

FINDING OF EMERGENCY

The State Allocation Board (SAB) finds that an emergency exists, and that the proposed regulation is necessary for immediate action to avoid serious harm to the public peace, health, safety, or general welfare, pursuant to Government Code Section 11342.545.

Specific Facts Showing the Need for Immediate Action

On November 5, 2024, a majority of California's voters approved the Kindergarten through Grade 12 Schools and Local Community College Public Education Facilities Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2). In addition to providing \$8.5 billion in bond authority for public Transitional Kindergarten through grade 12 school facilities, there are many provisions contained in Proposition 2 that require interpretation and inclusion in the existing School Facility Program (SFP) Regulations. Voter approval of Proposition 2 made provisions of Assembly Bill (AB) 247 (Muratsuchi, Chapter 81, Statutes of 2024) operative.

This bill added Education Code Section 17070.54 and requires that as a condition of participating in the SFP, school districts must submit to the Office of Public School Construction (OPSC) a five-year school facilities master plan, or an updated five-year school facilities master plan, approved by the governing board of the school district. School district also means a county office of education based on Education Code Section 17070.15(q). In part, Proposition 2 requires:

- School districts include specified minimum elements as part of the five-year school facilities master plan, including an inventory of existing facilities, sites, and property.
- OPSC, in consultation with the California Department of Education (CDE), to develop guidelines that school districts may utilize to guide the development of the master plan.
- The State Controller's Office to include instructions in the K-12 audit guide to verify that all required components are included in participating school districts' master plans.
- School districts to update their school facilities master plans to reflect any changes in enrollment, capacity, or other areas, as appropriate for purposes of participating in the SFP.

At its meeting on January 28, 2026, the SAB adopted proposed regulatory amendments, on an emergency basis, that implement the five-year school facilities master plan provision of AB 247 and Proposition 2 in the SFP. The January 2026 item sets forth the timing of when to submit the school facilities master plan to OPSC based on the submittal date and project type, such as new requests for New Construction and Modernization applications for design and/or site funding; Facility Hardship Program and Seismic Mitigation Program applications (health and safety projects); Career Technical Education Facilities Program applications; Charter School Facilities Program applications; and Natural Disaster Assistance applications (health and safety projects).

It is important to note that applications for all SAB-administered programs are subject to the five-year school facilities master plan requirement. It is also necessary to point out that school districts already prepare school facilities master plans; comprehensive overviews of a school district's facilities, including but not limited to, current and future student housing needs, and existing facilities, to name a few.

Education Code Section 17070.54 sets forth specific criteria that must be included in the master plans for submittal to OPSC. However, Proposition 2 and AB 247 are silent as to when the five-year school facilities master plans must be submitted, which is why OPSC developed different submittal timelines by program and application type based on when the proposed regulations

may be approved by the OAL and become effective. Facility Hardship and Seismic Mitigation Program projects, along with three Natural Disaster Assistance projects have already been processed to the State Allocation Board, received unfunded approvals, and will receive Apportionments in April 2026. Failure to approve these regulations on an emergency basis could jeopardize their funding by delaying the timeline for which school districts would need to submit the five-year school facilities master plans. It is feasible that the projects could be completed by the time the regulations are approved on a non-emergency basis and thereby leaving the SAB without the authority to address issues if the school districts do not submit their master plan by the deadlines specified in the regulations.

Processing the regulations on a non-emergency basis will take approximately four to six months through the Administrative Procedures Act. The earliest effective date on a non-emergency basis could be October 1, 2026, based on the quarterly approval schedule which may impact the school districts keeping their Apportionments. Therefore, it is imperative that the proposed regulations be approved on an emergency basis for the health, safety, and the State's general welfare to ensure that school districts have a timeline framework in place for when the five-year school facilities master plans need to be submitted to OPSC not just to participate in the SFP but to maintain their projects' funding.

Background and Problem Being Resolved

At its December 3, 2024 meeting, the SAB adopted policies for SFP applications received on or after October 31, 2024. The December 2024 policy item outlined the timing of when to submit the school facilities master plan to OPSC based on the submittal date and project type, such as Facility Hardship and Seismic Mitigation Program applications, and New Construction and Modernization funding applications (including projects already SAB-approved for separate design/site). Early guidance from the SAB was necessary to inform school districts who submitted applications on or after October 31, 2024, and/or who are currently planning to submit applications for funding. Stakeholder input and feedback has been critical to inform regulation development and implementation. Although the submittal of the five-year school facilities master plan is required to participate in the SFP, Proposition 2 does not specify when the required master plan must be submitted to OPSC.

A series of stakeholder meetings were held on February 13, April 10, August 28, and November 6, 2025. Once stakeholders had the opportunity to provide input and feedback on the five-year school facilities master plan topic, OPSC presented proposed regulatory changes to the SAB for consideration as formal regulations and then those regulations would be submitted to the Office of Administrative Law (OAL) for review. There still remains Proposition 2 provisions to be incorporated into the SFP Regulations and as these topics are vetted with stakeholders, formal regulations will be presented to the SAB for consideration and then submitted to OAL for review.

The problem being resolved is not just implementing the statutory authority for school districts to submit five-year school facilities master plans but implementing when master plans must be submitted with funding applications for the different programs. Each program and project type has unique circumstances surrounding when applications can be submitted to OPSC versus when they may be processed by OPSC to the SAB for approval. Accordingly, the regulations account for these unique circumstances by adjusting the timing of when the master plan should be submitted by to allow school districts to plan and prepare for submittal. The proposed regulations address applications received by OPSC on and after October 31, 2024, and set forth requirements and conditions of the five-year school facilities master plan, as well as specificity concerning the information that must be included in the master plan. This is in alignment with Education Code Section 17070.54.

OPSC performed a search on whether the proposed regulatory amendments were consistent and compatible with existing State laws and regulations and did not identify any inconsistent or incompatible existing State laws or regulations. The proposed regulatory amendments are consistent with and implement a provision of statutory changes enacted with the passage of Proposition 2. Proceeding with the implementation of the proposed regulations ensures that school districts will provide the school facilities master plan if they want to participate in the SFP and have the state be a partner in their projects. This provides a positive impact on the state's economy, as well as the creation of an unknown number of jobs in the school construction industry. Once school districts request the release of state funds, manufacturing and construction-related industries such as architecture, engineering, trades and municipalities may expand based on the demand on these industries. The proposed regulations maintain equity, consistency, and the integrity of the SFP.

OPSC, on behalf of the SAB, will notify school districts and other interested parties of its intent to submit the proposed regulatory amendments to the OAL in April, pursuant to Government Code Section 11346.1(a)(2). The proposed regulations will be attached, including the five associated forms. The documents may also be viewed on OPSC's website at: [Laws, Regulations for School Construction Projects](#), then scroll down to "SFP," Pending Regulatory Changes under January 28, 2026 Emergency Regulations, and click on the AB 1302 Emergency Notice, Finding of Emergency, the proposed regulation text, and the five associated forms (SAB 50-04, SAB 50-09, SAB 50-10, SAB 195 and SAB 50-MP).

Authority and Reference Citations

Note: Authority cited: Sections 17070.35, 17075.10 in effect as of January 1, 2024, and repealed and added by Assembly Bill 247, Chapter 81, Statutes of 2024, and with the successful passage of Proposition 2 on November 5, 2024, 17075.11, 17075.20, 17078.64 and 17078.74, Education Code.

Reference: Sections 8974, 17009.5, 17052, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17052, 17070.15, 17070.35, 17070.50, 17070.51, 17070.51(a), 17070.54, 17070.59, 17070.71, 17070.75, 17070.77, 17070.99, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.13, 17072.14, 17072.15, 17072.18, 17072.20, 17072.25, 17072.30, 17072.33, 17072.35, 17073.15, 17073.16, 17073.20, 17073.25, 17074.10, 17074.15, 17074.16, 17074.25, 17074.265, 17074.30, 17074.32, 17075.10 in effect as of January 1, 2024, and repealed and added by Assembly Bill 247, Chapter 81, Statutes of 2024, and with the successful passage of Proposition 2 on November 5, 2024, 17075.11, 17075.15, 17075.20, 17076.10, 17077.10, 17077.30, 17077.35, 17077.40, 17077.42, 17077.45, 17078.52, 17078.53, 17078.54, 17078.56, 17078.58, 17078.72, 17078.72(k), 17078.74, 17079, 17079.10, 17079.20, 17079.30, 17250.30, 17251, 17280, 17375, 41024, 42268, 42270, 56026, 100420(c) and 101012(a)(8), Education Code; Section 53311, Government Code; Sections 1771.3 in effect on January 1, 2012 through June 19, 2024 and 1771.5, Labor Code; and Section 2052, Revenue and Taxation Code.

Information Digest/Policy Overview Statement

At its meeting on January 28, 2026, the SAB adopted proposed regulatory amendments, on an emergency basis, that implement the five-year school facilities master plan provision of AB 247 and Proposition 2 in the SFP. The January 2026 item sets forth the timing of when to submit the school facilities master plan to OPSC based on the submittal date and project type, such as new requests for New Construction and Modernization applications for design and/or site funding;

Facility Hardship Program and Seismic Mitigation Program applications (health and safety projects); Career Technical Education Facilities Program applications; Charter School Facilities Program applications; and Natural Disaster Assistance applications (health and safety projects). It is important to note that applications for all SAB-administered programs are subject to the five-year school facilities master plan requirement. It is also necessary to point out that school districts already prepare school facilities master plans as comprehensive overviews of a school district's facilities, including but not limited to, current and future student housing needs, and existing facilities to name a few.

Summary of the Proposed Regulations

A summary of the proposed regulations is as follows:

Existing Regulation Section 1859.2 represents a set of defined words and terms used exclusively for these regulations. The proposed amendments update the revision dates for the Forms SAB 50-04, SAB 50-09, SAB 50-10, and SAB 195. It also defines the new Form SAB 50-MP and the term "Master Plan," that align with Education Code Section 17070.54.

Proposed adoption of Regulation Section 1859.18 sets forth how long a master plan is considered valid based on when the local governing board of a school district approved the master plan, relative to the required time frame for submittal of the master plan for the associated funding application. A school district may submit additional funding applications without resubmitting the valid master plan. However, there are conditions of when a master plan must be updated by a school district within five years from the original master plan's approval by the school board when changes in enrollment, capacity, or other areas have materially affected components, which is in alignment with Education Code Section 17070.54(f). This section also sets forth the required components of a complete master plan and provides clarifying details to ensure consistent compliance with the statutory components.

Proposed adoption of Regulation Section 1859.18.1 establishes the required time frames by which school districts submit a complete master plan. The master plan requirement applies to applications submitted to OPSC on and after October 31, 2024. However, time was needed to develop these proposed regulations that the SAB approved a framework of submittal dates for completed master plans on December 3, 2024, along with a process for submittal of governing board resolutions acknowledging the master plan requirement. The school board resolution must also acknowledge the Apportionment may be rescinded for failure to submit the completed and valid master plan timely. This section implements the SAB's previously approved framework and expands it to other SFP programs. There is a non-substantive change in subsection (e)(2); correcting (f)(1) to (e)(2) since there is no subsection (f) in this section.

Existing Form SAB 50-04, *Application for Funding*, (Rev. ~~4/25~~ 01/26), (incorporated by reference) is submitted by school districts to apply for State funding for new construction and modernization projects. The proposed amendments add a certification on page 12 that incorporates the requirements of the five-year school facilities master plan, such as the date the governing board approved the master plan and the date it was submitted to OPSC. School districts will need to check a box as to whether the master plan has not been materially altered, has been materially altered, or the application is subject to an alternative master plan submittal timeline required in Regulation Section 1859.18.1.

Existing Form SAB 50-09, *Application for Charter School Preliminary Apportionment*, (Rev. ~~4/25~~ 01/26), (incorporated by reference) is the form for charter school entities to apply for preliminary apportionments for qualifying projects. The proposed amendments add a

certification on page 6 that incorporates the requirements of the five-year school facilities master plan, such as the date the governing board approved the master plan and the date it was submitted to OPSC. School districts will need to check a box as to whether the master plan has not been materially altered, has been materially altered, or the application is subject to an alternative master plan submittal timeline required in Regulation Section 1859.18.1.

Existing Form SAB 50-10, *Application for Career Technical Education Facilities Funding*, (Rev. ~~10/14~~ 01/26), (incorporated by reference) is submitted by school districts/Local Educational Agencies to apply for funding under the Career Technical Education Facilities Program. The proposed amendments add a certification on page 4 that incorporates the requirements of the five-year school facilities master plan, such as the date the governing board approved the master plan and the date it was submitted to OPSC. School districts will need to check a box as to whether the master plan has not been materially altered, has been materially altered, or the application is subject to an alternative master plan submittal timeline required in Regulation Section 1859.18.1.

Existing Form SAB 195, *Application for Natural Disaster Assistance*, (~~New 08/25~~ Rev. 01/26), (incorporated by reference), is submitted by school districts to apply for funding for either interim housing assistance following a natural disaster, or other assistance following a natural disaster, pursuant to Education Code Section 17075.20. This form provides sections wherein a school district may provide a narrative for each respective interim housing or other assistance request. The proposed amendments add a certification on page 9 that incorporates the requirements of the five-year school facilities master plan, such as the date the governing board approved the master plan and the date it was submitted to OPSC. School districts will need to check a box as to whether the master plan has not been materially altered, has been materially altered, or the application is subject to an alternative master plan submittal timeline required in Regulation Section 1859.18.1.

Proposed adoption of Form SAB 50-MP, *Five-Year Master Plan Checklist*, (New 01/26), (incorporated by reference), was created to assist school districts and OPSC in verifying that all required components are included in the submitted master plan. OPSC acknowledges that school districts have created their master plans in various formats. School districts are able to submit their master plans as a PDF document, or as an external website link with Uniform Resource Locators (URL). There are fields to enter page numbers if the school district submits the master plan in PDF format, or URL information if the master plan is web-based. OPSC proposes that school districts be required to complete and submit this form along with the completed master plan.

Mandate on Local Agencies or School Districts

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require school districts to incur additional costs to comply with the proposed regulations.

Cost Estimate

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact that might result from the proposed regulatory action, and it has been determined that:

- There will be no costs or savings to the State.
- There will be no non-discretionary costs or savings to local agencies.

- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.

Technical Documents Relied Upon

- The SAB's Action Item, dated January 28, 2026, REPORT OF THE EXECUTIVE OFFICER, entitled "Proposed Emergency Regulatory Amendments for the Five-Year School Facilities Master Plan."

Benefits of the Proposed Regulations

There are benefits associated with the proposed regulations. The State of California will benefit as the master plans are a comprehensive overview of each school district's facilities, including but not limited to, current and future student housing needs and existing facilities, to name a few. The master plans promote transparency and tie into the State's infrastructure investment. In addition, the proposed regulations may have a positive impact on the state's economy, as well as the creation of an unknown number of jobs in the school construction industry, by facilitating funding for school construction. Once school districts request the release of state funds, manufacturing and construction-related industries such as architecture, engineering, trades and municipalities may expand based on the demand on these industries.