ATTACHMENT A13

OFFICE OF PUBLIC SCHOOL CONSTRUCTION
STAKEHOLDER MEETING
November 19, 2026

PROPOSED AMENDMENTS TO THE SCHOOL FACILITY PROGRAM FOR THE CREATION OF A LEAD IN WATER TESTING AND REMEDIATION PROGRAM

PURPOSE

To discuss and receive stakeholder feedback resulting from Assembly Bill (AB) 247, the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2), which was approved by a majority of California's voters on November 5, 2024. This discussion and resulting stakeholder feedback will inform regulatory development and implementation of a new Lead in Water Testing and Remediation Program (Program) established by Proposition 2.

AUTHORITY

See Attachment A13a.

DESCRIPTION

This report is a continued discussion of the lead in water testing and remediation assistance available pursuant to Education Code (EC) Section 17077.60. This report proposes additional concepts with the goal of ensuring clear Program requirements for applicants and the Office of Public School Constriction (OPSC) as the Program administrator.

BACKGROUND

On September 3, 2026, OPSC presented additional concepts and proposals based on the new statutory authority of EC Section 17077.60. This statute provides authority for the State Allocation Board (Board) to establish funding cycles to provide a grant to test lead in water outlets used for drinking or preparing food on school sites constructed prior to January 1, 2010, serving pupils in kindergarten through grade 12 (K-12), and for the remediation of water outlets with lead levels in excess of 15 parts per billion (ppb).

The full text of the September 3 stakeholder meeting item may be found here: https://www.dgs.ca.gov/-/media/Divisions/OPSC/Agenda-Items/2026/09-September/09-03-26-StakeHolder-Item.pdf

The September 3 meeting recording, which includes feedback that OPSC was able to respond to at the time, may be found here: September 3, 2026 Office of Public School Construction Stakeholder Meeting #22

STAFF ANALYSIS/DISCUSSION

For purposes of this item, school districts and county offices of education (COE) will be referred to as “school districts.”

Stakeholder Feedback from September 3, 2026 Meeting
Staff would like to thank stakeholders who were able to view, attend, or participate in this meeting, as well as those who provided valuable feedback at the meeting. Following the September 3, 2026, stakeholder meeting, OPSC did not receive any additional feedback on this topic.

OPSC has prepared additional considerations and proposals related to the Lead in Water Testing and Remediation Program below.

Proposed Application and Funding Process

Application and Funding Process Considerations
OPSC has prepared a more comprehensive outline for stakeholder consideration of a potential application process that would allocate Program funds in two rounds of funding, with a testing cycle and remediation cycle in each round. EC Section 17077.60 (d) states that the “board shall establish funding cycles for the allocation of funds."

The proposal acknowledges that one designated funding cycle timeline for both testing and remediation work may not accommodate all school districts and all school sites. The rounds could be staggered at approximately two intervals with $57.5 million (totaling $115 million) designated for each round as follows:

Round 1

Testing Cycle - Applicants may submit funding requests to test all eligible water outlets at up to five school sites. In accordance with EC Section 17077.60, eligible water outlets are those used for drinking or preparing food on schoolsites serving kindergarten or any of grades 1 to 12, inclusive, that were constructed before January 1, 2010, and were not tested or replaced since January 1, 2010.

Remediation Cycle - Applicants submit funding requests to replace qualifying water outlets that tested in exceedance of 15 ppb, as demonstrated through submitted test results from the prior Testing Cycle.

Round 2

Testing Cycle - Applicants may submit funding requests to test eligible water outlets at school sites not funded in Round 1.

Remediation Cycle – Applicants submit funding requests to replace qualifying water outlets that tested in exceedance of 15 ppb, as demonstrated through

STAFF ANALYSIS/DISCUSSION (cont.)

submitted test results gathered from the Round 2 Testing Cycle. Applicants who received funding in the Round 1 Testing Cycle may submit a funding request for the Round 2 Remediation Cycle if available funding for the Round 1 Remediation Cycle was insufficient for all requests submitted.

To illustrate the anticipated structure of the Testing and Remediation application process, OPSC proposes that the Testing Cycle and Remediation Cycle operate similarly to the typical School Facility Program Modernization application "Design" to Full Adjusted Grant process. The Testing Cycle would be conceptually similar to the "Design" application and the Remediation funding request would be conceptually similar to a "Design" funding recipient's subsequent Full Adjusted Grant application. If there are water outlets tested and determined to exceed lead levels of 15 ppb as a result of that Testing Cycle, then applicants may subsequently submit a request for a "Full Adjusted Grant" application to request Remediation funding.

OPSC anticipates opening the Rounds approximately two years apart to ensure that school districts have adequate time between Round 1 Testing to obtain their test results and submit a Remediation funding request within 12 months of the date when their Testing application received an apportionment.

Considerations for discussion:

1. If monies are reserved equally for two rounds of testing/remediation, what happens if there is insufficient funding in the first round to fund the remediation of all outlets tested in the first round that exceed 15ppb? Should first round applicants be allowed to obtain remediation funding set aside under the second round for remediation?
2. Should all monies be available for a first round and OPSC can announce a second round once 12 months have passed for first round applicants to apply for remediation?
3. Should first round applicants that fail to submit a request for remediation in the first round be prohibited from reapplying for consideration in the second round?

Grant Amount Calculation

Grant amounts for the Testing Cycle will be based upon the number of eligible outlets to be tested per application. If an application requests funding for testing at multiple sites (up to five) on one application, then all eligible water outlets at the multiple sites would be combined into one application request.

STAFF ANALYSIS/DISCUSSION (cont.)

Grant amounts for the Remediation Cycle will be calculated based upon the number of qualifying water outlets to be replaced per application. Qualifying water outlets are water outlets that were tested in the Testing Cycle and have demonstrable test results indicating that lead levels exceed 15ppb.

Additional details related to Grant Amounts for these applications may be seen below in the Staff Analysis/Discussion section of this item.

Priority Funding Considerations

For applicants who are successful in participating in a proposed Round, once an application (Testing or Remediation) receives an unfunded approval, OPSC proposes that school districts may receive funds from the next bond sale for the site(s). Thus, the school district would not have to submit a request to participate in an upcoming Priority Funding Round. In order for funds to be released, school districts would submit a Grant Agreement and *Fund Release Authorization* (Form SAB 50-05).

Fund Release and Expenditure Report Considerations

OPSC proposes the following regarding Expenditure Report requirements for the Testing and Remediation Cycles:

For Testing Cycle applicants who receive an apportionment, OPSC proposes that applicants have 12 months to either:

a) Submit test results to OPSC and submit a Remediation Cycle application, or
b) Submit test results to OPSC and a final *Expenditure Report* (Form SAB 50-06) if test results for all eligible water outlets did not demonstrate lead levels exceeding 15 ppb.

For the Testing Cycle, if applicants do not fulfill either a) or b) within 12 months from the date funds were apportioned, then the applicant must return all funds to OPSC.

Applications for the Remediation Cycle as a result of findings from the Testing Cycle could be processed in date order received, subject to available bond authority within the Round(s). From the date of apportionment, applicants would have 18 months to submit the final *Expenditure Report* (Form SAB 50-06). If applicants do not submit the Form SAB 50-06 within 18 months following the apportionment, then the applicant must return the funds to OPSC.

All apportionments would be subject to the K-12 audit requirements outlined in EC 41024.

STAFF ANALYSIS/DISCUSSION (cont.)

For both the Testing and Remediation Cycles, OPSC proposes no substantial progress reports.

If the school district is unable to demonstrate that funding was used for eligible expenditures for testing and remediation, OPSC proposes that the funds would be returned to OPSC and that school districts cannot retain savings from either of these Cycles.

Project Savings
OPSC proposes that school districts would be eligible to retain savings provided they meet all program requirements.

Grant Amounts
OPSC proposes the following grant amounts for testing lead levels in eligible water outlets used for drinking or preparing food; remediation of water outlets with lead levels greater than 15 ppb, and additional testing; and replacement of any pipes or fixtures that are contributing to the elevated lead levels:

Testing Water Outlets
School districts will receive a set base grant amount per eligible water outlet for each application to test all eligible water outlets, as outlined in Education Code Section 17077.60.

For testing purposes, based upon consultation with stakeholders, OPSC is considering a proposed state share of $50 per eligible water outlet toward testing and requests stakeholder consideration as to the adequacy of this amount relative to testing each eligible water outlet, and costs associated with receiving test results from an accredited laboratory that is Environmental Laboratory Accreditation Program (ELAP) certified.

Remediation of Water Outlets and Additional Testing
School districts will receive a base grant amount based upon the number and type of qualifying water outlets per site to be replaced.

To determine the grant amount, OPSC is considering the costs associated with the design, removal, purchase, and installation of the water outlets, as well as access compliance, and any state agency review, such as from Division of the State Architect (DSA). To assist with determining the proposed grant amounts, OPSC researched the costs of various types of water outlets that could qualify for replacement as noted below.

STAFF ANALYSIS/DISCUSSION (cont.)

Water Outlet	Costs
Classroom bubbler	$230 - $400
Single drinking fountain	$570 - $1,000
Filtered bottle filling station and bubbler	$1,530 - $1,830
Water coolers (chiller unit)	$954 - $1,225
Kitchen faucets	$80 - $280

In order to provide a grant amount that is sufficient for the Remediation Cycle, OPSC requests stakeholder feedback on the costs associated with the replacement of outlets and requests stakeholders provide any additional supporting documentation for consideration.

OPSC is also considering including the following Modernization supplemental grants for remediation projects to replace water outlets, and for potential future remediation projects to replace pipes and fixtures:

- Access Compliance
- Geographic Percent Factor
- Project Assistance

Replacement of Pipes and Fixtures
If funds are available at the conclusion of the proposed two Testing and Remediation Rounds, OPSC proposes a third funding round that provides grants for the replacement of any pipes or fixtures that are contributing to the elevated lead levels that do not fall below 15 ppb after additional testing was completed. Funding would be based on a cost estimate similar in nature to the *Facility Hardship Cost Estimate* (Form SAB 58-01).

OPSC anticipates presenting a proposed cost estimate specific to this program at a future stakeholder meeting for consideration.

California Department of Education (CDE) Plan Approval – Remediation Cycle
OPSC is collaborating with CDE to clarify whether "written approval" for such projects would be required.

OPSC anticipates providing stakeholders with more information on this topic at a future meeting.

Master Plan Submittal Time Frames
As the Lead in Water Testing and Remediation Program is subject to the requirement for school districts participating in the School Facility Program to submit a Five-Year School Facilities Master Plan, OPSC proposes that school districts would be required to submit a local governing board resolution with the

STAFF ANALYSIS/DISCUSSION (cont.)

proposed *Application for Lead in Water Testing and Remediation* (Form SAB 50-65), acknowledging the Master Plan requirement and associated deadline.

OPSC proposes the Master Plan must be submitted within 12 months of the date of the Testing apportionment.

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

- Proposed regulatory additions and amendments
- A proposed *Application for Lead in Water Testing and Remediation* (Form SAB 50-65)
- Grant Agreement distinctly for Testing and Remediation Cycles
- Grant Agreement [Prop 2] modification to be inclusive of eligible expenditures related to the third funding cycle to replace pipes and fixtures.
- Additional clarification as to CDE and Division of State Architect Plan Approval requirements
- The *Lead in Water Testing and Remediation Program Cost Estimate* (Form SAB 65-01) for purposes of the third funding cycle to replace eligible pipes and fixtures contributing to excess lead levels
- Potential prioritization criteria

NEXT STEPS

OPSC welcomes any feedback from stakeholders regarding the proposed concepts.

Staff will review any feedback obtained in today's meeting and anything received through close of business on **Friday, December 4, 2026**, and will address those suggestions in the next public meeting on this topic.

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

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AUTHORITY

Education Code (EC) Section 17070.50. General Provisions
The board shall not apportion funds to any school district, unless the applicant school district has certified to the board that the services 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 has obtained the written approval of the State Department of Education that the site selection, and the building plans and specifications, comply with the standards adopted by the department pursuant to subdivisions (b) and (c), respectively, of Section 17251**.**

EC Section 17072.30. New Construction Funding Process
(a) Subject to the availability of funds, the board shall apportion funds to an eligible school district only upon the approval of the project by the Department of General Services pursuant to the Field Act, as defined in Section 17281, and certification by the school district that the required matching funds from local sources have been expended by the district for the project, or have been deposited in the county fund, or will be expended by the district by the time the project is completed, in an amount at least equal to the proposed apportionment pursuant to this chapter, before release of the state funds.
…

EC Section 17074.16. Modernization Apportionment
(a) ...Subject to the availability of funds, the board shall apportion funds to an eligible school district only upon the approval of the project by the Department of General Services pursuant to the Field Act, as defined in Section 17281, including, but not limited to, a project that complies with the Field Act by complying with Section 17280.5...

EC Section 17077.60. Testing and Remediation of Lead Levels in Water at Schoolsites
(a) (1) With funds made available for this purpose, the board shall provide a grant to test for lead in water outlets used for drinking or preparing food on schoolsites serving kindergarten or any of grades 1 to 12, inclusive, that were constructed before January 1, 2010, and for the remediation of any water outlets with lead levels in excess of 15 parts per billion.
(2) The board shall release disbursements to school districts with approved applications for purposes of this article, to the extent state funds are available, consistent with the applicable school district's local and state contribution percentages determined pursuant to Section 17074.16. Subject to the availability of funds, the board shall apportion funds to an eligible school district only upon review of evidence that the required local matching funds, for the applicable school district determined pursuant to Section 17074.16, have been expended by the school district for the project, have been deposited in the county fund, or will be expended by the school district by the time of completion of the project, and upon review of evidence that the school district has entered into a binding contract for the completion of that project.

(b) (1) A school district that applies for funding to test lead levels in water outlets used for drinking or preparing food shall be required to test all outlets on the schoolsite, except outlets that have been tested or replaced since January 1, 2010.
(2) A school district shall provide the test results to the Office of Public School Construction and the community water system that serves the school district.
(c) (1) A school district may request a grant for the replacement of a water outlet used for drinking or preparing food if the test results indicate lead levels for that water outlet exceed 15 parts per billion.
(2) Additional testing shall be required upon completion of the remediation efforts specified in paragraph (1) to ensure that lead levels have fallen below 15 parts per billion.
(d) The board shall establish funding cycles for allocation of funds. If funds are available at the conclusion of the funding cycles, the board may adopt regulations to provide grants to replace any pipes or fixtures that are contributing to the elevated lead levels if lead levels do not fall below 15 parts per billion after additional testing has been performed, as specified in paragraph (2) of subdivision (c).
(e) The board may consider setting a maximum amount on the grant to be provided for testing and remediation.

EC Section 38041. Drinking Water
(a) (1) A new construction or modernization project submitted to the Division of the State Architect pursuant to Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1 by a school district or the governing body of a charter school shall include water bottle filling stations, consistent with the requirements of this section.
(2) The requirements of this section only apply to those projects described in paragraph (1) that are submitted to the Division of the State Architect three months after voters approve a statewide general obligation bond that provides funds for school facilities for kindergarten or any of grades 1 to 12, inclusive, at a statewide election occurring on or after November 1, 2022.
(b) (1) For modernization projects, there shall be a minimum of one water bottle filling station at each school undergoing modernization.
(2) For new construction projects, there shall be a minimum of one water bottle filling station per 350 people at each school being constructed.
(c) Water bottle filling stations shall be placed in or near high traffic and common areas, such as all of the following:
(1) Hallways.
(2) Gymnasiums.
(3) School food service areas.
(4) Outdoor recreation areas.
(5) Faculty lounges.
…

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AUTHORITY

Health and Safety Code Section 116875. Lead Materials

(a) No person shall use any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead free in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption, except when necessary for the repair of leaded joints of cast iron pipes.

(b)(1) No person shall introduce into commerce any pipe, pipe or plumbing fitting, or fixture intended to convey or dispense water for human consumption through drinking or cooking that is not lead free, as defined in subdivision (e). This includes kitchen faucets, bathroom faucets, and any other end-use devices intended to convey or dispense water for human consumption through drinking or cooking, but excludes service saddles, backflow preventers for nonpotable services such as irrigation and industrial, and water distribution main gate valves that are two inches in diameter and above.

(2) Pipes, pipe or plumbing fittings, or fixtures that are used in manufacturing, industrial processing, for irrigation purposes, and any other uses where the water is not intended for human consumption through drinking or cooking are not subject to the requirements of paragraph (1).

(3) For all purposes other than manufacturing, industrial processing, or to convey or dispense water for human consumption, “lead free” is defined in subdivision (f).

(c) No person engaged in the business of selling plumbing supplies, except manufacturers, shall sell solder or flux that is not lead free.

(d) No person shall introduce into commerce any solder or flux that is not lead free unless the solder or flux bears a prominent label stating that it is illegal to use the solder or flux in the installation or repair of any plumbing providing water for human consumption.

(e) For the purposes of this section, “lead free” means not more than 0.2 percent lead when used with respect to solder and flux and not more than a weighted average of 0.25 percent when used with respect to the wetted surfaces of pipes and pipe fittings, plumbing fittings, and fixtures. The weighted average lead content of a pipe and pipe fitting, plumbing fitting, and fixture shall be calculated by using the following formula: The percentage of lead content within each component that comes into contact with water shall be multiplied by the percent of the total wetted surface of the entire pipe and pipe fitting, plumbing fitting, or fixture represented in each component containing lead. These percentages shall be added and the sum shall constitute the weighted average lead content of the pipe and pipe fitting, plumbing fitting, or fixture.

(f) For the purposes of paragraph (3) of subdivision (b), “lead free,” consistent with the requirements of federal law, means not more than 0.2 percent lead when used with respect to solder and flux and not more than 8 percent when used with respect to pipes and pipe fittings. With respect to plumbing fittings and fixtures, “lead free” means not more than 4 percent by dry weight after August 6, 2002, unless the department has adopted a standard, based on health effects, for the leaching of lead.

(g)(1) All pipe, pipe or plumbing fittings or fixtures, solder, or flux shall be certified by an independent American National Standards Institute (ANSI) accredited third party, including, but not limited to, NSF International, as being in compliance with this section.

AUTHORITY

(2) (A)The certification described in paragraph (1) shall, at a minimum, include testing of materials in accordance with the protocols used by the Department of Toxic Substances Control in implementing Article 10.1.2 (commencing with Section 25214.4.3) of Chapter 6.5 of Division 20.
(B) The certification required pursuant to this subdivision shall not interfere with either the department's exercise of its independent authority to protect public health pursuant to this section, or the Department of Toxic Substances Control's exercise of its independent authority to implement Article 10.1.2 (commencing with Section 25214.4.3) of Chapter 6.5 of Division 20.
(3) It is the intent of the Legislature that this subdivision only provide guidance and assistance to the entities that use an independent ANSI accredited third party to demonstrate compliance with this section. Any tests developed by an independent ANSI accredited third party in accordance with this subdivision shall have no weight of authority under California statute.
(4) Notwithstanding paragraph (1), the department shall retain its independent authority in administering this article.
(h) This section shall become operative on January 1, 2010. The requirement described in subdivision (g) shall not be construed in any manner as to justify a delay in compliance with the lead-free standard set forth in subdivision (e).

2025 California Building Standards Code (Cal. Code Regs., Title 24)
Part 5 – California Plumbing Code
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TABLE 422.1

MINIMUM PLUMBING FACILITIES1, *9*
Each building shall be provided with sanitary facilities, including provisions for persons with disabilities as prescribed by the Department Having Jurisdiction[8].
Table 422.1 applies to new buildings, additions to a building, and changes of occupancy or type in an existing building resulting in increased occupant load.
…

TABLE 422.1
MINIMUM PLUMBING FACILITIES[1, 9] (continued)

TYPE OF OCCUPANCY[2]	WATER CLOSETS (FIXTURES PER PERSON)[3]		URINALS (FIXTURES PER PERSON)[4]	LAVATORIES (FIXTURES PER PERSON)[5]		BATHTUBS OR SHOWERS (FIXTURES PER PERSON)	DRINKING FOUNTAINS/ FACILITIES (FIXTURES PER PERSON)	OTHER[6, 7]
E Educational occupancy-private or public schools	Male 1 per 50	Female 1 per 30	Male 1 per 100	Male 1 per 40	Female 1 per 40	—	1 per 150	1 service sink or laundry sink