

REPORT OF THE EXECUTIVE OFFICER  
State Allocation Board Meeting, December 3, 2025

PROPOSED EMERGENCY REGULATORY AMENDMENTS FOR THE SCHOOL  
FACILITY PROGRAM

PURPOSE OF REPORT

To present the State Allocation Board (Board) with recommendations for the adoption of School Facility Program (SFP) regulatory amendments, on an emergency basis, for the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2), which was approved by a majority of California's voters on November 5, 2024. These proposed amendments are related to the implementation of two Proposition 2 topics.

DESCRIPTION

To implement Proposition 2 provisions, the Office of Public School Construction (OPSC) has conducted multiple stakeholder meetings to discuss and receive feedback on proposed regulatory amendments resulting from statutory additions and amendments to Education Code (EC). At several meetings, OPSC proposed concepts and regulations for the following two topics:

- Energy Efficiency Supplemental Grant
- Career Technical Education Supplemental Grant

Based on feedback received, OPSC determined that the proposed regulatory amendments for these topics, as outlined in the Staff Analysis, are able to move forward for Board consideration.

In this item, staff recommends that the Board adopt the proposed regulatory amendments to the SFP Regulations to implement and align with new statutory requirements pursuant to the provisions of Proposition 2. Staff also recommends that the Board adopt the proposed amendments to the *Application for Funding* (Form SAB 50-04) and the *Application for Charter School Preliminary Apportionment* (Form SAB 50-09) to align with the proposed regulatory amendments.

AUTHORITY

See Attachment A.

BACKGROUND

The passage of Proposition 2 makes numerous changes to the SFP that are applicable to applications received on or after October 31, 2024. For the proposed amendments in this item, staff held six stakeholder meetings on February 13, 2025, March 13, 2025, April 17, 2025, May 8, 2025, June 26, 2025, and July 10, 2025.

**BACKGROUND** (cont).

This item represents the fifth set of proposed regulatory amendments for the Board's consideration to implement Proposition 2 provisions. Additional proposed amendments will be presented at future Board meetings on a flow basis.

Below is an overview of the relevant Proposition 2 statutes for each topic.

**Energy Efficiency Supplemental Grant**

A supplemental grant for energy efficiency has existed in the SFP since 2002, but the funds allocated for the grant were exhausted many years ago. Proposition 2 amended provisions in EC Section 17077.35 for the supplemental grant for energy efficiency, which provides an increase of up to five percent of the state share for SFP New Construction and Modernization projects and Charter School Facilities Program (CSFP) New Construction and Rehabilitation projects that include qualifying energy efficiency components. Proposition 2 did not set a limit on the total amount of funding available for energy efficiency supplemental grants and the grants will be provided for qualifying applications as long as sufficient SFP New Construction or Modernization and CSFP New Construction or Rehabilitation bond authority is available.

**Career Technical Education Supplemental Grant**

Proposition 2 added EC Section 17078.74, which provides up to five percent of the state share of the Modernization base grant for qualifying Modernization projects or up to five percent of the state share of the CSFP Rehabilitation base grant for qualifying CSFP Rehabilitation projects that include Career Technical Education (CTE) component(s) at middle and high schools that meet the following criteria:

- A CTE component that conforms to EC 17078.74(c) is included in the project.
- The CTE costs exceed available Modernization or CSFP Rehabilitation funding and are necessary to maintain industry standards.
- The applicant is a local educational agency operating a comprehensive high school, has an active career technical advisory committee, has met all the requirements in EC Section 17078.74(f), and received a CDE Score Letter with a minimum of 105 points.

The CTE supplemental grants funded pursuant to EC Section 17078.74 are only available for eligible Modernization and CSFP Rehabilitation projects and are separate from the Career Technical Education Facilities Program (CTEFP), which can fund stand-alone projects and qualifying SFP projects. Proposition 2 provided \$600 million in bond authority for the CTEFP, of which \$300 million is available in the seventh funding cycle authorized by the Board on April 23, 2025.

## STAFF ANALYSIS/STATEMENTS

### **Stakeholder Meetings**

At the February 13, 2025 stakeholder meeting, staff introduced the Energy Efficiency Supplemental Grant, and at the March 13, 2025, stakeholder meeting, staff introduced the CTE Supplemental Grant for Modernization.

Subsequently, the Energy Efficiency Supplemental grant was presented a second time at the April 17, 2025, stakeholder meeting to address feedback received from the first meeting. On May 8, 2025, staff presented proposed implementation of the CTE Supplemental Grant, and on June 26, 2025, staff presented proposed implementation of the Energy Efficiency Supplemental Grant.

Continued discussion on the proposed implementation of the CTE Supplemental Grant was presented at the July 10, 2025, stakeholder meeting.

### *Stakeholder Feedback*

Staff appreciate those who attended and those who raised questions or provided feedback. Feedback that was received for each respective stakeholder meeting may be found in Attachment E, alongside the items as previously presented. A summary of stakeholder feedback received since the last stakeholder meeting for each topic, and staff responses, is provided as Attachment F. Stakeholder feedback informed staff's final recommendations for implementation of these supplemental grants.

### **Modifications Since the Last Stakeholder Meetings: Charter School Facilities Program Projects**

Since the most recent stakeholder meetings on these topics, staff has added proposed amendments to the CSFP regulations and forms after determining they are needed to allow for CSFP projects to request the Energy Efficiency and Career Technical Education supplemental grants. Applicants that receive preliminary apportionments from the Proposition 2 CSFP filing round will have the opportunity to reserve these grants as part of the preliminary apportionment, if applicable.

### **Proposed SFP Regulations**

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

#### *Energy Efficiency Supplemental Grant*

- SFP Regulation Section 1859.2: Technical amendments to the defined terms "Form SAB 50-04" and "Form SAB 50-09" to update the form revision dates because the forms are being amended. Non-substantive amendments to add statutory references in the References.
- SFP Regulation Sections 1859.71.3 and 1859.78.5: Amend to add subdivisions (c) and (d) as separate provisions applicable to applications received on or after October 31, 2024, which can request the new energy efficiency supplemental grant. This change ensures that both New Construction and Modernization applicants applying for the supplemental grant for energy efficiency use the new points-based scoring system with new

STAFF ANALYSIS/STATEMENTS (cont.)

eligibility criteria. This new system determines the percentage of supplemental grant funding allowed based on the Energy Code compliance approach and points achieved using the newly developed scoring system based on California Collaborative for High Performance Schools (CA-CHPS) criteria created by the Division of the State Architect and CA-CHPS for OPSC. Because the review of a project will be completed through two different compliance approaches, the points scoring rubric is separated by the type of compliance method.

- SFP Regulation Sections 1859.77.1 and 1859.79: Correct outdated statutory cross-references to reflect EC Section 17077.30 rather than 17077.10.
- Provisions pertaining to an “Energy Audit,” which were previously in EC Section 17077.10, were renumbered to EC Section 17077.30 to align with previous statutory changes.

*Career Technical Education Supplemental Grant*

To implement EC Section 17078.74, staff proposes to add SFP Regulation Section 1859.78.10, which provides for the following:

- Approved Applications for a Modernization Grant received on or after October 31, 2024, may request a supplemental grant for the costs associated with the enhancement of CTE opportunities in existing middle and high schools, provided the following are met:
  - The project includes at least one CTE component that conforms to EC Section 17078.74(c).
  - The applicant certifies that CTE costs exceed available modernization funding and that the CTE components are necessary to maintain industry standards.
  - The applicant is a local educational agency operating a comprehensive high school, has an active career technical advisory committee, has met all the requirements in EC Section 17078.74(f) and received a CTE plan score from CDE with a minimum of 105 points on or after July 3, 2024. The July 3, 2024 date aligns with the date that Chapter 81, Statutes of 2024 (Assembly Bill 247, Muratsuchi) was chaptered, placing Proposition 2 on the November 2024 general election ballot.
- Contracts and/or purchase orders for the CTE scope of work being funded must have been signed on or after July 3, 2024.
- The grant amount shall be the lesser of a five-percent increase to the Modernization Grant or 60 percent of the OPSC-approved costs for the CTE component(s) of the qualifying modernization project. Equipment costs are only eligible if the equipment has an average useful life expectancy of at least 10 years.
- Approved Applications for a Modernization Grant received on or after October 31, 2024, that are on OPSC’s workload list or the Applications Received Beyond Bond Authority List, may request the additional grant if a qualifying CTE component is included in the scope for the original application submittal and the district meets all requirements of the proposed regulations.



STAFF ANALYSIS/STATEMENTS (cont.)

- An applicant is not eligible to receive the additional grant for any CTE component(s) that were previously funded.

*Excessive Cost Hardship Grant*

Staff proposes amendments to SFP Regulation Section 1859.83 that allow for the inclusion of funding provided by the CTE Supplemental Grant to be used in the calculations to determine Excessive Cost due to Geographic Location. Funds provided by the Energy Efficiency Supplemental Grant are already included in the determination formula.

Staff proposes an additional amendment to this calculation to include funding provided by the 75 Years or Older Buildings Supplemental Grant, Minimum Essential Facilities Supplemental Grant, and the Transitional Kindergarten Supplemental Grant. The Board approved SFP regulatory amendments for these new grants at the June 25, 2025 Board meeting. On that date, the statutory authority for Excessive Cost Hardship Grants had lapsed. However, Assembly Bill 121 (Chapter 8, Statutes of 2025) restored this authority on June 27, 2025 by adding EC Section 17075.11, which applies retroactively to applications submitted on or after October 31, 2024.

*Charter School Facilities Program*

Since the most recent stakeholder meeting, staff determined additional amendments were necessary to allow CSFP applicants to request the Energy Efficiency and Career Technical Education supplemental grants. Below is a summary of the new proposed regulatory amendments:

- SFP Regulation Section 1859.163.1 is amended to add subdivision (a)(8) to allow applicants to reserve funding for energy efficiency as part of a Preliminary Charter School Apportionment for New Construction. As a result of this amendment, subdivisions (a), (a)(9), and (a)(10) are amended to indicate the calculation to determine the Preliminary Charter School Apportionment, the inflator factor, and the matching share through the form of lease payments include the energy efficiency reservation. Additionally, SFP Regulation Section 1859.163.1(a)(9) is amended to correct an error in the existing regulations and codify existing practice by specifying that the inflator factor is applied to any amount provided pursuant to subdivision (a)(7) for the geographic location of a proposed project receiving a Preliminary Charter School Apportionment for New Construction.
- SFP Regulation Section 1859.163.5 is amended to add subdivision (a)(7) to allow applicants to reserve funding for energy efficiency and to add subdivision (a)(8) to reserve funding for career technical education component(s) as part of a Preliminary Charter School Apportionment for Rehabilitation. As a result of this amendment, SFP Regulation Section 1859.163.5 and subdivisions (a)(9) and (a)(10) are amended to indicate the calculation to determine the Preliminary Charter School Apportionment, the inflator factor, and the matching share through the form of lease payments

STAFF ANALYSIS/STATEMENTS (cont.)

- include the energy efficiency and career technical education component(s) reservation.
- SFP Regulation Section 1859.163.5 is amended to add subdivision (a)(6) to allow applicants to reserve funding for accessibility and fire code requirements as part of a Preliminary Charter School Apportionment for Rehabilitation. Applicants may request this funding at the time a Preliminary Charter School Apportionment is converted to a Final Charter School Apportionment. It was made apparent at the time this regulation section was reviewed for the addition of the energy efficiency and career technical education component(s) funding that the ability to reserve funding for accessibility and fire code costs should be added. As a result of this amendment, SFP Regulation Section 1859.163.5 and subdivisions (a)(9) and (a)(10) are amended to indicate the calculation to determine the Preliminary Charter School Apportionment, the inflator factor, and the matching share through the form of lease payments include the accessibility and fire code requirements reservation.
  - SFP Regulation Section 1859.164.2 subdivision (a) is amended to include the funding reserved for energy efficiency in the calculation to determine the separate advance release of funds for design costs a Preliminary Charter School Apportionment for New Construction; and to include the funding reserved for energy efficiency, career technical component(s), and accessibility and fire code requirements in the calculation to determine the separate advance release of funds for design costs for a Preliminary Charter School Apportionment for Rehabilitation.
  - SFP Regulation Section 1859.167.1 is amended to allow applicants to request funding for energy efficiency and career technical education component(s) for a Final Charter School Apportionment for a CSFP Rehabilitation project. This section was also amended to clarify that the CSFP Rehabilitation Grant will be used in place of the Modernization Grant to calculate the funding provided by 1859.78.5 and 1859.78.10, and that funding provided by 1859.78.10(b)(2) will be 50 percent of the OPSC-approved costs for the career technical education scope of work, inclusive of equipment, included in an Approved Application for a CSFP Rehabilitation project.
  - SFP Regulation Section 1859.168 is amended to clarify that the matching share requirement for Preliminary Charter School Apportionments remains a 50-percent local matching share that may be paid by the applicant through lease payments in lieu of the matching share, consistent with statutory requirements.

STAFF ANALYSIS/STATEMENTS (cont.)**Proposed Amendments to the Form SAB 50-04**

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

*Energy Efficiency Supplemental Grant*

- Staff proposes to revise the Specific Instructions for Sections 5.g., “New Construction Additional Grant Request” and 6.b., “Modernization Additional Grant Request” to add separate references to regulatory provisions applicable to applications received on or after October 31, 2024. New instructions are added to incorporate the new scoring metric when applying for the energy efficiency supplemental grant.  
Staff proposes to revise Sections 5.g. and 6.b. on the Form SAB 50-04 to remove the percentage symbol and instead require districts to enter the percentage above Energy Efficiency for each building. Check boxes are added for districts to indicate which Energy Code compliance approach was used for this project and a field is added to indicate the project’s OPSC CA-CHPS points score.
- In “Section 25, “Certification”, staff proposes revising the district certification for energy efficiency to also specify that the plans and specifications must exceed nonresidential building energy-efficiency standards specified in Part 6 of Title 24 of the California Code of Regulations. The proposed change reflects the requirements in EC Section 17077.35(c).

Modifications Since the Last Stakeholder Meeting

- Staff proposes amending Section 8, “Charter School Facilities Program Rehabilitation Additional Grant and Excessive Cost Hardship Request” of the Specific Instructions and the body of the form to add a new subsection (a) that provides instructions and fields to indicate the compliance approach used and the points score received to request up to 5 percent in supplemental funding for energy efficiency.

*Career Technical Education Supplemental Grant*

- Staff proposes to revise Section 6 of the Specific Instructions and the body of the form include a proposed additional subsection (i) that provides instructions and a fillable component to request an additional grant for CTE component(s).
- In Section 25, “Certification,” staff proposes a new certification with checkboxes for a district to indicate the following conditions are met:
  - The applicant has included the costs associated with the CTE component(s) in the scope of work and certifies that these costs exceed the Modernization/Charter Rehabilitation funding available.
  - The local educational agency operates a comprehensive high school and has an active career technical advisory committee.
  - The applicant has included a copy of the CDE plan score, with a minimum score of 105 points, dated on or after July 3, 2024.

STAFF ANALYSIS/STATEMENTS (cont.)

- Contracts for construction or acquisition of equipment were, or will be entered into on or after July 3, 2024.

Modifications Since the Last Stakeholder Meeting

- Staff proposes amending Section 8, "Charter School Facilities Program Rehabilitation Additional Grant and Excessive Cost Hardship Request" of the Specific Instructions and the body of the form to add subsection (c) that provides instructions and a field to enter 50 percent of the costs for the eligible CTE component(s) in the entire CSFP Rehabilitation Application.
- Staff proposes amending Section 25, "Certification," to add "Charter Rehabilitation" to the proposed certification regarding costs of the CTE components that exceed available funding.
- Non-substantive edits have been made throughout the Form SAB 50-04 to ensure defined terms are capitalized, punctuation is consistent, and numbering is updated.

**Proposed Amendments to the Form SAB 50-09**

Below is a summary of the proposed amendments to the Form SAB 50-09, included as Attachment D:

*Energy Efficiency Supplemental Grant*

- Staff proposes to revise Sections 5 and 7 of the Specific Instructions and the body of the form to include a proposed additional subsection (g) under Sections 5 and Section 7 that provides instructions and a check box to reserve an additional grant for energy efficiency costs.

*Career Technical Education Supplemental Grant*

- Staff proposes to revise Section 7 of the Specific Instructions and the body of the form to include a proposed additional subsection (h) that provides instructions and a check box to reserve an additional grant for CTE component(s).

Additionally, Staff proposes to revise Section 7 of the Specific Instructions and the body of the form to include a proposed additional subsection (f) that provides instructions and a check box to reserve an additional grant for accessibility and fire code requirements. Staff also proposes non-substantive amendments to the Form SAB 50-09 to ensure acronyms are defined, defined terms are capitalized, referenced websites are current, regulation and/or statute is referenced when appropriate, grammatical and spelling errors are corrected, and to provide clarification consistent with existing CSFP regulations.

Modifications Since the Last Stakeholder Meeting

- Since the last stakeholder meetings for the energy efficiency and CTE supplemental grant, staff has proposed to add all the Form SAB 50-09 amendments described above.

## RECOMMENDATIONS

1. Adopt the proposed amendments to the SFP Regulations as shown on Attachment B.
2. Adopt the proposed amendments to the Form SAB 50-04 as shown on Attachment C.
3. Adopt the proposed amendments to the Form SAB 50-09 as shown on Attachment D.
4. Authorize the Executive Officer to file the proposed regulatory amendments with the Office of Administrative Law on an emergency basis and make the regulations permanent.

This Item was approved by the State Allocation Board on December 3, 2025.

## ATTACHMENT A

### AUTHORITY

#### Education Code (EC) Section 17070.35 – General Provisions

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

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

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

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

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

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

#### EC Section 17077.35 – Energy Efficiency

(a) An applicant school district may include plan design and other project components that promote school facility energy efficiency approaching the ultimate goal of school facility energy self-sufficiency and pollution reduction, and may seek a grant adjustment for the state's share of the increased costs associated with those components.

(b) Energy efficiency components that enable school facilities to advance state energy goals and adapt to higher average temperatures that pose a threat to

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the health and safety of pupils and staff are eligible for inclusion into a project pursuant to this section, including, but not limited to, all of the following:

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

### EC Section 17078.54 – Charter School Facilities Program New Construction or Rehabilitation Funding

- (a) An eligible project under this article shall include funding, as permitted by this chapter, for new construction or rehabilitation of a school facility for charter school pupils, as set forth in this article. A project may include, but is not limited to, the cost of retrofitting an existing building for charter school purposes, purchasing a building, or retrofitting a building that has been purchased by the charter school, if those costs have not been previously funded under this chapter, but may not exceed the amounts set forth in subdivision (b). Existing school buildings made available by a school district that will be rehabilitated for the purposes of this article are not subject to Article 6 (commencing with Section 17073.10). An allocation of funds shall not be made for a school facility that is less than 15 years old.
- (b) The maximum amount of the funding pursuant to this article shall be determined by calculating the charter school's per-pupil grant amount plus other allowable costs as set forth in this chapter. Funding shall be provided by the

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authority for new facility construction or rehabilitation as set forth in Section 17078.58.

(c) To be funded under this article, a project shall comply with all of the following:

(1) It shall meet all the requirements regarding public school construction, plan approvals, toxic substance review, site selection, and site approval, as would any noncharter school project of a school district under this chapter, including, but not limited to, regulations adopted by the State Architect pursuant to Section 17280.5 relating to the retrofitting of existing buildings, as applicable.

(2) Notwithstanding any provision of law to the contrary, including, but not limited to paragraph (1), the board, after consulting with the relevant regulatory agencies, shall, to the extent feasible, adopt regulations establishing a process for projects to be subject to a streamlined method for obtaining regulatory approvals for all requirements described in paragraph (1), except for the requirements of the Field Act as defined in Section 17281 which shall be complied with in the same manner as any other project under this chapter.

(3) The board shall fund only new construction to be physically located within the geographical jurisdiction of a school district.

(d) Facilities funded pursuant to this article shall have a 50 percent local share matching obligation that may be paid by the applicant through lease payments in lieu of the matching share, or as otherwise set forth in this article, including, but not limited to, Section 17078.58.

(e) The authority may charge its administrative costs against the respective 2002, 2004, or 2006 Charter School Facilities Account, or the amount described in paragraph (2) of subdivision (a) of Section 101122, which shall be subject to the approval of the Department of Finance and which may not exceed 2.5 percent of the account or amount.

### EC Section 17078.58 – Charter School Facilities Program Maximum Amount of Funding

(a) Funding granted pursuant to this article may not exceed 100 percent of the total allowable project costs as determined by calculating double the per-pupil grant eligibility as set forth in Section 17072.10, and subdivision (e) of Section 17078.53, plus 100 percent of all other allowable construction project costs, as appropriate to the project, that would otherwise be available to school district projects as set forth in this chapter. Funding granted for the purposes of rehabilitating buildings under Section 17078.54 shall be limited to the costs necessary to comply with subdivision (c) of Section 17078.54, and shall not exceed the maximum costs that would otherwise be allowable for a new construction project funded under this article.

(b) The local share equivalent shall be collected in the form of lease payments or otherwise as set forth in this article.

(c) Lease payments in lieu of local share payments, and any other local share payments made pursuant to this article, shall be made to the board for deposit into the respective 2002, 2004, 2006, or 2024 Charter School Facilities Account. Funds deposited into the account pursuant to this section may be used by the board only for a purpose related to charter school facilities pursuant to this article.



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(d) When a preliminary apportionment under this article is converted to a final apportionment, any funds not needed for the final apportionment shall remain in the 2002, 2004, 2006, or 2024 Charter School Facilities Account for use by the board for any purpose related to charter school facilities pursuant to this article.

### EC Section 17078.64 – Charter School Facilities Program Adoption of Regulations

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

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

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

### EC Section 17078.72 – Career Technical Education Facilities Program

(a) The Career Technical Education Facilities Program is hereby established to provide funding to qualifying local educational agencies for the purpose of constructing new facilities or reconfiguring existing facilities, including, but not limited to, purchasing equipment with an average useful life expectancy of at least 10 years, to enhance educational opportunities for pupils in existing high schools in order to provide them with the skills and knowledge necessary for the high-demand technical careers of today and tomorrow.

(b) The State Department of Education, in cooperation with the Chancellor's Office of the California Community Colleges, the Labor and Workforce Development Agency, and industry groups, shall develop criteria and pupil outcome measures to evaluate the program. The criteria shall ensure equity, program relevance to industry needs, and articulation with more advanced coursework at the partnering community colleges or private institutions.

(c) The program shall be based on grant applications administered by the board.

(d) Grants shall be allocated on a per-square-foot basis for the applicable type of construction proposed or deemed necessary by the board consistent with the approved application for the project.

(e) New construction grants shall not exceed three million dollars (\$3,000,000) per project per schoolsite, inclusive of equipment, and shall only be allocated to

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comprehensive high schools that have an active Career Technical Advisory Committee pursuant to Section 8070, in either of the following methods:

(1) For a stand-alone project on a per-square-foot basis for the applicable type of construction proposed, based on the criteria established pursuant to subdivision (b), consistent with the approved application for the project.

(2) For new school projects, as a supplement to the per pupil allocation pursuant to Section 17072.10. The supplement is intended to cover excess costs uniquely related to the facilities required to provide the career technical education program or programs.

(f) Modernization grants shall not exceed one million five hundred thousand dollars (\$1,500,000) per project per schoolsite, inclusive of equipment and may be awarded to comprehensive high schools or joint power authorities currently operating career technical education programs that have an active Career Technical Advisory Committee pursuant to Section 8070 for the purpose of reconfiguration. For comprehensive high schools, the grant shall be supplemental to the per pupil allocation pursuant to Section 17074.10. The supplement is intended to cover excess costs uniquely related to the facilities required to provide the career technical education program or programs.

(g) (1) A school district shall contribute from local resources a dollar amount that is equal to the amount of the grant of state funds awarded under subdivisions (d), (e), and (f). The required local contribution may be provided by private industry groups, the school district, or a joint powers authority.

(2) A school district shall not be required to demonstrate that it has unhoused pupils or that a permanent school building is more than 25 years old in order to receive a grant under the program.

(h) The program shall allow the required local contribution to be paid over time if sufficient local funds are not immediately available. The board may provide for a repayment schedule consistent with subparagraphs (C) and (D) of paragraph (1) of subdivision (a) of Section 17078.57. The board shall not waive the required local contribution on the basis of financial hardship or on any other basis.

(i) Applications shall meet the criteria developed under subdivision (b) and shall require all of the following:

(1) A clear and comprehensive career technical education plan for each course of study applicable to the instructional space.

(2) Projections of pupil enrollment.

(3) Identification of feeder schools, industry partners, and community colleges or other postsecondary schools participating in the development, articulation, and review of the educational program.

(4) Evidence of approval of the plan by the entities listed in paragraph (3).

(5) The method by which accountability for pupil enrollments and outcomes will be maintained. Outcomes shall include, but are not limited to, certificate completion, the successful entry of pupil to employment in the applicable

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industry, and successful transition to post-secondary institutions for work in the applicable industry or other areas of study.

(6) Evidence of coordination with all feeder schools, middle schools, and high schools within the area to ensure that the project and programs complement career technical education offerings in the area.

(7) Evidence that upon completion of the project the local educational agency will meet all of its obligations under Section 51228 relating to career technical education.

(j) Applications shall give weight to the number of pupils expected to attend, the cost per pupil, financial participation by industry partners in the construction and equipping of the facility, commitment to accountability for outcomes and participation, the strength and relevance of the educational plans to the needs of industry for qualified technical employees applicable to the economic development needs of the region in which the project will be located, and coordination and articulation with feeder schools, other high schools, and community colleges.

(k) The Office of Public School Construction shall develop and the board shall approve regulations to implement this article on or before April 19, 2007, and the board may promulgate those regulations first on an emergency basis, which shall be effective for no more than 12 months, after which any permanent regulations shall be promulgated in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(l) Notwithstanding paragraphs (e) and (f), a project approved pursuant to this section is also eligible for an incentive grant from the funds specified in paragraph (8) of subdivision (a) of Section 101012 if the project meets the criteria prescribed in that section.

### EC Section 17078.74 – Career Technical Education Modernization Supplemental Grant

(a) Except as otherwise provided in this section, a modernization grant adjustment provided pursuant to this section is not subject to the requirements of Section 17078.72.

(b) An applicant school district may include plan design and other project components that promote career technical education to enhance the educational opportunities for pupils in existing middle and high schools, and may seek a modernization grant adjustment for the state's share of the increased costs associated with those components.

(c) Career technical education components that enable school facilities to provide pupils with the skills and knowledge necessary for high-demand technical careers are eligible for inclusion into a project pursuant to this section, including, but not limited to, all of the following:

(1) Modernization of facilities to support career technical education programs.

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(2) Reconfiguring a structure of any age that will enhance the educational opportunities for pupils in existing middle and high schools in order to provide them with the skills and knowledge necessary for high-demand technical careers.

(3) Purchasing equipment with an average useful life expectancy of at least 10 years.

(d) (1) In order to be eligible for the modernization grant adjustment pursuant to this section, the applicant shall certify that the cost for the project exceeds the amount of funding otherwise available to the applicant under this chapter and that the career technical education components are necessary to maintain industry standards.

(2) The applicant shall submit necessary plans and specifications for career technical education components to the State Department of Education for approval, ensuring compliance with eligibility criteria as stipulated, for modernization projects only, in Section 1859.192 of Title 2 of the California Code of Regulations, with the exception of paragraph (2) of subdivision (b) of Section 1859.192 of Title 2 of the California Code of Regulations.

(e) The board shall provide an applicant for a modernization project with a grant adjustment to provide an increase not to exceed 5 percent of its state grants authorized by Section 17074.10 for the state's share of costs associated with the design, purchase, and installation related to career technical education components as set forth in this section.

(f) An applicant career technical education program shall meet the criteria developed under subdivision (b) of Section 17078.72 and shall demonstrate all of the following:

(1) A clear and comprehensive career technical education plan for each course of study applicable to the instructional space.

(2) Projections of pupil enrollment.

(3) Identification of feeder schools, industry partners, and community colleges or institutions of higher education participating in the development, articulation, and review of the educational program.

(4) Evidence of approval of the plan described in paragraph (1) by the entities listed in paragraph (3) and the State Department of Education, including a determination by the State Department of Education that the application has scored at least 105 points as required under subdivision (c) of Section 1859.192 of Title 2 of the California Code of Regulations.

(5) The method by which accountability for pupil enrollments and outcomes will be maintained. Outcomes shall include, but are not limited to, certificate completion, successful entry of pupils to employment in the applicable industry, and successful transition to institutions of higher education for work in the applicable industry or other areas of study.

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(6) Evidence of coordination with all feeder schools, middle schools, and high schools within the area to ensure that the project and programs complement career technical education offerings in the area.

(7) Evidence that upon completion of the project, the local educational agency will meet all of its obligations under Section 51228 relating to career technical education.

(g) The Office of Public School Construction shall develop regulations, subject to board approval, to implement this section. The regulations shall include procedures for the submission of State Department of Education-approved plans and specifications as a condition for the modernization grant adjustment, in alignment with subdivision (b) of Section 1859.197 of Title 2 of the California Code of Regulations.

(h) Projects shall be subject to a program accountability expenditure audit, consistent with State Department of Education guidelines, to ensure compliance with the funding regulations. Any repayments due back to the state as a result of these audits shall be subject to the repayment provisions in Section 1859.106.1 of Title 2 of the California Code of Regulations.

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### Proposed Regulatory Amendments

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

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

...

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

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

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

...

“Form SAB 50-04” means the *Application for Funding*, Form SAB 50-04 (Revised ~~08/25~~XX/XX), which is incorporated by reference.

...

“Form SAB 50-09” means the *Application for Charter School Preliminary Apportionment*, Form SAB 50-09 (Revised ~~10/14~~XX/XX), which is incorporated by reference.

...

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

Reference: Sections 8974, 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 17070.59, 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.18, 17072.30, 17072.33, 17073.16, 17073.25, 17074.10, 17074.16, 17074.30, 17075.10, 17075.15, 17077.30, 17077.35, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17078.72(k), 17079, 17079.10, 17280, 56026 and 101012(a)(8), Education Code; Section 53311, Government Code; and Sections 1771.3 in effect on January 1, 2012 through June 19, 2014 and 1771.5, Labor Code

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

(a) For Approved Applications received on or before October 30, 2024, in addition to any other funding authorized by these Regulations, the Board shall provide the grant amounts identified in (b) if all the following are met:

- (1) The project includes energy efficiency components that conform to Subdivision (b) of Education Code Section 17077.35.
- (2) The average energy efficiency score of all the buildings in the project, as determined by EnergyPro 3.1 or a similar computer program approved by the State Energy Resources Conservation and Development Commission, exceeds the nonresidential building energy efficiency standards specified in Part 6 of Title 24 of the California Code of Regulations by at least 15 percent.

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- (3) ~~The~~ DSA has reviewed the proposed project and concurs with the percentage of energy efficiency that exceeds the nonresidential building energy efficiency standards specified in Part 6 of Title 24 of the California Code of Regulations.
- (4) No portion of the project will be funded with funds made available from the Renewable Energy Program administered by the State Energy Resources Conservation and Development Commission.
- (5) There are funds remaining in the Energy Efficiency Fund as prescribed in Section 1859.70.1 to apportion some or the entire additional grant provided in (b).
- (b) An amount equal to the lesser of the following:
  - (1) The New Construction Grant multiplied by one percent if the percentage of energy efficiency as concurred by the DSA in (a)(3) is 15 percent, or by one percent plus 0.04 percent for each 0.1 percent increment of increased energy efficiency up to 25 percent. The multiplier may not exceed five percent.
  - (2) The funds available in the Energy Efficiency Account set aside for this Section.

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

- (c) For Approved Applications received on or after October 31, 2024, in addition to any other funding authorized by these Regulations, the Board shall provide the amount in (d) if all of the following are met:
  - (1) The project includes energy efficiency components that conform to Subdivision (b) of Education Code Section 17077.35.
  - (2) DSA confirmed the project exceeds the nonresidential building energy efficiency standards specified in Part 6 of Title 24 of the California Code of Regulations through the performance approach to Energy Code compliance or through a combination of prescriptive and/or performance approaches to Energy Code compliance, and the OPSC CA-CHPS requirements in (d).
- (d) The New Construction Grant amount multiplied by one of the following:
  - (1) If the project uses the performance only approach to Energy Code compliance, with exception only of mandatory prescriptive measures, 1 percent if no OPSC CA-CHPS score card is submitted; 3 percent if the CA-CHPS score is 10 to 50; or 5 percent if the OPSC CA-CHPS point score is 51 to 130.
  - (2) If the project uses either an all prescriptive approach to Energy Code compliance or a combination of prescriptive/performance approaches to Energy Code compliance, 0 percent if no OPSC CA-CHPS score card is submitted; 2 percent if the total OPSC CA-CHPS score is 10 to 50; or 4 percent if the OPCS CA-CHPS point score is 51 to 130.

~~If there are no funds remaining in the Energy Efficiency Account or the funds remaining in the Energy Efficiency Account are insufficient to fully fund the additional grant~~

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~~authorized in (b)(1), the district may either withdraw its application and resubmit it when additional funds are available in the Energy Efficiency Account or continue with the new construction project and accept a full and final apportionment without the additional grant authorized by (b)(1) or the lesser apportionment authorized by (b)(2).~~

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17077.35, Education Code.

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

For applications received before October 31, 2024, any funding provided by these Regulations shall require a School District matching share contribution on a dollar-for-dollar basis with the exception of Financial Hardship provided by Section 1859.81 or any additional grant provided for a district-owned site acquisition cost pursuant to Sections 1859.74.5 or 1859.81.2.

For applications received on or after October 31, 2024, any funding provided by these Regulations shall require a School District matching share contribution pursuant to Education Code Sections 17070.59 and 17072.30 and adjusted for the Local Funding Adjustment Grant using the points determined in Section 1859.70.5, with the exception of Financial Hardship provided by Section 1859.81 or any additional grant provided for a district-owned site acquisition cost pursuant to Sections 1859.74.5 or 1859.81.2.

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

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17072.30, 17074.16 and 17077.30, ~~17077.10~~, Education Code.

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

- (a) ~~For Approved Applications received on or before October 30, 2024,~~ in addition to any other funding authorized by these Regulations, the Board shall provide the grant amounts identified in (b) if all the following are met:
- (1) The project includes energy efficiency components that conform to Subdivision (b) of Education Code Section 17077.35.
  - (2) The average energy efficiency score of all the buildings in the project, as determined by EnergyPro 3.1 or a similar computer program approved by the State Energy Resources Conservation and Development Commission, exceeds the nonresidential building energy efficiency standards specified in Part 6 of Title 24 of the California Code of Regulations by at least 10 percent.
  - (3) ~~The DSA has reviewed the proposed project and concurs with the percentage of energy efficiency that exceeds the nonresidential building energy efficiency standards specified in Part 6 of Title 24 of the California Code of Regulations.~~



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- (4) No portion of the project will be funded with funds made available from the Renewable Energy Program administered by the State Energy Resources Conservation and Development Commission.
- (5) There are funds remaining in the Energy Efficiency Fund as prescribed in Section 1859.70.1 to apportion some or the entire additional grant provided in (b).
- (b) An amount equal to the lesser of (b)(1) or (b)(2):
  - (1) The Modernization Grant multiplied by one percent if the percentage of energy efficiency as concurred by the DSA in (a)(3) is 10 percent, or by one percent plus 0.1 percent for each 0.1 percent increment of increased energy efficiency up to 14 percent. The multiplier may not exceed five percent.
  - (2) The remaining funds available in the Energy Efficiency Account set aside for this Section.

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

- (c) For Approved Applications received on or after October 31, 2024, in addition to any other funding authorized by these Regulations, the Board shall provide the amount in (d) if all of the following are met:
  - (1) The project includes energy efficiency components that conform to Subdivision (b) of Education Code Section 17077.35.
  - (2) DSA confirmed the project exceeds the nonresidential building energy efficiency standards specified in Part 6 of Title 24 of the California Code of Regulations through the performance approach to Energy Code compliance or through a combination of prescriptive and/or performance approaches to Energy Code compliance, and the OPSC CA-CHPS requirements in (d).
- (d) The Modernization Grant amount multiplied by one of the following:
  - (1) If the project uses the performance only approach to Energy Code compliance, with exception only of mandatory prescriptive measures, 1 percent if no OPSC CA-CHPS scorecard is submitted; 3 percent if the OPSC CA-CHPS score is 10 to 50; or 5 percent if the OPSC CA-CHPS score is 51 to 130.
  - (2) If the project uses either an all prescriptive approach to Energy Code compliance or a combination of prescriptive/performance approaches to Energy Code compliance, 0 percent if no OPSC CA-CHPS score card is submitted; 2 percent if the total OPSC CA-CHPS score is from 10-50; or 4 percent if the OPSC CA-CHPS score is 51 to 130.

~~If there are no funds remaining in the Energy Efficiency Account or the funds remaining in the Energy Efficiency Account are insufficient to fully fund the additional grant~~

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~~authorized in (b)(1), the district may either withdraw its application and resubmit it when additional funds are available in the Energy Efficiency Account or continue with the modernization project and accept a full and final apportionment without the additional grant authorized by (b)(1) or the lesser apportionment authorized by (b)(2).~~

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17077.35, Education Code.

### Section 1859.78.10 Modernization Additional Grant for Career Technical Education Components.

This Section shall apply to Approved Applications requesting a Modernization Grant received on or after October 31, 2024.

(a) In addition to any other funding authorized by these Regulations, the Board shall provide the grant amount identified in (b) for the costs associated with the design, purchase, and installation of components, and/or modernization or reconfiguration of facilities and structures, that promote career technical educational opportunities for pupils in existing middle and high schools if all the following are met:

(1) The project includes at least one career technical education component that conforms to Education Code Section 17078.74(c).

(2) The applicant certifies that the costs for the career technical education portion of the project exceed the amount of funding otherwise available to the applicant for the qualifying modernization scope of work, and that the career technical education components are necessary to maintain industry standards.

(3) The applicant:

(A) Is a local educational agency operating a comprehensive high school pursuant to Education Code Sections 51224, 51225.3 and 51228.

(B) Has an active career technical advisory committee pursuant to Education Code Section 8070.

(C) The applicant submitted project plans to CDE and the application received a career technical education plan score from CDE with a minimum score of 105 points on or after July 3, 2024.

(4) The project meets the criteria in Education Code Section 17078.72(b) and Education Code Section 17078.74(f), as verified by CDE.

(5) Contracts and/or purchase orders for the career technical education components in the project were signed on or after July 3, 2024.

(b) The grant amount shall be the lesser of (b)(1) or (b)(2):

(1) Five percent of the Modernization Grant.

(2) 60 percent of the OPSC-approved costs for the career technical education scope of work, inclusive of equipment, included in an Approved Application for a Modernization Grant. The applicant must provide an itemized list of equipment and detailed cost estimate for the career technical education scope of work. Costs associated with new construction must be provided in conformance with the Current Construction Costs publication by Sierra West Publishing. Costs associated with reconfiguration or modernization of a school building must conform to the Current Construction

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Remodeling and Repair Cost publication by Sierra West Publishing, at the F2 total unit cost amounts.

Equipment costs are only eligible if the equipment has an average useful life expectancy of at least 10 years.

Approved Applications for a Modernization Grant received on or after October 31, 2024, that are on OPSC's workload list or the Applications Received Beyond Bond Authority List, may request this additional grant, provided there is a career technical education component that conforms to Education Code Section 17078.74(c) in the project that was included in the original scope of work and the applicant meets all requirements of this section.

An applicant shall not be eligible to receive this additional grant for any career technical education component(s) on a school site that were funded previously through the Career Technical Education Facilities Program or pursuant to this section.

Note: Authority cited: Section 17070.35 and 17078.74, Education Code.  
Reference: Section 17078.74, Education Code.

### Section 1859.79. Modernization District Matching Share Requirement.

Except in the case of Ffinancial Hardship as provided in Section 1859.81 a School District matching share for a modernization project shall be required as follows:

- (a) If the Approved Application is received on or before April 29, 2002, any Modernization Grant plus any other funding provided by these Regulations shall require a School District matching share equal to at least 20 percent of those amounts which, combined with the State's Modernization Adjusted Grant, shall represent 100 percent of the total project cost.
- (b) If the Approved Application is received after April 29, 2002 and before October 31, 2024, any Modernization Grant, plus any other funding authorized by these Regulations shall require a School District matching share equal to at least 40 percent of those amounts which, combined with the State's Modernization Adjusted Grant, shall represent 100 percent of the total project cost.
- (c) If the Approved Application is received on or after October 31, 2024, any Modernization Grant, plus any other funding authorized by these Regulations shall require a School District matching share contribution pursuant to Education Code Sections 17070.59 and 17074.16 and adjusted for the Local Funding Adjustment Grant using the points determined in Section 1859.70.5.

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

Note: Authority cited: Section 17070.35, Education Code.

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

### 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, 1859.78.7.1, 1859.78.9.1, 1859.78.9.2, 1859.78.10, 1859.82.1, 1859.82.2, 1859.83(b), (c), (d) and (e) and 1859.125(a)(1) through (a)(2).

...

Note: Authority cited: Sections 17070.35, 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, and 17075.11, 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, 17075.11, 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 1859.163.1. Preliminary Charter School New Construction Apportionment Determination.

The Preliminary Charter School New Construction Apportionment shall be determined as follows:

(a) The Preliminary Charter School Apportionment for construction costs shall be equal to the sum of (1) through ~~(9)~~ below:

(1) The amounts shown below for each pupil, based on the project capacity, included in a Preliminary Charter School Application:

(A) \$5,227 for each elementary school pupil.

(B) \$5,534 for each middle school pupil.

(C) \$7,226 for each high school pupil.

(D) \$16,653 for each pupil that is a Severely Disabled Individual with Exceptional Needs.

(E) \$11,137 for each pupil that is a Non-Severely Disabled Individual with Exceptional Needs.

(2) An amount equal to 12 percent of the amount determined in (1) for multilevel construction, if requested by the applicant.

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- (3) An amount for site development cost determined, at the option of the applicant, by one of the following:
- (A) One-half of the site development cost for the specific site as authorized by Section 1859.76.
  - (B) One-half of the site development cost as authorized by Section 1859.76 using historical information in the Charter School General Location. Historical information that may be considered to determine this estimated cost may include prior SFP projects of the district or other districts in the Charter School General Location.
  - (C) \$70,000 multiplied by the proposed acres requested on the Form SAB 50-09.
- (4) General Site Development costs within school property lines for an addition to an existing school site project wherein additional acreage is acquired or a new school project, determined as follows:
- (A) \$9,600 per proposed acre requested on the Form SAB 50-09. This sum may be increased pursuant to the provisions in Section 1859.83(b). The per acre amount shown above shall be adjusted annually in the manner prescribed in Section 1859.71.
  - (B) 6 percent for Elementary School Pupils and Middle School Pupils and 3.75 percent for High School Pupils of the funding provided by Sections 1859.163.1(a)(1). For purposes of this calculation, the percentage amount for Severely Disabled Individuals with Exceptional Needs and Non-Severely Disabled Individuals with Exceptional Needs pupils shall be based on the type of project selected by the applicant on the Form SAB 50-09.
  - (C) 6 percent for Elementary School Pupils and Middle School Pupils and 3.75 percent for High School Pupils of the funding provided by Sections 1859.163.1(a)(2) and (5).
- (5) If the Preliminary Application request is for a small project that will house no more than 200 pupils, an amount pursuant to the following:
- (A) If the project will house less than 101 pupils, the applicant is eligible for an amount equal to 12 percent of the funding provided by (a)(1).
  - (B) If the project will house between 101 and 200 pupils, the applicant is eligible for an amount equal to four percent of the funding provided by (a)(1).
- (6) An amount due to urban location, security requirements and impacted site equal to 15 percent of the amount determined in (1) and (5), plus 1.166 percent for each percentage decrease in the CDE recommended site size below 60 percent when the following criteria are met:
- (A) The applicant has requested an increase for multilevel construction pursuant to (2) above.
  - (B) The Useable Acres of the existing and/or proposed site are 60 percent or less of the CDE recommended site size.
  - (C) The value of the property as determined in Section 1859.163.2(a) is at least \$750,000 per Useable Acre. This criterion does not apply to an application for an addition to an existing school site.
- (7) An amount for the geographic location of the proposed project equal to the sum of the amounts determined in (1), (2), (3)(C), (4)(A) and (B), (5) and (6) multiplied by the indicated percentage factor in the Geographic Percentage Chart shown in Section 1859.83(a).
- (8) An amount equal to 5 percent of the funding provided in 1859.163.1(a)(1) for energy efficiency, if requested by the applicant.

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- ~~(8)~~(9) For all Preliminary Apportionments received after February 23, 2005, an amount equal to the sum of the amounts determined in (1) through ~~(68)~~ multiplied by a factor determined as follows:
- (A) Divide the January Class B Construction Cost Index in effect at the time of the Preliminary Apportionment by the January Class B Construction Cost Index in effect four years prior to the Preliminary Apportionment. Round to four decimal places.
  - (B) Subtract 1 from the quotient in (A). Round to two decimal places.
  - ~~(9)~~(10) If the applicant is paying its matching share through the form of lease payments, pursuant to Section 1859.168, the value of the lease as determined by the Authority attributable to the items in (1) through ~~(89)~~ above.
  - (b) The Preliminary Charter School Apportionment for site acquisition costs shall be:
    - (1) Equal to one-half of the site acquisition value determined in Section 1859.163.2(a) and (c).
    - (2) If the applicant is paying its matching share through the form of lease payments, pursuant to Section 1859.168, the value of the lease as determined by the Authority attributable to (1) above.
  - (c) The Preliminary Charter School Apportionment to initiate and enforce a LCP or to provide for the prevailing wage monitoring and enforcement costs shall be:
    - (1) 50 percent of the amount to initiate and enforce a LCP as prescribed in Section 1859.71.4(a), if required by the Labor Code, or
    - (2) 50 percent of the amount of the prevailing wage monitoring and enforcement costs as prescribed in Section 1859.71.4(c), if required by the Labor Code, and
    - (3) If the applicant is paying its matching share through the form of lease payments, pursuant to Section 1859.168, the value of the lease as determined by the Authority attributable to either (1) or (2) above, as applicable.
  - (d) The total amount calculated in (a) above will be added to any amount calculated in (b) and (c) above, which will provide the Preliminary Charter School Apportionment amount.

The amounts shown in (a)(1) shall be adjusted annually in the manner prescribed in Section 1859.71.

Subsection (a)(4) of this section shall be suspended no later than January 1, 2008, unless otherwise extended by amendments as adopted by the Board.

- (e) Pursuant to Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014, any public works project paid in whole or in part from public funds that are derived from bonds issued by the State and for which the construction contract is awarded on January 1, 2012 through June 19, 2014, is subject to DIR monitoring and enforcement of compliance with applicable prevailing wage requirements, unless the project is exempt from this requirement pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014.
- (f) Any applicant failing to meet these requirements shall return to the State any State funding for the project, including interest, at the rate paid on moneys in the Pooled Money Investment Account or at the highest rate of interest for the most recent issue

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of State general obligation bonds as established pursuant to the Chapter 4 (commencing with Section 16720), of Part 3 of Division 4 of Title 2 of the Government Code, whichever is greater. Interest to be returned shall be calculated from the date at which funds were received by the applicant until the date of the Board's finding.

- (g) If the DIR revokes the applicant's internal LCP's approval and the applicant fails to provide appropriate prevailing wage monitoring through the DIR or other exemptions as specified in Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014, the ~~school district~~applicant shall return to the State any State funding received for the project, including interest, as calculated in subsection (f) above for any construction projects for which the violations occurred.

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

Reference: Sections 17077.35, 17078.52, 17078.58, and 17250.30, Education Code, and Section 1771.3 in effect on January 1, 2012 through June 19, 2014, Labor Code.

### Section 1859.163.5. Preliminary Charter School Rehabilitation Apportionment Determination.

The Preliminary Charter School Rehabilitation Apportionment will be determined based on the eligible square footage included in the project. For purposes of the Preliminary Charter School Rehabilitation Apportionment, eligible square footage is defined as the total enclosed exterior square footage of the school buildings. For multilevel buildings, include the square footage at each level.

The amount of funding for each Preliminary Charter School Rehabilitation Apportionment will be equal to the sum of the amounts determined in (a)(1) through (a)(96) and (b) below:

(a) (1) The lesser of the amount determined in (A) or (B) below:

(A) The dollar value calculated using a per square foot amount and the total eligible square footage for the site as follows:

1. Determine the total square footage for each classroom included in the project (limited by the Charter School's projected enrollment).
2. Determine the total square footage for any multi-purpose room included in the project.
3. Determine the total square footage for any gymnasium included in the project.
4. Determine the total square footage for any library included in the project.
5. Determine the total square footage for any administration building included in the project.
6. Add the total square footage in 1. through 5. above to obtain the total square footage for the project.
7. From the total determined in 6., determine the total square footage for toilet facilities and the total square footage for other facilities. Multiply the toilet facilities square

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footage by \$173.30 and the other facilities square footage by \$96.30. The sum of these figures is the square footage dollar value for the project.

- (B) The dollar value calculated using the new construction grant amount and the project capacity based on the State loading standards as follows:
1. Determine the proposed grade level usage of each classroom in the project (limited by the Charter School's projected enrollment).
  2. Multiply the number of classrooms at the K-6 grade level by 25, the number of classrooms at the 7-12 grade level by 27, the number of non-severe classrooms by 13, and the number of severe classrooms by 9.
  3. Multiply the number of pupils calculated pursuant to 2. by the appropriate dollar value determined in Section 1859.163.1(a)(1).
- (2) If the Preliminary Application request is for a small project that will house no more than 200 pupils, an amount pursuant to the following:
- (A) If the project will house less than 101 pupils, as determined by the project's classroom capacity, calculated pursuant to Education Code Section 17071.25(a)(2)(A), the applicant is eligible for an amount equal to 12 percent of the funding provided by (a)(1).
- (B) If the project will house between 101 and 200 pupils, as determined by the project's classroom capacity, calculated pursuant to Education Code Section 17071.25(a)(2)(A), the applicant is eligible for an amount equal to four percent of the funding provided by (a)(1).
- (3) An amount due to urban location, security requirements and impacted site equal to 15 percent of the amount determined in (a)(1) and (a)(2), plus for a project with a site that is 60 percent or less of the CDE recommended site size plus 0.333 percent for each percentage decrease in the CDE recommended site size below 60 percent.
- (4) An amount for the geographic location of the proposed project equal to the sum of the amounts determined in (a)(1), (a)(2), (a)(3), and (a)(5) multiplied by the indicated percentage factor in the Geographic Percentage Chart shown in Section 1859.83(a).
- (5) \$84,082 for each new two-stop elevator required to be included in the project by the DSA, and \$15,133 for each additional stop.
- (6) An amount equal to 3 percent of the funding provided in (a)(1) for accessibility and fire code requirements if requested by the applicant.
- (7) An amount equal to 5 percent of the funding provided in (a)(1) for energy efficiency if requested by the applicant.
- (8) An amount equal to 5 percent of the funding provided in (a)(1) for career technical education component(s) if requested by the applicant.
- ~~(6)~~ (9) For all Preliminary Apportionments received after February 23, 2005, an amount equal to the sum of the amounts determined in (a)(1) through (a)(~~8~~5) multiplied by a factor determined as follows:
- (A) Divide the January Class B Construction Cost Index in effect at the time of the Preliminary Apportionment by the January Class B Construction Cost Index in effect four years prior to the Preliminary Apportionment. Round to four decimal places.
- (B) Subtract 1 from the quotient in (A). Round to two decimal places.
- ~~(7)~~ (10) If the applicant is paying its matching share through the form of lease payments, pursuant to Section 1859.168, the value of the lease as determined by the Authority attributable to the items in (a)(1) through (a)(~~6~~9) above.



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- (b) The Preliminary Charter School Rehabilitation Apportionment to initiate and enforce a LCP or to provide for the prevailing wage enforcement costs shall be determined according to (1) or (2) below, as applicable:
  - (1) After determining all other funding authorized by these Regulations, for any project funded in whole or in part from Proposition 47 or Proposition 55 for which the construction contract is awarded prior to January 1, 2012, and for which the applicant is required under Labor Code Section 1771.7(a) and (b) to initiate and enforce a LCP, the Board shall increase the Preliminary Charter School Rehabilitation Apportionment by 50 percent of the following calculation:
    - (A) Using the chart in Section 1859.71.4(b), determine the total amount of funding to be provided for the increased costs of a Charter School Facilities Program Rehabilitation project due to the initiation and enforcement of a LCP.
    - (B) If the applicant is paying its matching share through the form of lease payments, pursuant to Section 1859.168, the value of the lease as determined by the Authority shall be included in the calculation of (A) above.
  - (2) After determining all other funding authorized by these Regulations, the Board shall increase the grant by 50 percent of one-fourth of one percent of the Total Projected Bond Apportionment for any project for which the construction contract is awarded on or after January 1, 2012.
    - (A) If the applicant is paying its matching share through the form of lease payments, pursuant to Section 1859.168, the value of the lease as determined by the Authority shall be included in the calculation of (2) above.

The amounts determined in (a)(1) and (a)(5) shall be adjusted annually in the manner prescribed in Section 1859.71.

- (c) Pursuant to Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014, any public works project paid in whole or in part from public funds that are derived from bonds issued by the state and for which the construction contract is awarded on January 1, 2012 through June 19, 2014, is subject to DIR monitoring and enforcement of compliance with applicable prevailing wage requirements, unless the project is exempt from this requirement pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014.
- (d) Any applicant failing to meet these requirements shall return to the State any State funding for the project, including interest, at the rate paid on moneys in the Pooled Money Investment Account or at the highest rate of interest for the most recent issue of State general obligation bonds as established pursuant to the Chapter 4 (commencing with Section 16720), of Part 3 of Division 4 of Title 2 of the Government Code, whichever is greater. Interest to be returned shall be calculated from the date at which funds were received by the applicant until the date of the Board's finding.
- (e) If the DIR revokes the applicant's internal LCP's approval and the applicant fails to provide appropriate prevailing wage monitoring through the DIR or other exemptions as specified in Labor Code Section 1771.3 in effect on January 1, 2012 through

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June 19, 2014, the applicant shall return to the State any State funding received for the project, including interest, as calculated in subsection (d) above for any construction projects for which the violations occurred.

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

Reference: Sections 17071.25, 17077.35, 17078.52, 17078.54, 17078.56, 17078.58, 17078.74 and 17250.30, Education Code, and Section 1771.3 in effect on January 1, 2012 through June 19, 2014, Labor Code.

### Section 1859.164.2. Preliminary Charter School Apportionment Fund Release.

An applicant receiving a Preliminary Charter School Apportionment from the Board after July 2, 2003 may request an advance release of funds for either of the following:

- (a) A separate advance release of funds for design equal to 20 percent of the amount determined in Section 1859.163.1(a)(1) through (~~98~~) and Section 1859.163.1(c)(1) and (2) or Section 1859.163.5(a)(1) through (~~69~~) and Section 1859.163.5(b)(1) and (2).
- (b) A separate advance release of funds for site acquisition once the requirements in Section 1859.81.1(a)(2) and (3) are met for an amount not to exceed the Preliminary Charter School Apportionment for site acquisition. The Board shall release to the applicant an amount up to the Preliminary Charter School Apportionment determined in Section 1859.163.1(b).

Qualified applicants may request a separate advance release of funds for the design and for the site acquisition for the same project. An applicant seeking an advance release of funds pursuant to (a) and/or (b) must have been deemed and maintained financial soundness status from the Authority. Subject to the availability of financing provided by the Pooled Money Investment Board for bond-funded projects, the OPSC will release State funds included in a Preliminary Charter School Apportionment pursuant to (a) or (b) to the applicant after submittal of the Form SAB 50-05. The OPSC shall not release funds in excess of the Preliminary Charter School Apportionment. State funds released from a Preliminary Charter School Apportionment pursuant to this Section shall be subject to the provisions in Section 1859.166. Once the Preliminary Charter School Apportionment is converted to a Final Charter School Apportionment pursuant to Section 1859.167, the applicant may request a release of the remaining funds as prescribed in Section 1859.90 or 1859.90.2. Prior to the release of any funds, the Charter School Agreements must be executed.

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

Reference: Sections 17078.53 and 17078.58, Education Code.

### Section 1859.167.1. Final Charter School Apportionment Determination for Charter School Facilities Program Rehabilitation.

The Final Charter School Apportionment for Charter School Facilities Program Rehabilitation is the sum of the Charter School Facilities Program Rehabilitation Grant

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and the applicable grants provided in Sections 1859.77.4, 1859.78.5, 1859.78.10, 1859.167.2, and 1859.167.3, and is subject to the adjustments pursuant to Section 1859.163.6 and Section 1859.167. The Charter School Facilities Program Rehabilitation Grant will be used in place of the Modernization Grant to calculate the funding provided by 1859.78.5 and 1859.78.10. Funding provided by 1859.78.10(b)(2) will be 50 percent of the OPSC-approved costs for the career technical education scope of work, inclusive of equipment, included in an Approved Application for a Charter School Facilities Program Rehabilitation Grant.

- (a) The Charter School Facilities Program Rehabilitation Grant will be determined based on the square footage included in the project. The Charter School Facilities Program Rehabilitation Grant will be the lesser of the amount determined in (1) or (2) below:
- (1) The dollar value calculated using a per square foot amount and the total eligible square footage for the site as follows:
- (A) Determine the total square footage for each classroom included in the project.
  - (B) Determine the total square footage for any multi-purpose room included in the project.
  - (C) Determine the total square footage for any gymnasium included in the project.
  - (D) Determine the total square footage for any library included in the project.
  - (E) Determine the total square footage for any administration building included in the project.
  - (F) Add the total square footage in (A) through (E) above to obtain the total square footage for the project.
  - (G) From the total determined in (F), determine the total square footage for toilet facilities and the total square footage for other facilities, not to exceed the square footage determined pursuant to Section 1859.163.5(a)(1)(A)6. Multiply the toilet facilities square footage by \$173.30 and the other facilities square footage by \$96.30. The sum of these figures is the square footage dollar value for the project. The per-square foot amounts for toilet and other facilities shall be adjusted annually in the manner prescribed in Section 1859.71.
- (2) The dollar value calculated using the New Construction Grant amount and the project capacity based on the State loading standards as follows in (A) through (C):
- (A) Determine the proposed grade level usage of each classroom in the project.
  - (B) Multiply the number of classrooms at the K-6 grade level by 25, the number of classrooms at the 7-12 grade level by 27, the number of non-severe classrooms by 13, and the number of severe classrooms by 9.
  - (C) Multiply the number of pupils calculated pursuant to (B) by the New Construction Grant per-pupil amounts corresponding to the appropriate grade levels. The per-pupil new construction grant amounts shall be adjusted annually in the manner prescribed in Section 1859.71.

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

Reference: Sections 17071.25, 17077.35, 17078.52, 17078.54, 17078.72, and 17078.58, Education Code.

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### Section 1859.168. Preliminary Charter School Apportionment Matching Share Requirement.

The applicant will be subject to the matching share requirements in ~~Section 1859.77.1~~ and Education Code Section 17078.54(d) that may be paid through lease payments authorized by the Authority in lieu of the matching share. All lease payments shall be paid to the Board to be redeposited to the Unrestricted Charter School Fund in the appropriate Charter School Facility Account. Any funds deposited in either Account shall be first used to fund remaining site acquisition costs off the Unfunded List pursuant to Section 1859.163.3. Should no projects remain on the Unfunded List the Board may use the funds for purposes of this Article.

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

Reference: Sections 17078.54 and 17078.58, Education Code.

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**GENERAL INFORMATION**

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

If not previously submitted, a School District may file an Application for Modernization funding by use of this form concurrently with a determination of or an adjustment to the School District's Modernization Eligibility. The School District must submit a determination of or an adjustment to the School 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 School District has a pending reorganization election that will result in the loss of eligibility for the proposed project, the School District must submit an adjustment to the School 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 School 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 School Districts that meet the financial hardship criteria in Section 1859.81. School 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 School Districts that meet the financial hardship criteria in Section 1859.81. For purposes of this Apportionment, the Form SAB 50-03 must accompany this form (if not previously submitted).
5. A New Construction Adjusted Grant pursuant to Section 1859.70 or 1859.180. If the funding request includes site acquisition, the proposed site must either be owned by the School District, in escrow, or the School 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 School 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 School District's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the School District consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.
6. For purposes of the Overcrowding Relief Grant (ORG), School 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, School Districts must have had the CDE deem the site eligible for the ORG (pursuant to Section 1859.181) prior to the submittal of this Application. For purposes of this Apportionment, the following documents must be submitted with this form as well as the documents listed in section 5 above:
  - Overcrowding Relief Grant Eligibility Determination Form approved by the CDE.
  - Copies of the supporting documentation provided to the CDE when determining the density of the site, including the site diagram.

The School District is not required to submit its current CBEDS enrollment data.
7. Modernization Adjusted Grant pursuant to Section 1859.70. For purposes of this Apportionment, the following documents must be submitted with this form (as appropriate):
  - Form SAB 50-03 (if not previously submitted).

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- P&S for the project that were approved by the DSA.
  - If the request includes funding for accessibility and fire code requirement pursuant to Section 1859.83(f), the DSA approved list of the minimum accessibility work required and a detailed cost estimate for the work in the plans.
  - 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 School District's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the School 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 School 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.
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 School 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 School 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 School District must adopt a school board resolution pursuant to Section 1859.95.1(b).

If the School District is requesting New Construction funding after the initial baseline eligibility was approved by the Board and the School District's current CBEDS enrollment reporting year is later than the enrollment reporting year used to determine the School District's baseline eligibility or adjusted eligibility, the School 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 School District's request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, the School District must update the Alternative Enrollment Projection to correspond with the CBEDS enrollment data for the current year. A Small School 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 Small School 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](http://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 School 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 School 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](http://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 School 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

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request is for a conceptual approval for a Facility Hardship Application pursuant to Section 1859.82.3(a) or a Seismic Mitigation Program Application pursuant to Section 1859.82.3(b), check the appropriate box(es).

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

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

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

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

**2. Type of Project**

- a. Select the type of project that best represents this Application request and enter the total number of Pupils assigned to the project for each grade group. Include Pupils to be housed in a new or replacement school authorized by Section 1859.82 (a). The amount entered cannot exceed the School 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 School 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 School 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 School 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 School 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 School District is requesting Financial Hardship assistance because it is unable to meet its matching share requirement.

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

**5. New Construction Additional Grant Request**

Check the appropriate box(es) if the School 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 School District is requesting project assistance pursuant to Section 1859.73.1. If the School District has not submitted a request for new



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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 School District is requesting SFP funding for does not require an RA, refer to Section 1859.74. If a RA is required on a site that is not leased or an addition to an existing site, refer to Section 1859.74.2. If RAs are required on a leased site or an addition to an existing site, refer to Sections 1859.74.3 or 1859.74.4, respectively. The limitation of 50 percent may be exceeded when unforeseen circumstances exist, the CDE determines that the site is the best available site, and substantiation that the costs are the minimum required to complete the evaluation and RA.

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

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

- 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 School District is requesting an Additional Grant for General Site Development pursuant to Section 1859.76

- g. If the School District is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.71.3(a), enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.71.3(a)(3). If the School District is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.71.3(c), enter the Energy Code compliance approach used (Performance Only, Prescriptive Only, Performance/Prescriptive) and the total score that is on the OPSC CA-CHPS Scorecard. A copy of the OPSC CA-CHPS Scorecard must be submitted to OPSC as part of the complete funding request.
- h. Check the box(es) if the School District requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.71.2.
- i. If the School District is requesting an Additional Grant for High Performance Incentive pursuant to Section 1859.70.4, enter the number of high performance points as prescribed in Section 1859.71.6 or 1859.77.4, as appropriate, subject to Education Code Section 17070.965.

**6. Modernization Additional Grant Request**

- a. Check the box if the School District is requesting project assistance allowance pursuant to Section 1859.78.2. If the School 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 School District is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5(a), enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.78.5(a)(3). If the School District is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5(c), enter the Energy Code compliance approach used (Performance Only, Prescriptive Only, Performance/Prescriptive) and the total score that is on the OPSC CA-CHPS Scorecard. A copy of the OPSC CA-CHPS Scorecard must be submitted to OPSC as part of the complete funding request.
- c. Check the box if the School 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 School 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 School District requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.78.4.
- f. If the School 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 School 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 School District is requesting an additional grant for Site Development pursuant to Regulation Section 1859.78.9.1. At the School District's option, the School 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 School 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 School District is augmenting the grant with additional supplemental grants respective of the transitional kindergarten classroom project scope. Check the box if the School District is requesting an additional grant for Site Development pursuant to Regulation Section 1859.78.9.2. The School 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.



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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.

- i. If the applicant is requesting an Additional Grant for Career Technical Education (CTE) Components pursuant to Section 1859.78.10, enter 60 percent of the costs for the eligible CTE component(s) in the entire Modernization Application.

**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 School District's option, the School District may request three percent of the Modernization base grant or enter the amount calculated pursuant to Regulation Section 1859.83(f). Attach a copy of the DSA approved list that shows the minimum work necessary for accessibility requirements.

If the request is for the excessive cost grant for a new Alternative Education school pursuant to Section 1859.83(c)(2) and the School 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 Energy Efficiency pursuant to Section 1859.78.5(c), enter the Energy Code compliance approach used (Performance Only, Prescriptive Only, Performance/Prescriptive) and the total score that is on the OPSC CA-CHPS Scorecard. A copy of the OPSC CA-CHPS Scorecard must be submitted to OPSC as part of the complete funding request. See Sections 1859.78.5 and 1859.167.1.
- ~~b.~~ 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.
- c. If the applicant is requesting an Additional Grant for Career Technical Education (CTE) Components pursuant to Section 1859.78.10, enter 50 percent of the costs for the eligible CTE component(s) in the entire Charter School Facilities Program Rehabilitation Application. See Sections 1859.78.10 and 1859.167.1.

**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.

- ~~d.~~ 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).
- ~~e.~~ 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).
- ~~f.~~ 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).

~~g.~~ 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 School District on the same date. If Applications are not received on the same date, the OPSC will assign a higher School 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 School 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 School 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. School 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 School District's new construction baseline eligibility must be made each time a School 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 School District on this form.

- a. Report all classroom(s) provided after the School 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 School District's New Construction Eligibility.

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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 School District must complete Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03, to adjust the School 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:

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

**17. Project Progress Dates**

- 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.)
- 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.
- If a construction contract was awarded prior to January 1, 2012, check the appropriate box to indicate whether or not the School District has initiated and enforced a Labor Compliance Program (LCP) approved by the Department of Industrial Relations (DIR) pursuant to Labor Code Section 1771.7 for this project.

**18. Prevailing Wage Monitoring and Enforcement Costs**

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

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

**19. Construction Delivery Method**

Check the box that best represents the construction delivery method that the School 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 School District must either provide an explanation in the space provided or attach a letter signed by the district representative detailing how this project will relieve overcrowding.

**22. Local Funding Adjustment Grant**

Enter the following:

- The School District's total assessed valuation, pursuant to Section 1859.70.5(a)(1). The School District must provide a letter from the county auditor-controller that certifies the School District's total assessed valuation.
- The School District's gross bonding capacity, rounded to the nearest whole dollar. To calculate this, take the total assessed valuation and multiply that by 1.25% for non-unified School Districts or 2.5% for unified School District, rounded to two decimal places.
- The School District's unduplicated Pupil percentage as determined for purposes of the local control funding formula pursuant to Education Code Section 42238.02, rounded to two decimal places.
- The School 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.
- Check Yes or No to indicate whether the project includes the use of a Project Labor Agreement for this Application. If the School District indicates it intends to have a Project Labor Agreement, but does not yet, it will be audited for compliance and the funding will be adjusted accordingly if it does not have a Project Labor Agreement.

**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](http://www.dgs.ca.gov/opsc).

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)

☐ Seismic Rehabilitation Grant: \$

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

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: \_\_\_\_\_ %

i. ORG Projects Only

<b>NAME OF ELIGIBLE SCHOOL/SITE(S)</b>	<b>NUMBER OF PORTABLES BEING REPLACED</b>	<b>NUMBER OF SITE SPECIFIC ELIGIBLE PUPILS BEING REQUESTED</b>
<b>Total</b>		<b>266</b>

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**3 Number of Classrooms:**

Master Plan Acreage Site Size (Useable): \_\_\_\_\_

Recommended Site Size (Useable): \_\_\_\_\_

Existing Acres (Useable): \_\_\_\_\_

Proposed Acres (Useable): \_\_\_\_\_

**4 Type of Financial Hardship Request**

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

**5 New Construction Additional Grant Request—New Construction Only**

- a. Therapy: Toilets (sq. ft.) \_\_\_\_\_  
Other (sq. ft.) \_\_\_\_\_
- b. Multilevel Construction (CRS): \_\_\_\_\_
- c. ☐ Project Assistance
- d. Site Acquisition:
- (1) 50 percent Actual Cost: \$ \_\_\_\_\_
- (2) 50 percent Appraised Value: \$ \_\_\_\_\_
- (3) 50 percent Relocation Cost: \$ \_\_\_\_\_
- (4) 2 percent (min. \$25,000): \$ \_\_\_\_\_
- (5) 50 percent DTSC Fee: \$ \_\_\_\_\_
- e. 50 percent hazardous waste removal: \$ \_\_\_\_\_
- ☐ Response Action (RA)
- f. Site Development
- ☐ 50 percent Service-Site: \$ \_\_\_\_\_
- ☐ 50 percent Off-Site: \$ \_\_\_\_\_
- ☐ 50 percent Utilities: \$ \_\_\_\_\_
- ☐ General Site
- g. ☐ Percent Above Energy Efficiency for each building: \_\_\_\_\_ %  
Energy Code Compliance Approach Used (select one):
- ☐ Prescriptive Only
- ☐ Prescriptive/Performance
- ☐ Performance Only (with the exception of mandatory prescriptive measures)
- OPSC CA-CHPS Score (Indicate Points): \_\_\_\_\_

- h. ☐ Automatic Fire Detection/Alarm System
- ☐ Automatic Sprinkler System
- i. ☐ High Performance Incentive (Indicate Points): \_\_\_\_\_

**6 Modernization Additional Grant Request**

- a. ☐ Project Assistance
- b. ☐ Percent Above Energy Efficiency for each building: \_\_\_\_\_ %  
Energy Code Compliance Approach Used (select one):
- ☐ Prescriptive Only
- ☐ Prescriptive/Performance
- ☐ Performance Only (with the exception of mandatory prescriptive measures)
- OPSC CA-CHPS Score (Indicate Points): \_\_\_\_\_
- c. ☐ Site Development—60 percent utilities: \$ \_\_\_\_\_
- d. ☐ Site Development—75 Years or Older: \$ \_\_\_\_\_
- e. ☐ Automatic Fire Detection/Alarm System
- f. ☐ High Performance Incentive (Indicate Points): \_\_\_\_\_
- g. ☐ Minimum Essential Facility
- ☐ Multipurpose
- ☐ Gymnasium

- ☐ Library
- ☐ Kitchen
- ☐ Hybrid: \_\_\_\_\_

Toilet (sq. ft.): \_\_\_\_\_

Other (sq. ft.): \_\_\_\_\_

## Construction Type

- ☐ Permanent
- ☐ Portable

☐ Site Development pursuant to Section 1859.78.9.1

- ☐ 35 percent of supplemental grant; or,
- ☐ 60 percent of minimum work \$ \_\_\_\_\_

## h. 1) Transitional Kindergarten Classroom(s)

- ☐ New Construction
- Number of Classroom(s): \_\_\_\_\_
- ☐ Automatic Fire Detection/Alarm System
- ☐ Automatic Sprinkler System
- ☐ Multilevel Classrooms(s) Construction: \_\_\_\_\_
- ☐ Retrofit
- Number of Classroom(s): \_\_\_\_\_
- ☐ Automatic Fire Detection/Alarm System
- ☐ 50-year-old utilities

☐ Site Development pursuant to Section 1859.78.9.2

- ☐ 35 percent of supplemental grant; or,
- ☐ 60 percent of minimum work \$ \_\_\_\_\_

## h. 2) Enrollment Data for Site

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

i. ☐ Career Technical Education Components – 60 percent; \$ \_\_\_\_\_**7 Excessive Cost Hardship Request**

## New Construction Only

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

## Modernization Only

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

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

- a. ☐ Percent Above Energy Efficiency for each building; %  
Energy Code Compliance Approach Used (select one):  
☐ Prescriptive Only  
☐ Prescriptive/Performance \_\_\_\_\_  
☐ Performance Only (with the exception of mandatory prescriptive measures)  
 OPSC CA-CHPS Score (Indicate Points): \_\_\_\_\_
- b. ☐ High Performance Incentive (Indicate Points): \_\_\_\_\_
- c. ☐ Career Technical Education Components – 50 percent; \$ \_\_\_\_\_

**Excessive Cost Hardship Request**

- d. ☐ Geographic Percent Factor: \_\_\_\_\_ %
- e. ☐ Small Size Project
- f. ☐ Urban/Security/Impacted site
- g. ☐ 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 School 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 School 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. School District's gross bonding capacity, (rounded to the nearest whole dollar): \_\_\_\_\_
- c. School District's unduplicated Pupil percentage, rounded to two decimal places: \_\_\_\_\_ %
- d. School District's enrollment: \_\_\_\_\_
- e. Does this project include the use of a Project Labor Agreement? ☐ Yes ☐ No



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## ATTACHMENT C

### 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 School 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 School 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 School 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 School 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 School 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 School 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 ~~2223~~ and ~~2324~~, is true and correct and that:

- I am an authorized representative of the School District as authorized by the governing board of the School District; and,
- A resolution or other appropriate documentation supporting this Application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et. seq., of the Education Code was adopted by the School District's governing board or the designee of the Superintendent of Public Instruction on, \_\_\_\_\_; and,
- The School District has established a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (refer to Sections 1859.100 through 1859.102); and,
- The School District has considered the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
- If this funding request is for the Modernization of portable classrooms eligible for an additional Apportionment pursuant to Education Code Section 17073.15, the School 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 School District has received approval of the site and the plans from the CDE. Plan approval is not required if request is for separate design Apportionment; and,

**APPLICATION FOR FUNDING  
SCHOOL FACILITY PROGRAM**

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

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- If this request is for Modernization or Charter School Facilities Program Rehabilitation funding, the School 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 School District has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This School District has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- The School District matching funds required pursuant to Sections 1859.77.1 or 1859.79 has either been expended by the School District, deposited in the County School Facility Fund or will be expended by the School District prior to the notice of completion for the project; and,
- The School District has received the necessary approval of the plans and specifications from the Division of the State Architect unless the request is for a separate site and/or design Apportionment; and,
- If the School District is requesting site acquisition funds as part of this Application, the School District has complied with Sections 1859.74 through 1859.75.1 as appropriate; and,
- With the exception of an Apportionment made pursuant to Section 1859.75.1, the School District understands that the lack of substantial progress toward increasing the Ppupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105); and,
- If the Apportionment for this project was made pursuant to Section 1859.75.1, the School District understands that the lack of substantial progress toward increasing the Ppupil capacity or renovation of its facilities within 12 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105.1); and,
- The School District understands that funds not released within 18 months of Apportionment shall be rescinded and the Application shall be denied (refer to Section 1859.90); and
- The statements set forth in this Application and supporting documents are true and correct to the best of my knowledge and belief; and,
- All school facilities purchased or newly constructed under the project for use by Ppupils 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 Ppupils 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 School District understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Sections 1859.105, 1859.105.1, 1859.106; and,
- The School District has complied with the provisions of Sections 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,
- If the SFP grants will be used for the construction or Modernization of school facilities on leased land, the School District has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- If the Application contains a "Use of New Construction Grant" request, the School 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 School District's approved housing plan is as indicated (check all that apply):
  - ☐ 1. The School District will construct or acquire facilities for housing the Ppupils with funding not otherwise available to the SFP as a School District match within five years of project approval by the SAB and the School 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 School District will utilize higher district loading standards providing the loading standards are within the approved School 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 Ppupils requested from a different grade level will be housed in classrooms at an existing school in the School 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 School District requested additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4, the School District will include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project; and,
- The School District has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and the need for vocational and career technical facilities is being adequately met in accordance with Education Code Sections 51224, 51225.3(b), and 51228(b), and 52336.1; and,
- If the School District is requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the plans and specifications exceed the nonresidential building energy-efficiency standards specified in Part 6 of Title 24 of the California Code of Regulations and the increased costs for the energy efficiency components in the project exceeds the amount of funding otherwise available to the School District; and,
- If this Application is submitted after January 1, 2004 for Modernization funding, the School District has considered the potential for the presence of lead-containing materials in the Modernization project and will follow all relevant federal, state, and local standards for the management of any identified lead; and,
- The School District 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 School 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 School 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 School 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 School District has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and,
- If this Application is submitted pursuant to Section 1859.180, the School 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 \_\_\_\_\_

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Education Code Section 17079.30(c); and,

- The School District has considered the feasibility of using designs and materials for the new construction or Modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and the other characteristics of high performance schools; and,
- If the School 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 School District has adopted a school board resolution pursuant to Section 1859.95.1; and,
- The School District will comply with all laws pertaining to the construction or Modernization of its school building; and,
- If the School 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; and,
- If the School District is requesting the Modernization supplemental grant for Minimum Essential Facilities pursuant to Section 1859.78.9.1 as part of this Application, the School District certifies that any classrooms displaced as a result of reconfiguration are replaced in the same plan set, or the School District certifies that the classrooms are not being replaced due to a demonstrated lack of need and the School District acknowledges that no adjustment to the School 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.

• If the applicant is requesting an Additional Grant for CTE Components

pursuant to Section 1859.78.10, the following conditions are met (check all that apply):

- ☐ 1. The applicant has included the costs associated with the CTE component(s), as outlined in Section 1859.78.10(b)(2), in the scope of the work and certifies that these costs exceed the Modernization/Charter Rehabilitation funding available.
- ☐ 2. The local educational agency operates a comprehensive high school and has an active career technical advisory committee.
- ☐ 3. The applicant has included a copy of the plan score issued by the CDE, dated on or after July 3, 2024, verifying a minimum score of 105 points.
- ☐ 4. The contracts for construction or acquisition of equipment were, or will be entered into on or after July 3, 2024.

NAME OF DISTRICT REPRESENTATIVE (PRINT)

PHONE NUMBER

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE



# APPLICATION FOR CHARTER SCHOOL PRELIMINARY APPORTIONMENT SCHOOL FACILITY PROGRAM

SAB 50-09 (REV XX/XX/14)

## GENERAL INSTRUCTIONS

This form is used to request a preliminary apportionment for the new construction or rehabilitation of Charter School ~~charter school~~ facilities. This form may be submitted by either a Charter School directly or by a School District ~~school district~~ on behalf of a Charter School, provided the school is within the geographical boundaries of the School District. The apportionment will be a reservation of funds for the project to allow time to receive the necessary approvals from other State entities and shall be converted to a Final Charter School Apportionment based on Sections 1859.165 through 1859.166.1.

The applicant must assign a Project Tracking Number (PTN) to this project. The same PTN is used by the Office of Public School Construction (OPSC), the Division of the State Architect (DSA) and the California Department of Education (CDE) for all project applications submitted to those agencies, which assist those agencies to track a particular project ~~through out~~ throughout the entire state application review process. If a PTN has already been assigned to this project by prior submittal of the plans and specifications 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~~ created using the Office of Public School Construction (OPSC) Online Application Web site located on the OPSC web site at [www.dgs.ca.gov/OPSC/opsc](http://www.dgs.ca.gov/OPSC/opsc) "P.T. Number Generator." ~~(Obtain from school district)~~

Prior to submitting this form, the Board must determine or adjust the appropriate School District's eligibility for new construction funding on the Form SAB 50-03. If the School District has a pending reorganization election that will result in the loss of eligibility for the proposed project, the School District may not file this application until the Board has adjusted the School District's new construction baseline eligibility as required in Section 1859.51. This may be accomplished by completion of Form SAB 50-01, Form SAB 50-02, and Form SAB 50-03. The following documents must be submitted with this form (as appropriate):

For new construction and rehabilitation projects,

~~Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted by the school district).~~

- Verification of the Charter School's written notification to the School District ~~school district~~ of its intent to apply for State funding pursuant to Education Code Section 17078.53(b) for a Charter School applying on its own behalf.
- A narrative describing the proposed project. Include the estimated general scope of the project intended, the number of classrooms being rehabilitated and/or constructed, the grade level of the pupils that will be served in the rehabilitated and/or constructed classrooms, estimated opening date of the school, the Charter School General Location, if the project will include new construction or rehabilitation of existing facilities, and if the facilities are of permanent or portable construction.

For new construction projects,

- Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted by the School District).
- If the Charter School is applying for a Preliminary Apportionment on its own behalf, a School District ~~school district~~ board resolution certifying to the number of the School District's unhoused pupils, pursuant to Section 1859.162.1(a), that the project will house, the supporting ~~docu-mentation~~ documentation used to generate this number, and the school board meeting minutes that recorded the approval of the certification.
- For School Districts ~~school districts~~ applying on behalf of a Charter School, certification, signed by the district representative, and supporting documentation

~~that state the for arriving at the number of the School District's~~ unhoused pupils that will be housed in the Charter School ~~charter school~~ project, pursuant to Section 1859.162.2(b), as reported in Section 4(b) of this form).

- An estimated recommended site size letter from the CDE.
- An Appraisal or Preliminary Appraisal of the property, or documentation supporting the Median Cost of the property, if requesting site acquisition funds. See Section 1859.163.2(a).
- Supporting documentation for relocation expenses and/or Department of Toxic Substances Control (DTSC) costs, if requesting amounts other than the 15 percent standard allowance. See Section 1859.163.2(b).
- A cost estimate for site development using the actual data for the specific site or the historical data of School Facility Program projects within the School District or adjacent School Districts ~~school districts~~ within the General Location, if requesting amounts other than the standard allowance of \$70,000 per acre. See Section 1859.163.1(a)(3).

For purposes of determining an amount for site ~~acquisition~~ acquisition pursuant to Section 1859.164.2(b), the following documents must be submitted with this form (as appropriate):

- Contingent site approval letter from the CDE.
- Preliminary appraisal of property.

For rehabilitation projects,

- For a Charter School submitting a Preliminary Apportionment for rehabilitation on its own behalf, an agreement between the School District ~~school district~~ and the Charter School for use of the facilities to be rehabilitated. The agreement must have been discussed and approved at a School District ~~school district~~ board meeting.
- A drawing of the school site that identifies all classrooms and subsidiary facilities and specifies the square footage and age of each building that will be included in the project.

Requests for new construction or rehabilitation funding are available only to applicants that have current financial soundness status from the California School Finance Authority. Applicants may apply for a separate amount for the design and for the new construction site acquisition on the same project for a Preliminary Charter School Apportionment previously approved by the Board. Applicants may apply for a separate amount for the design of the project by submittal of Form SAB 50-05.

For a complete list of the application submittal guidelines, consult the Access Charter School Facilities Funding web page OPSC Web site at [www.dgs.ca.gov/opsc/OPSC/Services](http://www.dgs.ca.gov/opsc/OPSC/Services).

If the Charter School or School District is requesting a Preliminary Apportionment for new construction after the initial baseline new construction eligibility was approved by the Board and the School District's current California Basic Education Data System (CBEDS) enrollment reporting year is later than the ~~enroll-ment~~ enrollment reporting year used to determine the School District's baseline eligibility or adjusted eligibility, the School 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. The School District must also update its new construction eligibility by separation of Special Day Class from regular K-12 grade level pupils by submitting a revised Form SAB 50-02 and Form SAB 50-03, if it has not already done so. A Small School District with 2,500 or less enrollment as defined in Section 1859.2 will have its new construction eligibility adjusted as provided in Section 1859.51(j).

# ATTACHMENT D

STATE OF CALIFORNIA

## APPLICATION FOR CHARTER SCHOOL PRELIMINARY APPORTIONMENT SCHOOL FACILITY PROGRAM

SAB 50-09 (REV XX/XX/14)

STATE ALLOCATION BOARD  
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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### SPECIFIC INSTRUCTIONS

A preliminary application may be submitted by either a School District ~~school district~~ on behalf of a Charter School or a Charter School on its own behalf if the Charter School has notified both the superintendent and the governing board of its intent to do so in writing at least 30 days prior to submission of the preliminary application. See Education Code Section 17078.53 (b)(1) and (2). The notice shall be submitted to the School District ~~school district~~ in writing in such a way that allows for verification of the received date. The notice shall also include a request for a School District ~~school district~~ certification pursuant to Section 1859.162.1(a), a request for an update in the School District's ~~School District's~~ enrollment pursuant to Section 1859.162.1(b) and must indicate to the School District ~~school district~~ the number of pupils the Charter School ~~charter school~~ intends to apply for. ~~Please indicate method of filing by checking appropriate box. If the School District's school district's~~ eligibility is filed on a HSAA basis, the proposed project shall be constructed within the boundaries of that attendance area for which the eligibility is adjusted pursuant to Section 1859.162.2.

Prior to submitting a request for a preliminary apportionment, the appropriate chartering entity must have either approved a charter petition or a material revision to a charter for the school in which the application references.

#### 1. Type of Application

Check the appropriate box that indicates the type of request the applicant is applying for with this form. If the applicant is requesting a determination of eligible site acquisition costs from a Preliminary Charter School Apportionment previously approved by the Board, complete boxes 2, 3, 4 and the site acquisition data in 5b.

#### 2. Type of Project

- Select the type of project that best represents this application request.
- Enter the name of the ~~school district~~ School District where the Charter School is physically located.

#### 3. Number of Classrooms/Useable Acres

Enter the:

- Estimated number of classrooms in the proposed project.
- Existing Useable Acres (if rehabilitation or new construction on an addition to existing site).
- Estimated Proposed Useable Acres to be acquired for the project.

~~The estimated Proposed Useable Acres shall be obtained from CDE prior to application submital.~~

#### 4. Additional Project Information—New Construction Only

- Enter the estimated number of pupils grants, by grade level, to be housed in the project ~~Charter School that will attend the Charter School~~.
- Enter the number of the School District's ~~school district's~~ unhoused pupils to be housed in the ~~Charter School project~~ pursuant to Section 1859.162.1(a) or 1859.162.2(b).
- Is this request an addition to an existing site? Yes or No. If yes, enter school name.

#### 5. Increase in Preliminary Apportionment—New Construction Only

Complete the appropriate Sections if the applicant is requesting an increase in the Preliminary Apportionment for the items listed. Refer to Sections 1859.163.1 and 1859.163.2.

- Check the box if the applicant requests additional funding due to

multilevel construction. See Section 1859.163.1(a)(2).

#### b. Site Acquisition:

- Enter 50 percent of the appraised value or the preliminary appraised value or the Median Cost of the property. See Section 1859.163.2(a). If the purchase price of the site is being determined using the median cost of the Charter School General Location enter the nearest street intersection to the ~~charter school~~ Charter School site.
- To determine an allowance for relocation cost and DTSC cost, the applicant may request 15 percent of the property value determined above or specific or historic values of these costs. See Section 1859.163.2(b). If specific or historic values are reported, the applicant must submit appropriate documentation to support the amount reported.
- Enter 50 percent of the amount allowable for hazardous material/waste removal and/or remediation for the site acquired. This amount may not exceed the limit set in Section 1859.163.2(d).

- To determine an allowance for site development, the applicant may request \$70,000 per proposed Usable Acres or a specific or historic value of the estimated costs. See Section 1859.163.1(a)(3). If specific or historic estimated costs are used, the applicant must submit the appropriate cost estimate of the proposed work conforming to Section 1859.76.

In addition, check the box if the applicant is requesting General Site Development pursuant to Section 1859.163.1(a)(4).

- Check the box if the proposed project is eligible for an increase due to geographic location. See Section 1859.163.1(a)(7).
- Check the box if this request is for a small size project. See Section 1859.163.1(a)(5).
- Check the box if the proposed project qualifies for an urban location allowance. See Section 1859.163.1(a)(6).
- Check the box if the proposed project is eligible for an increase due to energy efficiency. See Section 1859.163.1(a)(8).

#### 6. Additional Project Information—Rehabilitation Only

Enter the square footage of the non-toilet area and toilet area contained in the rehabilitation project.

#### 7. Increase in Preliminary Apportionment—Rehabilitation Only

- Check the box if the proposed project is eligible for an increase due to geographic location. See Section 1859.163.5(a)(4).
- Check the box if this request is for a small size project. See Section 1859.163.5(a)(2).
- Check the box if the proposed project qualifies for an urban location allowance. See Section 1859.163.5(a)(3).
- Check the box if the rehabilitation project includes new two-stop elevator(s). Elevator(s) are allowed only if required by the DSA. See Section 1859.163.5(a)(5). Attach copy of the DSA letter that requires that the elevator(s) be included in the project for access compliance.
- Enter the number of additional stops on new DSA required elevator(s) beyond two.
- Check the box if the proposed project is eligible for an increase due to accessibility and fire code requirements. See Section 1859.163.5(a)(6).
- Check the box if the proposed project is eligible for an increase due to energy efficiency. See Section 1859.163.5(a)(7).
- Check the box if the proposed project is eligible for an increase due to career technical education components. See Section 1859.163.5(a)(8).

#### 8. Project Progress Dates

Complete this section:

- Enter the date(s) the construction contract(s) was awarded for this project(s). If

# ATTACHMENT D

STATE OF CALIFORNIA

## APPLICATION FOR CHARTER SCHOOL PRELIMINARY APPORTIONMENT SCHOOL FACILITY PROGRAM

SAB 50-09 (REV XX/XX/10/14)

STATE ALLOCATION BOARD  
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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 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 if you have 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.

### 9. 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.

### 10. Priority Order

Enter the priority order of this application in relation to other applications for Preliminary Charter School Apportionment submitted on the same date by the same applicant within the same School District ~~school district~~.

### 11. Charter School Information

~~The information requested in (d) below can be obtained from the Charter School Information Listing posted on the OPSC's Web site.~~

- a. Enter the Charter School enrollment currently being served by the applicant for the purpose of calculating if the Charter School is Small, Medium, or Large. See Section 1859.2.
- b. Indicate if the entity operating the Charter School operates as not for profit. If yes, must comply with the definition of Non-Profit Entity in Section 1859.2. ~~See Section 1859.164.1(c).~~
- c. Enter the locale code of the Charter School ~~charter school~~ as identified in the definitions for "Rural," "Suburban," or "Urban." See Section 1859.2.
- d. To determine if the Charter School is low income, enter the percentage of pupils at the Charter School identified as being eligible for the Free/Reduced Lunch Program. See Section 1859.2 and 1859.164.1(a).
- e. If the Charter School has submitted an additional application for this project ~~under the requirements of Section 1859.162.1~~, enter the application number for that project.

### 12. Certification

The authorized representative for the Charter School, or the School District ~~school district~~ representative on behalf of the Charter School must complete this certification section.

- Part A – The authorized representative for the Charter School, must complete this section if filing on its own behalf; or,
- Part B – The authorized School District ~~school district~~ representative must sign and date if filing on behalf of the Charter School.

# ATTACHMENT D

STATE OF CALIFORNIA

## APPLICATION FOR CHARTER SCHOOL PRELIMINARY APPORTIONMENT SCHOOL FACILITY PROGRAM

SAB 50-09 (REV XX/XX/14)

STATE ALLOCATION BOARD  
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The School District ~~school district~~ or Charter School named below applies to the State Allocation Board via the Office of Public School Construction for a Preliminary Charter School Apportionment under the provisions of Chapter 12.5, Part 10, Division 1, Article 12, commencing with Section 17078.50, et seq, of the Education Code and the Regulations thereto.

<input type="checkbox"/> SCHOOL DISTRICT APPLYING ON BEHALF OF CHARTER SCHOOL	<input type="checkbox"/> CHARTER SCHOOL APPLYING ON ITS BEHALF	PRELIMINARY APPLICATION NUMBER
PROPOSED PROJECT NAME		PROJECT TRACKING NUMBER
COUNTY		HIGH SCHOOL ATTENDANCE AREA (IF APPLICABLE)

SCHOOL BOARD APPROVAL DATE OF CHARTER PETITION OR MATERIAL REVISION

### 1. Type of Application—Check Only One

- ☐ New Construction Preliminary Charter School Apportionment  
☐ Site Acquisition Costs [Section 1859.164.2(b)]  
☐ Rehabilitation Preliminary Charter School Apportionment

### 2. Type of Project

a. ☐ Elementary School

☐ Middle School

☐ High School

b. Name of School District ~~school district~~ where the Charter School project will be physically located: \_\_\_\_\_

### 3. Number of Classrooms/Useable Acres

Number of Classrooms: \_\_\_\_\_

Existing Acres (Useable): \_\_\_\_\_

Proposed Acres (Useable): \_\_\_\_\_

### 4. Additional Project Information—New Construction Only

- a. Project Capacity
- |            |       |
|------------|-------|
| K-6        | _____ |
| 7-8        | _____ |
| 9-12       | _____ |
| Non-Severe | _____ |
| Severe     | _____ |
- b. School District's Unhoused Pupils to be housed in the Charter School
- |            |       |
|------------|-------|
| K-6        | _____ |
| 7-8        | _____ |
| 9-12       | _____ |
| Non-Severe | _____ |
| Severe     | _____ |
- c. Addition to existing site? ☐ Yes ☐ No
- If yes, enter school name: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

### 5. Increase in Preliminary Apportionment—New Construction Only

- a. ☐ Multilevel Construction
- b. Site Acquisition:
- (1) 50 percent appraised value or median cost: \$ \_\_\_\_\_
- Enter the nearest street intersection to the Charter School General Location if determined by median cost: \_\_\_\_\_
- (2) Relocation/DTSC Cost:
- ☐ 15 percent
- ☐ 50 percent of specific or historical cost: \$ \_\_\_\_\_
- (3) Hazardous material clean-up: \$ \_\_\_\_\_
- c. Site Development
- ☐ \$70,000 per proposed useable acre
- ☐ 50 percent of specific or historical cost: \$ \_\_\_\_\_
- ☐ General Site
- d. ☐ Geographic Percent Factor: \_\_\_\_\_ %
- e. ☐ Small Size Project
- f. ☐ Urban Allowance
- g. ☐ 5 percent Energy Efficiency

### 6. Additional Project Information—Rehabilitation Only

Square Footage of Project:

Non-Toilets Facilities (sq. ft.): \_\_\_\_\_

Toilet Facilities (sq. ft.): \_\_\_\_\_

### 7. Increase in Preliminary Apportionment—Rehabilitation Only

- a. ☐ Geographic Percent Factor: \_\_\_\_\_ %
- b. ☐ Small Size Project
- c. ☐ Urban/Security/Impacted Site
- d. ☐ Number of 2-Stop Elevators: \_\_\_\_\_
- e. ☐ Number of Additional Stops: \_\_\_\_\_
- f. ☐ 3 percent Accessibility/Fire Code
- g. ☐ 5 percent Energy Efficiency
- h. ☐ 5 percent Career Technical Education Components

### 8. 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 to Proceed issued on: \_\_\_\_\_
- c. If the Construction Contract was awarded prior to January 1, 2012, have you

# ATTACHMENT D

STATE OF CALIFORNIA

## APPLICATION FOR CHARTER SCHOOL PRELIMINARY APPORTIONMENT SCHOOL FACILITY PROGRAM

SAB 50-09 (REV XX/XX/10/14)

STATE ALLOCATION BOARD  
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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initiated and enforced an LCP approved by the DIR pursuant to Labor Code Section 1771.7 for this project? ☐ Yes ☐ No

### 9. Prevailing Wage Monitoring and Enforcement Costs:

If the Construction Contract(s) was awarded on January 1, 2012 through June 19, 2014, please indicate which method was or is being used to meet the prevailing wage monitoring requirements, pursuant to LC 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

### 10. Priority Order

# \_\_\_\_\_

### 11. Charter School Information

- a. Current Charter School enrollment: \_\_\_\_\_  
b. Is Charter School not for profit? ☐ Yes ☐ No  
c. Enter locale code of Charter School ~~charter school~~: \_\_\_\_\_  
d. Free/Reduced Lunch: \_\_\_\_\_ %  
e. Additional Application Number: # \_\_\_\_\_

### 12. Certification

I certify that the information reported on this form is true and correct and that:

- ☐ I am an authorized representative of the Charter School designated by the governing board or equivalent authority of the Charter School and have notified both the Superintendent and the governing board of the School District ~~school district~~ in writing, at least 30 days prior to the date of this application, of our intent to submit a preliminary application (complete Part A below); or,
- ☐ I am an authorized School District ~~school district~~ representative submitting this application on behalf of a Charter School pursuant to Education Code Section 17078.53(c)(1) (complete Part B below). If this box is checked the following certifications shall apply to the School District ~~school district~~.
- A resolution or other appropriate documentation supporting this application under Article 12, Chapter 12.5, Part 10, Division 1, Title 2, commencing with Section 17078.50, et. seq., of the Education Code was adopted by the School District's Governing Board or the governing board or other equivalent authority of the Charter School on, \_\_\_\_\_; and,
  - Prior to submitting this application the Charter School and School District ~~school district~~ have considered existing facilities in accordance with Education Code Section 17078.53(e); and,
  - For a Charter School applying for a rehabilitation Preliminary Apportionment on its own behalf, the Charter School and School District ~~school district~~ have entered into an agreement to rehabilitate School District ~~school district~~ existing facilities and the agreement has been discussed and approved at a regularly scheduled school board meeting; and,
  - For a Charter School applying for a new construction Preliminary Apportionment on its own behalf, the Charter School and School District ~~school district~~ have complied with Section 1859.162.1 pertaining to the certification of the number of un-housed students the project will house; and,
  - The applicant has or will establish 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 applicant has or will consider the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
  - The applicant will comply with all laws pertaining to the construction of its school building; and,
  - All contracts entered 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,
  - The applicant has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
  - This applicant 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 applicant understands that the lack of substantial progress toward increasing the pupil capacity of its facilities within the timelines prescribed for a Preliminary Charter School Apportionment shall be cause for rescission of

# ATTACHMENT D

STATE OF CALIFORNIA

## APPLICATION FOR CHARTER SCHOOL PRELIMINARY APPORTIONMENT SCHOOL FACILITY PROGRAM

SAB 50-09 (REV XX/XX/10/14)

STATE ALLOCATION BOARD  
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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- the Preliminary Charter School Apportionment; and,
- The applicant acknowledges this request may be subject to the material inaccuracy penalty provisions in Section 1859.104.1; 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 maximum interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
  - If the Preliminary Charter School Apportionment is requested for the construction of school facilities on leased land, the applicant has or will execute a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
  - The applicant understands that when the Preliminary Charter School Apportionment is converted to a Final Charter School Apportionment, the funding available for the Final Charter School Apportionment is subject to the provisions of Section 1859.167; and,
  - The statements set forth in this application and supporting documents 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 the OPSC. In the event a conflict should exist, then the language in the OPSC form will prevail; and,
  - The applicant 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 applicant 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 applicant 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 applicant 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 applicant 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.

### Part A. Charter School Filing on its Own Behalf

NAME OF REPRESENTATIVE		TITLE
ADDRESS		
TELEPHONE	FAX NUMBER	E-MAIL
SIGNATURE OF AUTHORIZED CHARTER SCHOOL REPRESENTATIVE		DATE

### Part B. School District Filing on Behalf of Charter School

SIGNATURE OF AUTHORIZED DISTRICT REPRESENTATIVE	DATE
---	------



## ATTACHMENT E

### OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING February 13, 2025

#### REVISIONS TO THE SUPPLEMENTAL GRANT FOR ENERGY EFFICIENCY

##### PURPOSE

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

##### AUTHORITY

See Attachment A9a.

##### BACKGROUND

A supplemental grant for energy efficiency has existed in the SFP since 2002, but the funds allocated for the grant were exhausted many years ago. Staff has reviewed how statutory changes enacted by Proposition 2 will affect existing regulations and processing guidelines.

Proposition 2 amended provisions in Education Code (EC) Section 17077.35 for the supplemental grant for energy efficiency, which covers the increased costs associated with including energy efficiency components in SFP New Construction and Modernization projects. In subdivision (a), Proposition 2 amended the "ultimate goal of school facility self-sufficiency" to add pollution reduction.

EC Section 17077.35(b) was amended by Proposition 2 to replace all the provisions that detail the energy efficiency components that may be included in a project. Instead, Proposition 2 provides that:

*"Energy efficiency components that enable school facilities to advance state energy goals and adapt to higher average temperatures that pose a threat to the health and safety of pupils and staff are eligible for inclusion into a project pursuant to this section, including, but not limited to, all of the following:*

- (1) Electric heating, ventilation, and air condition (HVAC), school kitchen equipment, and water heating.*
- (2) The use of ground source temperatures for heating and cooling.*
- (3) Energy and water conservation, load reduction, peak-load shifting, and building energy efficiency measures.*
- (4) Solar water heating technologies.*
- (5) Onsite renewable energy and storage, such as photovoltaics and battery storage, microgrid controllers, and service panel upgrades.*

BACKGROUND (cont.)

- (6) *Shade structures and the conversion of ground and rooftop surfaces to materials with low absorption and reflection of heat, which may include, but are not limited to, natural surfaces.”*

EC 17077.35(c) requires that, to be eligible for the grant, the building in the project shall exceed the nonresidential building energy-efficiency standards in Part 6 of Title 24 of the California Code of Regulations, and the district must certify that the cost for the project exceeds the amount of SFP funding (state and district shares) already being provided. Proposition 2 deleted requirements to:

- exceed Title 24 energy efficiency requirements by 15 percent or more for new construction, or 10 percent or more for modernization, and
- provide sufficient energy savings to return the cost of the initial investment in the project within seven years.

EC Section 17077.35 (d) requires that the supplemental grant amount shall not exceed five percent of the state share of grants authorized by EC Sections 17072.10 (new construction base grant) and 17074.10 (modernization base grant). Proposition 2 clarifies that the supplemental grant is for the costs of design, purchase and installation (previously “design and other plan components”).

STAFF ANALYSIS/DISCUSSION

This item is intended to provide the Office of Public School Construction’s (OPSC) initial thoughts and interpretation of the amended statute and raise questions on potential processing details to prompt and receive feedback from stakeholders. Any questions will be addressed in a future stakeholder meeting, and OPSC will present proposed regulations in a future stakeholder meeting.

*Prior Processing of the Energy Efficiency Grant*

When the original energy efficiency grant was processed by OPSC, certain requirements needed to be met for a district to be eligible. One of the main requirements indicated that a project must exceed the nonresidential building energy-efficiency standards in an amount not less than 15 percent for new construction projects and in an amount not less than 10 percent for modernization projects. The amount exceeding the threshold would then be assessed on a sliding scale to determine how much, up to five percent, of the total base grant would be provided as the energy efficiency grant. In addition, for new construction projects, for all projects that exceeded 25 percent of the standards, the grant amount was capped at five percent of the total base grant. Similarly, for modernization projects, for all projects that exceed 14 percent of the standards, the grant amount was also capped at five percent of the total base grant. To determine the amount a project exceeded the energy-efficiency standards, the Division of State Architect (DSA) provided OPSC with an Energy Compliance Review Verification Form that indicated



STAFF ANALYSIS/DISCUSSION (cont.)

the percentage based on a weighted average of all the buildings in a project that exceeded the standards.

SFP Regulation Section 1859.71.3(b)(1) states: “The New Construction Grant multiplied by one percent if the percentage of energy efficiency as concurred by the DSA in (a)(3) is 15 percent, or by one percent plus 0.04 percent for each 0.1 percent increment of increased energy efficiency up to 25 percent. The multiplier may not exceed five percent.” Therefore, all new construction projects that were determined to exceed energy efficiency standards by more than 25 percent received the full five percent grant amount.

The energy efficiency grant for modernization projects was determined per SFP Regulation 1859.78.5(b)(1), which states the following: “The Modernization Grant multiplied by one percent if the percentage of energy efficiency as concurred by the DSA in (a)(3) is 10 percent, or by one percent plus 0.1 percent for each 0.1 percent increment of increased energy efficiency up to 14 percent. The multiplier may not exceed five percent.” Therefore, any modernization projects that exceeded energy efficiency standards by more than 14 percent received the full five percent grant amount.

To determine the funding a district was eligible for, the grant percentage was multiplied by the total base grant amount. The total base grant was derived using the per pupil grant from the current Construction Cost Index (CCI). The tables below show a few examples of how this calculation was applied for processing the energy efficiency grant using the per pupil grant based on the 2004 CCI.

**New Construction**

<b>% Energy Efficiency</b>	<b>Grant Percentage</b>	<b>Total Base Grant for 5 K-6 pupils (2004) Per Pupil Grant \$6,040</b>	<b>Total Energy Efficiency Grant Amount</b>
26	5%	\$30,200	\$1,510.00

**Modernization**

<b>% Energy Efficiency</b>	<b>Grant Percentage</b>	<b>Total Base Grant for 5 K-6 pupils (2004) Per Pupil Grant \$2,609</b>	<b>Total Energy Efficiency Grant Amount</b>
15	5%	\$13,045	\$652.25

STAFF ANALYSIS/DISCUSSION (cont.)*Eligible Project Scope*

As the language in the amended EC differs somewhat from the original language, staff is proposing options for stakeholder discussion on the potential scenarios for project approval. EC Section 17077.35(c) requires that “the building proposed for the project... shall exceed the nonresidential building energy efficiency standards specified in Part 6 ... of Title 24.” OPSC interprets this section to mean that both new construction and modernization projects should include in the scope of work at least one building with renewable energy measures that exceed the nonresidential building energy standards specified in Title 24. If the scope of the work does not include at least one building with any of the required components, then the project does not meet the conditions as stated in the amended EC and therefore does not qualify to receive the grant. The topic of reimbursements will be mentioned later in this item.

*Requesting the Supplemental Grant*

Staff presents the following two potential options for eligibility determination and calculation of the supplement grant. Staff is open to other options as well.

Option 1

This option would maintain the existing energy efficiency grant sliding scale calculation. To qualify, new construction projects would still need to exceed Title 24 energy efficiency requirements by at least 15 percent, and modernization projects would still need to exceed Title 24 by at least 10 percent. Projects would receive a grant ranging from one to five percent of the total base grant, depending on how much they go beyond the 15-percent and 10-percent thresholds.

Considerations:

- This method was used in determining the prior energy efficiency grant.
- The grant will be distributed per the number of components added to support advancing the state’s energy goals.
- This appears to be in alignment and supported by the wording in EC Section 17077.35(a) regarding the language, “an increase not to exceed 5 percent” to imply that the grant is not intended to be “all or nothing.”
- It may require additional steps such as a change order to obtain approval from DSA, possibly resulting in processing delays.

New Submittals

When the district submits a new SFP application that includes DSA plans with energy-efficiency components in the scope of work, the following would need to be verified:

STAFF ANALYSIS/DISCUSSION (cont.)

- On the *Application for Funding* (Form SAB 50-04), the District must check the box for Energy Efficiency in Section 5 for new construction projects or the box in Section 6 for modernization projects and list the percentage that matches with what is listed on DSA Tracker.
- The DSA Project Tracker should show that the approved project exceeds the nonresidential building energy-efficiency standards specified in Part 6 (commencing with Section 100) of Title 24 of the California Code of Regulations. The percentage it exceeds must be listed next to the type of program (e.g. New Construction or Modernization), as well as the pertinent box for the type of program is listed.

<b>Energy Efficiency</b>	
<input checked="" type="checkbox"/>	<b>The Plan meet Title 24 Energy Requirements</b>
<input type="checkbox"/>	<b>Project's new construction exceeds Title 24 by      0%</b>
<input checked="" type="checkbox"/>	<b>Project's modernization exceeds Title 24 by      21.9%</b>

*Example: DSA Tracker showing the percentage it exceeds by 21.9% for a Modernization Project*

- The pertinent box for the Type of Program must be for same type of SFP funding that the District is requesting.

Option 2

For all projects that qualify, the grant amount will be equal to five percent of the total base grant.

Considerations:

- It will be a simplified approach that would require minimal DSA review and approval.
- Provides maximum funding for projects for the increased costs for adding any energy components that exceeds Title 24 in an effort to continually move towards the maximizing of green efforts.
- Some projects may not exceed the maximum potential for green energy goals while receiving the maximum possible grant.

### STAFF ANALYSIS/DISCUSSION (cont.)

#### New Submittals

When a district submits a new SFP application that includes DSA plans that have energy efficiency components within the scope of work, the following must be verified to qualify for the grant:

- On the Form SAB 50-04, the District must check the box for Energy Efficiency in Section 5 for new construction projects or the box in Section 6 for modernization projects.
- The DSA Project Tracker should show that the approved project exceeds the nonresidential building energy-efficiency standards specified in Part 6 (commencing with Section 100) of Title 24 of the California Code of Regulations. No percentage is indicated but the pertinent box for the type of program (e.g. New Construction or Modernization) is confirmed and checked by DSA. If the DSA Project Tracker does not show the percentage the project is exceeding, then the district will need to submit acceptable documentation such as the DSA Energy Compliance Review Verification Form.

<b>Energy Efficiency</b>	
<input type="checkbox"/>	The Plan meet Title 24 Energy Requirements
<input checked="" type="checkbox"/>	Project's new construction exceeds Title 24 by 0%
<input type="checkbox"/>	Project's modernization exceeds Title 24 by 0%

*Example: DSA Tracker showing the box checked for New Construction*

- The pertinent box for the Type of Program must be for same type of funding that the District is requesting.

Under this proposal, applications that are eligible to receive the energy efficiency grant may receive an amount that equals a flat rate of five percent of the new construction or modernization base grant.

This option will provide a more simplified calculation where the District will receive the full supplemental grant of five percent if there were energy efficiency components added within the scope of the project. Rather than with a sliding scale based on the percentage the project is exceeding Title 24 standards, this option will give the same percentage to all projects that have been shown to be approaching the ultimate goal of reaching energy self-sufficiency.

STAFF ANALYSIS/DISCUSSION (cont.)*Eligible Applications that are In-house*Existing In-house Submittals received before October 31, 2024

In keeping with current SFP Regulations, districts that have already submitted a Form SAB 50-04 before October 31, 2024, that meets the requirements of the supplemental grant, may request the grant at the time OPSC processes the application. The district may submit additional plans if they were not previously included in the original scope of work, however the following will apply:

- The district will need to withdraw the current application and resubmit, thus receiving a new date in line to be processed later, provided that there is available authority at that time.
- As the project will be treated as a new submittal, the updated Form SAB 50-04 must indicate the request for energy efficiency and the District must submit documentation to support the request.
- DSA plans to be added to a new SFP application cannot be part of the scope of the work for any previously state funded project.

Existing In-house Submittals received after October 31, 2024

Districts that have already submitted a Form SAB 50-04 received on or after October 31, 2024, that meets the requirements of the supplemental grant and the submitted plans include energy measures that exceed Title 24, may request the grant at the time OPSC processes the application, provided the following will apply:

- The District will, if the initial Form SAB 50-04 did not include the request, submit an updated Form SAB 50-04 requesting the energy efficiency grant.
- The District must submit acceptable documentation such as confirmation from DSA to support the request for the energy efficiency grant. Alternatively, the DSA project tracker will be updated during the processing to confirm that the project qualifies for the energy efficiency grant.

Reimbursement

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

### STAFF ANALYSIS/DISCUSSION (cont.)

#### *Application for Funding (Form SAB 50-04)*

Staff suggests that the energy efficiency grant can be requested by selecting the existing boxes on the Form SAB 50-04 and certified by the Architect of Record. Below are screenshots showing both the New Construction and Modernization Sections on the Form SAB 50-04 where the district can check the box for the energy efficiency request.

#### **New Construction Section 5**

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

a. Therapy: Toilets (sq. ft.)   
 Other (sq. ft.)

b. Multilevel Construction (CRS):

c. ☐ Project Assistance

d. Site Acquisition:

(1) 50 percent Actual Cost: \$

(2) 50 percent Appraised Value: \$

(3) 50 percent Relocation Cost: \$

(4) 2 percent (min. \$25,000): \$

(5) 50 percent DTSC Fee: \$

e. 50 percent hazardous waste removal: \$   
☐ Response Action (RA)

f. Site Development

☐ 50 percent Service-Site: \$

☐ 50 percent Off-Site: \$

☐ 50 percent Utilities: \$

☐ General Site

g. ☒ Energy Efficiency:  %

h. ☐ Automatic Fire Detection/Alarm System

☐ Automatic Sprinkler System

i. ☐ High Performance Incentive (Indicate Points):

#### **Modernization Section 6**

**6. Modernization Additional Grant Request**

a. ☐ Project Assistance

b. ☒ Energy Efficiency:  %

c. ☐ Site Development—60 percent utilities: \$

d. ☐ Automatic Fire Detection/Alarm System

e. ☐ High Performance Incentive (Indicate Points):

*Examples of Energy Efficiency Grant Request on the Form SAB 50-04 for both New Construction and Modernization applications.*

AUTHORITY  
All Applications

**Education Code (EC) 17070.35 – General Provisions**

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

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

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

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

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

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

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

AUTHORITY  
All Applications (cont.)

**EC Section 17072.10 – New Construction Grant Eligibility Determination**

(a) The board shall determine the maximum total new construction grant eligibility of an applicant by multiplying the number of unhoused pupils calculated pursuant to Article 3 (commencing with Section 17071.75) in each school district with an approved application for new construction, by the per-unhoused-pupil grant as follows:

- (1) Five thousand two hundred dollars (\$5,200) for elementary school pupils.
- (2) Five thousand five hundred dollars (\$5,500) for middle school pupils.
- (3) Seven thousand two hundred dollars (\$7,200) for high school pupils.

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

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

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

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



AUTHORITY  
All Applications (cont.)

**EC Section 17074.10 – Modernization Apportionment**

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

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

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

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

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

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

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

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

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

AUTHORITYApplications Received on or after October 31, 2024**EC Section 17077.35 – Energy Efficiency**

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

*(Amended by Stats. 2024, Ch. 81, Sec. 21. (AB 247) Effective July 3, 2024. Operative November 6, 2024, pursuant to Sec. 30 of Ch. 81.)*

February 28, 2025

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

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

Dear Ms. Kirk,

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

The comments and recommendations provided below correspond to the topics raised and materials provided for the February 13, 2025, Implementation Stakeholder Meeting #2.

**Topic #6 – Interim Housing and Natural Disaster Assistance (Attachment A6)**

The issue of interim housing assistance following a natural disaster raises several important considerations regarding eligibility, funding mechanisms, and regulatory clarifications.

*Classroom Inventory Adjustments for Disaster-Related Replacements*

In reference to Education Code section 17075.20(d)(2), OPSC states that any classroom portable purchased under section 17075.20(a) must be included in a district's classroom inventory, either when establishing new construction eligibility or through an adjustment if eligibility has already been established. However, clarification is needed to specify that when a portable is acquired

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

### *Charter School Eligibility for Interim Housing Assistance*

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

### *Funding Challenges and Timing of Assistance*

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

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

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

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

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

### *Master Plan Updates and Timing:*

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

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

*Eligibility Determination and Funding Considerations:*

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

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

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

*Master Plan and Closeout Audits:*

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

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

*Stakeholder Engagement and Master Plan Cost Reimbursement:*

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

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

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

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

*"Modernization" (EC 17070.54(d))*

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

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

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

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

*Requesting the Supplemental Grant: Options 1 and 2*

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

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

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

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

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

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

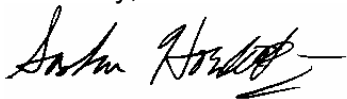
Lastly, we request clarification on the calculation of fundable toilet square footage, specifically whether a site-wide analysis will be conducted to determine if an existing site already meets the required toilet square footage for current enrollment.

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

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

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

Sincerely,



Sasha Horwitz  
Legislative Advocate  
Los Angeles Unified School District



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ATTACHMENT E  
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Office of Public School Construction  
Proposition 2 Stakeholder Meeting Public Comment  
Attn.: Brian LaPask, Chief, Program Services

Brian,

We would like to thank you and your team for hosting these meetings and providing a forum for public comment.

**Item 1:**

**REVISIONS TO THE SUPPLEMENTAL GRANT FOR ENERGY EFFICIENCY**

Our understanding is that there are two options for discussion.

**Option 1:** ...maintain the existing energy efficiency grant sliding scale calculation. This is a well-established program and has its merits.

**Option 2:** A streamlined approach. Please confirm that DSA will be providing compliance oversight and provide a real-world example project using both Options 1& 2 for a comparison. We request the following bridging technologies be included in the “Energy Efficiency Components” as listed in the amended EC 17077.35 (b).

- HVAC - Thermal Energy Storage.
- Electric Hybrid Heat Pumps with Natural Gas Auxiliary Heating.

**Item 2:**

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

As per EC 17078.47 (a-d) & 10078.48 (a-d)

We believe that all the requirements as stated in the above listed EC Sections can be addressed with an AI tool. Due to the technical nature and importance of this section we recommend the creation of a stakeholder’s task force for further input and parameter development.

Please clarify the certification process for *private construction consultants* and maintaining an up-to-date list of certified consultants for use by priority school districts, as per EC 17078.47 (d).

**Item 3:**

**PROPOSED REGULATORY AMENDMENTS FOR MINIMUM ESSENTIAL FACILITIES MODERNIZATION SUPPLEMENTAL GRANT**

Include indoor school gardens that supply fruits and or vegetables to the districts’ kitchens in the proposed minimum Essential Facilities Supplemental Grant.

**Tim Sisson, LEED AP**  
**Director of Educational Facilities Development**  
Trane Technologies  
**Mobile: 916-439-0086**



**TRANE**  
TECHNOLOGIES



OFFICE OF PUBLIC SCHOOL CONSTRUCTION  
STAKEHOLDER MEETING  
March 13, 2025

**PROPOSED AMENDMENTS TO THE SCHOOL  
FACILITY PROGRAM FOR A CAREER TECHNICAL  
EDUCATION FACILITIES MODERNIZATION  
SUPPLEMENTAL GRANT**

**PURPOSE**

To discuss and receive stakeholder feedback resulting from Assembly Bill (AB) 247, the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2), which was approved by a majority of California's voters on November 5, 2024. This discussion and resulting stakeholder feedback is for a Modernization supplemental grant for Career Technical Education (CTE) Facilities under Article 11.5 of Chapter 12.5 of the Education Code (EC), which encompasses the School Facility Program (SFP).

**AUTHORITY**

See Attachment A12a.

**BACKGROUND**

The passage of Proposition 1D in November 2006 established the Career Technical Education Facilities Program (CTEFP). Under the CTEFP, a qualifying school district, County Office of Education (COE), or a Joint Powers Authority (JPA) can apply for and, if approved, receive funding for either new facilities or receive funding for the Modernization/reconfiguration of existing facilities and/or the purchase of CTE equipment to integrate CTE programs into comprehensive high schools and JPA facilities.

With the passage of Proposition 2, EC Section 17078.74 was added to the SFP and establishes a new supplemental grant for SFP Modernization projects for CTE facilities and equipment that meet the statutory eligibility requirements. This new Modernization supplemental grant would provide an increase of up to five percent of the Modernization base grant for CTE facilities and equipment.

Similar to the current CTEFP, the Modernization supplemental grant for CTE facilities may include plan designs and other project components that promote CTE to enhance the educational opportunities for pupils and provide them with the skills and knowledge necessary for high-demand technical careers. Additionally, and following with the established CTEFP process, projects requesting this grant will need to have approval by the California Department of Education (CDE) for the plans and receive a score letter for the CTE grant application of at least 105 points.

BACKGROUND (cont.)

In addition, the CTE supplemental grant expands the grant to existing middle and high schools, pursuant to EC Section 17078.74(b).

STAFF ANALYSIS/DISCUSSION

The Office of Public School Construction (OPSC) recognizes that there are many considerations related to the development of regulations for EC Section 17078.74. Therefore, some initial ideas to open the conversation and receive stakeholder feedback about implementing this new grant are presented below. OPSC anticipates hosting additional stakeholder meetings to address stakeholder feedback and provide proposed regulations.

*Eligibility Criteria*

The CTE supplemental grant is a Modernization *only* supplemental grant for school districts and COEs. The grant will be provided *in addition* to the base grant for Modernization funding, provided the project includes CTE component(s) that promote CTE as an enhancement to the educational opportunities for pupils in existing middle and high schools. The EC states that the grant shall not exceed five percent of the state share of the Modernization base grant. To request the grant, the district must have Modernization eligibility and a valid modernization project that has at least one CTE component that has been approved by CDE, and is submitted as part of an Approved Application for Modernization funding.

*Application Submittal Timing and Reimbursement*

If an Approved Application for Modernization funding has already been received by OPSC, on or after October 31, 2024, and is on the active Workload List or the Applications Received Beyond Bond Authority (ARBBA) List but did not request the CTE supplemental grant and would like to, districts may do so, provided the project includes eligible CTE component(s). OPSC proposes that during the application processing, the district would also submit the necessary documentation from CDE to demonstrate the minimum score was achieved.

However, if the CTE-eligible component(s), requiring the Division of the State Architect (DSA) approval, is not included in the Approved Application's DSA-approved plans and specifications, the district would be required to withdraw the existing application and resubmit it with the updated plan approvals to request this supplemental grant. If the project, as submitted, includes equipment only that would not alter the plan design as approved by DSA, OPSC proposes to allow the district to request addition of a CTE supplemental grant without withdrawing the project. This would be limited to equipment only and any added equipment or scope must be exempt from DSA review.

STAFF ANALYSIS/DISCUSSION (cont.)*Eligible CTE Components*

As stated in EC Section 17078.74(c), CTE components that enable school facilities to provide pupils with the skills and knowledge necessary for high-demand technical careers are eligible for inclusion into a project for this grant. The types of projects that would meet this requirement include, and are not limited to, the following:

- (1) Modernization of facilities to support CTE programs.
- (2) Reconfiguring a structure of any age that will enhance the educational opportunities for pupils in existing middle and high schools in order to provide them with the skills and knowledge necessary for high-demand technical careers.
- (3) Purchasing equipment to support CTE programs with an average useful life expectancy of at least 10 years.

*Eligibility Requirements – Subdivision (d)*

As stated in EC Section 17078.74(d)(1), for a Modernization project to be eligible for this grant adjustment, the district must certify that the cost for the CTE portion of the project exceeds the amount of funding otherwise available to the applicant for the qualifying modernization scope of work, and that the CTE components are necessary to maintain industry standards.

In accordance with Subdivision (d)(2), districts must also comply with the following:

- Be a Local Educational Agency (LEA) operating a comprehensive high school as defined in EC Sections 51224, 51225.3, and 51228.
- Have an active career technical advisory committee pursuant to EC Section 8070.
- Have an application that meets all the requirements in EC Section 17078.72(i) and a score letter from CDE with at least 105 points.

Based on OPSC's interpretation of EC Sections 17078.74(b) and 17078.74(d)(2), the grant is only available to local educational agencies that have a comprehensive high school within its boundaries. Therefore, a district that only serves students through 8th grade would not be eligible to receive this CTE Modernization supplemental grant.

*Additional Eligibility Requirements – Subdivision (f)*

In accordance with subdivision (f), an applicant must have a CTE program that meets the criteria under EC Section 17078.72(b). This criteria is developed by CDE with the cooperation of the Chancellor's Office of the California Community Colleges, the Labor and Workforce Development Agency, and industry groups. In addition to meeting this requirement, an applicant must also have a CTE program that meets all of the following:

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

- A clear and comprehensive CTE plan for each course of study applicable to the instructional space.
- Projections of pupil enrollment.
- Identification of feeder schools, industry partners, and community colleges or institutions of higher education participating in the development, articulation, and review of the educational program.
- Evidence of approval of the plan.
- A determination score letter from CDE that the application has scored at least 105 points as required under subdivision (c) of Section 1859.192 of Title 2 of the California Code of Regulations.
- The method by which accountability for pupil enrollments and outcomes will be maintained. Outcomes shall include, but are not limited to, certificate completion, successful entry of pupils to employment in the applicable industry, and successful transition to institutions of higher education for work in the applicable industry or other areas of study.
- Evidence of coordination with all feeder schools, middle schools, and high schools within the area to ensure that the project and programs complement CTE offerings in the area.
- Evidence that upon completion of the project, the LEA will meet all obligations under EC Section 51228 relating to CTE.

Applicants would accomplish the steps above through the submittal of a grant application to the CDE for review and scoring.

**Options for Grant Calculation**

Pursuant to EC Section 17078.74(e), the grant provides a Modernization project with a grant adjustment increase that is not to exceed five percent of the state share of the per-pupil Modernization grant. The five percent increase is limited to the Modernization base grant without the inclusion of any other supplemental grants, such as the 50 years or older supplemental grant. The state's share of costs are the costs that are associated with the design, purchase, and installation related to CTE components and/or equipment. OPSC presents the following options for determining the CTE supplemental grant.

**Option 1**

Provide the lesser of a five percent increase to the Modernization base grant or the cost estimate amount for the CTE component(s) of the entire project.

STAFF ANALYSIS/DISCUSSION (cont.)Option 2

Provide up to a five percent increase to the base grant for the CTE Modernization grant adjustment based on a sliding scale methodology. This sliding scale methodology will use the cost estimate for the CTE component(s) of the entire Modernization project to determine the appropriate percentage increase, from one, two, three, four or a maximum of five percent. This option would streamline the review of equipment costs that can vary based on availability in a geographic area or where they are sourced from. Below, is an example of the calculations:

Step 1:

Based on the total Modernization project cost estimate, OPSC would calculate the amount that equates to five percent of the total project cost.

Total Modernization Project Cost	Percentage	5 Percent of the Total Modernization Project Cost
\$1,000,000.00	5%	\$50,000.00

Step 2:

Once the amount in Step 1 is calculated, OPSC would compare the five percent amount of the total project cost (\$50,000 from our above example) to the amount that is listed on the applicant-provided cost estimate for the CTE component(s) included in the Modernization project. Once both amounts are determined, we will utilize a sliding scale methodology to determine the percentage increase to the Modernization base grant.

CTE Component(s) in Cost Estimate	Percentage Increase to Modernization Base Grant
\$1 - \$10,000	1%
\$10,001 - \$20,000	2%
\$20,001 - \$30,000	3%
\$30,001 - \$40,000	4%
\$40,001 - \$50,000	5%

Regardless of the option that is selected, the CTE supplemental grant would be capped at five percent of the total Modernization base grant as determined by the SFP Modernization Per Pupil Grant adopted by the SAB for the year in which the application is processed.

If an applicant elects to submit more than one Approved Application for funding to OPSC for processing using the same set of DSA-approved plans, only one of the applications will be eligible to receive the CTE supplemental grant.

STAFF ANALYSIS/DISCUSSION (cont.)

**Next Steps**

OPSC will develop regulations, subject to Board approval, for the implementation of these CTE Modernization supplemental grants. OPSC will work closely with our partners at CDE to develop the procedures for the submission of CDE-approved plans and specifications for a project to be eligible for an adjustment.

AUTHORITY

**Education Code (EC) 17078.74 – Career Technical Education Modernization Supplemental Grant**

- (a) Except as otherwise provided in this section, a modernization grant adjustment provided pursuant to this section is not subject to the requirements of Section 17078.72.
- (b) An applicant school district may include plan design and other project components that promote career technical education to enhance the educational opportunities for pupils in existing middle and high schools, and may seek a modernization grant adjustment for the state's share of the increased costs associated with those components.
- (c) Career technical education components that enable school facilities to provide pupils with the skills and knowledge necessary for high-demand technical careers are eligible for inclusion into a project pursuant to this section, including, but not limited to, all of the following:
  - (1) Modernization of facilities to support career technical education programs.
  - (2) Reconfiguring a structure of any age that will enhance the educational opportunities for pupils in existing middle and high schools in order to provide them with the skills and knowledge necessary for high-demand technical careers.
  - (3) Purchasing equipment with an average useful life expectancy of at least 10 years.
- (d)
  - (1) In order to be eligible for the modernization grant adjustment pursuant to this section, the applicant shall certify that the cost for the project exceeds the amount of funding otherwise available to the applicant under this chapter and that the career technical education components are necessary to maintain industry standards.
  - (2) The applicant shall submit necessary plans and specifications for career technical education components to the State Department of Education for approval, ensuring compliance with eligibility criteria as stipulated, for modernization projects only, in Section 1859.192 of Title 2 of the California Code of Regulations, with the exception of paragraph (2) of subdivision (b) of Section 1859.192 of Title 2 of the California Code of Regulations.
- (e) The board shall provide an applicant for a modernization project with a grant adjustment to provide an increase not to exceed 5 percent of its state grants authorized by Section 17074.10 for the state's share of costs associated with the design, purchase, and installation related to career technical education components as set forth in this section.
- (f) An applicant career technical education program shall meet the criteria developed under subdivision (b) of Section 17078.72 and shall demonstrate all of the following:

## ATTACHMENT E

- (1) A clear and comprehensive career technical education plan for each course of study applicable to the instructional space.
- (2) Projections of pupil enrollment.
- (3) Identification of feeder schools, industry partners, and community colleges or institutions of higher education participating in the development, articulation, and review of the educational program.
- (4) Evidence of approval of the plan described in paragraph (1) by the entities listed in paragraph (3) and the State Department of Education, including a determination by the State Department of Education that the application has scored at least 105 points as required under subdivision (c) of Section 1859.192 of Title 2 of the California Code of Regulations.
- (5) The method by which accountability for pupil enrollments and outcomes will be maintained. Outcomes shall include, but are not limited to, certificate completion, successful entry of pupils to employment in the applicable industry, and successful transition to institutions of higher education for work in the applicable industry or other areas of study.
- (6) Evidence of coordination with all feeder schools, middle schools, and high schools within the area to ensure that the project and programs complement career technical education offerings in the area.
- (7) Evidence that upon completion of the project, the local educational agency will meet all of its obligations under Section 51228 relating to career technical education.
- (g) The Office of Public School Construction shall develop regulations, subject to board approval, to implement this section. The regulations shall include procedures for the submission of State Department of Education-approved plans and specifications as a condition for the modernization grant adjustment, in alignment with subdivision (b) of Section 1859.197 of Title 2 of the California Code of Regulations.
- (h) Projects shall be subject to a program accountability expenditure audit, consistent with State Department of Education guidelines, to ensure compliance with the funding regulations. Any repayments due back to the state as a result of these audits shall be subject to the repayment provisions in Section 1859.106.1 of Title 2 of the California Code of Regulations.



Links to Referenced Authority Sections

**EC Section 17074.10 – Determination of Total Funding Eligibility for District Modernization Funding**

Link: [EC Section 17074.10](#)

**EC Section 17078.72 – Career Technical Education Facilities Program**

Link: [EC Section 17078.72](#)

**EC Section 51224 – Courses of Study, Grades 7 to 12**

Link: [EC Section 51224](#)

**EC Section 51225.3 – Courses of Study, Grades 7 to 12**

Link: [EC Section 51225.3](#)

**EC Section 51228 – Courses of Study, Grades 7 to 12**

Link: [EC Section 51228](#)

**EC Section 8070 – Appointment of Committee by District Governing Board Required, Committee Duties; Members**

Link: [EC Section 8070](#)

**Section 1859.106.1 of Title 2 of the California Code of Regulations**

Link: [Section 1859.106.1 of Title 2 of the California Code of Regulations](#)

**Section 1859.192 of Title 2 of the California Code of Regulations**

Link: [Section 1859.192 of Title 2 of the California Code of Regulations](#)

**Section 1859.197 of Title 2 of the California Code of Regulations**

Link: [Section 1859.197 of Title 2 of the California Code of Regulations](#)



**Alberto M. Carvalho**  
Superintendent

**Los Angeles Unified School District**  
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**Board of Education**

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Dr. Rocío Rivas, Vice President  
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Kelly Gonez  
Tanya Ortiz Franklin

March 28, 2025

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

**Re: Proposition 2 Implementation Stakeholder Meeting #5**

Dear Ms. Kirk,

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

The comments and recommendations provided below correspond to the topics raised and materials provided for the March 13, 2025, Implementation Stakeholder Meeting #5.

**SFP Matching Share**

In the initial materials provided for the January 30<sup>th</sup> stakeholder meeting, OPSC appeared to indicate that the additional percentage points provided through the sliding scale were to be directly applied to the State and Local Shares (Jan 30<sup>th</sup> Stakeholder Materials - Attachment A4 Page 7). It was this example in the materials that led to the recommendations and comments surrounding the timing of the matching share determination and whether pupil changes would be necessary and allowed.

However, in the materials provided for the March 13<sup>th</sup> stakeholder meeting, OPSC labeled the additional matching share percentages as a "Local Funding Adjustment Grant" which is to be applied and accounted for separately from the 60 percent State Share. Los Angeles Unified would like to

confirm that the methodology provided in the March 13<sup>th</sup> materials, treating the additional matching share percentages as a separate line item, is the methodology OPSC will be proceeding with for the matching share changes.

Los Angeles Unified currently receives assessed valuation from a third party—not the Los Angeles County Assessor—which is then used as part of the District’s bond sales and disclosures. Los Angeles Unified is in conversation with the County Assessor to confirm whether it will provide the necessary information required for us to meet Education Code Section 17074.54(c)(6) or certify the accuracy of the information received from the third party. Should the assessor prefer to certify the third party information, Los Angeles Unified requests that this be deemed compliant within the requirements of the Ed Code.

### **Career Technical Education Facilities Modernization Supplemental Grant**

Based on experience with the Career Technical Education Facilities Program (CTEFP), Los Angeles Unified recommends adopting Option 1, because typical cost estimates for Career Technical Education upgrades far exceed five percent of the modernization scope of work they are typically tied to.

### **Global SFP Regulation Clean-up**

*Section 1859.60 Calculation to Determine Modernization Baseline Eligibility*

*Section 1859.78.6 Modernization Grant for 50 year or Older Permanent Buildings*

Los Angeles Unified has concerns related to the proposed amendment detailing when the 20/25/50 year period for a building’s aging should begin. While the proposed amendment appears to provide guidance for the aging of stockpile buildings, it prompts the need for additional guidance around the nuances of stockpile building placement, and how this impacts the aging for other types of buildings.

The proposed amendment indicates it is the placement on the current campus that begins the aging of a building. However, the amendment does not consider that a portable’s current campus may not have been the first campus it was placed and occupied on, in effect restarting the clock simply because a portable was relocated to another campus. Los Angeles Unified recommends OSPC consider the DSA approval of a portable building’s first campus placement, rather than the current campus placement, as the start of a building’s aging.

Next, by specifying the DSA approval date will be the start of a building’s aging, the amendment warrants additional guidance for buildings constructed or placed on a site before DSA came into existence. Los Angeles Unified requests OSPC provide guidance on what aging start date should be used, in place of the DSA approval date, to establish a building’s age in cases where a building pre-dates DSA.

Los Angeles Unified recommends that the proposed methodology outlined in Regulation Sections 1859.60 and 1859.76.6 for calculating a building’s age be applied prospectively—used *only* for establishing new modernization baselines moving forward—and not applied retroactively to baselines that have already been established.

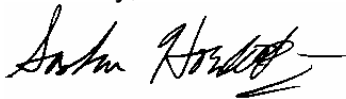
## ATTACHMENT E

Currently, OPSC permits, and SAB has approved, Form SAB 50-03 submissions, using stockpile dates to determine the age of portable classrooms. The proposed methodology directly conflicts with this long-standing practice and the correction of this information would impose an unnecessary administrative burden on staff. Moreover, applying the methodology retroactively would place districts that have relied on previously accepted stockpile dates into inadvertent non-compliance. Therefore, Los Angeles Unified further recommends that OPSC continue to honor and allow the use of previously approved stockpile data for modernization eligibility purposes.

OPSC's statement that the proposed amendment in EC Section 17074.25(a)(1) will align with Regulation Sections 1859.60 and 1859.78.6 by clarifying that a building's age will be reset to the date of its previous apportionment, does not clarify how districts are to reset a building's age when the current modernization program practices do not track apportionments by building. As previously mentioned in its response letter to Stakeholder Meeting #3 dated March 7, 2025, Los Angeles Unified recommends a broader discussion be held to evaluate the current practices and methodology for calculating and using second round eligibility.

If you have any questions regarding these comments, please contact Sasha Horwitz, Legislative Advocate: [Sasha.Horwitz@lausd.net](mailto: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

OFFICE OF PUBLIC SCHOOL CONSTRUCTION  
STAKEHOLDER MEETING  
APRIL 17, 2025

## PROPOSED REGULATIONS TO IMPLEMENT SUPPLEMENTAL GRANT FOR ENERGY EFFICIENCY

### PURPOSE

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

### AUTHORITY

See Attachment A9a.

### BACKGROUND

The Office of Public School Construction (OPSC) held a public meeting on February 13, 2025, to discuss proposed criteria for determining the eligibility and funding of this supplemental grant, and to receive stakeholder input. Questions that require further discussion or that were received after the meeting are addressed in this item.

The full text of the stakeholder meeting item may be found here: [February 13, 2025 OPSC Proposition 2 Stakeholder Meeting #1 - Item](#)

The recording of the February 13, 2025 meeting is available at the link below. It includes feedback that OPSC was able to respond to at the time of the meeting that did not impact the proposed regulations: [February 13, 2025 OPSC Proposition 2 Stakeholder Meeting #1 - Recording](#)

### STAFF ANALYSIS/DISCUSSION

Staff has actively engaged in collaborative discussions with the Division of the State Architect (DSA) on potential alternatives beyond the previously proposed options. As a result, staff suggests a new proposal that incorporates a scorecard concept as the primary mechanism for OPSC to implement the supplemental grant through incremental percentage allocations. Further information on this proposal will be presented in a future stakeholder meeting.

### STAFF ANALYSIS/DISCUSSION (cont.)

#### **Stakeholder Feedback**

Staff would like to thank stakeholders who were able to view, attend, or participate in the previous meeting and also those who provided valuable feedback either at the meeting or through written correspondence to OPSC. Below, OPSC has consolidated all questions asked during and after the stakeholder meeting, as well as informal comments regarding what was presented at the meeting held on February 13, 2025.

<b>Stakeholder Feedback</b>	<b>OPSC Response</b>
<b>1.</b> What is a “component”?	<b>1.</b> A component can be described as an element that contributes to the energy self-sufficiency and pollution reduction of a building. Per Education Code (EC) 17077.35[b]), a component added to a site should enable school facilities to advance state energy goals and adapt to higher average temperatures. Some examples from statute include electric heating, HVAC, use of ground source temperatures for heating and cooling, solar water heating technology, service panel upgrades, etc.
<b>2.</b> What is meant by “number of components?”	<b>2.</b> The number of components means how many energy efficiency elements are included in the scope of work for a project. It is presumed that the number of eligible components added to a building will increase the extent to which the building exceeds the energy-efficiency standards outlined in Part 6 of Title 24 of the California Code of Regulations.
<b>3.</b> How will other components be determined to be eligible? Specifically, those that are not listed in statute?	<b>3.</b> The statute (EC Section 17077.35[b]) includes a non-exhaustive list of building components. Eligibility of components not listed will be assessed by DSA as part of the review process. Most building components or physical features are eligible costs in the SFP. However, operational costs, such as commissioning, are not eligible expenditures of SFP funds. For a more detailed listing of eligible and ineligible expenditures, please

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
	<b>3. (cont.)</b> refer to the Grant Agreement template for each project type.
<b>4.</b> Does DSA require the Title 24 boxes to be marked when submitting new projects? Will OPSC look into the DSA Project Tracker to reconcile with the percentage listed on the Form SAB 50-04?	<b>(4.) (5.) (6.) and (7.)</b> Since the first meeting, OPSC has continued to collaborate with DSA and a future item will present an alternative proposal for how applicants would submit information to DSA as well as how OPSC would calculate the energy efficiency grant.  EC 17077.35 states that the minimum threshold must exceed the energy-efficiency standards specified in Title 24. The proposal OPSC and DSA are currently exploring would maintain a tiered approach with the lowest scores still eligible for energy efficiency grant supplemental funding if the project exceeds the standards.
<b>5.</b> Under both options presented, OPSC has stated that the DSA Tracker "Type of Program" must match the SFP funding category being requested. However, it remains unclear how DSA and SFP will interpret a district's application for like-kind replacement when filed under SFP Modernization funding, despite the actual work involving new building construction. We request further clarification on how DSA will evaluate and assign the Title 24 Energy Requirement program in such cases. If DSA's classification does not align with SFP's funding definitions, we recommend that this mandate be reconsidered or removed to prevent unnecessary funding complications for districts.	
<b>6.</b> If a tiered approach is selected, the thresholds outlined in OPSC's Option 1 would need to be revised. The recent revision to EC 17077.35 does not establish a minimum threshold for grant eligibility—it simply requires that the proposed building exceed nonresidential building energy-efficiency standards without specifying by how much. Given this, any tiered approach should align with the intent of the statute and avoid imposing arbitrary thresholds that are not legally required. Additionally, if a tiered approach is implemented, we request calculation examples to clarify how the grant amount would be determined under each tier.	

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
<p>7. We recommend adopting Option 2, as it provides a simplified and streamlined approach. However, there are inconsistencies regarding how DSA would confirm a project exceeds Title 24 energy requirements. OPSC has indicated that the appropriate DSA Project Tracker checkbox would be selected to confirm compliance, but it would not display a percentage. This, in turn, would trigger the need for additional documentation, such as the “DSA Energy Compliance Review Verification Form,” to prove that Title 24 standards were exceeded. If no minimum percentage exceedance is required, then the DSA Project Tracker should not need to display a percentage, nor should additional documentation be necessary. Additionally, if the DSA Energy Compliance Review Verification Form is to be required, it should be made available for review before it is incorporated into the process. We recommend addressing and clarifying these points before finalizing the selection and implementation of either option. Our understanding is that there are two options for discussion. Please confirm that DSA will provide compliance oversight and provide a real-world example project using both Options 1 &amp; 2 for a comparison. Additionally, we request the following bridging technologies be included in the “Energy Efficiency Components” as listed in the amended EC 17077.35 (b).</p> <ul style="list-style-type: none"> <li>• HVAC - Thermal Energy Storage.</li> <li>• Electric Hybrid Heat Pumps with Natural Gas Auxiliary Heating.</li> </ul>	



STAFF ANALYSIS/DISCUSSION (cont.)**Scorecard Metric Determination of Supplemental Grant**

Several factors complicate assessment of compliance with the California Energy Code. For this reason, DSA and OPSC are exploring an option for grant evaluations based upon an abbreviated California Collaborative for High Performance Schools v. 2.0 (CA-CHPS v. 2.0) criteria. Based on the score achieved in a new Energy Efficiency Scorecard, a sliding scale for funding could be used.

The following table is provided for illustrative purposes only and outlines the potential supplemental grant that could be provided in addition to the base grant, up to the maximum five percent allowed in statute. In all cases, the minimum statutory eligibility criteria for the supplemental grant must be met by exceeding the nonresidential building energy-efficiency standards specified in Part 6 of Title 24 of the California Code of Regulations.

**[EXAMPLE CA-CHPS v. 2.0 Abbreviated Scorecard]**

Reported Compliance Method	CA Energy Commission Compliance Margin (CM)	Percent of Supplemental Funding (5% max)			
		Score 100 or less	Score 101 to 150	Score 151 to 175	Score 176 to 197
Prescriptive / Performance	CM > 0	1%	2%	3%	4%
Performance	0	1%	2%	3%	4%
Performance	CM > 0	2%	3%	4%	5%

OPSC and DSA are seeking school district feedback on the feasibility of the use of CA-CHPS v. 2.0 criteria.

NEXT STEPS

Staff is seeking stakeholder feedback on the alternative proposal currently under discussion with DSA.

Staff requests stakeholder feedback on the proposed changes and topics outlined in this item. Any stakeholder wishing to provide feedback should email the OPSC Communications Team by close of business on May 2, 2025 at [OPSCCommunications@dgs.ca.gov](mailto:OPSCCommunications@dgs.ca.gov).

AUTHORITY**Education Code Section 17077.35 – Energy Efficiency**

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



**Alberto M. Carvalho**  
Superintendent

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

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**Board of Education**

Scott M. Schmerelson, President  
Dr. Rocío Rivas, Vice President  
Sherlett Hendy Newbill  
Nick Melvoin  
Karla Griego  
Kelly Gonez  
Tanya Ortiz Franklin

May 2, 2025

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

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

Dear Ms. Kirk,

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

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

**Energy Efficiency Supplemental Grant**

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

Sincerely,

Sasha Horwitz  
Legislative Advocate  
Los Angeles Unified School District

## ATTACHMENT E

### OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING May 8, 2025

#### PROPOSED AMENDMENTS TO THE SCHOOL FACILITY PROGRAM FOR A CAREER TECHNICAL EDUCATION FACILITIES MODERNIZATION SUPPLEMENTAL GRANT

##### PURPOSE

To continue to discuss and receive stakeholder feedback resulting from the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2), which was approved by a majority of California's voters on November 5, 2024, to implement the Modernization supplemental grant for Career Technical Education (CTE) Facilities. This item proposes the addition of School Facility Program (SFP) Regulation Section 1859.78.10 to implement the supplemental grant for CTE Facilities as an increase not to exceed five percent of the state share of the Modernization base grant.

##### AUTHORITY

See Attachment A12a.

##### DESCRIPTION

This report continues discussion of the new Modernization supplemental grant for CTE Facilities presented to stakeholders on March 13, 2025. This report addresses comments OPSC staff received from one school district and one interested party and includes proposed regulatory additions.

There are two additional attachments to this report:

1. Attachment A12b is the proposed SFP Regulation Section 1859.78.10.
2. Attachment A12c is the proposed amendments to the Form SAB 50-04

##### BACKGROUND

###### *Stakeholder Feedback*

On March 13, 2025, OPSC presented two options to provide an increase of up to five percent of the state share of the Modernization base grant for the new Modernization supplemental grant for CTE Facilities.

The full text of the stakeholder meeting item may be found here: [March 13, 2025 OPSC Proposition 2 Stakeholder Meeting #5 - Item](#)

**BACKGROUND** (cont.)

The recording of the March 13, 2025 Stakeholder Meeting is available here: [March 13, 2025 OPSC Proposition 2 Stakeholder Meeting #5 - Recording](#)

Attachment D includes the full text of stakeholder feedback received from the March 13, 2025 meeting.

**STAFF ANALYSIS/DISCUSSION****Summary of Stakeholder Feedback**

Staff would like to thank stakeholders who were able to view, attend, or participate in this meeting and those who provided valuable feedback either at the meeting or through written correspondence to OPSC.

Below is a summary of the stakeholder feedback and OPSC's responses as a result of the meeting held on March 13, 2025:

<b>Stakeholder Feedback</b>	<b>OPSC response</b>
<b>1.</b> If an applicant applies for this Modernization supplemental grant for CTE Facilities, does the applicant need to submit a new Grant Application to the California Department of Education (CDE) to review, or can the applicant use the same plan score from CDE?	<p><b>1.</b> If an applicant participates in the upcoming CTE Facilities Program (CTEFP) funding cycle and ultimately does not receive funding through OPSC, the applicant can use the same plan score to apply for the five percent supplemental grant, as long as the plan score was received on or after December 1, 2025, when applications are due to CDE for the first funding cycle under Proposition 2.</p> <p>However, if the applicant does not apply for the upcoming CTEFP funding cycle, the applicant will need to submit a Grant Application to CDE to review. These Grant applications will be reviewed on a flow basis for the Modernization supplement grant for CTE Facilities. Please note, CDE intends to simplify the application and review process for plan scores for this supplemental grant, which is not competitively based.</p>
<b>2.</b> Adopting Option 1 is recommended because typical cost estimates for CTE upgrades far exceed five percent of the Modernization scope of work they are typically tied to.	<b>2.</b> OPSC acknowledges the recommendation to adopt Option 1 and agrees that Option 1 appears to more accurately account for the increased cost of including CTE components in the project.

STAFF ANALYSIS/DISCUSSION (cont.)**Summary of Proposed Addition of SFP Regulation Section 1859.78.10.**

Add SFP Regulation Section 1859.78.10, indicating the following:

- Approved Applications for Modernization Grants may request additional grants for the costs associated with the enhancement of CTE opportunities in existing middle and high schools, provided the following are met:
  - The project includes at least one CTE component that conforms to Education Code 17078.74(c).
  - Certification that CTE costs exceed available modernization funding and are necessary to maintain industry standards.
  - The applicant is a local educational agency operating a comprehensive high school, has an active career technical advisory committee, and has met all the requirements in Education Code Section 17078.72(i) and received a minimum plan score of 105 points from CDE on or after July 3, 2024.
- The grant amount shall be the lesser of a five-percent increase to the Modernization Grant or the costs for the CTE component(s) of the qualifying modernization project. Equipment costs are only eligible if the equipment has an average useful life expectancy of at least 10 years.
- Approved Applications received on or after October 31, 2024 for Modernization Grants may request the additional grant if a CTE component that conforms to Education Code Section 17078.74(c) is included, with submission requirements depending on whether changes to the Division of the State Architect (DSA)-approved plans are necessary.
- An applicant is not eligible to receive the additional grant for any CTE component(s) funded as part of a CTE Facility Program project received on or after October 31, 2024, unless the components included in the application are distinct from, and not previously funded as part of the CTE Facility Program project.
- If multiple Approved Applications for Modernization Grants are submitted, using the same DSA-approved plans, only one application may receive the additional grant.

Attachment A12b includes the proposed addition of SFP Regulation Section 1859.78.10 for stakeholder consideration.

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

OPSC presents changes to the Form SAB 50-04, which include adding subsection (f) to Section 6 that includes an editable entry for costs associated with CTE, and a corresponding addition of subsection (f) to Section 6 of the Specific Instructions.

STAFF ANALYSIS/DISCUSSION (cont.)

OPSC proposes additional certification language within Section 24 of the Form SAB 50-04 to clarify the supporting documents that need to be submitted when requesting the additional grant. This certification further specifies that the district will include a copy of the costs associated with the CTE component(s) and will include the plan score of a minimum of 105 points issued by the CDE, dated on or after July 3, 2024.

Attachment A12c includes the proposed updates to the Form SAB 50-04 for stakeholder consideration.

AUTHORITY**Education Code (EC) 17078.74 – Career Technical Education Modernization Supplemental Grant**

- (a) Except as otherwise provided in this section, a modernization grant adjustment provided pursuant to this section is not subject to the requirements of Section 17078.72.
- (b) An applicant school district may include plan design and other project components that promote career technical education to enhance the educational opportunities for pupils in existing middle and high schools, and may seek a modernization grant adjustment for the state's share of the increased costs associated with those components.
- (c) Career technical education components that enable school facilities to provide pupils with the skills and knowledge necessary for high-demand technical careers are eligible for inclusion into a project pursuant to this section, including, but not limited to, all of the following:
  - (1) Modernization of facilities to support career technical education programs.
  - (2) Reconfiguring a structure of any age that will enhance the educational opportunities for pupils in existing middle and high schools in order to provide them with the skills and knowledge necessary for high-demand technical careers.
  - (3) Purchasing equipment with an average useful life expectancy of at least 10 years.
- (d)
  - (1) In order to be eligible for the modernization grant adjustment pursuant to this section, the applicant shall certify that the cost for the project exceeds the amount of funding otherwise available to the applicant under this chapter and that the career technical education components are necessary to maintain industry standards.
  - (2) The applicant shall submit necessary plans and specifications for career technical education components to the State Department of Education for approval, ensuring compliance with eligibility criteria as stipulated, for modernization projects only, in Section 1859.192 of Title 2 of the California Code of Regulations, with the exception of paragraph (2) of subdivision (b) of Section 1859.192 of Title 2 of the California Code of Regulations.
- (e) The board shall provide an applicant for a modernization project with a grant adjustment to provide an increase not to exceed 5 percent of its state grants authorized by Section 17074.10 for the state's share of costs associated with the design, purchase, and installation related to career technical education components as set forth in this section.
- (f) An applicant career technical education program shall meet the criteria developed under subdivision (b) of Section 17078.72 and shall demonstrate all of the following:



AUTHORITY (cont.)

- (1) A clear and comprehensive career technical education plan for each course of study applicable to the instructional space.
- (2) Projections of pupil enrollment.
- (3) Identification of feeder schools, industry partners, and community colleges or institutions of higher education participating in the development, articulation, and review of the educational program.
- (4) Evidence of approval of the plan described in paragraph (1) by the entities listed in paragraph (3) and the State Department of Education, including a determination by the State Department of Education that the application has scored at least 105 points as required under subdivision (c) of Section 1859.192 of Title 2 of the California Code of Regulations.
- (5) The method by which accountability for pupil enrollments and outcomes will be maintained. Outcomes shall include, but are not limited to, certificate completion, successful entry of pupils to employment in the applicable industry, and successful transition to institutions of higher education for work in the applicable industry or other areas of study.
- (6) Evidence of coordination with all feeder schools, middle schools, and high schools within the area to ensure that the project and programs complement career technical education offerings in the area.
- (7) Evidence that upon completion of the project, the local educational agency will meet all of its obligations under Section 51228 relating to career technical education.
- (g) The Office of Public School Construction shall develop regulations, subject to board approval, to implement this section. The regulations shall include procedures for the submission of State Department of Education-approved plans and specifications as a condition for the modernization grant adjustment, in alignment with subdivision (b) of Section 1859.197 of Title 2 of the California Code of Regulations.
- (h) Projects shall be subject to a program accountability expenditure audit, consistent with State Department of Education guidelines, to ensure compliance with the funding regulations. Any repayments due back to the state as a result of these audits shall be subject to the repayment provisions in Section 1859.106.1 of Title 2 of the California Code of Regulations.

## PROPOSED REGULATIONS

Section 1859.78.10 Modernization Additional Grant for Career Technical Education Facilities.

This Section shall apply to Approved Applications received on or after October 31, 2024, for Modernization Grants.

(a) In addition to any other funding authorized by these Regulations, the Board shall provide the grant amount identified in (b) for the costs associated with the design, purchase, and installation of components, and/or modernization or reconfiguration of facilities and structures that promote career technical educational opportunities for pupils in existing middle and high schools if all the following are met:

(1) The project includes at least one career technical education component that conforms to Education Code Section 17078.74(c).

(2) The School District certifies that the cost for the career technical education portion of the project exceeds the amount of funding otherwise available to the School District for the qualifying modernization scope of work, and that the career technical education components are necessary to maintain industry standards.

(3) The School District:

(A) Is a local educational agency operating a comprehensive high school pursuant to Education Code Sections 51224, 51225.3 and 51228.

(B) Has an active career technical advisory committee pursuant to Education Code Section 8070.

(C) The School District's application has met all the requirements in Education Code Section 17078.72(i) and received a plan score from CDE with a minimum score of 105 points on or after July 3, 2024.

(4) The project meets the criteria in Education Code Section 17078.72(b) and Education Code Section 17078.74(f), as verified by CDE.

(b) The grant amount shall be the lesser of (b)(1) or (b)(2):

(1) Five percent of the Modernization Grant.

(2) The costs for the career technical education scope of work, inclusive of equipment, included in an Approved Application for Modernization Grants. The School District must provide an itemized list of equipment and detailed cost estimate for the career technical education scope of work. Costs associated with new construction must be provided in conformance with the Current Construction Costs publication by Sierra West Publishing. Costs associated with reconfiguration or modernization of a school building must conform to the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing, at the F1 total unit cost amounts. Equipment costs are only eligible if the equipment has an average useful life expectancy of at least 10 years.

Approved Applications received on or after October 31, 2024, for Modernization Grants, that are on the OPSC workload list or the Applications Received Beyond Bond Authority List, may request this additional grant, provided there is a career technical education component that conforms to Education Code Section 17078.74(c). If the Approved Application includes career technical education component(s) that do not require changes to the DSA approved plans, the School District must submit the plan score pursuant to 1859.78.10(a)(3)(C). If the Approved Application includes career technical education component(s) that require changes to the DSA approved plans, the School District must withdraw the existing Approved Application and resubmit it with the updated DSA approved plans or the School District shall not be eligible to receive this additional grant for the career technical education component(s).

A School District shall not be eligible to receive this additional grant for any career technical education component(s) on a school site that were funded as part of a Career Technical Education Facility Project received on or after October 31, 2024, unless the components included in the Approved Application are distinct from, and not previously funded as part of the recent Career Technical Education Facility Project.

A School District electing to submit more than one Approved Application for Modernization Grants using the same DSA approved plans may receive this additional grant for only one of the Approved Applications.

Note: Authority cited: Section 17078.74, Education Code.  
Reference: Section 17070.35, Education Code.

**APPLICATION FOR FUNDING  
SCHOOL FACILITY PROGRAM**

SAB 50-04 (REV 05/20)

**GENERAL INFORMATION**

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

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

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

Requests for funding may be made as follows:

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

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

7. Modernization Adjusted Grant pursuant to Section 1859.70. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- Form SAB 50-03 (if not previously submitted).
- P&S for the project that were approved by the DSA.
- If the request includes funding for accessibility and fire code requirement pursuant to Section 1859.83(f), the DSA approved list of the minimum accessibility work required and a detailed cost estimate for the work in the plans.

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- DSA approval letter for elevator to meet handicapped compliance, if funding is requested.
  - Cost estimate of the proposed site development necessary for the Reconfiguration of an existing high school.
  - Plan approval letter from the CDE.
  - Districtwide enrollment data on Form SAB 50-01 when requesting project assistance (if not previously submitted).
  - If the request includes funding for 50 year old permanent buildings pursuant to Section 1859.78.6, a site diagram identifying all buildings to be modernized in the project. The diagram must specify those buildings that are at least 50 years old.
  - Written confirmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.
8. Final Charter School Apportionment for Charter School Facilities Rehabilitation pursuant to Section 1859.167.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
- P&S for the project that were approved by DSA.
  - If the request includes funding for accessibility and fire code requirement pursuant to Section 1859.167.3(d), the DSA approved list of the minimum accessibility work required and a detailed cost estimate for the work in the plans.
  - DSA approval letter for elevator to meet handicapped compliance, if funding is requested.
  - High performance incentive (HPI) scorecard from DSA.
  - Plan approval letter from the CDE.
  - Construction cost estimate signed by the architect of record or design professional.
  - Determination of financial soundness from the California School Finance Authority (CSFA).
  - Written confirmation from the applicant's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.
9. If the application includes a request for Financial Hardship, the district must comply with the requirements of Section 1859.81.
- If the application is submitted when there is Insufficient Bond Authority, as defined in Section 1859.2, the district must adopt a school board resolution pursuant to Section 1859.95.1(b).

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

For a list of the documents that must be submitted in order for the OPSC to deem a funding request for new construction or modernization complete and ready for OPSC

processing, consult the SFP handbook and other information located on the OPSC Web site at [www.dgs.ca.gov/opsc](http://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](http://www.dgs.ca.gov/opsc) "PT Number Generator."

**1. Type of Application**

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

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

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

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

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

**2. Type of Project**

- a. Select the type of project that best represents this application request and enter the total number of pupils assigned to the project for each grade group. Include pupils to be housed in a new or replacement school authorized by

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Section 1859.82 (a). The amount entered cannot exceed the district's baseline eligibility determined on Form SAB 50-03 and will be the basis for the amount of the new construction or modernization grants provided for the project.

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

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

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

- b. Check the box if the project is eligible for funding for 50 year or older permanent buildings and report, at the option of the district:
  - The total number of eligible classrooms or the total eligible square footage building area at the site. Refer to Section 1859.78.6(b)(1)(A) or (b)(2)(A).
  - The total number of permanent classrooms or the total permanent square footage building area that is at least 50 years old and not been previously modernized with state funds. Refer to Section 1859.78.6(b)(1)(B) or (b)(2)(B).
  - Enter the greater percentage as calculated under Regulation Section 1859.78.6(b)(1)(C) or Regulation Section 1859.78.6(b)(2)(C).
  - If this project includes eligible 50 year or older pupil grants, enter the appropriate number assigned to the project for each grade group. The number of pupils entered cannot exceed the cumulative number of 50 year or older permanent buildings pupil grants requested for all modernization funding applications for the site as determined by using the percentage factor above.
- c. If this request includes pupil grants generated by an Alternative Enrollment Projection Method, enter the number of pupils by grade level.
- d. Indicate if this request is for funding of a 6–8 school and/or an Alternative Education School.
- e. Check the applicable box if the district is requesting additional pupil grants assigned to the project that exceed the capacity of the project or if the pupils assigned represent eligibility determined at another grade level and check the appropriate box to indicate under which regulation the district is applying. The pupil capacity of the project may be determined by multiplying the classrooms reported in box 3 by 25 for K–6; 27 for 7–8, 9–12 grades; 13 for non-severe and 9 for severe.
- f. Enter the square footage of the non-toilet area and toilet area contained in the Charter School Facilities Program Rehabilitation project.
- g. Indicate the site scenario that best represents the project request.
- h. For ORG projects, the district must provide the following information in the space provided:
  - Name of the eligible school site(s) where portables will be replaced in this project
  - Number of portables being replaced at each school site
  - Number of site specific eligible pupils being requested for this project for each school site. The total number of site specific eligible pupils assigned to this project must equal the total number of pupils in Section 2a.

**3. Number of Classrooms**

Enter the:

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

**4. Financial Hardship Request**

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

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

**5. New Construction Additional Grant Request**

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

- a. Therapy area in square feet as provided in Section 1859.72.
- b. Multilevel classrooms in the P&S pursuant to Section 1859.73.
- c. Check the box if the district is requesting project assistance pursuant to Section 1859.73.1. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- d. If the project the district is requesting SFP funding for does not require an RA, refer to Section 1859.74. If a RA is required on a site that is not leased or an addition to an existing site, refer to Section 1859.74.2. If RAs are required on a leased site or an addition to an existing site, refer to Sections 1859.74.3 or 1859.74.4, respectively. The limitation of 50 percent may be exceeded when unforeseen circumstances exist, the CDE determines that the site is the best available site, and substantiation that the costs are the minimum required to complete the evaluation and RA.
  - 1) Enter 50 percent of the actual cost.
  - 2) Enter 50 percent of the appraised value of the site. If the request is made pursuant to Regulation Section 1859.74.5, enter 50 percent of the appraised value.
  - 3) Enter 50 percent of the allowable relocation cost.
  - 4) Enter two percent of the lesser of the actual cost or appraised value of the site (minimum \$25,000).
  - 5) Enter 50 percent of the Department of Toxic Substances Control (DTSC) fee for review and approval of the phase one environmental site assessment and preliminary endangerment assessment reports. Refer to Sections 1859.74, 1859.74.1, 1859.74.5, 1859.75, 1859.75.1 and 1859.81.1.

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



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

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

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

**6. Modernization Additional Grant Request**

- a. Check the box if the district is requesting project assistance allowance pursuant to Section 1859.78.2. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- b. If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.78.5(a)(3).
- c. Check the box if the district requests an additional grant for site development utility cost necessary for the modernization of 50 years or older permanent building(s). Enter 60 percent of the eligible costs allowable pursuant to Section 1859.78.7(a).
- d. Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.78.4.
- e. If the district is requesting an Additional Grant for High Performance Incentive pursuant to Section 1859.70.4, enter the number of high performance points as prescribed in Section 1859.77.4, subject to Education Code Section 17070.965.
- f. If the district is requesting an Additional Grant for Career Technical Education (CTE) Facilities pursuant to Section 1859.78.10, enter the costs for the eligible CTE component(s) of the entire modernization application.

**7. Excessive Cost Hardship Request**

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

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

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

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

**Excessive Cost Hardship Request**

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

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

**9. Project Priority Funding Order**

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

**10. Prior Approval Under the LPP**

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

**11. Prior Apportionment Under the SFP**

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

**12. Preliminary Apportionment to a Final Apportionment**

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

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**13. Alternative Developer Fee**

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

**14. Adjustment to New Construction Baseline Eligibility**

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

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

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

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

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

**15. Pending Reorganization Election**

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

**16. Joint-Use Facility/Leased Property**

Check the box if:

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

**17. Project Progress Dates**

- 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.)
- 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.
- If a construction contract was awarded prior to January 1, 2012, check the appropriate box to indicate whether or not the district has initiated and enforced a Labor Compliance Program (LCP) approved by the Department of Industrial Relations (DIR) pursuant to Labor Code Section 1771.7 for this project.

**18. Prevailing Wage Monitoring and Enforcement Costs**

If the construction contract(s) for this project was awarded on January 1, 2012 through June 19, 2014, check the appropriate box to indicate which of the following methods was or is being used to meet the requirement for prevailing wage

monitoring and enforcement pursuant to Labor Code Section 1771.3 in effect on January 1, 2012 through June 19, 2014:

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

**19. Construction Delivery Method**

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

**20. Career Technical Education Funds Request**

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

**21. Overcrowding Relief Grant Narrative**

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

**22. Architect of Record or Licensed Architect Certification**

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

**23. Architect of Record or Design Professional Certification**

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

**24. Certification**

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



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

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

**1. Type of Application—Check Only One**

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

Toilets (sq. ft.) \_\_\_\_\_

Other (sq. ft.) \_\_\_\_\_

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

Toilets (sq. ft.) \_\_\_\_\_

Other (sq. ft.) \_\_\_\_\_

- ☐
- Seismic Rehabilitation Grant: \$

### Separate Apportionment

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

## 2. Type of Project

- a. ☐ Elementary School  
☐ 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. Is this a 6-8 school? ☐ Yes ☐ No

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

Is this an Alternative Education School? ☐ Yes ☐ No

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

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

If yes, enter date of successful bond election:

Is this a use of grant request pursuant to Section 1859.77.3? ☐ Yes ☐ No

Is this request pursuant to Section 1859.77.3(c)? ☐ Yes ☐ No

If yes, enter date of successful bond election:

### Charter School Facilities Program Rehabilitation Request:

Toilets (sq. ft.) \_\_\_\_\_

Other (sq. ft.) \_\_\_\_\_

- f. Project to be located on:

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

- g. ORG Projects Only

<b>NAME OF ELIGIBLE SCHOOL/SITE(S)</b>	<b>NUMBER OF PORTABLES BEING REPLACED</b>	<b>NUMBER OF SITE SPECIFIC ELIGIBLE PUPILS BEING REQUESTED</b>
<b>Total</b>		

# ATTACHMENT E

STATE OF CALIFORNIA

## APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 05/20)

STATE ALLOCATION BOARD  
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

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### 3. Number of Classrooms:

Master Plan Acreage Site Size (Useable): \_\_\_\_\_  
Recommended Site Size (Useable): \_\_\_\_\_  
Existing Acres (Useable): \_\_\_\_\_  
Proposed Acres (Useable): \_\_\_\_\_

### 4. Type of Financial Hardship Request

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

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

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

### 6. Modernization Additional Grant Request

- a. ☐ Project Assistance  
b. ☐ Energy Efficiency: \_\_\_\_\_ %  
c. ☐ Site Development—60 percent utilities: \$ \_\_\_\_\_  
d. ☐ Automatic Fire Detection/Alarm System  
e. ☐ High Performance Incentive (Indicate Points): \_\_\_\_\_  
f. ☐ Career Technical Education Facilities: \$ \_\_\_\_\_

### 7. Excessive Cost Hardship Request

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

### Modernization Only

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

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

#### Additional Grant Request

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

#### Excessive Cost Hardship Request

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

### 9. Project Priority Funding Order—New Construction Only

- Priority order of this application in relation to other new construction applications submitted by the district at the same time: # \_\_\_\_\_  
Project meets:  
☐ Density requirement pursuant to Section 1859.92(c)(3).  
☐ Stock plans requirement pursuant to Section 1859.92(c)(4).  
☐ Energy efficiency requirement pursuant to Section 1859.92(c)(6).

### 10. Prior Approval Under the LPP

New Construction: 22/ \_\_\_\_\_  
Modernization: 77/ \_\_\_\_\_

### 11. Prior Apportionment Under the SFP

Site/Design—New Construction: 50/ \_\_\_\_\_  
Design—Modernization: 57/ \_\_\_\_\_

### 12. Preliminary Apportionment to Final Apportionment

Preliminary Apportionment Application Number: # \_\_\_\_\_

### 13. Alternative Developer Fee—New Construction Only

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

**APPLICATION FOR FUNDING  
SCHOOL FACILITY PROGRAM**

SAB 50-04 (REV 05/20)

**14. Adjustment to New Construction Baseline Eligibility**

## a. Classroom(s) provided:

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

Construction Contract(s) for the project signed on: \_\_\_\_\_

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

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

**17. Project Progress Dates**

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

**18. Prevailing Wage Monitoring and Enforcement Costs**

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

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

**19. Construction Delivery Method**

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

**20. Career Technical Education Funds Request**

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

Number of CTE classroom(s): \_\_\_\_\_

**21. Overcrowding Relief Grant Narrative**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**22. Architect of Record or Licensed Architect Certification**

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

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

ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

SIGNATURE

DATE

**23. Architect of Record or Design Professional Certification**

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

- If the request is for a New Construction Grant, not including the ORG, I have developed a cost estimate of the proposed project which indicates that the estimated construction cost of the work in the P&S including deferred items (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share, less site acquisition costs and the High Performance Base Incentive Grant. This cost estimate does not include site acquisition, planning, tests, inspection, or furniture and equipment and is available at the district for review by the OPSC.
- If the request is for a Modernization or Charter School Facilities Program Rehabilitation Grant, I have developed a cost estimate of the proposed project which indicates that the estimated construction cost of the work in the P&S, including deferred items and interim housing (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share, less the High Performance Base Incentive Grant. This cost estimate does not include planning, tests, inspection or furniture and equipment and is available at the district for review by the OPSC.

ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

SIGNATURE

DATE

**APPLICATION FOR FUNDING  
SCHOOL FACILITY PROGRAM**

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**24. Certification**

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

- I am an authorized representative of the district as authorized by the governing board of the district; and,
- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et. seq., of the Education Code was adopted by the school district's governing board or the designee of the Superintendent of Public Instruction on, \_\_\_\_\_; and,
- The district has established a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (refer to Sections 1859.100 through 1859.102); and,
- The district has considered the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
- If this funding request is for the modernization of portable classrooms eligible for an additional apportionment pursuant to Education Code Section 17073.15, the district certifies that (check the applicable box below):
  - ☐ 1. The state modernization funds will be used to replace the portable classrooms and permanently remove the displaced portables from the classroom use within six months of the filing of the Notice of Completion for the project; or,
  - ☐ 2. It has provided documentation to the Office of Public School Construction which indicates that modernizing the portable classrooms eligible for an additional apportionment is better use of public resources than the replacement of these facilities.
- Facilities to be rehabilitated under the Charter School Facilities Program previously funded with School Facility Program State funds meet the requirements of Section 1859.163.6; and,
- All contracts entered on or after November 4, 1998 for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
- If this request is for new construction funding, the district has received approval of the site and the plans from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- If this request is for modernization or Charter School Facilities Program Rehabilitation funding, the district has received approval of the plans for the project from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This district has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- The district matching funds required pursuant to Sections 1859.77.1 or 1859.79 has either been expended by the district, deposited in the County School Facility Fund or will be expended by the district prior to the notice of completion for the project; and,
- The district has received the necessary approval of the plans and specifications from the Division of the State Architect unless the request is for a separate site and/or design apportionment; and,
- If the district is requesting site acquisition funds as part of this application, the district has complied with Sections 1859.74 through 1859.75.1 as appropriate; and,
- With the exception of an apportionment made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105); and,
- If the apportionment for this project was made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 12 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105.1); and,
- The district understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Section 1859.90); and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
- The district understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Sections 1859.105, 1859.105.1, 1859.106; and,
- The district has complied with the provisions of Sections 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,
- If the SFP grants will be used for the construction or modernization of school facilities on leased land, the district has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- If the application contains a "Use of New Construction Grant" request, the district has adopted a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board on \_\_\_\_\_
- as specified in Sections 1859.77.2, or 1859.77.3, as appropriate. The district's approved housing plan is as indicated (check all that apply):
  - ☐ 1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB and the district must identify the source of the funds. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
  - ☐ 2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
  - ☐ 3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project. [Applicable for Sections 1859.77.2(b) and 1859.77.3(b)]

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- If the district requested additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4, the district will include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project; and,
  - The district has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and the need for vocational and career technical facilities is being adequately met in accordance with Education Code Sections 51224, 51225.3(b), and 51228(b), and 52336.1; and,
  - If the district is requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the increased costs for the energy efficiency components in the project exceeds the amount of funding otherwise available to the district; and,
  - If this application is submitted after January 1, 2004 for modernization funding, the district has considered the potential for the presence of lead-containing materials in the modernization project and will follow all relevant federal, state, and local standards for the management of any identified lead; and,
  - The district has initiated and enforced an LCP that has been approved by the DIR, pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003 and before January 1, 2012; and,
  - The district has contracted with the DIR for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014, if the construction contract was awarded on January 1, 2012 through June 19, 2014 and the district has not obtained a waiver for the requirement, pursuant to Labor Code Section 1771.3(b) in effect on January 1, 2012 through June 19, 2014. The district understands that if it fails to meet this requirement, it will be required to repay all state bond funds received including interest; and,
  - Beginning with the 2005/2006 fiscal year, the district has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and,
  - If this application is submitted pursuant to Section 1859.180, the district certifies that within six months of occupancy of the permanent classrooms, it will remove the replaced portables from the eligible school site and K–12 grade classroom use with the exception of schools described in Education Code Section 17079.30(c); and,
  - The district has considered the feasibility of using designs and materials for the new construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and the other characteristics of high performance schools; and,
  - If the district is requesting an additional grant for high performance incentive funding, the school district governing board must have a resolution on file that demonstrates support for the high performance incentive grant request and the intent to incorporate high performance features in future facilities projects; and,
  - If this application is submitted when there is Insufficient Bond Authority, the district has adopted a school board resolution pursuant to Section 1859.95.1;
- and,
- The district will comply with all laws pertaining to the construction or modernization of its school building.
  - If the district is requesting an Additional Grant for CTE Facilities pursuant to Section 1859.78.10, the district will include the costs associated with the CTE component(s) as outlined in Section 1859.78.10(b)(2). Additionally, the district will include a copy of the plan score issued by the CDE, dated on or after July 3, 2024, verifying a minimum score of 105 points.

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

May 23, 2025

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

**Re: Proposition 2 Implementation Stakeholder Meeting #10**

Dear Ms. Kirk,

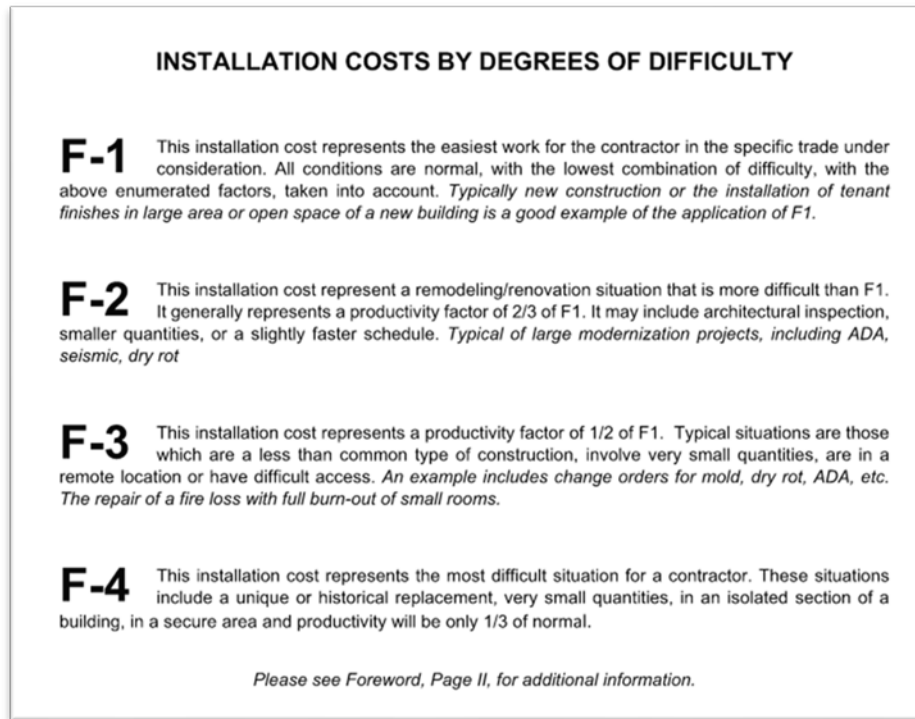
On behalf of the Los Angeles Unified School District (Los Angeles Unified), we appreciate OPSC's Proposition 2 stakeholder engagement and welcome the opportunity to provide input on the proposed amendments to the Schol Facility Program in response to Proposition 2.

The comments and recommendations provided below correspond to the topics raised and materials provided for the May 8, 2025, Implementation Stakeholder Meeting #10.

**75-Year-Old Modernization Supplemental Grant**

*Stakeholder Feedback #3* - OPSC's response states that F1 level is to be used for 75-years-or-older projects. However, OPSC references three different Sierra West Levels in the subsequent pages: F2 level (pp. 16), F1 level (pp. 28), and F3 level (pp. 30). Los Angeles Unified continues to advocate for the appropriateness of using the F3 level, consistent with the definitions provided in the *Sierra West Current Construction Remodeling Costs 2025* publication. Nonetheless, LA Unified would also support the use of the F2 level. As illustrated by Sierra West (see Image 1), the F1 level is not appropriate for the modernization of a 75-year-old facility, as Sierra West indicates that F1 is typically applied to new construction or tenant improvements in large, open, unfinished spaces—conditions that do not reflect the complexities of modernizing an aging structure.





*Image 1*

Accordingly, LA Unified urges OPSC to authorize the use of the F2 or F3 levels (with a preference for the F3 level) for modernization projects involving aging facilities, and to update the associated regulations and forms to reflect a consistent and appropriate application of these cost levels.

*Stakeholder Feedback #7* – OPSC’s response does not address the stakeholder’s request for the rationale for basing 75-year-old site development utilities grant on 50-year pupil grants. Los Angeles Unified requests further clarity on OPSC’s rationale on this item.

*Stakeholder Feedback #11* – The revisions to 2 CCR Section 1859.78.65(b)(5) were not included as part of the May 8, 2025, meeting materials. Los Angeles Unified requests the proposed revisions be provided for stakeholder review before they are finalized

*Stakeholder Feedback #12* – Los Angeles Unified requests the rationale behind the 35 percent cap that is being proposed for site development related to 75-year-old buildings.

*Stakeholder Feedback #13* – OPSC states its opposition to funding site development costs for replacement of a 75-year-old building elsewhere on the same campus. Los Angeles Unified requests the basis for this determination.

*Proposed 2 CCR Section 1859.78.7.1* – Please see the Attachment at the end of this letter, which includes Los Angeles Unified’s in-line comments on the “Modernization Additional Grant for 75 Years or Older Buildings” section.

*Proposed SAB Form 50-04*

- Based on the information provided, the first two bullet points under Section 2.d (p. 20) should read: “The total number of eligible classrooms and/or the total non-classroom square footage...”.
- Based on the information provided, Section D (p. 23) should be clarified to state: “The total square footage of eligible non-classroom space being demolished”.

*Proposed Form SAB 57-75*

- For clarity, Los Angeles Unified suggests the proposed categories under Part IV (p. 29) be revised to read “Permanent Toilet,” “Permanent Other,” “Portable Toilet,” and “Portable Other.”
- Part IV (p. 29) references “OPSC Verified Total Project Cost” but Los Angeles Unified believes it should read “OPSC Approved Total Project Cost” to reflect the language on the form. The “Calculation Detail” (p. 31) appears to include an internal OPSC note in error.

**Career Technical Education Supplemental Grant**

*Proposed 2 CCR Section 1859.78.10(b)(2)* – OPSC proposes use of Sierra West F1 Level costs for the detailed cost estimate associated with the career technical education (CTE) scope of work under the supplemental grant. This approach deviates from 2 CCR §1859.193(b)(A) and (c)(A), which allow CTEFP project costs to be determined by the project architect. Requiring F1 Level estimates introduces duplicative effort for LEAs who elect to pursue the CTE supplemental grant for high-scoring CTEFP applications that did not receive funding, and creates inconsistency within the SFP regulations for CTE scopes of work. Los Angeles Unified recommends that architect-prepared estimates be accepted for the supplemental grant to reduce administrative burden and for alignment with CTEFP application documentation.

**Global SFP Regulation Updates**

*Stakeholder Feedback #2* – OPSC’s response to the stakeholder comment does not fully address the question posed. It is understood that buildings without DSA approval should not be included in the snapshot to determine modernization eligibility, however this does not address how buildings built before DSA existed should be aged. Any building built before 1933 did not receive a DSA approval stamp until after 1933, which means the building’s age is being misrepresented. This misrepresentation affects school districts’ ability to apply for supplemental grants determined by a building’s age, such as the 75-year-old modernization supplemental grant. Los Angeles Unified recommends that, for buildings constructed prior to the establishment of DSA, the date of the original construction plans be used to determine age eligibility under the 75-year-old supplemental grant.

*2 CCR Section 1859.193 Career Technical Education Facilities Grant Determination* – Los Angeles Unified would like clarification on whether reducing specific equipment to fewer items (e.g., purchasing two units of an item instead of four units) or removal of equipment altogether, due to descope during design or lack of availability, is still considered a change in scope, and would therefore continue to require an appeal be submitted to the SAB.



*Proposed 2 CCR Section 1859.106 Revisions* – Los Angeles Unified disagrees with OPSC's interpretation that the penalty for a finding of ineligible expenditures must equal 100% of the funds in question. The School Facility Program is fundamentally structured around a matching share model, where both the State and Local Education Agency contributes proportionally to eligible projects. Accordingly, any repayment obligation should be limited to the State's matching share of the ineligible expenditures, as determined by the local auditor, rather than the aggregate amount.

The intent of the penalty provision is to protect the State's financial interest—not to recover funds beyond its contribution. Requiring repayment of 100% effectively includes both the State and local shares, which exceeds the scope of the State's interest and imposes an undue financial burden on the Local Education Agency.

### **Second Round Modernization**

*Item #5 (p. 295)* - This item specifies that when a portable classroom is replaced by a permanent building, it will continue to generate eligibility as a portable every 20 years. Los Angeles Unified seeks clarification on what happens when a portable classroom is replaced with a permanent building. Additionally, Los Angeles Unified requests further explanation on the rationale to continue to classify a permanent building as a portable building.

*Determination of Second Round Modernization Pupil Types* – Los Angeles Unified has concerns with OPSC's current methodology for determining the type of pupil grant (permanent or portable) returned to districts during second-round modernization funding. Because funding applications do not require districts to identify whether the grant request was for permanent or portable pupils, Los Angeles Unified recommends that districts be given discretion to determine the type of pupil grant being returned. A proration based on square footage of permanent versus portable facilities may not accurately reflect the original intent of the application, particularly when permanent construction was proposed. As such, it may result in an inequitable return of eligibility after the aging period.

For example, if a district had 400 eligible pupils, with 200 being permanent pupils and 200 being portable pupils, and submitted a funding request for 150 pupils, the district should be permitted to designate whether that request reflected permanent pupils, portable pupils, or a combination of both when those pupils become eligible for second-round funding. This is particularly important when the original funding application proposed constructing permanent facilities.

Thank you for the opportunity to provide feedback on this item.

Sincerely,



Sasha Horwitz  
Legislative Advocate  
Los Angeles Unified School District

## 1859.2 Definitions

....  
'Form SAB 57-75' means the 75 Year Old Building Cost/Benefit Analysis, Form SAB 57-75, (Revised xx/25), which is incorporated by reference.  
 ....

Section 1859.78.7.1 Modernization Additional Grant for 75 Years or Older Buildings

In lieu of the funding provided by subdivision (a) of Education Code Section 17074.10 and Section 1859.78.3, the Board shall provide funding to Approved Applications received on or after October 31, 2024 for projects that include the demolition and replacement of 75 years or older permanent or portable school building(s) if a contract for the work was awarded on or after July 3, 2024.

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

- (1) The existing permanent or portable building must be at least 75 years or older. For purposes of determining the age of the building, the 75 years or older period shall begin 12 months after the original plans for the construction of the building were approved by the Department or DSA as applicable.
- (2) Each building on the site that is 75 years or older must qualify on an individual basis.
- (3) If the school building was demolished prior to OPSC's receipt of an Approved Application, the school building must have been 75 years old prior to the demolition.
- (4) The existing permanent or portable building must be replaced at the same site.
- (5) The School District must complete and submit to OPSC a 75 Year Old Building Cost/Benefit Analysis (Form SAB 57-75) that demonstrates the total cost to modernize the school building(s) and comply with current Title 24 Building Code are at least 50 percent of the Current Replacement Cost for the applicable building type; permanent or portable. The cost/benefit analysis must meet the following criteria:
  - (A) The Form SAB 57-75 must demonstrate the minimum work required to modernize and remain in the School Building is at least 50 percent of the Current Replacement Cost of the existing Square Footage of the school building.

**LAUSD Comments:**

The Los Angeles Unified School District respectfully seeks clarification on who is responsible for determining what constitutes "minimum work."

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

1. The cost of design, engineering, testing, inspection, plan checking, construction management, demolition, construction, the replacement of portable classrooms, necessary utility costs, utility connection and other fees, the purchase and installation of air-conditioning equipment and insulation materials and related costs, costs to limit pupil exposure to harmful air pollutants by updating air filtration systems, furniture and equipment, including

telecommunication equipment to increase school security, fire safety improvements, and the upgrading of electrical systems or wiring or cabling of classrooms in order to accommodate educational technology.

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

(C) The Form SAB 57-75 may not include costs associated with the acquisition of real property or costs for routine maintenance and repair.

(D) The Form SAB 57-75 must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. For all materials or items listed in the most current edition of the Current Construction Remodeling and Repair Cost publication, the amounts entered on the Form SAB 57-75 must use the provided unit costs. For individual materials or items that are not contained in the most current edition of the Current Construction Remodeling and Repair publication, the School District must provide supporting documentation to demonstrate that the costs for the unique work are reasonable and appropriate.

(E) All requested line items shall include Construction Specifications Institute reference number (CSI #), description, F2 total unit cost amount, and quantity. Any line items that include amounts in lump-sum formats will not be reviewed or approved.

#### **LAUSD Comments:**

Per OPSC's response to Stakeholder Feedback Item No. 3: "OPSC maintains the position of providing the F1 level for 75-years-or-older projects." The Los Angeles Unified School District respectfully seeks clarification regarding which unit cost amount should be used on Form SAB 57-75. As currently written, the regulation instructs the use of the F2 total unit cost, which appears to conflict with OPSC's stated position of applying the F1 level for projects involving facilities that are 75 years or older.

(b) For each 75 years old or older classroom replaced, funding shall be provided on a per pupil grant basis for the number of pupils to be housed as follows: 25 for each K-6 Classroom, 27 for each 7-12 Classroom, 13 for each Special Day Class Non-Severe Classroom, and 9 for each Special Day Class Severe Classroom. The grant amounts shown below shall be adjusted annually based on the change in the Class B Construction Cost Index as approved by the Board each January, pursuant to Education Code Section 17072.10.

- (1) \$19,016 for each elementary pupil.
- (2) \$20,113 for each middle school pupil.
- (3) \$25,592 for each high school pupil.
- (4) \$53,437 for each Special Day Class Severe pupil.
- (5) \$35,738 for each Special Day Class Non-Severe pupil.

(c) For 75 years old or older non-classroom Square Footage replaced, the eligible Square Footage shall be the lesser of the delta between the Square Footage of the existing non-classroom Square Footage determined by Section 1859.60 and actual Square Footage constructed or the delta between the Square Footage of the existing non-classroom Square Footage per the snapshot and the Square Footage justified by enrollment pursuant to the chart in Section 1859.82.1(b)(4)(B)2. Excess square

## ATTACHMENT E

footage required as part of Title 5 requirements needed to obtain plan approval are permissible per Regulation Section 1859.79.2 and considered an eligible expenditure, not to exceed square footage provided in Regulation Section 1859.82.1. Any excess Square Footage not due to Title 5 requirements will not be eligible and must be locally funded by the School District. The funding provided will be calculated as follows:

- (1) Multiply the resulting Square Footage of the qualifying building by \$312.

### **LAUSD Comments:**

The Los Angeles Unified School District respectfully seeks clarification on how the \$312 amount was determined. Furthermore, the Los Angeles Unified School District seeks clarification on whether the \$312 will be subject to an annual adjustment.

- (2) Divide the product by the per pupil allowance in subsection (b) to determine the total allowable pupil grants for the square footage being constructed.

(d) An additional grant for site development for the minimum work required to replace the qualifying building. Any site development provided will be reduced, on a prorated basis, by the percentage of excess square footage constructed. The School District may request the lesser of either (1) or (2):

- (1) 60 percent of the following approved site development and applicable design costs:

(A) Service site development cost, within school property lines, attributable only to the replacement 75 year old building for:

1. Site clearance including the removal of trees, brush, and debris within footprint of the replacement 75 year old building.
2. Demolition and removal of the qualifying 75 year old building and existing buildings and site improvements which lie in the footprint of a proposed replacement 75 year old building.
3. Removal and rerouting of existing utility service which lie in the footprint of a proposed replacement 75 year old building.
4. Rough grading including cut and fill and leveling and terracing operations required in the design.
5. Soil compaction adhering to common engineering practices and engineered fill that is required by a soils report that is available for review by the OPSC.
6. On-site drainage facilities including inlets below grade drainage facilities and retention basins.
7. Erosion control improvements such as plant material, temporary sprinkler systems, jute mesh and straw, due to embankments having a slope of at least two to one and a vertical height greater than six feet.
8. Outside stairways, handicap ramps and retaining walls due to embankments having a slope of at least two to one and a vertical height greater than six feet.
9. Fire code requirements on site that are not a part of the building.

(B) Utility service costs that are necessary to serve replacement 75 years or older building:

1. Water: Replacement or repair of main water service line(s) between the utility company connection and to five feet of the 50 years or older building(s) on the site, connection fees if applicable, meter (if not provided by the serving utility), and replacement or repair of a domestic water appurtenances (i.e., well, pump, tank) as needed for the proper operation of the system.

## ATTACHMENT E

2. Sewage: Replacement or repair of main sewer line between the utility company connection and to five feet of the 50 years or older building(s) on the site and connection fees, if applicable. Replacement or repair of sewage appurtenances (i.e., treatment/disposal system) as needed for the proper operation of the system and a main disposal line from the treatment system to five feet of the 50 years or older building(s) on the site.
3. Gas: Replacement or repair of main gas service line between the utility company connection and to five feet of the 50 years or older building(s) on the site, connection fee (if applicable), meter (if not provided by serving utility) or replacement or repair of gas service appurtenances (i.e., liquefied petroleum system and tank) as needed for proper operation of the system and a new main supply line from the tank to five feet of the 50 years or older building(s) on the site.
4. Electric: Replacement or repair of electrical service between the utility company connection and the building's main switchboard. Primary electric service runs between the utility company's point of connection and the transformer. Secondary electric service runs between the transformer and the main switchboard. Connection fee, transformer pads and protective devices (i.e., bollards) as required by the utility company.
5. Communication systems: Replacement or repair of service between the utility company connection and the nearest distribution center.

(2) Site development and design costs equal to 35 percent of the funding provided in (b) or (c).

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

(f) The qualifying permanent or portable 75 year old or older building must be demolished before the Notice of Completion of the project.

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



May 23, 2025

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

**RE: FEEDBACK ON TOPICS PRESENTED DURING THE MAY 8, 2025 STAKEHOLDER MEETING FOR IMPLEMENTATION OF PROPOSITION 2 FOR THE SCHOOL FACILITY PROGRAM**

To Whom it May Concern:

Hancock Park & DeLong, Inc. appreciates the opportunity to continue providing feedback regarding the topics presented during the tenth Proposition 2 Stakeholder meeting held on May 8, 2025. Below is a summary of our comments and concerns:

• **Modernization Grant for 75 years or Older Buildings**

- We encourage OPSC to reconsider allowing the relocation of certain 75-year old buildings, and the associated site development costs, when the relocation includes a Multipurpose/Cafeteria building or a Gymnasium/Locker building. Title 5 requires Gymnasiums/Shower/Lockers to be secured from other parts of the campus for evening and weekend events and/or for public use (including emergencies). Similarly, Title 5 requires Multipurpose buildings to be located on the campus where the building will be easily accessible for public use, but close to the street for delivery truck access. Districts should have the ability to relocate these buildings on their school campuses in order to meet Title 5 requirements and increase school security while also allowing public access.

• **CTE Facilities: Modernization Supplemental Grant**

- We request clarification regarding contract dates for prior modernization projects that include CTE facilities. May a project be submitted with a current CDE score letter if the contract for the work was executed prior to July 3, 2024?

• **Regulatory Amendments for General Clean-up**

- The current instructions for Part D of the *Enrollment Certification/Projection* (Form SAB 50-01) include outdated references for how special education enrollment information is reported to CDE. The form currently asks for the information "as shown and reported within the California Special Education Management Information System [CASEMIS] to the CDE in December prior to

## ATTACHMENT E

the latest CBEDS report.” Data collection for special education pupils was transitioned from CASEMIS to the California Longitudinal Pupil Achievement Data System (CALPADS) over five years ago, during the 2019-20 school year. Under CALPADS, special education pupil data is collected at the same time as the rest of the K-12 data is collected, in early October of each year; there is no longer special ed data reporting being done in December of each year. As special education enrollment is no longer reported to CASEMIS, and no longer reported in December, clarification on the appropriate reporting process would be appreciated. It may be appropriate and timely to update the Form SAB 50-01 instructions to better align with the current practice by school districts.

- **Modernization Grant for Facilities Previously Modernized with State Funds**

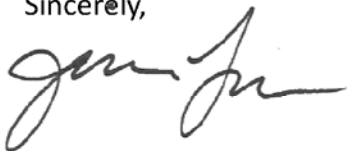
- Regarding the situations where a district replacing a portable classroom eligible for second round funding with a different usage, assuming classroom space is no longer needed, we encourage OPSC to take another look at the previously proposed request.

The language of EC Section 17074.10(f) states “for a portable classroom that is eligible for a second modernization, the board shall require the school district to use the modernization funds to replace the portable classroom and to certify that the existing eligible portable classroom will be removed from any classroom use...” We concur with staff’s interpretation to mean that the replacement building must be for classroom use and that the district is required to replace the portable classroom space with classroom space (permanent or portable), *under this first section of the EC*. However, the remainder of ECS 17074.10(f) states, “...unless the school district is able to document that modernizing the portable classroom is a better use of public resources.”

We request that OPSC allow the replacement-in-kind of different usage to be considered “a better use of public resources”, as certified to by the district. Per SFP Reg Section 1859.79.2(a)(1) “modernization” is allowed to be “Replacement building area of like kind”, therefore it follows that a district “modernizing” a classroom should be able to replace it with like-kind building area. Further, OPSC has previously opined that “replacement area of like kind” refers to replacement *square footage* and not the *type of area*. Again, statewide K-12 enrollment is currently declining, many districts are needing to now re-evaluate their spaces and make the decisions that are best for their student population.

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

Sincerely,



Jessica Love

Hancock Park & DeLong

## ATTACHMENT E

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

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

##### PURPOSE

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

##### AUTHORITY

See Attachment A9a.

##### BACKGROUND

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

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

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

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

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

##### STAFF ANALYSIS/DISCUSSION

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

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



STAFF ANALYSIS/DISCUSSION (cont.)

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

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

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

### Scorecard Metric Determination of the Supplemental Grant

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

STAFF ANALYSIS/DISCUSSION (cont.)

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

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

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

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

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

PRE- Prescriptive, PERF- Performance

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

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

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

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

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

**Proposed New Regulations and Regulatory Amendments**

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

STAFF ANALYSIS/DISCUSSION (cont.)

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

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

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

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

AUTHORITY**EC Section 17077.35 – Energy Efficiency**

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

ATTACHMENT E  
Design Strategies Score Card - 2025

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

ATTACHMENT E  
Design Strategies Score Card - 2025

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

## PROPOSED REGULATIONS

## Section 1859.2. Definitions.

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

...

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

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

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

...

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

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

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

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

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

Note: Authority cited: Section 17070.35, Education Code.

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

## Section 1859.79. Modernization Matching Share Requirement.

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

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



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

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17074.15, 17074.16, 17074.32 and ~~17077.30, 17077.10~~, Education Code.

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

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

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

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

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

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

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

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17077.35, Education Code.

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

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

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

**Proposed Revisions:**

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

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

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

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

g. ☐ Energy Efficiency: \_\_\_\_\_ %

## 6. Modernization Additional Grant Request

b. ☐ Energy Efficiency: \_\_\_\_\_ %

**Proposed Revisions:**

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

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

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

6. Modernization Additional Grant Request

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

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

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

**Proposed Revisions:**

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



Email to: [OPSCCommunications@dgs.ca.gov](mailto:OPSCCommunications@dgs.ca.gov)

July 9, 2025

Rebecca Kirk  
Executive Officer  
Office of Public School Construction  
707 3rd Street, 4th Floor  
West Sacramento, CA 95605

Dear Ms. Kirk,

We write in response to the request from the Office of Public School Construction (OPSC) for public comment on the Proposition 2 Implementation Regulatory Process. This comment refers to attachment A9 from the June 26th stakeholder meeting agenda.

We appreciate your clarifying how school districts will demonstrate eligibility for the Energy Efficiency Supplemental Grant and the points system you devised using the OPSC CA-CHPS Scorecard that will determine the grant percentage applicants will receive. We agree that using a known framework in the OPSC CA-CHPS Scorecard will simplify the process and provide continuity for school districts. We also support your effort to streamline the application process and to make it as easy as possible for LEAs to apply for and access these important funds.

In addition to the OPSC CA-CHPS Scorecard you've shared, we suggest that you also share the following as part of the materials available to applicants:

1. Definitions of the terms listed in the OPSC CA-CHPS Scorecard
2. Examples of the planning documents listed in the scorecard (Zero Net Energy Master Plan, Sustainable School Master Plan, Climate Master Plan, Low/Zero GHG Plan, Climate Vulnerability Assessment)

We believe that these definitions and example plans will help LEAs and design teams best understand the scorecard elements and the nuanced differences between the types of planning documents to develop high-quality plans that will maximize the impact of these grant funds.

Sincerely,

Stephanie Seidmon  
Program Director, UndauntedK12

Andra Yeghoian  
Chief Innovation Officer, Ten Strands



**Alberto M. Carvalho**  
Superintendent

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

Sacramento Office: 1201 K St., Suite 1040  
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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

July 11, 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 #12**

Dear Ms. Kirk,

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

The comments and recommendations provided below correspond to the topics raised and materials provided for the June 26, 2025, Implementation Stakeholder Meeting #12.

**Supplemental Grant for Energy Efficiency**

*Scorecard Metric Determination of the Supplemental Grant* – On June 24, 2025, the United States Green Building Council (USGBC) announced that the Collaborative for High Performance Schools (CHPS) has joined the USGBC. Los Angeles Unified expects this union will likely lead to changes to the CA-CHPS v2.0 scorecard that OPSC proposes using as the basis for the energy efficiency supplemental grant scoring criteria. Therefore, Los Angeles Unified suggests postponing the implementation of the abbreviated scorecard until further information about how the CA-CHPS v2.0 scorecard will change, as it may impact the basis of OPSC's proposal.

## ATTACHMENT E

Alternatively, the District suggests OPSC consider basing the supplemental grant on Energy Performance achieved above the Title 24 requirements, rather than CHPS. Please see the example table below:

Funding Table based on Energy Performance (EP)			
	EP = Code Base	2% > EP > Code Base	EP > 5%
PRE/PERF or all PRE	N/A	2%	4%
	EP > Code Base	1% < EP < 10%	EP > 10%
PERF Only	1%	3%	5%

Thank you for the opportunity to provide feedback on this item.

Sincerely,



Sasha Horwitz  
Legislative Advocate  
Los Angeles Unified School District



## ATTACHMENT E

### OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING July 10, 2025

#### PROPOSED AMENDMENTS TO THE SCHOOL FACILITY PROGRAM FOR A CAREER TECHNICAL EDUCATION FACILITIES MODERNIZATION SUPPLEMENTAL GRANT

##### PURPOSE

To continue to discuss and receive stakeholder feedback resulting from the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2), which was approved by a majority of California's voters on November 5, 2024, to provide a Modernization supplemental grant for Career Technical Education (CTE) facilities. The Office of Public School Construction (OPSC) proposes the addition of School Facility Program (SFP) Regulation Section 1859.78.10 to implement this grant adjustment to provide an increase not to exceed five percent of the state share of the Modernization base grant.

##### AUTHORITY

See Attachment A12a.

##### DESCRIPTION

This report continues discussion of the new Modernization supplemental grant for CTE facilities presented to stakeholders on May 8, 2025. This report addresses comments OPSC staff received from stakeholders and includes proposed regulatory additions.

There are two additional attachments to this report:

1. Attachment A12b is the proposed SFP Regulation Section 1859.78.10.
2. Attachment A12c is the proposed amendments to the *Application for Funding* (Form SAB 50-04)

##### *Note on Proposed Regulation and Form Changes*

This stakeholder item proposes changes to the regulations and forms in effect as of the publication date of this item. This item does not reflect separate, State Allocation Board (Board)-approved proposed regulation and form changes that are pending in the rulemaking process and have not gone into effect. Specifically, Attachment A12c does not reflect separate proposed changes to the Form SAB 50-04 that were approved by the Board on June 26, 2025. Future stakeholder meeting items and State Allocation Board agenda items will reflect proposed regulation and form changes once they go into effect.

## BACKGROUND

### *Stakeholder Feedback*

On May 8, 2025, OPSC presented the proposed addition of SFP Regulation Section 1859.78.10 and proposed amendments to the Form SAB 50-04 to provide an increase of up to five percent of the state share of the Modernization base grant for the new Modernization supplemental grant for CTE Facilities.

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

The recording of the May 8, 2025, Stakeholder Meeting is available here: [May 8, 2025 OPSC Proposition 2 Stakeholder Meeting #10 - Recording](#)

Attachment C includes the full text of stakeholder feedback on this topic received following the May 8, 2025 meeting.

## STAFF ANALYSIS/DISCUSSION

### **Summary of Stakeholder Feedback**

Staff would like to thank stakeholders who participated in this meeting and provided valuable feedback either at the meeting or through written correspondence to OPSC.

Below is a summary of the stakeholder feedback and OPSC's responses as a result of the meeting held on May 8, 2025:

<b>Stakeholder Feedback</b>	<b>OPSC response</b>
<p>1. The use of Sierra West F1 Level costs for the detailed cost estimate associated with the CTE scope of work deviates from SFP Regulation Sections 1859.193(b)(A) and (c)(A), which allow Career Technical Education Facilities Program (CTEFP) project costs to be determined by the project architect. Requiring F1 Level estimates introduces duplicative effort for the Local Educational Agency (LEA) electing to pursue the CTE supplemental grant for high-scoring CTEFP applications that did not receive funding and creates inconsistency within the SFP regulations for CTE scopes of work. We recommend that architect-prepared estimates be accepted for the supplemental grant to reduce administrative burden and for</p>	<p>1. OPSC acknowledges the request for the district to submit architect-prepared estimates for the CTE scope of work.</p> <p>As this is a supplemental grant for CTE facilities under Modernization funding, and consistent with other sections of the regulations, OPSC has updated our recommendation and recommends that costs for CTE scope of work, associated with reconfiguration or modernization of a school building must conform to the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing at the F2 level. Costs associated with New</p>

Stakeholder Feedback	OPSC response
1. (cont.) alignment with CTEFP application documentation.	1. (cont.) Construction must conform with the Current Construction Costs publication by Sierra West Publishing. This is consistent with other facets of the SFP Modernization program.
2. We request clarification regarding contract dates for prior modernization projects that include CTE facilities. May a project be submitted with a current California Department of Education (CDE) Score Letter if the contract for the work was executed prior to July 3, 2024?	<p>2. No, contracts must be executed on or after July 3, 2024 to seek a Modernization supplemental grant. Additionally, for any project to be eligible, the CDE Score Letter must have been issued on or after July 3, 2024 and must include a minimum score of 105 points.</p> <p>Note: The July 3, 2024 date aligns with the date statute was chaptered to place Proposition 2 on the ballot.</p>

### Summary of Proposed Addition of SFP Regulation Section 1859.78.10

OPSC presents proposed changes to SFP Regulation Section 1859.78.10 since the version of the proposed regulations introduced at the May 8 stakeholder meeting, summarized as follows:

- Regulation Section 1859.78.10(a)(3)(C): Revised to include, “*career technical education*” to specify the type of CDE Score Letter that is required.
- Regulation Section 1859.78.10(a)(5): Added to clarify that contracts and/or purchase orders for the CTE scope of work being funded must have been signed on or after July 3, 2024. Additionally, this Section was added to align with Section 24 of the Form SAB 50-04.
- Regulation Section 1859.78.10(b)(2):
  - Revised to include, “*60 percent of the OPSC-approved costs*” to reflect the state share amount.
  - Additionally, the proposed regulations presented at the May 8, 2025, meeting indicated that costs for the CTE scope of work associated with reconfiguration or modernization of a school building, must conform to the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing at the F1 level. Upon further review, the updated proposed regulations now specify the F2 level to align with modernization program standards and the guidance of the Sierra West publications.
- First paragraph after Regulation Section 1859.78.10(b)(2): Revised to indicate Approved Applications for Modernization Grants received on or after October 31, 2024, that are on OPSC’s workload list or the Applications

STAFF ANALYSIS/DISCUSSION (cont.)

Received Beyond Bond Authority List, may request the additional grant if a CTE component is included the scope of the original application submittal and the district submits the required CDE Score Letter.

- Second paragraph after Regulation Section 1859.78.10(b)(2): Revised to clarify that school districts cannot receive the CTE supplemental grant for any CTE components that were previously funded.

Attachment A12b includes the latest proposed version of new SFP Regulation Section 1859.78.10 for stakeholder consideration.

**Summary of Proposed Amendments to the Form SAB 50-04**

OPSC presents proposed changes to the Form SAB 50-04 since the version introduced at the May 8 stakeholder meeting, which include a revision to subsection (f) of Section 6 to include an editable entry for 60 percent of the costs associated with CTE components and a checkbox verifying that the district operates a comprehensive high school.

OPSC proposes additional certification language within Section 24 of the Form SAB 50-04 to verify the following conditions are met when requesting the additional grant:

1. The district will include the costs associated with the CTE component(s) in the scope of work and certifies that these costs exceed the modernization funding available.
2. The district operates a comprehensive high school and has an active career technical advisory committee.
3. The district has included a copy of the CDE plan score, with a minimum score of 105 points, dated on or after July 3, 2024.
4. Contracts for construction or acquisition of equipment were entered into on or after July 3, 2024.

Attachment A12c includes the latest proposed amendments to the Form SAB 50-04 for stakeholder consideration.

NEXT STEPS

Staff requests stakeholder feedback on the latest version of the proposed regulations and topics outlined in this item. Any stakeholder wishing to provide feedback should email the OPSC Communications Team by end of day on July 25, 2025 at [OPSCCommunications@dgs.ca.gov](mailto:OPSCCommunications@dgs.ca.gov).

AUTHORITY**Education Code (EC) 17078.72**

(a) The Career Technical Education Facilities Program is hereby established to provide funding to qualifying local educational agencies for the purpose of constructing new facilities or reconfiguring existing facilities, including, but not limited to, purchasing equipment with an average useful life expectancy of at least 10 years, to enhance educational opportunities for pupils in existing high schools in order to provide them with the skills and knowledge necessary for the high-demand technical careers of today and tomorrow.

(b) The State Department of Education, in cooperation with the Chancellor's Office of the California Community Colleges, the Labor and Workforce Development Agency, and industry groups, shall develop criteria and pupil outcome measures to evaluate the program. The criteria shall ensure equity, program relevance to industry needs, and articulation with more advanced coursework at the partnering community colleges or private institutions.

(c) The program shall be based on grant applications administered by the board.

(d) Grants shall be allocated on a per-square-foot basis for the applicable type of construction proposed or deemed necessary by the board consistent with the approved application for the project.

(e) New construction grants shall not exceed three million dollars (\$3,000,000) per project per schoolsite, inclusive of equipment, and shall only be allocated to comprehensive high schools that have an active Career Technical Advisory Committee pursuant to Section 8070, in either of the following methods:

(1) For a stand-alone project on a per-square-foot basis for the applicable type of construction proposed, based on the criteria established pursuant to subdivision

(b), consistent with the approved application for the project.

(2) For new school projects, as a supplement to the per pupil allocation pursuant to Section 17072.10. The supplement is intended to cover excess costs uniquely related to the facilities required to provide the career technical education program or programs.

(f) Modernization grants shall not exceed one million five hundred thousand dollars (\$1,500,000) per project per schoolsite, inclusive of equipment and may be awarded to comprehensive high schools or joint power authorities currently operating career technical education programs that have an active Career Technical Advisory Committee pursuant to Section 8070 for the purpose of reconfiguration. For comprehensive high schools, the grant shall be supplemental to the per pupil allocation pursuant to Section 17074.10. The supplement is intended to cover excess costs uniquely related to the facilities required to provide the career technical education program or programs.

AUTHORITY (cont.)

(g) (1) A school district shall contribute from local resources a dollar amount that is equal to the amount of the grant of state funds awarded under subdivisions (d), (e), and (f). The required local contribution may be provided by private industry groups, the school district, or a joint powers authority.

(2) A school district shall not be required to demonstrate that it has unhoused pupils or that a permanent school building is more than 25 years old in order to receive a grant under the program.

(h) The program shall allow the required local contribution to be paid over time if sufficient local funds are not immediately available. The board may provide for a repayment schedule consistent with subparagraphs (C) and (D) of paragraph (1) of subdivision (a) of Section 17078.57. The board shall not waive the required local contribution on the basis of financial hardship or on any other basis.

(i) Applications shall meet the criteria developed under subdivision (b) and shall require all of the following:

(1) A clear and comprehensive career technical education plan for each course of study applicable to the instructional space.

(2) Projections of pupil enrollment.

(3) Identification of feeder schools, industry partners, and community colleges or other postsecondary schools participating in the development, articulation, and review of the educational program.

(4) Evidence of approval of the plan by the entities listed in paragraph (3).

(5) The method by which accountability for pupil enrollments and outcomes will be maintained. Outcomes shall include, but are not limited to, certificate completion, the successful entry of pupil to employment in the applicable industry, and successful transition to post-secondary institutions for work in the applicable industry or other areas of study.

(6) Evidence of coordination with all feeder schools, middle schools, and high schools within the area to ensure that the project and programs complement career technical education offerings in the area.

(7) Evidence that upon completion of the project the local educational agency will meet all of its obligations under Section 51228 relating to career technical education.

(j) Applications shall give weight to the number of pupils expected to attend, the cost per pupil, financial participation by industry partners in the construction and equipping of the facility, commitment to accountability for outcomes and participation, the strength and relevance of the educational plans to the needs of industry for qualified technical employees applicable to the economic development needs of the region in which the project will be located, and coordination and articulation with feeder schools, other high schools, and community colleges.

AUTHORITY (cont.)

(k) The Office of Public School Construction shall develop and the board shall approve regulations to implement this article on or before April 19, 2007, and the board may promulgate those regulations first on an emergency basis, which shall be effective for no more than 12 months, after which any permanent regulations shall be promulgated in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(l) Notwithstanding paragraphs (e) and (f), a project approved pursuant to this section is also eligible for an incentive grant from the funds specified in paragraph (8) of subdivision (a) of Section 101012 if the project meets the criteria prescribed in that section.

**Education Code (EC) 17078.74 – Career Technical Education Modernization Supplemental Grant**

(a) Except as otherwise provided in this section, a modernization grant adjustment provided pursuant to this section is not subject to the requirements of Section 17078.72.

(b) An applicant school district may include plan design and other project components that promote career technical education to enhance the educational opportunities for pupils in existing middle and high schools, and may seek a modernization grant adjustment for the state's share of the increased costs associated with those components.

(c) Career technical education components that enable school facilities to provide pupils with the skills and knowledge necessary for high-demand technical careers are eligible for inclusion into a project pursuant to this section, including, but not limited to, all of the following:

(1) Modernization of facilities to support career technical education programs.

(2) Reconfiguring a structure of any age that will enhance the educational opportunities for pupils in existing middle and high schools in order to provide them with the skills and knowledge necessary for high-demand technical careers.

(3) Purchasing equipment with an average useful life expectancy of at least 10 years.

(d) (1) In order to be eligible for the modernization grant adjustment pursuant to this section, the applicant shall certify that the cost for the project exceeds the amount of funding otherwise available to the applicant under this chapter and that the career technical education components are necessary to maintain industry standards.

(2) The applicant shall submit necessary plans and specifications for career technical education components to the State Department of Education for