



OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING June 25, 2026

Proposed Regulations Implementing the Supporting Priority School Districts Program

PURPOSE

To discuss and receive input regarding proposed amendments to Title 5 of the California Code of Regulations, implementing the \$5 million state augmentation of the Federal Supporting America's School Infrastructure (SASI) Grant Program for Supporting Priority School Districts (SPSD). These regulations are required by Section 17078.48 of the *Education Code (EC)* and relate to sections 17078.45 through 17078.48.

DESCRIPTION

EC Section 17078.48, which took effect on July 3, 2024, requires the California Department of Education (CDE) to adopt regulations implementing the state augmentation of the federal SASI grant, to include the following:

- the process for determining recipients of direct technical assistance,
- the framework for state and county collaboration efforts,
- the development, maintenance, and accessibility of centralized online resources, and
- reporting and accountability measures to ensure the effective use of the allocated funds and the achievement of its intended outcomes.

CDE has prepared the following proposed regulatory concepts for public discussion to invite input from the field prior to formally proposing regulations.

AUTHORITY

Education Code Section 17078.48

BACKGROUND

In January of 2024, the CDE received a \$4.99 million SASI grant from the U.S. Department of Education (ED). Through the SASI grant, CDE will work to improve and maintain school facilities for California's high-need local educational agencies (LEAs). The intent of the grant is to support California's high-need LEAs regarding their school building needs by developing a system of support for LEAs. This system consists of the following four components:

- Providing direct technical assistance to a select number of eligible LEAs.
- Creating county and/or regional networks of support.
- Developing centralized online resources.
- Increasing CDE expertise in school facility maintenance needs, especially for high need LEAs.

In July of 2024, the Governor signed AB 247, which provided an additional \$5 million to augment the federal SASI grant. This augmentation was subsequently authorized by California voters with the passage of Proposition 2 on the November 2024 ballot. While there are significant similarities between the federally funded grant program and the state augmentation, now known as the Supporting Priority School Districts (SPSD) program, there are also a few important differences, most notably the eligibility requirements for the grant and the directive that CDE adopt regulations implementing the grant. The regulatory concepts proposed here for the state augmentation are guided by three main principles. The first principle is ease of application for support. As the priority school districts are, by their nature, less able to support extensive administrative requirements than other districts, CDE intends to create a streamlined application and reporting process for eligible LEAs. The second principle is to use definitions already enacted through existing statutes or regulations whenever possible, in order to avoid confusion or inconsistency. Finally, given the flexibility provided by the state augmentation language, CDE will use a weighted point system to score applications, as needed.

ANALYSIS/DISCUSSION

Certified Private Construction Consultant Certification List

Education Code Section 17078.47(d)(2) requires CDE, in partnership with the Office of Public School Construction and the Division of the State Architect, to establish a certification process for private construction consultants and maintain an up-to-date list of certified consultants for use by priority school districts.

The list will also support implementation of the Project and Construction Management Grant available to eligible small school districts. *Education Code* Section 17078.35 permits these grant funds to be used to obtain project and construction management services from specified public entities or from a certified private construction consulting entity included on the list maintained by CDE.

Proposed Section 14051 establishes the application, experience, training, ethics, certification, appeal, and complaint requirements for the Certified Private Construction Consultant Certification List.

Consultant Application and Eligibility Requirements

A private construction consultant seeking inclusion on the list must submit an application electronically through CDE's online application system.

The application will require:

- The legal name of the business through which the consultant offers services.
- Business address and contact information.
- A designated primary contact person.
- Proof of business status.
- A current business license.
- Proof of registration to conduct business in California.
- Certification that the information submitted is true and accurate.

Each individual employed by a business who meets the regulatory definition must separately submit the required form and complete the certification requirements. Inclusion of one individual on the list does not automatically certify every employee or representative of the associated business.

In addition to the application, an applicant must:

- Complete the prescribed Ethics Statement and Affirmation, Form CDE-FPC-001.
- Submit a résumé listing relevant experience during the preceding five years.
- Provide evidence of at least one year of recent relevant experience.
- Successfully complete training made available by CDE after CDE reviews and approves the applicant's initial documentation.

A private construction consultant included on the list will remain certified for three years from the date of successful completion of the required training. CDE will provide written confirmation of whether an applicant has been accepted or denied placement on the list.

An applicant who is not accepted will receive written notice explaining the reason for the denial.

Consultant Training

CDE will make certification training available to applicants who satisfy the initial application, ethics, and experience requirements. The training is intended to provide consultants with information necessary to assist school districts with public school facilities projects and to promote consistent understanding of applicable state processes and requirements.

CDE will coordinate, as appropriate, with the Office of Public School Construction and the Division of the State Architect regarding training content relevant to their respective programs and responsibilities.

Ethics Statement and Affirmation

As a condition of inclusion on the list, each consultant must complete Form CDE-FPC-001, Certified Private Construction Consultant Ethics Statement and Affirmation. The form requires consultants to conduct business with local educational agencies in a lawful, ethical, and professional manner.

Representation of Certification Status

Inclusion on the list does not constitute an endorsement or recommendation by CDE or another public agency. Certification also does not constitute a professional license or a guarantee of satisfactory performance by CDE. A consultant may not state or imply that certification:

- Provides special access to or influence with CDE, the Office of Public School Construction, the Division of the State Architect, or another public agency.
- Guarantees project funding.
- Guarantees eligibility or approval.
- Guarantees expedited review.
- Guarantees any other project outcome.

A certified consultant must notify CDE in writing within 30 days of a material change affecting the consultant's eligibility or information maintained on the list.

Denial, Suspension, and Revocation

CDE may deny, suspend, or revoke a consultant's inclusion on the certification list for reasons that include:

- The consultant is ineligible to conduct business in California pursuant to a federal or state statute, regulation, or executive order.
- The consultant failed to satisfy a certification requirement.
- The consultant provided false information to satisfy a certification requirement.
- The consultant engaged in conduct that violates Form CDE-FPC-001.

Appeals

An applicant or certified consultant may appeal a denial, suspension, or revocation of list status. The appeal must:

- Be submitted to CDE in writing.
- Be submitted electronically or through United States mail.
- Be submitted within 30 days after notice of the action.

Complaints

Complaints regarding a consultant included on the list must be submitted to CDE in writing. Complaints may be submitted electronically or through United States mail. CDE will review complaints in relation to the certification requirements and the consultant's obligations under the Ethics Statement and Affirmation. The filing of a complaint does not, by itself, constitute a determination that a consultant violated the certification requirements.

NEXT STEPS

The CDE staff is seeking feedback on the proposed regulations, including the implementation of the consultant certification process and Ethics Statement and Affirmation. Staff requests that anyone wishing to provide feedback beyond today's discussion should do so by 5 PM on Friday, July 10, 2026. If you would like to submit written feedback, please email your suggestions to the School Facilities and Transportation Services Division at spsd@cde.ca.gov.

ATTACHMENT A

STATUTORY LANGUAGE

Article 11.7. State Augmentation of Federal Supporting America's School Infrastructure Grant Program for Priority School Districts

17078.45. For purposes of this article, the following definitions apply:

- (a) "Centralized online resources" means an online portal or webpage dedicated to facilities maintenance and capital outlay in support of priority school districts.
- (b) "Direct technical assistance" means professional support on facilities maintenance and capital outlay provided in person to a priority school district at the site.
- (c) "Priority school district" means a school district that the State Department of Education determines is in need of capital outlay assistance. The State Department of Education's determination is based on the school district meeting one or more of the following criteria:
 - (1) An enrollment of fewer than 2,501 pupils.
 - (2) Low gross bonding capacity per enrollment.
 - (3) A high percentage of unduplicated pupils.
 - (4) Has not previously submitted an application for funding pursuant to the School Facility Program.
- (d) "SASI Grant" means the federal Supporting America's School Infrastructure Grant Program.
- (e) "State and county collaboration" means the joint efforts of the State Department of Education, county offices of education, and other state agencies, such as the Division of the State Architect and the Office of Public School Construction, to provide regional resource centers throughout the state to ensure priority school districts have access to local support.

17078.46. (a) The board shall provide a grant of five million dollars (\$5,000,000) to the State Department of Education to expand the objectives of the SASI Grant and support priority school districts as described in this article. The grant funds shall be made available from the amounts allocated pursuant to paragraphs (1) and (2) of subdivision (a) of Section 101412 at the board's discretion.

(b) Any portion of the amount described in subdivision (a) that is not allocated pursuant to subdivision (a) by January 1, 2030, shall be available for the purposes described in paragraphs (1) and (2) of subdivision (a) of Section 101412, as determined by the board.

17078.47. The bond funds allocated to the State Department of Education pursuant to Section 17070.46 shall be used for all of the following purposes:

- (a) Direct technical assistance to priority school districts, including training in at least all of the following:
 - (1) Tools used to determine if a school facility is in "good repair" as defined in paragraph (1) of subdivision (d) of Section 17002 and rating a facility pursuant to paragraph (2) of subdivision (d) of Section 17002.

- (2) Developing a schoolsite inventory.
 - (3) Assessing facility needs, estimating costs, and prioritizing projects.
 - (4) Identifying funding options, including eligibility to participate in the school facilities program.
 - (5) Developing facility contracts, including testing, architectural services, inspections, and construction.
- (b) State and county collaboration efforts, including at least all of the following:
- (1) Developing a regional network of facilities and maintenance staff at county offices of education throughout the state to sustain ongoing support for priority school districts.
 - (2) Conducting quarterly meetings throughout the state, in partnership with the Division of the State Architect and the Office of Public School Construction, designed to address the facilities challenges faced by priority school districts.
 - (3) Partnering with other state agencies and organizations representing priority school districts with limited expertise and capacity.
- (c) Development and maintenance of centralized online resources, including at least all of the following:
- (1) Dedicating a portal or webpage to school facilities maintenance to support maintenance assessment, state and national funding programs, and contract development and management.
 - (2) Providing standardized forms and tools for use by priority school districts.
 - (3) Developing an on-demand library of resources, including webinars, videos, and additional learning tools.
- (d) State level expertise on facility maintenance, which may include both of the following:
- (1) Building the capacity of the State Department of Education and county offices of education in supporting priority school districts.
 - (2) Establishing, in partnership with the Division of the State Architect and the Office of Public School Construction, a certification process for private construction consultants and maintaining an up-to-date list of certified consultants for use by priority school districts.

17078.48. The State Department of Education shall adopt regulations setting forth the requirements and procedures for the allocation and use of bond funds pursuant to this article, including, but not limited to, all of the following:

- (a) The process for determining recipients of direct technical assistance.
- (b) The framework for state and county collaboration efforts.
- (c) The development, maintenance, and accessibility of centralized online resources.
- (d) Reporting and accountability measures to ensure the effective use of the allocated funds and the achievement of its intended outcomes.

ATTACHMENT B

California Department of Education's
Supporting Priority School Districts
Program Regulations

- The State Board of Education has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined; text proposed to be deleted is displayed in ~~strikeout~~.

Title 5. EDUCATION

Division 1. California Department of Education

Chapter 13. School Facilities and Equipment

Subchapter 1.7. Priority School Districts

§ 14050. Supporting Priority School Districts

(a) This program shall be referred to as the "Supporting Priority School Districts (SPSD) program."

(1) The following definitions apply to the Supporting Priority School Districts program.

(A) "Enrollment" means current district-wide enrollment information provided through the California Basic Educational Data System by school districts to the California Department of Education (CDE).

(B) "Gross bonding capacity" means a school district's capacity to issue debt as defined in Education Code (EC) Section 17070.15(k). "Gross bonding capacity per enrollment" means a school district's gross bonding capacity divided by the district's "enrollment," as defined in subsection (a)(1)(A).

(C) "Low" gross bonding capacity per enrollment means a school district's gross bonding capacity of less than \$32,000 per student.

(D) "Unduplicated pupils" means pupils enrolled in a school district or a charter school who are either classified as English learners, eligible for free or reduced-price meals, or who are foster youth as determined for purposes of the local control funding formula pursuant to EC Section 42238.02.

(E) “High percentage” of unduplicated pupils means that the total number of unduplicated pupils districtwide exceeds 66 percent of enrollment.

(F) “Priority school district” means any school district determined by the CDE to meet the requirements of EC Section 17078.45(c) pursuant to (b)(3), whether or not the school district is prioritized for direct technical assistance.

(b)(1) In order to identify school districts eligible for support under the SPSD program, the CDE will open an application period of no less than 60 days. Prior to opening the application period, the CDE will provide notice to school districts statewide via the CDE’s website and social media accounts. Additionally, the CDE may disseminate said notice via email distribution lists and/or communication networks with TK-12 partners. The period between first announcing the application period and opening the 60-day window will be no less than 30 days.

(2) Any school district wishing to apply to participate in the SPSD program must ~~submit an application electronically on the CDE website~~ ~~submit an application in the form of a letter.~~ The ~~letter application~~ must be submitted to the CDE by midnight on the ~~60th day last day of the application period. if submitted electronically or must be postmarked by the 60th day if submitted by U.S. mail.~~ The application ~~letter must include~~ will require all of the following:

(A) The name and county-district-school (CDS) code of the school district;

(B) Identification of the applicable eligibility criterion or criteria;

(C) A request to participate in the SPSD program;

(D) An agreement to provide information and documents as reasonably requested by the CDE, including completing any pre- and post-assistance surveys necessary for evaluating the effectiveness of the direct technical assistance;

(E) The current gross bonding capacity of the district; and

(F) The signature of the district superintendent, or their duly authorized designee, certifying that the information provided is correct.

The Superintendent may prescribe the format and content of the online application.

(3) Within a reasonable time of the closure of the 60-day application window, not to exceed 30 days except in extenuating circumstances, the CDE will verify eligibility and notify applicants of their eligibility for technical assistance under the SPSD program. The CDE may open subsequent application periods if it determines that there remains capacity to provide technical assistance under the SPSD program to additional priority school

districts, beyond those initially identified through the initial application period. If the number of eligible school districts exceed the capacity of the program, they will be placed in sequential order by score to receive direct technical assistance on the following basis:

(A) Up to four points for enrollment, as follows:

(i) Priority school districts with an enrollment from 1 through 125 students will receive four points.

(ii) Priority school districts with an enrollment from 126 through 380 students will receive three points.

(iii) Priority school districts with an enrollment from 381 through 1000 ~~students~~ will receive two points.

(iv) Priority school districts with an enrollment of 1001 ~~through 2500 or more~~ students will receive one point.

(B) Up to eight points for low gross bonding capacity per enrollment. This will be calculated based on the most recent enrollment reporting period data pursuant to the definition of a "Small School District" in 2 CCR Section 1859.2. Points will be assigned as follows:

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

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

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

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

(C) Up to four points for high unduplicated pupil percentage. Unduplicated pupil percentage will be calculated by using current Unduplicated Pupil Count divided by total enrollment.

(i) School districts with an unduplicated pupil percentage between 75 and 100 percent will receive four points.

(ii) School districts with an unduplicated pupil percentage between 50 and 74.99 percent will receive three points.

(iii) School districts with an unduplicated pupil percentage between 25 percent and 49.99 percent will receive two points.

(iv) School districts with an unduplicated pupil percentage of 24.99 percent or less will receive one point.

(D) Eight additional points will be awarded to school districts that have not previously submitted a School Facility Program application, as communicated to CDE by the Office of Public School Construction.

(4) Priority school districts will receive direct technical assistance based on the sequence established pursuant to subsections (b)(3)(A-D) until SPSD program funds are exhausted.

(c) In coordination with county offices of education, the CDE will develop a regional network for communicating and meeting with facilities and maintenance staff of Local Educational Agencies (LEAs), including charter schools and LEAs throughout the state to sustain ongoing support for priority school districts. All LEAs in California may participate in the activities of the regional network, irrespective of designation as a priority school district. The CDE will convene quarterly meetings of the network partnering with the Division of the State Architect and the Office of Public School Construction. Information about these meetings will be posted on CDE's website and made available to other partners for posting. The CDE may collaborate with other county or state agencies and organizations representing or supporting priority school districts to facilitate these meetings.

(d) The CDE will develop and host a centralized online website which will contain ~~CDE-developed~~ resources and identify additional reference materials for LEAs as described in EC 17078.47(c). This website will be available from the CDE's main website. The CDE may partner with other state agencies, LEAs, and/or organizations representing or supporting priority school districts to create the resources provided. The CDE may require LEAs to register, free of charge, to use the website.

(e) Pursuant to EC 17078.48(d), “reporting and accountability measures” means the collection and publication of:

(1) Data for priority school districts receiving technical assistance, including a complete list by region of all school sites served and the total number of buildings assessed.

(2) Program and operational data, including information on administrative costs, direct technical assistance provided, number of regional network meetings held, and a narrative summary of online resources.

(3) Results of pre- and post-assistance surveys described in subsection (b)(2)(D) from districts receiving direct technical assistance.

NOTE: Authority cited: *Education Code* Section 17078.48

Reference: *Education Code* sections 17070.15, 17070.59, 17078.45 through 17078.48, and 42238.02

§ 14051. Certified Private Construction Consultant Certification List

CDE shall maintain a Certified Private Construction Consultant Certification List in accordance with paragraph (2) of subdivision (d) of Section 17078.47. Entities requesting placement on this list shall complete the following:

(a) “Certified Private construction consulting entity” means any individual supporting the expenditure of funds provided by a project and construction management grant as provided in subdivision (d) of Section 17078.35 of the *Education Code* to assist with the planning, site acquisition, preconstruction, construction, or closeout of a project funded under Article 11.5 of the Leroy F. Greene School Facilities Act of 1998.

(b) A private construction consultant may request inclusion on the certification list maintained pursuant to paragraph (2) of subdivision (d) of Section 17078.47 of the *Education Code* by submitting all of the following to the CDE:

(1) An applicant seeking inclusion on the Certified Private Construction Consultant Certification List shall submit an application electronically through the CDE's online application system. The application will require the applicant to provide the legal name of the business through which the consultant is offering services, business address and contact information, designated primary contact person, proof of business status, current business license, proof of registration to do business in California, and certification that all submitted information is true and accurate. Each individual employed by a business who

meets the definition in subdivision (a) must submit the form and complete all of the following requirements.

(2) Completion of the prescribed ethics statement and affirmation, form CDE-FPC-001, adopted September 9, 2026, and hereby incorporated by reference.

(3) Resume listing any relevant experience within the past 5 years.

(4) Provide evidence to the CDE of at least one year of relevant recent experience providing facilities planning, project management, professional design and construction services, technical assistance, or related services for a California school district or county office of education.

(5) Following the review and approval by the CDE of the requirements listed in paragraphs (1) through (4), successfully complete training made available by the CDE.

(c) Private construction consultants who have been included on the certification list will remain certified for a period of three years from the date of successful completion of training.

(d) CDE will provide written confirmation of acceptance or denial of placement on the list to private construction consultants who have applied. Consultants who have applied and have not been accepted will be notified in writing of the reason.

(e) The CDE may deny, suspend, or revoke the consultant's inclusion on the certification list on grounds or reasons that include, but are not limited to, the following determinations:

(1) The consultant is ineligible to conduct business in this state pursuant to any federal or state statute, regulation, or executive order.

(2) The consultant failed to meet one of the requirements of subdivision (b) or provided false information in order to meet the requirements of subdivision (b).

(3) The consultant has engaged in any activity that violates the prescribed ethics statement in paragraph (2) of subsection (b).

(f) Appeals of a denial, suspension, or revocation of list status must be made to the CDE in writing and may be submitted electronically or via U.S. mail within 30 days of notice of the action.

(g) Complaints regarding a consultant included on the list must be made to the CDE in writing and may be submitted electronically or via United States mail.

NOTE: Authority cited: *Education Code* Section 17078.48

Reference: *Education Code* sections 17078.35, 17078.47, 17078.48

2026-6-8 [California Department of Education]

ATTACHMENT C

Certified Private Construction Consultant Ethics Statement and Affirmation

As a condition of inclusion on the Certified Private Construction Consultant List, the undersigned consultant agrees to conduct all business with Local Educational Agencies (LEAs) in a lawful, ethical, and professional manner. The consultant affirms that they will:

1. Comply with All Laws

Comply with all applicable federal, state, and local laws, regulations, and professional licensing requirements.

2. Avoid Conflicts of Interest

Disclose any actual or potential conflicts of interest in writing to the affected LEA and avoid participation in any activity that creates the appearance of impropriety or undue influence.

3. Maintain Integrity and Transparency

Provide accurate, truthful, and complete information in all communications, proposals, reports, and representations to LEAs.

4. Prohibit Improper Influence

Not offer, give, solicit, or accept any gift, payment, gratuity, favor, or other item of value intended to improperly influence a decision or secure an unfair advantage.

5. Act in the Best Interest of the LEA

Perform services objectively and in good faith, prioritizing the educational and public interest served by the project.

6. Maintain Professional Standards

Exercise reasonable care, competence, and diligence consistent with industry standards for public school construction projects. Accept only work that the consultant is qualified to perform, accurately represent the consultant's qualifications and experience, and disclose when licensed or specialized expertise outside the consultant's qualifications is required.

7. Cooperate with Oversight

Cooperate with any lawful audit, review, or inquiry from CDE, the contracting LEA, or another authorized oversight body, related to services performed for an LEA.

8. Accurately Represent Certification Status

Accurately represent the nature and scope of inclusion on the Certified Private Construction Consultant List. The consultant shall not state or imply that inclusion constitutes an endorsement or recommendation by CDE or another public agency, provides special access to or influence with a public agency, or guarantees project funding, eligibility, approval, expedited review, or any other project outcome.

9. Report Material Changes

Notify CDE in writing within 30 days of any material change affecting the consultant's eligibility or information maintained on the certification list, including changes to the consultant's legal business name, business status, contact information, professional license status, or association with the business identified in the application.

10. Use Certification Only as Authorized

Not permit another individual to use or represent themselves under the undersigned consultant's certification. The consultant shall not represent that every employee or representative of the associated business is certified unless each individual required to be certified has separately completed the applicable certification requirements.

AFFIRMATION

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct: I am the individual consultant identified below, I have read and understand this Ethics Statement, and I agree to comply with it as a condition of initial and continued inclusion on the Certified Private Construction Consultant List. I am authorized to bind the firm identified below and that the firm agrees to abide by the above Ethics Statement as a condition of inclusion on the Certified Private Construction Consultant List.

I understand that CDE may deny, suspend, or revoke my inclusion on the list for a violation of this Ethics Statement in accordance with applicable regulations. I further understand that inclusion on the list does not constitute an endorsement, recommendation, professional license, or guarantee by CDE.

Individual Consultant Name: Click or tap here to enter text.

Title: Click or tap here to enter text.

Signature: Click or tap here to enter text.

Date: Click or tap to enter a date.

Legal Business Name Through Which Services Are Offered ("Firm"): Click or tap here to enter text.

Firm Authorized Representative Signature: Click or tap here to enter text.

Title: Click or tap here to enter text.

Signature: Click or tap here to enter text.

Date: Click or tap to enter a date.