) for urban location, security requirements and impacted site pursuant to Section 1859.83(d)

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

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

- a. Fire code requirements pursuant to Section 1859.71.2,
- b. therapy room pursuant to Section 1859.72,
- c. project assistance pursuant to Section 1859.73.1.
- d. site acquisition pursuant to Section 1859.74,
- e. Hazardous waste removal pursuant to Sections 1859.74.2, 1859.74.3 and 1859.74.4,
- f. Applicable site development costs pursuant to Section 1859.76, and
- g. ~~Excessive Cost Hardship Grant For~~ Geographic location percentage factor pursuant to 1859.83(a),
- h. New Construction Excessive Cost Hardship Grant(s) for small size projects pursuant to Section 1859.83(b), and
- i. For Approved Applications received on or before October 30, 2024, Excessive Cost Hardship Grant(s) urban location, security requirements and impacted site pursuant to Section 1859.83(d).

(D) If the ~~School District~~ qualifies for replacement funding, the funding may be used to rehabilitate the facility as long as the qualifying health and safety threat is fully mitigated. If replacement funding is used for rehabilitation work,

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the School District may request the following supplemental grants, as applicable, for:

1. Fire code requirements pursuant to Section 1859.71.2 if the funding is based on a per-pupil basis pursuant to Section 1859.82.1(b)(4)(A),
 2. Therapy room pursuant to Section 1859.72,
 3. Project assistance pursuant to Section 1859.73.1,
 4. ~~Excessive Cost Hardship Grant For a~~ Geographic location percentage factor pursuant to 1859.83(a),
 5. New Construction Excessive Cost Hardship Grant(s) for small size projects pursuant to Section 1859.83(b), and
 6. For Approved Applications received on or before October 30, 2024, Excessive Cost Hardship Grant for urban location, security requirements and impacted site pursuant to Section 1859.83(d).
- (c) School Districts may qualify for funding to rehabilitate their Sschool Bbuildings, components of Sschool Bbuildings, unenclosed roofed structures used for school purposes, or school site conditions. Factors to be considered by the Board may include (1) or (2) below:
- (1) School Bbuildings where the minimum cost to mitigate the health and safety threat and remain in the Sschool Bbuilding is 50 percent or less of the Current Replacement Cost.
 - (2) Components of the Sschool Bbuildings, unenclosed roofed structures used for school purposes, or school sites conditions that are causing a health and safety threat to students and/or staff. Health and safety threats that may qualify include, but are not limited to:
 - (A) School Bbuilding structural deficiency.
 - (B) Hazardous conditions such as methane, lead, or asbestos mitigation.
 - (C) Unsafe water supply.
 - (D) Site conditions such as faulting, toxic soil, landslide risk, or liquefaction.
 - (3) To qualify for Facility Hardship rehabilitation funding for Sschool Bbuildings, or components of Sschool Bbuilding(s), unenclosed roofed structures used for school use, or school site conditions, the School District must submit an Approved Application for funding and all documents outlined below. Applications that do not meet the requirements below shall be returned without review.
- (A) For Approved Applications received on or after October 31, 2024, for school buildings or components that were damaged or other hazardous conditions that occurred as a result of a natural disaster for which the Governor has declared a state of emergency, documentation which demonstrates that the District has been or will be determined by the Board to meet the requirements of Education Code Section 17075.20
- (AB) For all Approved Applications received on or before October 30, 2024 and for Approved Applications received on or after October 31, 2024, for school buildings or components that were damaged or other hazardous conditions that did not occur as a result of a natural disaster for which the Governor has declared a state of emergency, Aa report by an industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) that outlines the minimum work to mitigate the health and safety threat and remain in the existing School Building. If the Approved Application is for an existing school building(s), the report must also describe the minimum work to allow the continued use of the school building(s). If the Approved Application is for a component of a school building(s) or an unenclosed roofed structure used for school purposes, the report must either describe the minimum work to allow the continued use of the component or unenclosed roofed structure or the minimum work to replace the component or unenclosed roofed structure with an equivalent component or structure with only the minimum required improvements necessary to obtain DSA approval. If the threat is due to the presence of mold, OPSC must conduct a site visit to view the damage prior to remediation. If the remediation is done prior to a site visit, the application will be ineligible for funding. Requests for asbestos mitigation that is required to mitigate the qualifying health and safety threat must include lab test results indicating the asbestos is currently friable, and provides the location, material, and testing methods used.
- (BC) For all Approved Applications received on or before October 30, 2024, and for Approved Applications received on or after October 31, 2024, for school buildings or components that were damaged or other hazardous conditions that did not occur as a result of a natural disaster for which the Governor has declared a state of emergency, Aa letter of concurrence from a gGovernmental aAgency that has jurisdiction or expertise over the field in which the health and safety threat originates. The letter must concur with the industry specialist's report on both 1. and 2. below:
1. An imminent health and safety threat to students and/or staff exists.

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2. The mitigation measures outlined in the industry specialist's report are the minimum measures required to mitigate the threat and, as applicable, either allow the continued use of the School Building(s) or component, or unenclosed roofed structure, or replace the component or unenclosed structure with an equivalent component or unenclosed roofed structure with required safety improvements. If the application is for the cleanup and/or remediation of hazardous materials and waste, the Governmental Agency concurrence letter must be from the Department of Toxic Substances Control.
- (GD) Approved Applications for rehabilitation must include a detailed Form SAB 58-01 that meets the following requirements:
1. The Form SAB 58-01 must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. For all materials or items listed in the most current edition of the Current Construction Remodeling and Repair Cost publication, amounts entered on the Form SAB 58-01 must use the provided unit costs. For individual materials or items that are not contained in the most current edition of the Current Construction Remodeling and Repair publication, the School District must provide supporting documentation for OPSC to review the requested unit cost.
 2. All requested line items shall include Construction Specifications Institute reference number (CSI #), description, F3 total unit cost amount, and quantity. Any line items that include amounts in lump-sum formats will not be reviewed and will be disallowed.
 3. For all Approved Applications received on or before October 30, 2024, and for Approved Applications received on or after October 31, 2024, for school buildings or components that were damaged or other hazardous conditions that did not occur as a result of a natural disaster for which the Governor has declared a state of emergency. ~~The~~ work in the Form SAB 58-01 shall match the work outlined in the report provided by the industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) for the minimum work required to mitigate the health and safety threat.
 4. If the project requires DSA plan approval, the Form SAB 58-01 submitted to OPSC shall be for the same scope of work reviewed and concurred to by DSA, and that is referenced in the governmental concurrence letter for the project.
 5. The Form SAB 58-01 may also include any associated work required by DSA and other Governmental Agencies to obtain approval for the minimum work required to mitigate as a result of the mitigation of the health and safety threat.
 6. If the minimum work required to mitigate the health and safety threat is the replacement of unenclosed roofed structures used for school purposes, funding shall be provided for costs associated with replacing an equivalent unenclosed structure with required safety improvements to obtain DSA approval.
- (DE) Facility Hardship applications for ~~School Buildings~~ must also include a cost/benefit analysis. The cost/benefit analysis shall be completed based on the type of the project as outlined below:
1. For permanent buildings, the School District must demonstrate the minimum work required to mitigate the health and safety threat and remain in the ~~School Buildings~~ is less than 50 percent of the Current Replacement Cost of the ~~School Building~~. The minimum work required may include work required by Division of the State Architect to gain approval for the mitigation project.
 2. For ~~P~~portable ~~S~~school ~~B~~buildings, the School District must demonstrate the minimum work required to mitigate the health and safety threat and remain in the portable building is less than the Portable Classroom Replacement Grant. The minimum work required may also include any associated work required by DSA as a result of the mitigation of the health and safety threat.
 3. Applications that are for necessary components of a site or ~~S~~school ~~B~~building or school site condition, such as hazardous water supply, methane mitigation, faulting, liquefaction, landslide potential, friable asbestos, or unenclosed roofed structures used for school purposes do not require a Cost Benefit Analysis to be submitted.
- (EF) All other documents required to complete an Approved Application for funding. This includes:
1. A completed *Application for Funding* (Form SAB 50-04).
 2. The DSA Plan Approval letter for the project or documentation from DSA verifying that the project is exempt from their approval process.
 3. CDE Plan Approval letter for the project or documentation from CDE verifying that the project is exempt from their approval process.
 4. If the project is for a high school site, a letter or meeting minutes from the School District's Career and Technical Education Advisory Committee (CTEAC) certifying that the School District is in compliance with all career technical facility needs and assessments as outlined in Education Code Section 17070.955.
- (4) If the School District qualifies for funding ~~to rehabilitate or repair its School Buildings pursuant to 1859.82.1(c),~~

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the School District is eligible to receive funding for the project as follows:

- (A) For Approved Applications received on or before October 30, 2024, Rehabilitation Costs provided shall be based on 50 percent of the eligible costs in the Form SAB 58-01 required in Section 1859.82.1(c)(3)(C) that has been reviewed and approved by the OPSC and approved by the Board.
- (B) For Approved Applications received on or after October 31, 2024, based on 60 percent, or as calculated pursuant to Section 1859.79, of the eligible costs in the Form SAB 58-01 required in Section 1859.82.2(c)(3)(D) that have been reviewed by OPSC and approved by the Board.
- (~~B~~C) If the School District qualifies for rehabilitation funding, the funding may be used towards the replacement of the facility school building, as long as the qualifying health and safety threat is fully mitigated.
- (~~C~~D) Applicable supplemental grants may be provided for the following:
 - 1. project assistance pursuant to Section 1859.73.1.
 - 2. ~~g~~Geographic percentage factor pursuant to 1859.83(a)
 - (d) Any grants provided in accordance to (b) or (c) above shall be adjusted as follows:
 - (1) For projects funded in accordance to (b) above:
 - (A) Reduced for any space deemed available by the Board in the School District, HSAA, or Super HSAA that could be used to house some or all of the displaced pupils in the project,
 - (B) Reduced by 50 percent of any insurance proceeds collectable by the School District for the project. Any insurance proceeds collected after Apportionment shall be reported to OPSC and the Apportionment will be amended accordingly.
 - (C) Reduced by 50 percent of the net proceeds available from the disposition of the property and/or facilities in the project.
 - (2) For projects funded in accordance to (c) above:
 - (A) 60 percent of any insurance proceeds collectable by the School District for the project.
 - (B) 60 percent of the net proceeds available from the disposition of any displaced facilities in the project.
 - (e) Adjustments to School Facility Program per-pupil grants.
 - (1) The School District's New Construction Eligibility will be adjusted for any net increase in classroom capacity in the project pursuant to Section 1859.51(i).
 - (2) The baseline eligibility for modernization as provided in Section 1859.60 will be adjusted for any funding received in accordance to (b) above. The age of the classroom and square footage in the project shall be reset to the date of the Apportionment for the corresponding Form SAB 50-04project.
 - (f) School Districts that qualify for separate site apportionment for Environmental Hardship pursuant to Section 1859.71 may file an application for site funding in advance of construction funding.
 - (~~f~~)g) School Districts that qualify for Financial Hardship assistance may file an application for design funding and/or site funding.
 - (1) To request advanced funding for design for eligible projects, the School District must submit an *Application for Funding* (Form SAB 50-04) indicating the request for design funding and all documents listed in Section 1859.82.1(c)(3)(A) through Section 1859.82.1(c)(3)(D)3.
 - (2) Advanced funding for design shall be provided based on the eligible project type as follows:
 - (A) For projects receiving funding for advanced design for the replacement of all ~~S~~School Buildings on the project site pursuant to Section 1859.82.1(b)(4)(A), the Board will apportion an amount not to exceed 40 percent of the New Construction Grant less any School District funds available for the project pursuant to Section 1859.81(a).
 - (B) For projects receiving funding for advanced design for at least one but not all ~~S~~School Buildings on the project site pursuant to Section 1859.82.1(b)(4)(B), the Board will apportion an amount not to exceed 40 percent of the Facility Hardship Square Footage Grant less any School District funds available for the project pursuant to Section 1859.81(a).
 - (C) For projects receiving funding for advanced design for Rehabilitation Costs pursuant to Section 1859.82.1(c)(4)(A), the Board will apportion an amount not to exceed 25 percent of the Rehabilitation Costs determined pursuant to Section 1859.82.1(c)(4)(A) less any School District funds available for the project pursuant to Section 1859.81(a).
 - (3) Advanced funding for site shall be provided pursuant to 1859.82.1(b)(4)(A)4. The School District is eligible for advanced funding for site acquisition as calculated pursuant to 1859.81.1.

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- (4) The amount apportioned for advanced design 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 facility hardship project.
- (5) The School District is required to submit an Approved Application for funding and an updated Form SAB 58-01 for projects funded in accordance to 1859.82.1(c) or site development worksheet for projects funded in accordance to 1859.82.1(b), that reflects the final approved drawings for the project within:
 - (A) 18 months from the date of Apportionment if the project scope will be for repair or replacement on the same site.
 - (B) 24 months from the date of Apportionment if the project scope is for the replacement of School Building(s) which will be located on a replacement site.
- (6) If the School District does not submit the Approved Application for funding within the timelines required by Section (2) above, the application will be reduced to eligible costs incurred.
- (7) Upon receipt of the Approved Application, the application will be reviewed for conformance with all program laws and regulations.
- (8) Any funding provided in Section 1859.82.1 shall be offset by any funding previously provided for the project.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17075.10 in effect as of January 1, 2024, and repealed and added by Assembly Bill 247, Chapter 81, Statutes of 2024, and with the successful passage of Proposition 2 on November 5, 2024, 17075.15, 100420, 100620, 100820, 101012 and 101122, Education Code.

Section 1859.82.2. Seismic Mitigation Program.

“School Building” for the purposes of this Section shall have the same definition as Education Code Section 17283 and shall also exclude any districtwide administrative facilities. For the purposes of this Section, “grade category” shall mean kindergarten (including transitional kindergarten) through sixth grade (K-6), seventh grade through eighth grade (7-8), ninth grade through twelfth grade (9-12), Non-Severely Disabled Individuals with Exceptional Needs, and Severely Disabled Individuals with Exceptional Needs.

A School District is eligible for funding to repair, reconstruct, or replace the Most Vulnerable Category 2 Buildings which were originally constructed to be used as School Facilities and pose an unacceptable risk of injury to its occupants in the event of seismic activity. Program eligibility is determined by the DSA while determination of grant funding is determined by the Board based on the following criteria.

Notwithstanding Sections 1859.93 and 1859.93.1, all applications for the seismic mitigation of the Most Vulnerable Category 2 Buildings shall be funded in the order of receipt of an Approved Application for funding. Any grants provided for the purpose of this section shall be provided as a new construction project and allocated on a 50 percent state share basis.

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

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

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- (b) To qualify for replacement funding for Sschool Bbuilding(s), the School Ddistrict must submit an Approved Application for funding based on their specific circumstances in accordance to either (1) or (2) below:
 - (1) For Sschool Bbuilding(s) that are lost, destroyed, or unable to be repaired the School Ddistrict must submit:
 - (A) A report from a licensed design professional (a design professional licensed by the appropriate State of California oversight authority) identifying the Sschool Bbuilding(s) that are the Most Vulnerable Category 2 BBuilding(s) and;
 - (B) DSA letter(s) of concurrence to the findings in the report required in (b)(1)(A);
 - (C) If the collapse potential is due to faulting, liquefaction, or landslide, or if it is otherwise required by DSA for project approval, the School Ddistrict must submit 1. and 2. below:
 - 1. A geological hazards report prepared by an engineering geologist indicating the potential for building displacement and recommended site improvements to mitigate the hazard.
 - 2. Concurrence to the report from the California Geological Survey.
 - (D) Documentation which demonstrates that the facilities in the project must be reconstructed in order to house the current enrollment of the School District.
 - (E) If the School District intends to request additional grants for site development costs applicable to the qualifying project, a detailed cost estimate for the site development work pursuant to Section 1859.76 and any justification documents that support the requested costs.
 - (2) For Sschool Bbuildings with interior square footage to be mitigated, the School Ddistrict must submit:
 - (A) A report from a licensed design professional (a design professional licensed by the appropriate State of California oversight authority) identifying the structural deficiencies that pose an unacceptable risk of injury to its occupants in a seismic event and the minimum ~~mitigation~~ work necessary to obtain DSA approval of the seismic mitigation work.
 - (B) DSA letter(s) of concurrence to the report.
 - (C) If the collapse potential is due to faulting, liquefaction, or landslide, or if it is otherwise required by DSA for project approval the School Ddistrict must submit 1. and 2. below:
 - 1. A geological hazards report prepared by an engineering geologist indicating the potential for building displacement and recommended site improvements to mitigate the hazard.
 - 2. Concurrence to the report from the California Geological Survey.
 - (D) Documentation that demonstrates that the facilities in the project must be reconstructed in order to house the current enrollment of the School dDistrict.
 - (E) A detailed Form SAB 58-01 that meets the following requirements:
 - 1. The Form SAB 58-01 must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. For all materials or items listed in the most current edition of the Current Construction Remodeling and Repair Cost publication, amounts entered on the Form SAB 58-01 must use the provided unit costs. For individual materials or items that are not contained in the most current edition of the Current Construction Remodeling and Repair publication, the School Ddistrict must provide supporting documentation for OPSC to review the requested unit cost.
 - 2. All requested line items shall include Construction Specifications Institute reference number (CSI #), description, quantity, unit, cost per unit, and School District's request. Any line items that include amounts in lump-sum formats will not be reviewed or approved.
 - 3. The work in the Form SAB 58-01 shall match the work outlined in the report provided by the industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) for the minimum work that would be required to mitigate the seismic threat if the Sschool Bbuilding(s) were to be rehabilitated instead of replaced.
 - 4. The Form SAB 58-01 may also include any ancillary work required by DSA and other Governmental Agencies to obtain plan approval for the minimum work required to mitigate the seismic threat.
 - (F) A cost/benefit analysis that demonstrates that the minimum work to mitigate the seismic threat and remain in the school building(s) exceeds 50 percent of the Current Replacement Cost.
 - (G) A gross inventory of all school buildings located on the project site, such as a site diagram or floor plan. The documentation must indicate the current usage, square footage, and facility type of all school buildings located on the project site at the time of application submittal. For all spaces used as classrooms, the current grade

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level must also be indicated.

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

1. A completed *Application For Funding* (Form SAB 50-04).
 2. The DSA Plan Approval letter for the project or documentation from DSA verifying that the project is exempt from their approval process.
 3. CDE Plan Approval letter for the project or documentation from CDE verifying that the project is exempt from their approval process.
 4. If the project is for a high school site, a letter or meeting minutes from the School District's Career and Technical Education Advisory Committee (CTEAC) certifying that the School District is in compliance with all career technical facility needs and assessments as outlined in Education Code, Section 17070.955.
 5. If the district intends to request additional grants for site development costs applicable to the qualifying project, a detailed cost estimate for the site development work pursuant to Section 1859.76 and any justification documents that support the requested costs.
- (3) Applications for seismic mitigation replacement funding that do not meet the requirements of (1) or (2) above shall be returned without review.
- (4) If the School District qualifies for ~~R~~ replacement funding in accordance to (a)(1) or (a)(2) above, the School District is eligible to receive funding for the project as follows:
- (A) If the School District is required to replace the entire site and relocate to a new site, the School District is eligible to receive funding as follows:
1. A New Construction Grant will be provided for the lesser of 2. or 3. below.
 2. The classroom capacity determined by multiplying the number of classrooms in each grade category on the project site being replaced by:
 - a. 25 pupils for each K-6 classroom.
 - b. 27 pupils for each 7-12 classroom.
 - c. 13 pupils for each Non-Severely Disabled Individuals with Exceptional Needs classroom.
 - d. 9 pupils for each Severely Disabled Individuals with Exceptional Needs classroom.
 3. The higher of a., b., or c. below:
 - a. The CBEDS Report of the current enrollment reporting year at the existing project site.
 - b. The average CBEDS Report of the current enrollment reporting year and two immediately preceding enrollment reporting years at the existing project site.
 - c. If the site is closed, use the CBEDS Report of the last enrollment reporting year in which the site was open.
 4. Additional funding may be provided, as applicable, for:
 - a. Fire code requirements pursuant to Section 1859.71.2,
 - b. therapy room pursuant to Section 1859.72,
 - c. multilevel construction pursuant to Section 1859.73,
 - d. project assistance pursuant to Section 1859.73.1.
 - e. replacement with multistory construction pursuant to Section 1859.73.2,
 - f. site acquisition pursuant to Sections 1859.74, 1859.74.5 and 1859.75,
 - g. Hazardous waste removal pursuant to Sections 1859.74.2, 1859.74.3 and 1859.74.4,
 - h. Applicable site development costs pursuant to Section 1859.76, and
 - i. ~~Excessive Cost Hardship Grant For g~~ Geographic location percentage factor pursuant to 1859.83(a),
 - j. New ~~e~~Construction Excessive Cost Hardship Grant for small size projects pursuant to Section 1859.83(b),
 - k. New ~~e~~Construction Excessive Cost Hardship Grant for new school projects pursuant to Section 1859.83(c),
 - l. For Approved Applications received on or before October 30, 2024, New eConstruction Excessive Cost Hardship Grant urban location, security requirements and impacted site pursuant to Section 1859.83(d).
- (B) If the School District qualifies to replace some, but not all permanent S school B building(s) on the project site, ~~funding will be based on the Square Footage of the School Buildings replaced and is capped by the lesser of the amount provided in accordance to the chart below and the Square Footage constructed for each category justified by enrollment at the project site as follows~~ the School District is eligible to receive a Facility Hardship Square Footage Grant based on the Square Footage of the qualifying School Building(s) replaced and justified by enrollment at the project site as follows:

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1. ~~The~~ Determine the enrollment at the project site, ~~is determined by using~~ the higher of a., b., or c. below:
 - a. The CBEDS Report of the current enrollment reporting year at the existing project site.
 - b. The average CBEDS Report of the current enrollment reporting year and two immediately preceding enrollment reporting years at the existing project site.
 - c. If the site is closed, use the CBEDS Report of the last enrollment reporting year in which the site was open.
2. Using the enrollment determined in 1. ~~above and the gross inventory described in (b)(2)(G), any permanent replacement Square Footage provided will be calculated in accordance to a., b., c., below and the chart below: determine the maximum amount of eligible permanent replacement Square Footage for the school building(s) being replaced based on a. through f. and the facility type in the chart below:~~
 - a. If the actual Square Footage of the qualifying school building(s), not including classrooms, is less than the minimum in the chart for the facility type, the replacement Square Footage shall be the lesser of the actual Square Footage constructed or the minimum in the chart.
 - b. If the actual Square Footage of the qualifying school building(s), not including classrooms, is larger than the minimum in the chart for the facility type, the replacement Square Footage shall be the lesser of the Square Footage of the qualifying school building or the Square Footage justified by enrollment pursuant to the chart below.
 - ac. Non-specialized classrooms space provided isare limited by the enrollment determined in 1. rounded up to the nearest whole classroom based on 1859.82.2(b)(4)(A)2., and then reduced for any classroom space available at the site to house the pupils at the site.
 - bd. Classrooms with specialized design such as auto shop, metal shop, music rooms, consumer home economic laboratories, industrial technology laboratories, or science laboratories will qualify for funding if used for its specialized purpose in the current enrollment reporting year or immediately preceding enrollment reporting year. Additionally, these spaces will not count as available capacity for purposes of providing funding in this section when calculating space available to house displaced pupils.
 - ee. Any space not in the chart below will be provided based on the Square Footage replaced. This may include, but is not limited to, janitor's closets, hallways, workrooms, and vestibules.
 - f. If a School District submits documentation that demonstrates that additional toilet space must be constructed to obtain plan approval from DSA, the Toilet Square Footage may be increased by the amount of Square Footage required to obtain approval.

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

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Computer instructional support area and Industrial and Technology/Education Laboratory	960 sq. ft. for each replacement classroom.	960 sq. ft. for each replacement classroom.	960 sq. ft. for each replacement classroom.
Laboratory Classrooms (including science and consumer home economics)	1,300 sq. ft. for each replacement classroom.	1,300 sq. ft. for each replacement classroom.	1,300 sq. ft. for each replacement classroom.

~~d.3.~~ Beginning August 31, 2020, the ~~resulting~~ Square Footage amount(s) determined in (B)(2) above shall be multiplied by \$204 per square foot for all non-Toilet Facilities and by \$366 per square foot for Toilet Facilities (includes shower/locker area and physical therapy area for Individuals with Exceptional Needs).

~~3.4.~~ Additional funding may be provided, as applicable, for:

- a. therapy room pursuant to Section 1859.72,
 - b. multilevel construction pursuant to Section 1859.73,
 - c. project assistance pursuant to Section 1859.73.1.
 - d. replacement with multistory construction pursuant to Section 1859.73.2,
 - e. site acquisition pursuant to Section 1859.74,
 - f. Hazardous waste removal pursuant to Sections 1859.74.2, 1859.74.3 and 1859.74.4,
 - g. Applicable site development costs pursuant to Section 1859.76, and
 - h. ~~Excessive Cost Hardship Grant For g~~ Geographic location percentage factor pursuant to 1859.83(a), and
 - i. Excessive Cost Hardship Grant for small size projects pursuant to Section 1859.83(b), and
 - j. For applications received prior to October 31, 2024, Excessive Cost Hardship Grant(s) urban location, security requirements and impacted site pursuant to Section 1859.83(d).
- (C) If the School District qualifies for replacement funding, the funding may be used to rehabilitate the facility as long as the seismic hazard is fully mitigated. If replacement funding is used for rehabilitation work, the School District may request the following supplemental grants, as applicable, for:
1. Fire code requirements pursuant to Section 1859.71.2 if the funding is based on a per-pupil basis pursuant to Section 1859.82.2(b)(4)(A),
 2. Therapy room pursuant to Section 1859.72,
 3. Project assistance pursuant to Section 1859.73.1,
 4. ~~Excessive Cost Hardship Grant For g~~ Geographic location percentage factor pursuant to 1859.83(a),
 5. Excessive Cost Hardship Grant for small size projects pursuant to Section 1859.83(b), and
 6. For Approved Applications received on or before October 30, 2024, Excessive Cost Hardship Grant for urban location, security requirements and impacted site pursuant to Section 1859.83(d).
- (c) School Districts may qualify for seismic mitigation funding to rehabilitate their ~~S~~School Building(s), unenclosed roofed structures used for school purposes including, but not limited to, lunch shelters and covered walkways, exterior square footage of School Buildings, or site conditions. Factors to be considered by the Board may include (1) or (2) below:
- (1) School Building where the minimum cost to rehabilitate and remain in the ~~S~~School Building is 50 percent or less of the Current Replacement Cost.
 - (2) Square footage of the Most Vulnerable Category 2 School Buildings, Unenclosed roofed structures used for school purposes including, but not limited to, covered walkways, and lunch shelters that need repair or replacement to mitigate a collapse potential in the event of seismic activity as confirmed by the DSA.
 - (3) To qualify for seismic mitigation rehabilitation funding, the School District must submit an Approved Application for funding as well as all documents outlined below. Applications that do not meet these requirements will be returned without review.
 - (A) A report from a licensed design professional (a design professional licensed by the appropriate State of California oversight authority) identifying the structural deficiencies that pose an unacceptable risk of injury to its occupants in a seismic event and the minimum ~~mitigation~~ work necessary to obtain DSA approval for the seismic mitigation work. If the application is for an unenclosed roofed structure used for school purposes, the report must either

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outline the minimum work to allow the continued use of the unenclosed roofed structure or the minimum work to replace the unenclosed roofed structure with an equivalent structure with only the minimum required improvements necessary to obtain DSA approval.

- (B) DSA letter(s) that concur to the findings and minimum mitigation work outlined in the report required by (b)(1)(A).
- (C) If the collapse potential is due to faulting, liquefaction, or landslide, or if it is otherwise required by DSA for project approval, the School District must submit 1. and 2. below:
 - 1. A geological hazards report prepared by an engineering geologist in accordance with California Building Code, Part 2, Chapter 18, Section 1803A and with the concurrence of the California Geological Survey.
 - 2. Concurrence to the report in 1. from the California Geological Survey.
- (D) A detailed Form SAB 58-01 that meets the following requirements:
 - 1. The Form SAB 58-01 must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. For all materials or items listed in the most current edition of the Current Construction Remodeling and Repair Cost publication, amounts entered on the Form SAB 58-01 must use the provided unit costs. For individual materials or items that are not contained in the most current edition of the Current Construction Remodeling and Repair publication, the School District must provide supporting documentation for OPSC to review the requested unit cost.
 - 2. All requested line items shall include Construction Specifications Institute reference number (CSI #), description, quantity, unit, cost per unit, and School District's request. Any line items that include amounts in lump-sum formats will not be reviewed or approved.
 - 3. The work in the Form SAB 58-01 shall match the work outlined in the report provided by the industry specialist (a person or entity that specializes in the area of expertise for that health and safety issue) for the minimum work required to mitigate the seismic threat. The Form SAB 58-01 submitted to OPSC shall be for the same scope of work reviewed and concurred to by DSA, and that is referenced in the Ggovernmental Agency concurrence letter for the project.
 - 4. The Form SAB 58-01 may also include any ancillary work required by DSA and other Governmental Agencies to obtain ~~plan~~-approval for the minimum work required to mitigate the seismic threat.
 - 5. If the minimum work required to mitigate the health and safety threat is the replacement of unenclosed roofed structures used for school purposes, funding shall be provided for costs associated with replacing an equivalent unenclosed structure with required safety improvements to obtain DSA approval.
- (E) A cost/benefit analysis that demonstrates that the minimum work to mitigate the seismic threat and remain in the ~~S~~S~~chool~~ B~~uilding(s)~~ is less than 50 percent of the Current Replacement Cost.
- (F) All other documents required to complete an Approved Application for funding. This includes:
 - 1. A completed *Application For Funding* (Form SAB 50-04).
 - 2. The DSA Plan Approval letter for the project or documentation from DSA verifying that the project is exempt from their approval process.
 - 3. CDE Plan Approval letter for the project or documentation from CDE verifying that the project is exempt from their approval process.
 - 4. If the project is for a high school site, a letter or meeting minutes from the School District's Career and Technical Education Advisory Committee (CTEAC) certifying that the School District is in compliance with all career technical facility needs and assessments as outlined in Education Code Section 17070.955.
- (4) If the School District qualifies for seismic mitigation rehabilitation ~~funding to repair their permanent School Buildings~~, the School District is eligible to receive funding for the project as follows:
 - (A) For Approved Applications received on or before October 30, 2024, the Seismic Rehabilitation Grant-based on 50 percent of the eligible costs in the Form SAB 58-01 required in Section 1859.82.2(c)(3)(D) that have been reviewed by OPSC and approved by the Board.
 - (B) For Approved Applications received on or after October 31, 2024, Seismic Rehabilitation Grant calculated pursuant to Section 1859.79, or as calculated pursuant to Section 1859.79, of the eligible costs in the Form SAB 58-01 required in Section 1859.82.2(c)(3)(D) that have been reviewed by OPSC and approved by the Board.
- (BC) If the School District qualifies for rehabilitation funding, the funding may be used towards the replacement of the facility, as long as the qualifying seismic threat is fully mitigated.

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(GD) Applicable supplemental grants may be provided for the following:

1. project assistance pursuant to Section 1859.73.1., and
 2. ~~Excessive Cost Hardship Grant For g~~Geographic location percentage factor pursuant to 1859.83(a),
 3. ~~Excessive Cost Hardship Grant for accessibility and fire code requirements in accordance with Section 1859.83(e)(3).~~
- (d) Any grants provided in accordance to (b) or (c) above shall be adjusted as follows:
- (1) For projects funded in accordance to (b) above:
 - (A) Reduced for any space deemed available by the Board in the School District, HSAA, or Super HSAA that could be used to house some or all of the displaced pupils in the project,
 - (B) Reduced by 50 percent of any insurance proceeds collected by the School District for the project. Any insurance proceeds collected after Apportionment shall be reported to OPSC and the Apportionment will be amended accordingly.
 - (C) Reduced by 50 percent of the net proceeds available from the disposition of the property and/or facilities in the project.
 - (2) For projects funded in accordance to (c) above:
 - (A) For Approved Applications received on or before October 30, 2024, 50 percent of any insurance proceeds collectable by the School District for the project.
 - (B) For Approved Applications received on or after October 31, 2024, 60 percent of any insurance proceeds collectable by the School District for the project.
 - (BC) For Approved Applications received on or before October 30, 2024, 50 percent of the net proceeds available from the disposition of any displaced facilities in the project.
 - (D) For Approved Applications received on or after October 31, 2024, 60 percent of the net proceeds available from the disposition of any displaced facilities in the project.
- (e) Adjustments to School Facility Program per-pupil grants.
- (1) The School District's New Construction Eligibility will be adjusted for any net increase in classroom capacity in the project pursuant to Section 1859.51(i).
 - (2) The baseline eligibility for modernization as provided in Section 1859.60 will be adjusted for any funding received in accordance to (b) above. The age of the classroom and Square Footage in the project shall be reset to the date of the Apportionment for the corresponding Form SAB 50-04project.
- (f) School Districts that qualify for Separate site apportionment for Environmental Hardship pursuant to Section 1859.71 may file an application for site funding in advance of construction funding.
- ~~(f)~~(g) School Districts that qualify for Financial Hardship assistance may file an application for design funding and/or site funding in advance of construction funding.
- (1) To request advanced funding for design for eligible projects, the School District must submit an *Application for Funding* (Form SAB 50-04) indicating the request for design funding and all documents listed in Section 1859.82.2(c)(3)(A) through Section 1859.82.2(c)(3)(E).
 - (2) Advanced funding for design shall be provided based on the eligible project type as follows:
 - (A) For projects receiving funding for advanced design for the replacement of all ~~S~~School ~~B~~Building(s) on the project site, pursuant to Section 1859.82.2(b)(4)(A), the Board will apportion an amount not to exceed 40 percent of the New Construction Grant less any School District funds available for the project pursuant to Section 1859.81(a).
 - (B) For projects receiving funding for advanced design for at least one but not all ~~S~~School ~~B~~Buildings on the project site pursuant to Section 1859.82.2(b)(4)(B), the Board will apportion an amount not to exceed 40 percent of the Facility Hardship Square Footage Grant less any School District funds available for the project pursuant to Section 1859.81(a).
 - (C) For projects receiving funding for advanced design for a Seismic Rehabilitation Grant pursuant to Section 1859.82.2(c), the Board will apportion an amount not to exceed 25 percent of the costs determined pursuant to Section 1859.82.2(c)(4)(A) less any School District funds available for the project pursuant to Section 1859.81(a).
 - (3) Advanced funding for site shall be provided pursuant to Section 1859.82.2(b)(4)(A)4. The School District is eligible for advanced funding for site acquisition as calculated pursuant to Section 1859.81.1.
 - (4) The amount apportioned for advanced design is an estimate of the funds needed for design, engineering, and other pre-construction project costs. Qualifying School Districts may request a separate Apportionment for the design

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and for site acquisition for the same seismic mitigation project.

- (5) The School District is required to submit an Approved Application for funding and an updated Form SAB 58-01 for projects funded in accordance with Section 1859.82.2(c) or site development worksheet for projects funded in accordance with Section 1859.82.2(b), that reflects the final approved drawings for the project within:
 - (A) 18 months from the date of Apportionment if the project scope will be for repair or replacement on the same site.
 - (B) 24 months from the date of Apportionment if the project scope is for the replacement of Sschool Building(s) which will be located on a replacement site.
- (6) If the School District does not submit the Approved Application for funding within the timelines required by Section (2) above, the application will be reduced to eligible costs incurred.
- (7) Upon receipt of the Approved Application, the application will be reviewed for conformance with all program laws and regulations.
- (8) Any funding provided in Section 1859.82.2 shall be offset by any advanced design funding previously provided for the project pursuant to Section 1859.82.2(f)(2).

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17075.10 in effect as of January 1, 2024, and repealed and added by Assembly Bill 247, Chapter 81, Statutes of 2024, and with the successful passage of Proposition 2 on November 5, 2024, 17075.15, 101012(a)(1) and 101122, Education Code.

Section 1859.82.3. Facility Hardship Program and Seismic Mitigation Program Conceptual Approvals.

A School District may request approval from the Board to determine eligibility for facility hardship or seismic mitigation programs in advance of project funding. Board approval does not constitute a reservation of bond authority. Board approval only confirms the School District meets the criteria in Section 1859.82.

- (a) To request conceptual approval for facility hardship projects, the School District must submit an *Application For Funding* (Form SAB 50-04) indicating the request for conceptual approval and all documents listed below:
 - (1) For replacement projects, all of the documents listed in Section 1859.82.1(b)(2)(A) through Section 1859.82.1(b)(2)(~~D~~E).
 - (2) For rehabilitation projects, all of the documents listed in Section 1859.82.1(c)(3)(A) through Section 1859.82.1(c)(3)(~~D~~E)3.
- (b) To request conceptual approval for seismic mitigation projects, the School District must submit an *Application For Funding* (Form SAB 50-04) indicating the request for conceptual approval and all documents listed below:
 - (1) For replacement projects, all of the documents listed in Section 1859.82.2(b)(2)(A) through Section 1859.82.2(b)(2)(~~F~~G).
 - (2) For rehabilitation projects, all of the documents listed in Section 1859.82.2(c)(3)(A) through Section 1859.82.2(c)(3)(E).

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17075.10 in effect as of January 1, 2024, and repealed and added by Assembly Bill 247, Chapter 81, Statutes of 2024, and with the successful passage of Proposition 2 on November 5, 2024, 17075.15, 100420, 100620, 100820, 101012(a)(1) and 101122, Education Code.

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SFP Regulation Section 1859.83 and 1859.93.1

[...]

Section 1859.83. Excessive Cost Hardship Grant.

In addition to any other funding authorized by these Regulations, a School District is eligible for funding as a result of unusual circumstances that created excessive project costs beyond the control of the School District. The Excessive Cost Hardship Grant shall be based on any of the following:

(a) Excessive Cost due to Geographic Location.

A School District with a project that is located in a geographic area designated in the Geographic Percentage Chart below is eligible for the sum of the Excessive Cost Hardship Grant(s) determined by multiplying the indicated percentage factor shown in the Geographic Percentage Chart below by each of the following amounts:

- (1) The New Construction Grant and the Modernization Grant.
- (2) The funding provided by Sections 1859.71.2, 1859.71.3, 1859.72, 1859.73, 1859.73.2, 1859.76(d)(1) and (2), 1859.78.4, 1859.78.5, 1859.82.1, 1859.82.2, 1859.83(b), (c), (d) and (e) and 1859.125(a)(1) through (a)(2).

...

(d) Excessive Cost Due to Urban Location, Security Requirements and Impacted Site for Approved Applications received on or before October 30, 2024.

(1) Excluding Joint-Use Projects, the School District is eligible for an Excessive Cost Hardship Grant if the School District had a project that was previously approved by the DSA, and prior to January 22, 2003, has received SAB approval for a time extension for substantial progress, and if the useable site acreage for the project is:

(A) at least 50 percent but less than 75 percent of the site size recommended by the CDE for the master planned project capacity. The New Construction Excessive Cost Hardship Grant is equal to eight percent of the New

Construction Grant and eight percent of the funding authorized by Sections 1859.73.2 and 1859.83(b) and (c).

(B) at least 30 percent but less than 50 percent of the site size recommended by the CDE for the master planned project capacity. The New Construction Excessive Cost Hardship Grant is equal to 15 percent of the New Construction Grant and 15 percent of the funding authorized by Sections 1859.73.2 and 1859.83(b) and (c).

(C) less than 30 percent of the site size recommended by the CDE for the master planned project capacity. The New Construction Excessive Cost Hardship Grant is equal to 50 percent of the New Construction Grant and 50 percent of the funding authorized by Sections 1859.73.2 and 1859.83(b) and (c).

(D) less than 30 percent of the site size recommended by the CDE for the master planned project capacity.

(2) Excluding Joint-Use Projects, the district is eligible for an Excessive Cost Hardship Grant if all of the following conditions are met, as applicable:

(A) the Useable Acres of the site for the project are 60 percent or less of the CDE recommended site size based on:

1. the current CBEDS Report at the existing site, if any, at the time of the CDE final plan approval for the project, if any, plus the greater of the Net School Building Capacity of the final new construction project plans submitted to the DSA as calculated in Education Code Section 17071.25(a)(2) or the pupil grants requested in the COS or Charter School project. The Useable Acres will include the existing site that is being utilized for this project plus any additional acreage to be acquired as a part of the Application.

2. the current CBEDS Report at the site at the time of the CDE final plan approval for the modernization project.

(B) at least 60 percent of the classrooms in the construction plans are in multistory facilities for any type of new construction project.

(C) the value of the site being acquired for a new construction project on a new site is at least \$750,000 per Useable Acre.

(3) If the criteria in (d)(2) are met, the Excessive Cost Hardship Grant:

(A) for new construction is equal to 15 percent of the New Construction Grant and 15 percent of the funding authorized by Sections 1859.73.2 and 1859.83(b) and (c) for a project with a site that is 60 percent of the CDE recommended site size plus 1.66 percent for each percentage decrease in the CDE recommended site size below 60 percent. In no event shall the amount provided in this subsection for a new construction project on a new site exceed 50 percent of the cost avoided with the purchase of a site smaller than the CDE recommended site size for the number of the pupil grants requested in the Application determined as follows:

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SFP Regulation Section 1859.83 and 1859.93.1

1. The current estimated value of the project site as determined in Section 1859.74.6(a)(1).
2. Divide the amount in (A)1. by the number of Useable Acres.
3. Multiply the quotient in (A)2. by the number of Useable Acres recommended by CDE for the number of pupils described in Section 1859.83(d)(2)(A)1.
4. Subtract the value in (A)1. from the product in (A)3.
5. Multiply the difference in (A)4. above by 50 percent.

(B) for modernization is equal to 15 percent of the Modernization Grant and 15 percent of the funding authorized by Section 1859.83(b) for a project with a site that is 60 percent of the CDE recommended site size plus 0.333 percent for each percentage decrease of the CDE recommended site size below 60 percent.

...

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

Reference: Sections 17072.32, 17074.15, 17074.16, 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, 17075.15, 17077.40, 17077.42, 17077.45 and 17250.30, Education Code; and Section 1771.3 in effect on January 1, 2012 through June 19, 2014, Labor Code.

...

Section 1859.93.1. New Construction Project Funding Order.

Applications, except those identified in (c) through (e) below, shall be funded as follows:

- (a) First, 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,
- (b) If there are no applications pursuant to subsection (a), to applications for New Construction Grant(s) in order of receipt of an Approved Application for Funding.
- (c) Approved Applications for New Construction Grant(s) funded with the proceeds of state bonds approved by the voters prior to January 1, 2002.
- (d) Approved Applications for New Construction Grant(s) authorized by Education Code Sections 17078.10 through 17078.30.
- (e) 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 17075.10 in effect as of January 1, 2024, and repealed and added by Assembly Bill 247, Chapter 81, Statutes of 2024, and with the successful passage of Proposition 2 on November 5, 2024, 17075.15, Education Code.

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STATE OF CALIFORNIA
FACILITY HARDSHIP COST ESTIMATE
SCHOOL FACILITY PROGRAM
SAB 58-01 (Rev. xx/25)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

INSTRUCTIONS

The Form SAB 58-01 is used for the purposes of generating and submitting the cost estimate required for Facility Hardship or Seismic Mitigation funding applications pursuant to SFP Regulation Sections 1859.82.1(b)(2)(C), 1859.82.1(c)(3)(C), 1859.82.2(b)(2)(E), and 1859.82.2(c)(3)(D).

Refer to the most current published edition of the Current Construction Remodeling Costs publication by Sierra West Publishing, F3 unit costs, for data needed to complete this form. Throughout these instructions, all references to "Sierra West" indicate this publication.

All lines in Part I must be broken out to individual items or materials. Do not enter line-item requests in a lump sum format. Line-item requests in lump sum format may not be eligible for funding.

PART 1 – Line-Item Requests

For each line-item request, complete the following:

1. **CSI #** - Enter the Construction Specifications Institute number (CSI #) corresponding to the item or material included in Sierra West.
2. **Description** - Enter the description corresponding to the item or material as it appears in Sierra West.
3. **Quantity** - Enter the numeric quantity of the item or material used as indicated in the project plans approved by the Division of the State Architect (DSA). For projects that do not require DSA plan approval, enter the quantity as indicated in the supporting documentation submitted with the application.
4. **Unit** - Enter the unit of measure for the specified material or item as it appears in Sierra West.
5. **Cost/Unit** - Enter the total unit cost, or cost per unit, as it is listed in the F3 column in Sierra West. Do not add installation cost as this has been included in the total unit cost amount.
6. **District's Request** - Enter the product of the Quantity and Cost/Unit column.
7. **OPSC's Allowance** - Leave blank. This section will be completed by OPSC upon review of the application.
8. **Comments** - The district may optionally indicate any relevant plan page numbers or reference information to assist the plan reviewer in the Comments column.

ATTACHMENT E

STATE OF CALIFORNIA
FACILITY HARDSHIP COST ESTIMATE
SCHOOL FACILITY PROGRAM
SAB 58-01 (Rev. xx/25)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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

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

PART II – Contractor Burden

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

OPSC Project Type	Sierra West Construction Classification
Facility Hardship rehabilitation for Fire and/or Water Damage	"Repair of Fire Damage"
Facility Hardship rehabilitation of historical structures	"Unique Structures"
All other Facility Hardship rehabilitation projects	"Alterations and Additions"
Seismic Mitigation rehabilitation	"Alterations and Additions"

General Conditions and General Requirements - Using the total project cost as reported to DSA and the applicable OPSC project type listed above, enter the percentage as indicated in the General Conditions table in Sierra West (CSI# 01.1000 000). If the application is exempt from DSA review, the OPSC allowed Construction Subtotal from Part 1.

Overhead, Profit & Bonds - Using the total project cost as reported to DSA, enter the applicable percentage as indicated in the "Bonds" section in Sierra West (CSI# 01.2000 000). If the application is exempt from DSA review, the OPSC allowed Construction Subtotal from Part 1.

Escalation - If the project has not been completed at the time of application submittal, enter the percentage listed for the current year, as indicated in the "Escalation" section of Sierra West (CSI# 01.3000 000). If the project has been completed, the allowance is "0%".

ATTACHMENT E

STATE OF CALIFORNIA
FACILITY HARDSHIP COST ESTIMATE
SCHOOL FACILITY PROGRAM
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OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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

PART III – Design Cost Allowances

DSA Inspection Fee - For projects that require DSA plan approval, enter 1%. For projects that do not require DSA plan approval, enter 0%.

Industry Specialist's Report Costs - Enter the greater of \$10,000 or 1% of the OPSC Allowance Subtotal.

Construction Testing Allowance - For rehabilitation projects that require specialized testing and inspection of materials during construction such as soil tests, foundation tests, exploratory borings, and similar testing prior to construction, enter 1%. The District must submit written verification of the specialized testing required for the scope of work. For all other projects, enter 0%.

Design Specialist Cost Allowance - Based on the Construction Subtotal (Part II), the allowance for the Design Specialist will be automatically calculated using the Design Specialist Cost Allowance sliding scale at the end of the estimate. Alternatively, the District may manually enter the cost allowance based on this scale.

CDE Plan Review Fee - Allowance is for the proportionate amount of fees charged by the California Department of Education (CDE), as required by law, for the Facility Hardship and/or Seismic Mitigation portion of the plan set. The CDE Plan Review Fee calculation mirrors how CDE calculates their fees. If CDE changes their calculation, this allowance will be updated accordingly. As of this date, the allowance provided is 0.07% of the OPSC Allowed Construction Subtotal as published on CDE's website:

<https://www.cde.ca.gov/ls/fa/sf/forms.asp>.

[If the project did not receive review from CDE, the CDE Plan Review Fee will be \\$0.](#)

DSA Plan Review Fee - Allowance is for the proportionate amount of fees charged by DSA, as required by law, for the Facility Hardship or Seismic Mitigation portion of the plan set. Based on the product of the OPSC Allowed Construction Subtotal applied to the DSA Project Fee Calculator:

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

If the project is DSA exempt, the DSA Plan Review Fee allowance is \$0.

PART I - Line Item Request

[illegible]

OPSC Allowance Subtotal: \$ _____ - \$ _____ -

~~PART II~~

~~General Requirements (CSI # 01.0000-000)~~

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

8. General Conditions (Field Office Overhead) (enter %)	0.00%	\$ -	Based on OPSC's Allowance Subtotal and upon CSI# 01-1000-000 Project Type in Sierra West. ▲ Facility Hardship Rehabilitation (Fire and/or Water Damage) – "Repair of Fire Damage" ▲ Facility Hardship Rehabilitation (historical structures) – "Unique Structures" ▲ Facility Hardship Rehabilitation (all others) – "Alterations & Additions" ▲ Seismic Mitigation Program Rehabilitation – "Alterations & Additions"
9. General Requirements (Home Office) (enter %)	0.00%	\$ -	Based on OPSC's Allowance Subtotal and upon CSI# 01-2000-000 Project Type in Sierra West.
10. Bonds (enter %)	0.00%	\$ -	Based on OPSC's Allowance Subtotal and based upon CSI# 01-2000-000 Project Type in Sierra West.
11. Overhead & Profit			Based on OPSC's Allowance Subtotal and upon CSI# 01-2000-000, "Institutional Structure" in Sierra West. (Note: \$0 – This is included in General Requirements)
Construction Subtotal:		\$ -	
12. DSA Inspection Fee (allowed at 1.00%):	1.00%	\$ -	Always 1.00%, based on Construction Subtotal. Only allowed if project required DSA approval.
13. Escalation (enter % for current year):	0.00%	\$ -	This is based on Construction Subtotal. Allowed if the project has not been completed at the time of SAB approval. Allow one year escalation, based upon CSI# 01-2000-000, "Institutional Structure" in Sierra West.
14. Industry Specialist's Report Cost: (\$10,000 or 1% of OPSC's Allowance)		\$ 10,000.00	Based on OPSC's Allowance Subtotal, enter the greater of \$10,000 or 1% of OPSC's Allowance.
15. Construction Testing Allowance:	1.00%	\$ -	Always 1.00%, based on Construction Subtotal. Only allowed for rehabilitation projects if specialized testing of construction materials is required
16. Design Cost Allowance:		\$ -	Based on Construction Subtotal, using the Design Cost Allowance chart below.
17. CDE Plan Fee:		\$ -	Based on the published fee found on CDE's website: https://www.cde.ca.gov/ls/fy/sf/forms.asp
18. DSA Plan Fee (enter \$ amount):		\$ -	Based on Construction Subtotal, use the calculator found on the DSA's website: https://www.apps2.dgs.ca.gov/dsa/tracker/FeeCalculator.aspx
OPSC Approved Total Project Cost:		\$ 10,000.00	

PART II - Contractor Burden

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

PART III- Design Costs & Fees

Design Costs	Multiplier	Allowance	Calculation Detail
	Page 2 of 3		503

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

Project Inspection Allowance	1.00%	-	Allowance provided for the services of a DSA certified inspector for the duration of the project. The allowance provided is 1.00%, based on Construction Subtotal. Only allowed if project required DSA approval.
Industry Specialist Report	\$10,000 or 1.00%	10,000	Allowance provided for the services of an Industry Specialist to completing the required report. The allowance provided is the greater of either the Construction Subtotal multiplied by 1%, or \$10,000 .
Construction Testing Allowance	1.00%	-	For rehabilitation projects that require specialized testing and inspection of materials during construction such as soil tests, foundation tests, exploratory borings, and similar testing prior to construction, enter 1%. The District must submit written verification of the specialized testing required for the scope of work. For all other projects, enter 0%. The allowance is the applicable percentage multiplied by the Construction Subtotal.
Design Specialist Cost Allowance *See Sliding Scale, below.	Sliding Scale	-	Based on Construction Subtotal, using the Design Cost Allowance chart below.
CDE Plan Review Fee	0.07%	-	Allowance is for the proportionate amount of fees charged by the California Department of Education, as required by law, for the hardship portion of the project. The allowance provided will be CDE's fee calculation applied to the Construction Subtotal.
DSA Plan Review Fee	DSA Project Fee Calculator	-	Allowance is for the proportionate amount of fees charged by the Department of the State Architect, as required by law, for the hardship portion of the project. Based on the product of the Construction Subtotal applied to the DSA Project Fee Calculator: https://www.apps2.dgs.ca.gov/dsa/tracker/FeeCalculator.aspx.
Part III- OPSC Approved Total Project Cost:		10,000	Sum of Part II and Part III

Design Cost Allowance

Contruccion Subtotal (from above): \$ -

For Reference:

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

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

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

Name of District Representative (Print):	Phone Number:
Signature of District Representative:	Date:



Alberto M. Carvalho
Superintendent

Los Angeles Unified School District
Legislative Affairs & Government Relations

Sacramento Office: 1201 K St., Suite 1040
Sacramento, CA 95814
Administrative Office: 333 S. Beaudry Ave., 24th Floor
Los Angeles, CA 90017
Phone: (916) 443-4405

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 3, 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 #6

Dear Ms. Kirk,

Los Angeles Unified would like to thank OPSC staff for accommodating a meeting on April 2, 2025, which allowed Los Angeles Unified staff the opportunity to further clarify and discuss its perspective on recent Proposition 2 Stakeholder topics.

Los Angeles Unified and OPSC discussed the following topics:

SFP Matching Share (January 30, 2025, and March 13, 2025, Stakeholder Materials)

- o Determination of local matching share at application processing
- o Local matching share impact on pupil grant determination
- o Source of assessed value for gross bonding capacity calculations

Proposed Regulatory Amendments for Hardship Applications (June 2024, and March 20, 2025, Stakeholder Materials)

- o Intent of "Outline" and "Like-Kind" language
- o Requirement for "Before" and "After" gross inventory of school buildings
- o Economies of Scale opinion as related to proposed 58-01 updates
- o Asbestos Abatement work as part of Facility Hardship or Seismic Hardship

Global SFP Regulation Clean Up (January 13, 2025, Stakeholder Materials)

- o Impact of DSA approval date on aging of pre-DSA facilities and stockpile buildings relocated from school site to school site

Los Angeles Unified continues to appreciate OPSC's Proposition 2 stakeholder engagement on the proposed amendments to the School Facility Program. Los Angeles Unified looks forward to further discussing these topics at future Stakeholder meetings.

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

Sincerely,

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

Sasha Horwitz
Legislative Advocate
Los Angeles Unified School District



April 4, 2025

Communications Team
Office of Public School Construction (OPSC)
707 Third St, 4th Floor
West Sacramento, CA 95605

RE: FEEDBACK ON TOPICS PRESENTED DURING THE MARCH 20, 2025 STAKEHOLDER MEETING FOR IMPLEMENTATION OF PROPOSITION 2 FOR THE SCHOOL FACILITY PROGRAM

To Whom it May Concern:

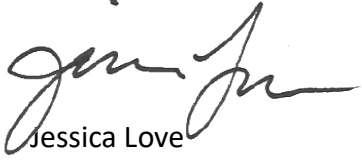
Hancock Park & DeLong, Inc. (HPD) appreciates the opportunity to continue providing feedback regarding the topics presented during the sixth Proposition 2 Stakeholder meeting held on March 20, 2025. Below is a summary of our comments and concerns:

- **Topic: Regulatory Amendments due to the repeal and re-addition of Education Code Section (ECS) 17075.10 for Hardship Applications**
 - ECS 17075.10 is the statutory basis for the Facility Hardship (FHP), the Seismic Mitigation Program (SMP), and the Urban Location, Security Requirements, and Impacted Sites. As part of AB 247, it was repealed and re-added
 - Regarding the clarification in regulations of when asbestos mitigation costs are allowable in FHP and SMP projects, the proposed regulations appear to prohibit in all cases the ability to fund asbestos remediation discovered during the course of a modernization project. While OPSC was clear that this would be the intent of the regulation change at the 2.26.2025 meeting, it also seemed that not all State Allocation Board members were ready to support that position. Several State Allocation Board members expressed concern with codifying the change to the program in such a way that would prohibit projects similar to that of the Camptonville Union Elementary School District's from receiving funding in the future. This question does not appear to be discussed in the presentation of the regulation changes in the stakeholder meeting item. Does OPSC plan to address this more fully in the staff report to the State Allocation Board when the regulation amendments are presented?

ATTACHMENT F

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".

Jessica Love
Hancock Park & DeLong