

OFFICE OF PUBLIC SCHOOL CONSTRUCTION
STAKEHOLDER MEETING
July 30, 2026

GENERAL UPDATES TO
SCHOOL FACILITY PROGRAM REGULATIONS AND FORMS,
AND
PROPOSED REGULATORY AMENDMENTS FOR MODERNIZATION GRANT
FUNDING FOR FACILITIES PREVIOUSLY MODERNIZED WITH
STATE FUNDS

PURPOSE

The purpose of this meeting is to invite discussion of proposed regulatory amendments to the School Facility Program (SFP) Regulations and State Allocation Board (SAB) Forms regarding Site Development funding, Modernization Excessive Cost Hardship Grants, and previously modernized facilities' eligibility determination.

Site Development

The Office of Public School Construction (OPSC) would like to discuss and collect feedback on proposed regulatory amendments to clarify requirements for the Additional Grant for Site Development and Modernization Excessive Cost Hardship Grants for accessibility and fire code requirements. This item is being presented for the first time.

Modernization Grant Funding for Facilities Previously Modernized with State Funds

OPSC would like to finalize the discussion and address any stakeholder feedback for the determination of eligibility and funding for school sites that are eligible for Modernization funding for a second and/or subsequent time under the SFP. In prior stakeholder meetings, this topic was occasionally referred to as "Second Round Modernization."

BACKGROUND

Note on Proposed Regulation and Form Changes

This stakeholder item makes proposed changes to the regulations and forms in effect as of June 15, 2026. This item does not reflect Board-approved proposed regulation and form changes that are pending in the rulemaking process and have not gone into effect. Future stakeholder meeting items and Board agenda items will reflect proposed regulation and form changes in effect at the time of publication.

AUTHORITY

See Attachments A1a and B1a.

SUMMARY AND NEXT STEPS

For the Modernization Grant Funding for Facilities Previously Modernized with State Funds item, stakeholder feedback received from the last meeting may be found on Attachment B1d.

SUMMARY AND NEXT STEPS (cont.)

Staff will review any feedback obtained in today's meeting and anything received through close of business on **Friday, August 14, 2026** and will address those suggestions in the next public meeting on the corresponding topic.

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

ATTACHMENT A1

OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING July 30, 2026

PROPOSED REGULATORY AMENDMENTS FOR GENERAL UPDATES TO SCHOOL FACILITY PROGRAM REGULATIONS

PURPOSE

This item presents proposed regulatory amendments to the School Facility Program (SFP) Regulations that add clarity to regulations regarding Site Development funding and Modernization Excessive Cost Hardship Grants for accessibility and fire code requirements.

AUTHORITY

See Attachment A1a.

BACKGROUND

Concurrently with implementation of Proposition 2, Office of Public School Construction (OPSC) staff is taking the opportunity to update SFP Regulations. Over time, staff has identified some areas of the SFP Regulations related to site development supplemental grants and Modernization Excessive Cost Hardship Grants for accessibility and fire code requirements that merit additional clarity or require updating. This is the first stakeholder meeting on this topic.

STAFF ANALYSIS/DISCUSSION

Summary of Proposed Changes to SFP Regulations

SFP Regulation Section 1859.76 New Construction Additional Grant for Site Development Costs – Part I

Currently, SFP Regulation Section 1859.76 provides eligible site development costs for which a school district may receive additional grants for a new construction project. This section does not include a specific allowance for costs related to implementing a Storm Water Pollution Prevention Plan (SWPPP), pursuant to Clean Water Act, 33 U.S.C. §1251 et seq. (1972). In California, school districts must implement a SWPPP for any construction project that disturbs one acre or more of soil to be in compliance with United States Environmental Protection Agency (EPA) regulations. Because many new construction projects are subject to this requirement, OPSC has historically recognized and approved costs for this work. Districts request grants for these costs on the Site Development Worksheet under section 1859.76(a)(7) for Service Site - Erosion control. Applicants are provided guidance on requesting these costs in the [OPSC Architect's Submittal Guidelines](#)

STAFF ANALYSIS/DISCUSSION (cont.)

that has been an OPSC Resource publication for many years. The regulatory support for providing grants for these temporary erosion control measures is under SFP Regulation Section 1859.76, which states in part, “The Board [State Allocation Board] will approve reasonable and appropriate site development work which meets common engineering practices and industry standards....”

Temporary erosion control measures that would be in a SWPPP often include items such as straw bales, straw bale barriers, filter barriers, silt traps, sediment fences, sandbags, stabilized construction entrances, and other items required by the local authority. Staff are able to verify the specific elements being incorporated in the project on the Division of the State Architect (DSA)-approved plans on the Erosion Control plan page or the SWPPP plan page. These temporary measures are separate and apart from the erosion control elements for permanent slope protection that may be put in place due to embankments having a slope of at least 2:1 and a vertical height greater than six feet. Permanent elements include, but are not limited to, plant material, sprinkler systems, jute mesh and straw and are also verified using the DSA-approved plans.

To ensure that the regulations are representative of SWPPP costs, staff proposes to amend subdivision (a)(7) to distinguish between allowances specifically for temporary erosion control measures typical of SWPPP vs. permanent erosion control improvements.

As additional background information and resources, links to the federal EPA website for SWPPP are included below, which are the basis for California’s requirements.

[Developing a Stormwater Pollution Prevention Plan \(SWPPP\) | US EPA](#)

[Summary of the Clean Water Act](#)

[National Pollutant Discharge Elimination System \(NPDES\)](#)

SFP Regulation Section 1859.76 New Construction Additional Grant for Site Development Costs – Part II

In addition, staff proposes amendments to Section 1859.76(c), which provides the allowable utility service costs associated with a new construction project. The current language is more appropriate for new school projects, as it does not specify differences related to how costs for constructing new buildings on existing sites are funded.

STAFF ANALYSIS/DISCUSSION (cont.)

The proposed language clarifies how funding is provided for new schools on newly purchased sites, rebuilt schools on sites where previous facilities were demolished, and new schools on sites already owned by the district. The proposed language also clarifies how funding is provided for additions to an existing site.

Similar to the SWPPP discussion above, OPSC already recognizes and approves costs for this work. Districts request grants for these costs on OPSC's Site Development Worksheet under section (c) for utilities, following the directions on the worksheet. Applicants are also provided with guidance on requesting these costs in the OPSC Architect's Submittal Guidelines that has been an OPSC Resource publication for many years. Again, the regulatory support for providing grants in this manner is under SFP Regulation Section 1859.76, which states that "The Board will approve reasonable and appropriate site development work which meets common engineering practices and industry standards...."

To ensure that the regulations are representative of costs for new construction projects that are new schools or include the demolition of existing buildings that are reconstructed outside the footprint of the original building versus new buildings constructed on an existing site and demolition of buildings reconstructed in the same footprint, staff propose to add subdivisions (c)(1)(A) through (c)(1)(E), and (c)(2)(A) through (c)(2)(E) to differentiate between these two types of projects.

SFP Regulation Section 1859.78.7 Modernization Additional Grant for Site Development Necessary for 50 Years or Older Permanent Buildings.

Staff proposes to amend Section 1859.78.7 to clarify the elements of the required cost estimate and to clarify how the costs for utilities will be funded when the qualifying building(s) are demolished and replaced either in the same footprint or in another location on the site. Additionally, staff proposes to add numbering to currently unnumbered paragraphs for clarity.

When applying for additional grants in a Modernization project for permanent buildings that are 50 years old or older, school districts are eligible to request the lesser of 60 percent of the eligible costs associated with the upgrade to utility services to qualifying buildings, or 20 percent of the funding authorized by Section 1859.78.6. To request the additional grants, the school district must submit a detailed cost estimate. OPSC provides a cost estimate template for this purpose. The utility services consist of allowances for domestic water, sewage, gas, electricity, and communications.

Historically, OPSC has verified the work on the submitted cost estimate and allowed F2 level unit costs from the Current Construction Costs Remodeling Repair from the

STAFF ANALYSIS/DISCUSSION (cont.)

Sierra West publication. To arrive at this recommendation, staff reviewed the defining characteristics of each F level in the Sierra West publication in consultation with Sierra West on how to apply the F levels. It was determined that the vast majority of projects that are submitted and funded by the SFP fit the F2 level category.

Although the scope of work in some projects may fit in the category of F1 or possibly F3, the SFP is administered with an approach that applies a standard and consistent unit cost for all projects. As OPSC does not have the expertise to delineate between which F level is most appropriate for each unique project, this consistent application of F2 level costs is the most reasonable and appropriate approach and is reflected in other areas of the SFP regulations.

Currently, SFP Regulation Section 1859.78.7 does not state what F level unit costs to use where the cost estimate requirement exists. Therefore, staff proposes amendments to add to newly numbered subdivision (c) in this section to establish the required elements of the cost estimate, including specifying the F2 level unit costs. This change is consistent with OPSC's current practices, along with the recently approved regulations for the additional grant for the replacement of 75 years old or older buildings under Section 1859.78.7.1.

The unnumbered paragraph following the expanded subdivision (c) is now numbered as (d) and specific reference to the Remodeling Repair Construction Costs publication is proposed to be removed because it is now reflected in subdivision (c).

Finally, a new subdivision (e) is proposed to be added to clarify how qualifying 50 years or older buildings that are demolished and replaced on the site are provided funding for utilities. These projects consist of permanent buildings that are 50 Years or older being modernized, being demolished and replaced within the same footprint, and in some cases being demolished and rebuilt in another location. Over the years, staff have received numerous inquiries regarding Site Development funding associated with permanent buildings 50 Years or older. Thus, a new subdivision is proposed to add clarity.

SFP Regulation Section 1859.83 Excessive Cost Hardship Grant

Finally, staff proposes to amend Section 1859.83(e), which provides two options for requesting a grant for excessive costs due to accessibility and fire code requirements. Currently, districts may select a three-percent increase to the Modernization Grant in (e)(1) or request 60 percent of the eligible verified hard construction costs for accessibility and fire code work as outlined by the formula in

STAFF ANALYSIS/DISCUSSION (cont.)

(e)(2). For the 60-percent option, staff proposes to add three provisions to subdivision (e)(2)(A) that will list the required format of the hard construction costs, for consistency with current OPSC practices and to add clarity to the regulations.

Historically, OPSC has verified the hard construction unit costs using the Current Construction Costs Remodeling and Repair publication by Sierra West Publishing and allowed F2 level unit costs by reviewing the defining characteristics of each F level in the Sierra West publication in consultation with Sierra West on how to apply the F levels. As described above, it was determined that consistent application of F2 level costs is the most reasonable and appropriate approach and is reflected in other areas of the SFP regulations.

Lastly, staff propose non-substantive edits to:

- Correct numbering of the additional Excessive Cost Hardship grants for the new two-stop elevator and additional stops in the DSA-approved plan set
- Consistently capitalize defined terms.

Next Steps

OPSC invites stakeholder input on the revisions to the proposed regulatory amendments and the proposed amendments to the Form SAB 50-04 in this item. Staff will review any feedback obtained in today's meeting and anything received through close of business on **Friday, August 14, 2026** and will address those suggestions in the next public meeting on this topic.

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

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 17072.12. New Construction Grant Eligibility Determination

(a) In addition to the amount provided in Section 17072.10, the board may provide funding for assistance in site development and acquisition if all of the following are met:

(1) The amount of the site acquisition and development assistance does not exceed 50 percent of the cost of site development to the school district, plus the lesser of the following:

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- (A) 50 percent of the site cost to the school district.
- (B) 50 percent of the appraised value of the site within six months of the time the complete application is submitted.
- (2) The school district certifies that there is no alternative available site, or that the district plans to sell an available site in order to use the proceeds of the sale for the purchase of the new site.

...

EC Section 17074.26. Modernization Apportionment

The board shall adopt regulations to adjust the per-pupil amounts set forth in Section 17074.14 for modernization projects for school buildings that are 50 years old or older based upon the higher costs associated with modernizing older buildings.

EC Section 17075.11. Hardship Application

- (a) A school district may apply for hardship assistance in cases of extraordinary circumstances.
- (b) A school district applying for state funding under this section shall demonstrate that due to unusual circumstances that are beyond the control of the school district, excessive costs need to be incurred in the construction of school facilities.
- (c) The board shall review the increased costs that may be uniquely associated with urban construction and shall adjust the per-pupil grant for new construction or modernization hardship applications as necessary to accommodate those costs. The board shall adopt regulations setting forth the standards, methodology, and a schedule of allowable adjustments for the urban adjustment factor established pursuant to this subdivision.
- (d) This section shall apply to applications submitted on or after October 31, 2024.

PROPOSED REGULATION AMENDMENTS

School Facility Program (SFP) Regulation Section 1859.76 New Construction
Additional Grant for Site Development Costs

In addition to any other funding authorized by these Regulations, the Board shall provide funding equal to 50 percent of the following approved site development and applicable design costs:

(a) Service site development costs, within school property lines for:

...

(7) Erosion and Sediment Control Plans~~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.~~

(A) Permanent erosion control improvements due to embankments having a slope of at least two to one and a vertical height greater than six feet, including, but not limited to plant material, sprinkler systems, jute mesh and straw.

(B) Temporary storm water pollution prevention plan components used during the construction phase of the project when one acre or more of soil is disturbed during construction, including, but not limited to, straw bale barriers, filter barriers, silt traps, sediment fences, sandbags, stabilized construction entrances, and items required by the local authority.

...

(b) Off-site development cost on up to two immediately adjacent sides of the site, for the following:

...

(c) Utility service costs associated with the CDE-approved site size that are necessary to serve the master planned capacity of the site for school sites in accordance with (1) or (2), as follows:

(1) For a new school on a new site or a school site where a building(s) on the site is demolished and reconstructed outside the footprint of the original building on the same school site, funding is provided as follows:

(1)(A) Domestic Water: Installation of water supply line(s) and connection fees from the utility company connection to the meter, meters not provided by the serving utility, or installation of a domestic water system (i.e. well, pump, tank).

(2)(B) Sewage: Installation of main sewage disposal line from the utility company connection to the first building lateral and if applicable, connection fees. Installation of a sewage treatment/disposal system and a main disposal line from the treatment system to the nearest building lateral of the collection system.

(3)(C) Gas: Installation of main supply line and connection fees from the utility company to meter and connection fee if applicable. Installation of meters not provided by the

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utility. -Connection of a liquefied petroleum system (and tank) from the main supply line to the first building lateral.

~~(4)~~(D) Electric: Installation of service from the utility to the building switchboard. Primary electric service runs from the utility company's point of connection to the transformer. Secondary electric service runs from the transformer to the switchboard. -Connection fee, transformer pads and protective devices.

~~(5)~~(E) Communication systems: Installation of service from the utility company to the nearest distribution center.

(2) For a school site that currently has existing buildings and then constructs additional buildings on the same site, or demolishes and replaces an existing building(s) in the footprint of the original building(s), funding is provided as follows:

(A) Domestic water: Installation of water supply line(s) from the utility company connection to within five feet of the proposed nearest building.

(B) Sewage: Installation of sewer line from the point of connection (P.O.C.) to within five feet of the proposed nearest building.

(C) Gas: Installation of gas line from the P.O.C. to within five feet of the proposed nearest building.

(D) Electrical: Installation of electrical service from the point of P.O.C. to within five feet of the proposed nearest building.

(E) Communication Systems: Installation of service from the P.O.C. to within five feet of the proposed nearest building.

...

SFP Regulation Section 1859.78.7 Modernization Additional Grant for Site Development Necessary for 50 Years or Older Permanent Buildings

In addition to any other funding authorized by these Regulations, the Board shall provide funding for upgrading existing site development (utilities) work as necessary for the modernization of 50 years or older permanent buildings equal to the lesser of (a) or (b):

(a) 60 percent of the costs necessary to upgrade utility service to 50 year or older permanent building(s) on the site as follows:

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

(2) Sewage: Replacement or repair of main sewer line between the utility company connection and to five feet of the 50 years or older building(s) on the site and connection fees, if applicable. Replacement or repair of sewage appurtenances (i.e., treatment/disposal system) as needed for the proper operation of the system and a

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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 main switchboard. Primary electric service runs between the utility company's point of connection and the transformer. Secondary electric service runs between the transformer and the main switchboard. Connection fee, transformer pads and protective devices (i.e., bollards) as required by the utility company.

(5) Communication systems (i.e., cable television and telephone): Replacement or repair of service between the utility company connection and the nearest distribution center.

(b) Twenty percent of the funding authorized by Section 1859.78.6.

(c) The School District must submit a detailed cost estimate and appropriate DSA-approved plans with the Form SAB 50-04 for all requests for the site development work. The cost estimate must include appropriate justification documents that indicate the work is necessary to complete the modernization of the 50 years or older building(s) that will be modernized as part of the project and must meet the following requirements:-

(1) The costs are consistent with the most current edition of the Current Construction Costs Remodeling and Repair publication by Sierra West Publishing at the F2 level.

(2) All requested line items shall include the Construction Specifications Institute reference number (CSI #), description and quantity. Any line items in lump-sum format will be disallowed.

(3) For materials or items that are not contained in the most current edition of the Current Construction Costs Remodeling and Repair publication, the School District must provide supporting documentation for OPSC to review the requested unit cost.

(d) The Board will approve reasonable and appropriate site development (utilities) work that meets common engineering practices and industry standards and isare consistent with the specific site conditions, if the site development costs are consistent with the most current edition of the Remodeling Repair Construction Costs publication by the Sierra West Group. The design professional must certify that the site development (utilities) work does not exceed the minimum requirements to develop the site to meet educational needs and/or standards.

(e) If a qualifying 50 years or older building(s) is demolished and replaced, either in the footprint of the original building, or in another location on the site, funding is provided in accordance with the lesser of (a) or (b).

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(f) Utility service(s) cost shall be prorated, if necessary, for any excess capacity not needed to service the 50 year or older permanent building(s).

SFP Regulation Section 1859.83. Excessive Cost Hardship Grant.

...

(c) Excessive Cost to Construct a New School Project.

(1) With the exception of Alternative Education schools for which the final plans and specifications for the project were accepted by the DSA on or after March 24, 2004, if the project is for a new elementary, middle or high school on a site with no existing school facilities the School District is eligible for a New Construction Excessive Cost Hardship Grant equal to the difference in the amount provided by the New Construction Grant and the amount shown below, based on the number of classrooms, including classrooms used for Individuals with Exceptional Needs, in the project:

...

The amounts shown above will be adjusted annually in the manner prescribed in Section 1859.71.

Any Excessive Cost Hardship Grant provided under this subsection for a new school project shall be offset against future New Construction Grant funds provided for that same school. The amount of the offset shall be determined by dividing the additional New Construction Grant pupil request by the difference in the New Construction Grant pupil request when the initial Excessive Cost Hardship Grant was made and 325 for an elementary school, 324 for a middle school, and 621 for a high school project and multiplying the quotient by the Excessive Cost Hardship Grant funds provided under this subsection for that project.

(2) Excessive Cost Hardship Grants for Alternative Education schools for which the plans and specifications for the project were accepted by the DSA on or after March 24, 2004, or for any Alternative Education schools for which the plans and specifications for the project were accepted by the DSA prior to March 24, 2004 and in lieu of choosing funding under Section 1859.83(c)(1), may request funding as follows:

(A) If the project is for an Alternative Education school on a site with no existing school facilities, the School District is eligible for a New Construction Excessive Cost Hardship Grant equal to the difference in the amount provided by the New Construction Grant and the amount shown below, based on the number of classrooms in the project:

...

The amounts shown will be adjusted annually in the manner prescribed in Section 1859.71.

(B) If the project is for additional classroom(s) to an existing Alternative Education school constructed under the provisions of 1859.83(c)(2), the School District is eligible for a New Construction Excessive Cost Hardship Grant calculated as follows:

1. Determine the amount shown in the chart above in Section 1859.83(c)(2)(A) for the total combined number of classrooms in the current project and all previous projects at

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the same site. In the first funding request when the total number of classrooms exceeds 27, the amount shown for 27 classrooms shall be used.

2. Subtract the sum of the amount previously apportioned for the New Construction Grant and the funding provided pursuant to Section 1859.83(c)(2) for the sum of the number of classrooms for all previous projects at the same site (exclude the classrooms in the current project) from (B)1.

3. Subtract the New Construction Grant for the current project from the result in (B)2.

(d) Excessive Cost Due to Urban Location, Security Requirements and Impacted Site.

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

(A) at least 50 percent but less than 75 percent of the site size recommended by the CDE for the master planned project capacity. The New Construction Excessive Cost Hardship Grant is equal to eight percent of the New Construction Grant and eight percent of the funding authorized by Sections 1859.73.2 and 1859.83(b) and (c).

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

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

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

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

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

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

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

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

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

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

(A) for new construction is equal to 15 percent of the New Construction Grant and 15 percent of the funding authorized by Sections 1859.73.2 and 1859.83(b) and (c) for a project with a site that is 60 percent of the CDE recommended site size plus 1.166 percent for each percentage decrease in the CDE recommended site size below 60 percent. In no event shall the amount provided in this subsection for a new construction project on a new site exceed 50 percent of the cost avoided with the purchase of a site smaller than the CDE recommended site size for the number of the pupil grants requested in the Application determined as follows:

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

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

(4) For Joint-Use Projects, the School District is eligible for an Excessive Cost Hardship Grant if:

(A) the Type I Joint-Use Project's qualifying SFP New Construction project pursuant to Section 1859.123 qualifies for an Excessive Cost Hardship Grant under Section 1859.83(d)(2) and (3)(A).

(B) The Type II Joint-Use Project's qualifying SFP Modernization project pursuant to Section 1859.123.1 qualifies for an Excessive Cost Hardship Grant under Section 1859.83(d)(2) and (3)(B).

(C) the Useable Acres at the existing school site where the Type II Joint-Use Project, not part of a qualifying SFP Modernization project, is to be constructed are 60 percent or less of the CDE recommended site size based on the existing enrollment at this site.

(5) If the criteria in (d)(4)(A) or (C) are met, the Joint-Use Project Excessive Cost Hardship Grant is equal to 15 percent of the funding provided by Section 1859.125(a)(1) through (a)(2), for a project with a site that is 60 percent of the CDE recommended site size plus 1.166 percent for each percentage decrease in the CDE recommended site size below 60 percent. For a Type I Joint-Use Project when the qualifying SFP New Construction project involves new construction on a new site, in no event shall the amount provided in this subsection exceed 50 percent of the cost avoided with the

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purchase of a site smaller than the CDE recommended site size for the qualifying SFP New Construction project pursuant to Section 1859.123 as calculated in Section 1859.83(d)(3)(A).

(6) If the criteria in (d)(4)(B) are met, the Joint-Use Project Excessive Cost Hardship Grant is equal to 15 percent of the funding provided by Section 1859.125(a)(1) through (a)(2), for a project with a site that is 60 percent of the CDE recommended site size plus 0.333 percent for each percentage decrease in the CDE recommended site size below 60 percent.

...

(e) Excessive cost due to accessibility and fire code requirements.

(1) The School District is eligible for a Modernization Excessive Cost Hardship Grant equal to three percent of the Modernization Grant for accessibility and fire code requirements.

(2) In lieu of three percent funding provided in (1) above, the School District has the option of requesting 60 percent of the amount determined in (A), not to exceed 60 percent of the amount determined in (B):

(A) Determine the difference of the verified hard construction costs of the minimum accessibility and fire code work necessary to receive approval from the DSA minus seven percent of the sum of the Modernization Grant and the School District matching share of the Modernization Grant pursuant to Section 1859.79. The hard construction minimum work verified by DSA during the plan approval process must conform to the following requirements:

1. The costs are consistent with the current edition of the Current Construction Costs Remodeling and Repair publication by Sierra West Publishing at the F2 level.

2. All requested line items shall include the Construction Specifications Institute reference number (CSI #), description and quantity. Any line items in lump-sum format will be disallowed.

3. For materials or items that are not contained in the most current edition of the Current Construction Costs Remodeling and Repair publication, the School District must provide supporting documentation for OPSC to review the requested unit cost.

(B) Determine the difference of 1. minus 2.:

1. Multiply the pupils requested in the application by the New Construction Grant.

2. The sum of the State and School District share of the pupils requested on the Form SAB 50-04 multiplied by the grant determined pursuant to Section 1859.78 and 1859.78.3.

(3f) The School District is eligible for a Modernization Excessive Cost Hardship Grant of:

(A₁) \$80,000 for each new two-stop elevator required to be included in the project by the DSA if the Approved Application was received on or before April 29, 2002.

(B₂) \$60,000 for each new two-stop elevator required to be included in the project by the DSA if the Approved Application was received after April 29, 2002.

The amounts shown in (A₁) and (B₂) above shall be adjusted annually in the manner prescribed in Section 1859.78.

ATTACHMENT A1b

(4g) The School District is eligible for a Modernization Excessive Cost Hardship Grant of:

(A~~1~~) \$14,400 for each additional stop of the new elevator required in (3~~f~~) above if the Approved Application was received on or before April 29, 2002.

(B~~2~~) \$10,800 for each additional stop of the new elevator required in (3~~f~~) above if the Approved Application was received after April 29, 2002.

The amounts shown in (A~~1~~) and (B~~2~~) above shall be adjusted annually in the manner prescribed in Section 1859.78.

...

ATTACHMENT B1

OFFICE OF PUBLIC SCHOOL CONSTRUCTION STAKEHOLDER MEETING July 30, 2026

PROPOSED REGULATORY AMENDMENTS FOR MODERNIZATION GRANT FUNDING FOR FACILITIES PREVIOUSLY MODERNIZED WITH STATE FUNDS

PURPOSE OF REPORT

To continue to discuss and receive stakeholder feedback regarding proposed regulatory amendments for the School Facility Program (SFP) Modernization Program for facilities previously modernized with SFP funding.

AUTHORITY

See Attachment B1a.

DESCRIPTION

This report continues discussion and seeks feedback for the determination of eligibility and funding for school sites that are eligible for Modernization funding for a second and/or subsequent time under the SFP. The Office of Public School Construction (OPSC) previously held stakeholder meetings for this topic on February 20, May 8, and July 10, 2025. This report addresses feedback received after the July 10, 2025 meeting and provides revisions to the proposed regulatory amendments and amendments to the *Application for Funding* (Form SAB 50-04) to further clarify the provisions in Education Code (EC) Sections 17073.15(a) and 17074.10(f).

- Attachment B1b includes the revised proposed regulations.
- Attachment B1c includes the proposed amendments to the Form SAB 50-04.
- Attachment B1d includes the stakeholder feedback submitted after the July 10, 2025 stakeholder meeting.

BACKGROUND

Pursuant to EC Sections 17073.15(a) and 17074.10(f), school districts are eligible to receive an Apportionment for portable buildings every 20 years and permanent buildings every 25 years after the date of the previous SFP Apportionment. These sections were enacted in 2003. School sites that were initially funded in the early years of the SFP after it was implemented in 1998 have become or are now becoming, eligible for a subsequent Apportionment. As a result, OPSC has been processing funding applications requesting modernization funding for facilities that received prior Apportionments.

Although there is guiding statute on this process and regulations have been in place since 2004 related to eligibility for previously modernized facilities, it is apparent that the regulations need additional clarity to further detail processes. OPSC engaged stakeholders to gather feedback on proposed SFP regulations related to

BACKGROUND (cont.)

determination of updated eligibility and the processing of applications for funding that include buildings eligible for a subsequent Apportionment.

Stakeholder Feedback

Staff held three stakeholder meetings on this topic, on February 20, May 8, and July 10, 2025. OPSC seeks stakeholder input on the latest version of this item.

The full text of the prior stakeholder meeting items can be found at the links below:

[February 20, 2025 OPSC Stakeholder Meeting #3 - Item](#)

[May 8, 2025 OPSC Stakeholder Meeting #10 - Item](#)

[July 10, 2025 OPSC Stakeholder Meeting #13 - Item](#)

The recordings from the stakeholder meetings are available at the links below:

[February 20, 2025 OPSC Stakeholder Meeting #3 - Recording](#)

[May 8, 2025 OPSC Stakeholder Meeting #10 - Recording](#)

[July 10, 2025 OPSC Stakeholder Meeting #13 - Recording](#)

STAFF ANALYSIS/DISCUSSION

This report addresses stakeholder feedback received after the July 10, 2025 meeting. Additionally, this report contains revisions to the proposed regulatory amendments and proposed revisions to the Form SAB 50-04. Staff would like to thank stakeholders who were able to view, attend, or participate in these meetings and provide valuable feedback either during the meetings or through written correspondence to OPSC.

Summary of Stakeholder Feedback

Staff has summarized feedback received following the last stakeholder meeting held on July 10, 2025 and provides the following responses.

The full text of stakeholder feedback may be found on Attachment B1d.

Stakeholder Feedback	OPSC Response
1. A stakeholder requested that OPSC provide examples of how the proposed calculations, specifically Sections 1859.61(i)(1) through 1859.61(i)(3) and Sections 1859.78.8(d)(1) through Section 1859.78.89(e)(2), will be performed.	1. Examples have been provided below this Summary of Stakeholder Feedback table. Additionally, as part of the implementation plan, OPSC staff will provide more detailed external webinar workshops, after State Allocation Board approval of the proposed regulations, that will go through the processes with which the additional rounds of Modernization funding will be requested by school districts and reviewed by OPSC.

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
2. A stakeholder indicated that OPSC has a long-standing practice of recognizing portable classrooms as “permanent” during OPSC site walks to determine eligibility. The justifications for OPSC staff changing the portable building to a designation as a “permanent” building have been for a multitude of reasons. The stakeholder indicated that OPSC has acknowledged that portable classrooms do not have the same useful life as a permanent building. The stakeholder proposed that OPSC “honor the true categorization of portable buildings regardless of the superficial improvements made to them.” The stakeholder suggested that districts should have the ability to produce original plans, if necessary, to demonstrate the buildings are portable, and requested that OPSC staff refrain from altering the portable designations to permanent.	2. OPSC honors the categorization of a building as “portable” if it meets the definition of a portable in Education Code (EC) Section 17070.15 at the time Modernization eligibility is established. EC Section 17070.15 states: “Portable classroom” means a classroom building of one or more stories that is designed and constructed to be relocatable and transportable over public streets, and with respect to a single story portable classroom, is designed and constructed for relocation without the separation of the roof or floor from the building and when measured at the most exterior walls, has a floor area not in excess of 2,000 square feet. In some cases, significant structural modifications occur prior to Modernization establishment and therefore, those buildings that were placed on campus as portables may have been sufficiently modified to no longer meet the definition of a portable in statute. In these cases, OPSC classifies the building as permanent for purposes of Modernization eligibility. At the time of the establishment of Modernization eligibility, the type of building is determined. That building type determination does not change from that point forward for that school site. The classification of the building determined during Modernization establishment governs the processing of future eligibility updates for the building, as well as subsequent rounds of Modernization funding opportunities.

STAFF ANALYSIS/DISCUSSION (cont.)

Stakeholder Feedback	OPSC Response
3. A stakeholder stated that OPSC has recently indicated that second round modernization of portable buildings requires either replacement of the portable building with another classroom, or modernization of the portable that is comprehensive enough to bring the portable building up to the equivalent of a new building. The stakeholder indicated that the interpretation that portable buildings must be modernized “to the equivalent of a new building” appears to be much broader than the statutory language requires. The statute allows school districts to “document that modernizing the portable classroom is a better use of public resources.” There is no requirement to bring the classroom to the equivalent of a new classroom and modernization grants are insufficient to do so (either through replacement or traditional modernization work). The stakeholder expressed concern that this approach has the potential to harm small school districts and financial hardship districts, as they may only have sufficient funds to do the best they can do to modernize the portable. The stakeholder recommended that OPSC re-evaluate this position.	3. OPSC’s proposed regulations do not require the Modernization to be comprehensive enough to be the equivalent of a new building. The proposed regulations provide four options for demonstrating that Modernization of a Portable Classroom is a better use of public resources. The proposed regulations in Attachment B1b are substantially similar to those presented at the July 10, 2025 stakeholder meeting. OPSC has updated the option to provide a narrative to include the requirement that the rationale for Modernization of the portable includes information on how the useful life of the Portable Classroom will be extended, which is consistent with EC Section 17074.10(f), which states in part that “the school district is able to document that modernizing the portable classroom is a better use of public resources.”
4. A stakeholder encouraged OPSC to update the definition of a “Portable Classroom” in the SFP regulations to align with the current EC subdivision (m).	4. OPSC has incorporated a proposed amendment to SFP Regulation Section 1859.2 to remove reference to the specific subdivision of EC Section 17070.15 that defines “Portable Classroom,” which will eliminate the need for future non-substantive regulatory updates in the event additional definitions are incorporated in the EC Section.

STAFF ANALYSIS/DISCUSSION (cont.)

Adjustments to the Modernization Baseline Eligibility – Example

A District site received a modernization funding apportionment on March 28, 2001 (3/28/2001) requesting 200 K-6 pupil grants, and the *Eligibility Determination* (Form SAB 50-03) immediately preceding the funding reported four (4) eligible K-6 portable classrooms and four (4) eligible permanent classrooms. Because there are eight (8) total classrooms with four (4) of each construction type, the respective permanent-to-portable ratio is 50 percent. The pupil grants, as shown on the table below, would be returned to the baseline at the respective 20 and 25 years from the prior apportionment:

Total Pupil Grants Funded	Pupil Grants assigned as Portable	Pupil Grants assigned as Permanent
200	100 (200 x 50%)	100 (200 x 50%)

The return of these grants to the baseline would appear as follows:

SAB Date	Pupil Grants	Adjustment Type/Regulation Section
3/28/2001	(-) 200	Section 1859.61(a) - Funding
3/28/2021	(+) 100	Section 1859.61(i)(1) – Portable returned grants
3/28/2026	(+) 100	Section 1859.61(i)(2) – Permanent returned grants

Based on the above, as of March 28, 2021, the returned pupil grants for the portable classrooms are available to be requested on a Form SAB 50-04 submitted on or after this date. As of March 28, 2026, the returned pupil grants for the permanent classrooms are available to be requested on a Form SAB 50-04 submitted on or after this date.

Prorated Funding Requests Based on Eligible Project Scope - Example

Utilizing the example above for the pupil grants returned as eligible for an additional Apportionment, a Form SAB 50-04 is submitted on 4/1/2027 which includes general modernization work to permanent facilities and the replacement of like kind of two (2) of the respective original portable classrooms. The remaining two (2) portables have not been replaced and are not part of the scope of work for the District's funding request.

All pupil grants would be returned as demonstrated above; however, because only two (2) of the four (4) portable classrooms are being replaced in the project, representing a ratio of 50 percent, the application may only request up to 50 of the total 100 returned grants, and the remaining 50 pupil grants may be used on a subsequent project provided the project includes eligible scope of work:

Total Grants Available	200
Grants from Permanent Classroom(s)	100
Grants from Portable Classroom(s)	50 (100 x 50%)
Total Grants Eligible to Request	150

STAFF ANALYSIS/DISCUSSION (cont.)

Special Day Class (SDC) Breakout Clarification

As discussed during the stakeholder meeting on February 20, 2025, the site's SDC pupils and facilities must be separated from the site's total eligibility, if it has not already been completed. This approach will ensure that the return of the additional Apportionment grants is properly apportioned to each applicable grade level. In accordance with OPSC policy, when funding was previously allocated to a site prior to the submission of the SDC Breakout, the District is required to retain the Option used in the eligibility determination that immediately preceded the initial Apportionment. Consequently, Districts are not permitted to change from Option A to Option B, or vice versa, during the SDC Breakout process for an additional Apportionment.

Public Schools on Military Installations (PSMI)

OPSC has updated the proposed regulations to clarify when grants are available for PSMI buildings that received a previous SFP modernization Apportionment and are eligible for a subsequent Apportionment. As noted in EC Section 17073.15(b) and SFP Regulation Section 1859.60, sites located on a military installation that were previously modernized with State funds are eligible for an additional Apportionment every 10 years from the previous Apportionment date. Per EC Section 17073.15(b)(2), portable PSMI facilities must be replaced with a permanent structure. As the determination of additional eligibility differs from non-PSMI school sites, staff proposes amending SFP Regulation Section 1859.61(i) by add subsection (i)(4) to identify adjustments related to school facilities on military installations as a result of an additional Apportionment.

Proposed SFP Regulations

The updated proposed regulations are included as Attachment B1b.

Summary of Updates to Proposed SFP Regulatory Amendments

Since the July 10, 2025 stakeholder meeting, OPSC has made updates to the proposed regulatory amendments as follows, in addition to various non-substantive, clarifying updates:

- A non-substantive amendment to the definition of Portable Classroom in SFP Regulation Section 1859.2.
- An amendment to SFP Regulation Section 1859.31 to add language regarding the classification of a Portable Classroom during Modernization establishment.
- An amendment to SFP Regulation Section 1859.61 to add (i)(4) to account for facilities previously modernized with SFP funds, which qualify for an additional Modernization Apportionment and are located on military installations that receive federal funding requiring a local matching share.

STAFF ANALYSIS/DISCUSSION (cont.)

- An additional amendment to SFP Regulation Section 1859.78.8(b) to add a statutory reference and additional language clarifying the parameters for Portable Classrooms to be modernized as a better use of public resources.
- Additionally, prior references to state funding have been updated to refer specifically to SFP Modernization funding throughout the included regulation sections.

Summary of All Proposed Regulatory Amendments

Below is a summary of all proposed regulatory amendments included in Attachment B1b:

- SFP Regulation Section 1859.2 is amended to remove the reference to subsection (j) in Education Code subsection 17070.15, which is the definition of a Portable Classroom. This amendment will allow for any future changes to the subsection order in Education Code without requiring further SFP Regulation amendments.
- SFP Regulation Section 1859.31 now includes language specifying how Portable Classrooms are to be addressed during Modernization establishment, as discussed in Question 2 above. If modifications to the originally placed “portable” have occurred prior to the Modernization establishment, such that it no longer meets the statutory/regulatory definition, the facility will be designated permanent.
- SFP Regulation Section 1859.61 is amended to add subsections (i)(1) and (i)(2), which allow for adjustments to the baseline as a result of the Portable Classrooms and/or portable facilities as well as Permanent Classrooms and/or permanent facilities being eligible for SFP Modernization funding for a second and/or subsequent time or as a result of an audit.
- SFP Regulation Section 1859.61 is amended to add subsection (i)(3), which allows for an adjustment to the baseline as a result of a Portable Classroom that was previously replaced in a prior SFP-funded project.
- SFP Regulation Section 1859.61 is also amended to add subsection (i)(4), which allows for adjustments to the baseline as a result of facilities on a military installation that receive federal funding and are eligible for a subsequent Apportionment.
- SFP Regulation Section 1859.78.8 is amended to clarify when subsequent eligibility is generated, as discussed in both the 2004 Implementation Committee meetings, as well as the current stakeholder meetings.
- SFP Regulation Section 1859.78.8 is amended to add language specifying the SFP Modernization Apportionment that will determine the grants made available by the second and subsequent rounds of SFP Modernization funding has been changed from “previous” to “the immediately preceding SFP Modernization Apportionment” to provide clarity regarding the Apportionment used for grant determination.

STAFF ANALYSIS/DISCUSSION (cont.)

- SFP Regulation Section 1859.78.8 is amended to include reference to Education Code Section 17074.10(f) that allows for Portable Classrooms to be modernized as a better use of public resources. Subsections (b)(1-4) add the specific types of documentation acceptable for a district to indicate that Modernization of a Portable Classroom constitutes a better use of public resources, as they were discussed and agreed upon at the 2004 Implementation Committee meetings. The language indicates that the scope of the Modernization work for the Portable Classroom(s) must be substantial enough to extend the useful life of the portable, and the Modernization work must be completed within the project scope.
- SFP Regulation Section 1859.78.8(c) includes information regarding the need for a district to separate the special day class facilities from the K-12 facilities, if the district has not already done so, and clarifies that this requirement must be completed prior to approval of the subsequent round of SFP Modernization funding by the State Allocation Board.
- SFP Regulation Sections 1859.78.8 (d)(1-2) explain the calculation method as to how the subsequent round of SFP Modernization pupil grants are determined based on the information included on the prior Form SAB 50-03 as a result of the choice of Option A or Option B.
- SFP Regulation Sections 1859.78.8 (e)(1-2) describe the parameters for eligible Portable Classrooms and/or portable square footage which was already demolished and replaced in a previously SFP-funded project. In this case, the Portable Classrooms and/or portable square footage do not qualify for a subsequent Modernization Apportionment because they cannot meet the statutory requirement pursuant to Education Code Section 17074.10(f) that requires subsequent round Modernization funds to be used to replace the Portable Classrooms. The parameters include calculations that remove the ineligible grants that were made available by the portables already removed and replaced in a previously SFP-funded project so that the resulting balance of available grants is accurate.

Proposed Form SAB 50-04 Amendment

The proposed amendment to the Form SAB 50-04, included as Attachment B1c, is under the Certification Section #25. The second box under the fifth bullet now includes a reference to SFP Regulation Section 1859.78.8(b) to refer to the proposed documentation a district may submit to demonstrate that the Modernization of a Portable Classroom constitutes a better use of public resources.

STAFF ANALYSIS/DISCUSSION (cont.)

Next Steps

OPSC invites stakeholder input on the revisions to the proposed regulatory amendments and the proposed amendments to the Form SAB 50-04 in this item. Staff will review any feedback obtained in today's meeting and anything received through close of business on **Friday, August 14, 2026** and will address those suggestions in the next public meeting on this topic.

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

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 17073.15(a) – Modernization Eligibility Determination

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

(b)(1) Notwithstanding subdivision (a), a school district that has a school facility located on a military installation that is the recipient of a federal grant for facilities modernization that requires a local matching share is eligible to receive an

ATTACHMENT B1a

apportionment for the modernization of a permanent or portable building that is at least 10 years old, or is at least 10 years old after the date of the previous modernization apportionment under this chapter.

(2) Portable buildings modernized pursuant to paragraph (1) shall be replaced with a permanent structure.

EC Section 17074.10(f) – Modernization Apportionment

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.

ATTACHMENT B1b

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:

...

"Portable Classroom" shall have the meaning set forth in Education Code Section 17070.15(j).

....

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), 17070.54, 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 1859.31. Gross Classroom Inventory.

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

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

For a Classroom to be classified as a Portable Classroom on a Form SAB 50-02 and/or a Form SAB 50-03, the Classroom shall meet the definition of a Portable Classroom in Section 1859.2 on the date that OPSC accepts the valid, complete forms establishing Modernization Eligibility pursuant to Section 1859.60 or New Construction eligibility pursuant to Section 1859.20. If modifications are made to the Classroom prior to OPSC's acceptance of a valid Form SAB 50-02 or Form SAB 50-03 that result in the Classroom no longer meeting this definition, the Classroom will be classified as permanent.

Note: Authority cited: Section 17070.35, Education Code.

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

ATTACHMENT B1b

Section 1859.61. Adjustments to the Modernization Baseline Eligibility.

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

- (a) Reduced by the number of pupils provided grants in a ~~m~~Modernization SFP project or a CSFP Rehabilitation project at the specific site.
- (b) Reduced by the number of pupils housed, based on the loading standards pursuant to Education Code Section 17071.25(a)(2), in a ~~m~~Modernization LPP project funded under the LPP pursuant to Sections 1859.14 and 1859.15.
- (c) Increased by changes in projected enrollment in subsequent enrollment reporting years.
- (d) Increased for additional facilities not previously modernized with State funds, that become 25 years old, if permanent, or 20 years old, if portable or as a result of audit findings made pursuant to Sections 1859.90, 1859.90.3 and 1859.105.
- (e) Adjusted as a result of errors or omissions by the School dDistrict or by the OPSC.
- (f) Adjusted as a result of amendments to these Subgroup 5.5 Regulations that affect the eligibility.
- (g) For ~~e~~Classroom loading standards adopted by the Board for non-severely disabled individuals with exceptional needs and severely disabled individuals with exceptional needs.
- (h) As directed by the Board due to a finding of a Material Inaccuracy pursuant to Regulation Section 1859.104.1.
- (i) ~~Increased~~Adjusted for facilities previously modernized with ~~State SFP~~ funds, which qualify for an additional ~~SFP~~ ~~m~~Modernization ~~A~~pportionment pursuant to Section 1859.78.8 or Education Code Section 17073.15(b)-, as follows:
 - (1) Increased for the number of Portable Classrooms and/or portable facilities that qualify for an additional SFP Modernization Apportionment, which will include any grants previously retained as a result of an audit pursuant to Sections 1859.90, 1859.90.3 and/or 1859.105.
 - (2) Increased for the Permanent Classrooms and/or facilities that qualify for an additional SFP Modernization Apportionment, which will include any grants previously retained as a result of an audit pursuant to Sections 1859.90, 1859.90.3 and/or 1859.105.
 - (3) Decreased for Portable Classrooms that cannot meet the statutory requirement pursuant to Education Code Section 17074.10(f) that requires the SFP Modernization funds generated pursuant to (i)(1) be used to replace the Portable Classrooms because they were already demolished and replaced in a previously SFP-funded project and therefore do not qualify for a subsequent SFP Modernization Apportionment until 20 years from the date of the prior Apportionment that funded the replacement.
 - (4) Increased pursuant to Education Code Section 17073.15(b) for the Portable or Permanent Classrooms and/or facilities that qualify for an additional SFP Modernization Apportionment and are located on a military installation, which will also include any grants previously retained as a result of an audit pursuant to Sections 1859.90, 1859.90.3 and/or 1859.105.
- (j) Decreased for facilities that were deemed eligible for ~~m~~Modernization pursuant to Sections 1859.60 and 1859.61(d) and subsequently replaced, or will be replaced under a signed contract for construction or acquisition of facilities, in a project funded by the School dDistrict without participation from the State.
- (k) Adjusted as a result of replaced eligible portables funded with the Overcrowding Relief Grant, pursuant to Education Code Section 17079, et seq.
- (l) Increased for additional facilities located on a military installation pursuant to Education Code Section 17073.15(b) ~~not previously modernized with State funds~~, that become 10 years old, if permanent or portable. Portable buildings modernized pursuant to this subsection shall be replaced with a permanent structure.
- (m) Adjusted upon Board receipt of the local school board resolution acknowledging that the buildings have been removed from K-12 use, as follows:
 - (1) School Buildings and/or ~~e~~Classrooms that receive replacement funding via the New Construction Grant or the Facility Hardship Square Footage Grant pursuant to Section 1859.82.1 or Section 1859.82.2
 - (2) School Buildings and/or ~~e~~Classrooms that were originally included in the School dDistrict's baseline eligibility and were later demolished or removed from ~~e~~Classroom use due to health and/or safety concerns that meet the requirements of Regulation Section 1859.82.1 or 1859.82.2 as verified by OPSC, except the School dDistrict did not have the current enrollment to support the replacement and funding of those School Buildings and/or

ATTACHMENT B1b

eClassrooms. Buildings and/or eClassrooms removed from K-12 eClassroom use that remain on the school site will be identified on a list published on OPSC's website.

For (m)(1) the building age shall be reset to the date of the Apportionment for the corresponding project. For (m)(2) the building shall be removed from the eClassroom inventory used to establish mModernization eEligibility at the site.

Note: Authority cited: Section 17070.35, Education Code.

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

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

For purposes of this section, the phrase "prior Form SAB 50-03" refers to the Form SAB 50-03 associated with the most recent SFP Modernization Apportionment for the building(s) generating additional Modernization Eligibility.

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

- (a) An additional SFP Modernization aApportionment will be provided for the mModernization of a permanent school building every 25 years following the date of its previous the immediately preceding SFP State mModernization aApportionment.
- (b) In the case of pPortable eClassrooms, an additional Aapportionment will be permitted every 20 years after the date of its previous the immediately preceding State mModernization aApportionment provided the mModernization funds will be used to replace the pPortable eClassroom(s) and the sSchool dDistrict must certify that the pPortable eClassrooms will be removed from any eClassroom use unless acceptable documentation is provided by the School dDistrict indicating that the mModernization of the pPortable eClassrooms is a better use of public resources per Education Code 17074.10(f). If the Portable Classroom(s) is modernized as a better use of public resources, the scope of the work completed must extend the useful life of the Portable Classroom. All work associated with the Modernization must be completed within the funded project that includes the Portable Classroom(s) in the scope of work. Acceptable documentation indicating that the Modernization of the Portable Classroom(s) is a better use of public resources is one or more of the following:
 - (1) A cost benefit analysis prepared by a licensed design professional.
 - (2) A narrative that provides the rationale to substantiate that the Modernization of the Portable Classroom(s) rather than its replacement will extend the useful life of the Portable Classroom, which could include copies of maintenance records, photos, etc.
 - (3) A copy of the local governing board minutes that indicate that the local governing board has discussed and agreed that Modernization of the Portable Classroom(s) eligible for an additional Apportionment would be a better use of public resources. The local governing board minutes shall be submitted prior to Board approval of the project.
 - (4) Other evidence satisfactory to the Board.
- (c) For a site in which the gross Classroom inventory created pursuant to Section 1859.31 that was reported at the time the School District requested its initial determination of existing school building capacity was not previously adjusted as a result of Special Day Class loading, the site must have the inventory adjusted for the Special Day Class loading during Modernization Eligibility establishment prior to the calculation of an additional SFP Modernization Apportionment. Once the prior Form SAB 50-03 has been adjusted for Special Day Class loading, the revised Form SAB 50-03 will be used to determine the number of pupil grants available for the School District to request on a Form SAB 50-04.
- (d) If the immediately preceding SFP Modernization Apportionment included both permanent and portable facilities, the number of pupil grants that will be added to the site's baseline eligibility shall be determined by the percentage of permanent or portable facilities identified on the prior Form SAB 50-03. A subsequent round of Modernization Eligibility shall be determined by a calculation based upon the School District's selection of Option

ATTACHMENT B1b

A or Option B on the prior Form SAB 50-03. The additional Apportionment will be provided by one the following calculation methods:

- (1) If Option A was chosen on the prior Form SAB 50-03, or if Option B with reported Classroom count was chosen on the prior Form SAB 50-03, for each qualifying Classroom that was eligible, the pupil grants shall be made available by the following determination:
 - (A) Calculate the total Classroom count by adding the number of Permanent Classrooms and Portable Classrooms that were eligible at the site at the time of the immediately preceding SFP Modernization Apportionment.
 - (B) Divide the total Permanent Classrooms by the total Classroom count calculated in (d)(1)(A). Round up to the nearest one tenth of one percent.
 - (C) Divide the total Portable Classrooms by the total Classroom count calculated in (d)(1)(A). Round up to the nearest one tenth of one percent.
 - (D) Multiply the percentage determined in (d)(1)(B) by the total Modernization Eligibility as determined on the Form SAB 50-03, for each grade category. Round up to the nearest whole number to determine the pupil grants available that are attributable to Permanent Classrooms.
 - (E) Multiply the percentage determined in (d)(1)(C) by the total Modernization Eligibility as determined on the Form SAB 50-03, for each grade category. Round up to the nearest whole number to determine the pupil grants available that are attributable to Portable Classrooms.
- (2) If Option B reported Square Footage on the prior Form SAB 50-03, for qualifying Classroom(s) and/or non-Classroom Square Footage, the pupil grants shall be made available by the following determination:
 - (A) Calculate the total Square Footage that was eligible at the site per (d)(2).
 - (B) Divide the permanent Square Footage by the total Square Footage of building area calculated in (d)(2)(A). Round up to the nearest one tenth of one percent.
 - (C) Divide the portable Square Footage by the total Square Footage of building area calculated in (d)(2)(A). Round up to the nearest one tenth of one percent.
 - (D) Multiply the percentage determined in (d)(2)(B) by the total Modernization Eligibility as determined on the Form SAB 50-03, for each grade category. Round up to the nearest whole number to determine the pupil grants available that are attributable to permanent Square Footage.
 - (E) Multiply the percentage determined in (d)(2)(C) by the total Modernization Eligibility as determined on the Form SAB 50-03, for each grade category. Round up to the nearest whole number to determine the pupil grants available that are attributable to portable Square Footage.
- (e) For eligible Portable Classrooms that have been demolished and replaced in a prior SFP-funded project, the pupil grants will be made available on the baseline and then reduced by the ineligible Portable Classrooms or Square Footage pursuant to 1859.61(i)(3), as follows:
 - (1) The pupil grants made available as a result of (d)(1) will be prorated to separate the ineligible Portable Classrooms from the eligible Portable Classrooms by subtracting the total ineligible Classroom count from the total eligible Classroom count. The number of pupil grants the Classroom is eligible for per (e) for each Classroom will be reduced by the loading standards for each ineligible Classroom.
 - (2) The pupil grants made available as a result of (d)(2) will be prorated to separate the ineligible Portable Classroom Square Footage from the total eligible Square Footage on the site during the immediately preceding SFP Modernization Apportionment.
- (fe) In the case of permanent school facilities that are located on a military installation and are pursuant to the criteria in Education Code Section 17073.15(b), an additional Apportionment will be provided for the mModernization of a permanent school building every 10 years following the date of its previous the immediately preceding SFP State mModernization aApportionment.
- (gd) In the case of pPortable school-eClassrooms that are located on a military installation and are pursuant to the criteria in Education Code Section 17073.15(b), an additional Apportionment will be provided for the replacement of the pPortable eClassrooms with a permanent structure. Portable buildings modernized pursuant to this subsection shall be replaced with a permanent structure.

ATTACHMENT B1b

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

The capacity and eligibility of the ~~s~~School ~~d~~District will not be adjusted for the replacement of the ~~p~~Portable ~~e~~Classroom pursuant to Education Code Sections 17074.10(f) and 17073.15.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17073.15 and 17074.10, Education Code.

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ATTACHMENT B1c**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.
- If the request includes funding for the construction of a Minimum Essential Facility (MEF) per Section 1859.78.9.1, or a Transitional Kindergarten classroom(s) per Section 1859.78.9.2, the School District must submit a detailed cost estimate that delineates the cost associated with the work for the qualifying facility(s) in the DSA-approved plans apart from the other Modernization work in the DSA-approved plans.

8. Final Charter School Apportionment for Charter School Facilities Rehabilitation pursuant to Section 1859.167.1. For purposes of this Apportionment, the following documents must be submitted with this form (as appropriate):

- P&S for the project that were approved by DSA.
- If the request includes funding for accessibility and fire code requirement pursuant to Section 1859.167.3(d), the DSA approved list of the minimum accessibility work required and a detailed cost estimate for the work in the plans.
- DSA approval letter for elevator to meet access compliance, if funding is requested.
- High performance incentive (HPI) scorecard from DSA.
- Plan approval letter from the CDE.
- Construction cost estimate signed by the architect of record or design professional.
- Determination of financial soundness from the California School Finance Authority (CSFA).
- Written confirmation from the applicant's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the 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 five 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.

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 "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 request is for a conceptual approval for a

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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 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 construction baseline eligibility on a district-wide basis, it must submit a

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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). Applicants who are requesting to convert a Preliminary Small School District Program Apportionment to a Final Small School District Program Apportionment shall use the enrollment determined by Section 1859.157.4(d)(1).
- 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.

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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. Applicants who are requesting to convert a Preliminary Small School District Program Apportionment to a Final Small School District Program Apportionment shall use the enrollment determined by Section 1859.157.4(d)(2).

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).

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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 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.

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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: _____

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

15. Pending Reorganization Election—New Construction Only ☐ Yes ☐ No

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ATTACHMENT B1c**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 23 and 24, 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 pPortable eClassrooms 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 pPortable eClassrooms and permanently remove the displaced portables from the eClassroom 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 pPortable eClassrooms eligible for an additional Apportionment is better use of public resources than the replacement of these facilities, pursuant to Section 1859.78.8(b).
- 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

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request is for separate design Apportionment; and,

- 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 Pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105); and,
- If the Apportionment for this project was made pursuant to Section 1859.75.1, the School District understands that the lack of substantial progress toward increasing the Pupil capacity or renovation of its facilities within 12 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105.1); and,
- The School District understands that funds not released within 18 months of Apportionment shall be rescinded and the Application shall be denied (refer to Section 1859.90); and
- The statements set forth in this Application and supporting documents are true and correct to the best of my knowledge and belief; and,
- All school facilities purchased or newly constructed under the project for use by Pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and other Pupils as appropriate to the needs of both; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict 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 Pupils 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 Pupils 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 Education Code

**APPLICATION FOR FUNDING
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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.
- As applicable, the district certifies that a Five-Year School Facilities Master Plan, pursuant to Education Code Section 17070.54, was approved by the governing board of the school district on _____ and was filed with OPSC on _____. Pursuant to SFP Regulation Section 1859.18(b), the district certifies that:
 - ☐ There are no material changes to components of the Master Plan required in SFP Regulation Section 1859.18(d) since the date of governing board approval of the Master Plan, or
 - ☐ There has been a material change(s) to components of the Master Plan required in SFP Regulation Section 1859.18(d) since the date of governing board approval of the Master Plan, and an updated Master Plan or governing board resolution to acknowledge and address these changes has been included as a component of this application, or
 - ☐ This application is subject to an alternative Master Plan submittal timeline pursuant to SFP Regulation Section 1859.18.1 and a governing board resolution acknowledging any apportionment may be rescinded for failure to submit a valid Master Plan by the required timeline has been included as a component of this application.

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

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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

July 24, 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 #13

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 July 10, 2025, Implementation Stakeholder Meeting #13.

Career Technical Education Supplemental Grant

Proposed 2 CCR Section 1859.78.10(b)(1) and 1859.78.10(b)(2) - OPSC proposes the career technical education (CTE) supplemental grant be the lesser of 5 percent of the modernization grant [see *Proposed Section 1859.78.10(b)(1)*] or 60 percent of the OPSC-approved costs for the CTE scope of work [see *Proposed Section 1859.78.10(b)(2)*]. Los Angeles Unified requests clarification on how OPSC determined 60 percent was the appropriate percentage.

Second Round Modernization

Proposed 2 CCR Sections 1859.61(i)(1) through 1859.61(i)(3) and Proposed 2 CCR Sections 1859.78.8(d)(1) through 1859.78.8(e)(2) – Los Angeles Unified requests OPSC provide examples of

how the proposed calculations, specifically *Sections 1859.61(i)(1) through 1859.61(i)(3)* and *Sections 1859.78.8(d)(1) through Section 1859.78.89(e)(2)*, will be performed.

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

Sincerely,

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

Sasha Horwitz
Legislative Advocate
Los Angeles Unified School District



July 25, 2025

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

RE: FEEDBACK ON TOPICS PRESENTED DURING THE JULY 10, 2025 STAKEHOLDER MEETING FOR IMPLEMENTATION OF PROPOSITION 2 FOR THE SCHOOL FACILITY PROGRAM

To Whom it May Concern:

Hancock Park & DeLong, Inc. appreciates the opportunity to continue providing feedback regarding the topics presented during the thirteenth Proposition 2 Stakeholder meeting held on July 10, 2025. Below is a summary of our comments and concerns:

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

- We appreciate OPSC aligning with the Career Technical Education (CTE) Facilities Program in allowing Sierra West F2 level costs in the detailed cost estimate submittal.
- We also appreciate the ability for school districts with modernization applications received by OPSC on or after October 31, 2024 to request the CTE supplemental grant for those applications already containing CTE scope.
- For the proposed revisions to the Form SAB 50-04, it is duplicative to include a box indicating the district operates a comprehensive high school in both section 6 (f.) and section 24 where the district completes certifications.

• **Second Round Modernization**

- We encourage OPSC to update the definition of a “Portable Classroom” in SFP regulation to align with the current Education Code Section 17070.15(m).
- Portable classrooms have been defined in Education Code as “... a classroom building of one or more stories that is designed and constructed to be relocatable and transportable over public streets, and with respect to a single story portable classroom, is designed and constructed for relocation without the separation of the roof or floor from the building and when measured at the most exterior walls, has a floor area not in excess of 2,000 square feet.” When determining whether a building is permanent or portable, OPSC has a long-standing practice of recognizing

ATTACHMENT B1d

portable classrooms as “permanent” during OPSC site walks to determine eligibility. The justification for OPSC staff changing the portable building to a designation as a “permanent” building have been for a multitude of reasons, some of which include:

- districts have placed the portable classrooms on a concrete slab,
- districts have created concrete ramps leading to the portable classrooms,
- districts have added stucco to the outside of the portable classroom building,
- the portable classrooms “look permanent”,
- adjacent portable classroom building roofs have been attached to each other.

OPSC has acknowledged that portable classrooms do not have the same useful life as a permanent building; therefore, we propose that OPSC honor the true categorization of portable buildings regardless of the superficial improvements made to them. Districts should have the ability to produce original plans, if necessary, to demonstrate the buildings are portable, and we request that OPSC staff refrain from altering the portable building designations to permanent.

- OPSC has recently indicated that second round modernization of portable buildings requires either replacement of the portable building with another classroom, *or* modernization of the portable that is comprehensive enough to bring the portable building up to the equivalent of a new building. This interpretation that portable buildings be modernized **“to the equivalent of a new building”** appears to be much broader than the statutory language requires. The statute allows school districts to “document that modernizing the portable classroom is a better use of public resources.” There is no requirement to bring the classroom to the equivalent of a new classroom and modernization grants are insufficient to do so (either through replacement or traditional modernization work). This approach has the potential to harm small school districts and financial hardship districts as they may only have sufficient funds to do the best they can to modernize the portable. It may not be a better use of public resources for districts that do not have local funds available to be required to bring the classroom to the equivalent of a new building if it would create a financial burden to do so. The reality is that often districts are choosing to modernize the portable rather than replace because there is simply not enough funding to do otherwise. Imposing this interpretation takes away the very flexibility that the statute was attempting to codify. Further it exacerbates inequalities, in that, districts that do not have access to local funds may be more limited in their ability to access second round modernization funding. We recommend that OPSC re-evaluate this position.

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