

## Proposed Regulatory Text

### Amend Regulation Section 1859.2

#### 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:

...  
“Form SAB 50-04” means the *Application For Funding*, Form SAB 50-04 (Revised ~~12/25~~ 01/26), which is incorporated by reference.

...  
“Form SAB 50-09” means the *Application for Charter School Preliminary Apportionment*, Form SAB 50-09 (Revised ~~12/25~~ 01/26), which is incorporated by reference.

“Form SAB 50-10” means the *Application for Career Technical Education Facilities Funding*, Form SAB 50-10 (Revised ~~10/14~~ 01/26), which is incorporated by reference.

...  
“Form SAB 50-MP” means the *Five-Year School Facilities Master Plan Checklist*, Form SAB 50-MP (New 01/26), which is incorporated by reference.

...  
“Form SAB 195” means the *Application for Natural Disaster Assistance*, Form SAB 195 (New ~~08/25~~ Revised 01/26), which is incorporated by reference.

...  
“Master Plan” means a document or compilation of documents approved by the governing board of a School District that reflects at least a five-year period and includes all of the required elements identified in Section 1859.18 pursuant to Education Code Section 17070.54. This documentation may be submitted electronically to OPSC, either as a digital file or via a Uniform Resource Locator (URL).

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, 17375, 41024, 42268, 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.

### Adopt Regulation Section 1859.18

#### Section 1859.18. Five-Year School Facilities Master Plan.

For applications submitted on or after October 31, 2024, as a condition of participating in the SFP, a School District must submit a complete and valid Master Plan to OPSC pursuant to Education Code Section 17070.54. A copy of the local governing board approval or board minutes must be submitted with the Master Plan.

(a) The date of local governing board approval of the Master Plan must be no more than five years earlier than the applicable deadline for submittal of the Master Plan to OPSC in Section 1859.18.1 for the type of the associated application for funding. For a period of five years following the date of local governing board approval of a Master Plan determined by OPSC to be a complete and valid Master Plan, the School District may submit additional applications for funding to OPSC without resubmitting the previous, complete and valid Master Plan, except as specified in subsection (b).

(b) For a period of five years following the date of local governing board approval of a Master Plan determined by OPSC to be a complete and valid Master Plan, the School District must submit one of the following to OPSC as a required component of an additional application for

funding, only if any changes in enrollment, capacity, or other areas have materially affected components of the Master Plan required in subsection (d):

(1) An updated, complete and valid Master Plan with all required information.

(2) A governing board resolution updating the components required in subsection (d) that were materially affected and a description of what changed.

(c) Once a period of five years has elapsed following the date of a previous local governing board approval of a Master Plan determined by OPSC to be a complete and valid Master Plan, the School District shall submit an updated, complete and valid Master Plan as a required component of additional applications for funding. The updated Master Plan must reflect a new five-year period as supported by a copy of the local governing board approval or board minutes. Following submittal of an updated Master Plan, subdivision (b) shall apply.

(d) In the form of narratives, charts, graphs, and/or tables as appropriate, a complete and valid Master Plan shall include, but is not limited to, all of the following information:

(1) An estimate of the School District's eligibility for state bond funding pursuant to Education Code Section 17070.54(b), as follows:

(A) For the New Construction Program, the School District must provide a narrative which includes the School District's existing New Construction eligibility approved by the Board or potential for New Construction eligibility based on enrollment trends in the School District. The narrative may include the estimated dollar value of potential funding based on the current per-pupil grant amount as provided by Education Code Section 17072.10(a) and SFP Regulation Sections 1859.71 and 1859.71.1.

(B) For the Modernization Program, the School District must provide a narrative or list of the School District's existing Modernization eligibility approved by the Board or potential for Modernization eligibility for each school site. The narrative may include the estimated dollar value of potential funding based on the current pupil grant amount as provided by Education Code Section 17074.10(a) and SFP Regulation Sections 1859.78 and 1859.78.3.

(C) For the Facility Hardship Program and Seismic Mitigation Program, the School District must provide a narrative describing the School District's existing conceptual, unfunded, or funded projects approved by the Board or potential future projects. The narrative may include the estimated total project cost to mitigate the health and safety threat as defined by Regulation Sections 1859.82.1 and 1859.82.2.

(D) For the Charter School Facilities Program, the School District must provide a narrative describing the School District's existing Charter School Facilities Program Preliminary Apportionments approved by the Board or potential future applications to the Charter School Facilities Program. The narrative may include the estimated total project cost based on Regulation Sections 1859.163.1 and 1859.163.5, respectively. If bond authority for this program is exhausted at the time the School District is preparing the Master Plan, this narrative is not required.

(E) For the Career Technical Education Facilities Program, the School District must provide a narrative describing the School District's existing Career Technical Education Facilities Program Apportionments approved by the Board or potential future applications to the Career Technical Education Facilities Program. The narrative may include the estimated total project cost pursuant to Regulation Section 1859.193. If the School District does not operate a comprehensive high school or bond authority for this program is exhausted at the time the School District is preparing the Master Plan, this narrative is not required.

(F) For any other program under Chapter 12.5 of the Education Code, the School District must provide a narrative describing the School District's eligibility and potential funding for state bond funding, as applicable.

(2) An inventory of existing, active school facilities, sites, and property for each school in the School District, including, but not limited to, all of the following:

(A) The year each building that is currently used for instructional purposes was constructed. The year constructed shall be determined in accordance with Section 1859.60.

(B) The square footage of each building that is currently used for instructional purposes.

(C) The year, if any, each building that is currently used for instructional purposes was last modernized with either local or state funds.

(D) The pupil capacity of each school, listed by grade level including Special Day Class, Non-severe and Severe pupils.

(E) The age, determined in accordance with Section 1859.60, and number of portable buildings.

(F) Whether each school has any of the following ancillary facilities:

1. A cafeteria

2. A kitchen

3. A multipurpose room or hybrid multipurpose room

4. A library

5. A gymnasium or hybrid gymnasium

6. An auditorium and/or performing arts facility

7. Athletic facilities, including but not limited to, pools, stadiums, etc.

8. Career technical education facilities, including but not limited to, barns, shops, and outdoor student work areas.

(3) Existing classroom capacity at each school site, as determined pursuant to Education Code Sections 17071.10 and 17071.25.

(4) Projected enrollment changes for the School District over the next five years, accounting for changes pursuant to Education Code Sections 17071.75 and 17071.76.

(5) A capital planning budget outlining the School District's significant capital outlay projects included in the Master Plan. The budget shall outline the estimated costs for each project for each fiscal year.

(6) The financing and other funding sources that would be used to support the acquisition of any applicable school site, new construction project, modernization project, and lead testing and remediation projects included in the Master Plan.

(7) Verification of the School District's current assessed value from the county audit controller or other appropriate local government entity that collects and maintains this information.

(8) The School District's deferred maintenance plan certified by the local governing board pursuant to Education Code Section 17070.75.

(9) A narrative describing how the Master Plan is consistent with the goals, actions, and services identified in the School District's local control and accountability plan for the first state priority, as described in paragraph (1) of subdivision (d) of Education Code Section 52060, as it relates to school facilities.

Note: Authority cited: Sections 17070.35, Education Code.

Reference: Sections 17070.54, 17070.75, 17071.10, 17071.25, 17071.75, 17071.76 and 41024, Education Code.

Adopt Regulation Section 1859.18.1

Section 1859.18.1. Master Plan Submittal Time Frames.

When submittal of a Master Plan or updated Master Plan is required pursuant to subsections (a) through (c) of Section 1859.18, inclusive, School Districts shall submit a complete and valid Master Plan and a local governing board resolution, as applicable, to OPSC within the time frames stated below. If a complete and valid Master Plan or a local governing board resolution is not submitted within the specified time frame, the application for funding shall be returned or the Apportionment may be rescinded.

(a) For Approved Applications for funding received on or after October 31, 2024, applicants to the Facility Hardship and Seismic Mitigation Programs in Sections 1859.82.1 and 1859.82.2 must submit a Master Plan as follows:

(1) A complete and valid Master Plan must be submitted within 18 months of fund release, or concurrently with submittal of the 100 percent complete Form SAB 50-06 if it is submitted less than 18 months following fund release.

(2) A local governing board resolution acknowledging the Apportionment may be rescinded for failure to submit a complete and valid Master Plan within the timeline specified in (a)(1) must be submitted with the Approved Application.

(b) Applicants to the New Construction and Modernization Programs beginning with Section 1859.70 must submit a Master Plan as follows:

(1) For Approved Applications received on or after October 31, 2024, and through 12 months from [the OAL approval date of these regulations]:

(A) A complete and valid Master Plan must be submitted within 90 days of notification of application processing.

(B) A local governing board resolution acknowledging the Apportionment may be rescinded for failure to submit a complete and valid Master Plan within the timeline specified in (b)(1)(A) must be submitted with the Approved Application.

(2) For Approved Applications received after 12 months from [insert OAL approval date], a complete and valid Master Plan must be submitted concurrently with submittal of the Approved Applications.

(3) Forms SAB 50-04 for design and/or site funding, submitted pursuant to Section 1859.81.1, must include a local governing board resolution acknowledging the Apportionment may be rescinded for failure to submit a complete and valid Master Plan with an application for full grant funding in accordance with subdivision (1) or (2) above as applicable based on the OPSC receipt date of an Approved Application for funding.

(c) School District applicants to the Career Technical Education Facilities Program, beginning with Section 1859.190, must submit a Master Plan as follows:

(1) A complete and valid Master Plan must be submitted within 18 months of fund release, or concurrently with submittal of the 100 percent complete Form SAB 50-06 if it is submitted less than 18 months following fund release.

(2) A local governing board resolution acknowledging the Apportionment may be rescinded for failure to submit a complete and valid Master Plan within the timeline specified in (c)(1) must be submitted with the Approved Application for Career Technical Education Facilities Project Funding.

(d) School District applicants to the Charter School Facilities Program beginning with Section 1859.160 must submit a Master Plan as follows:

(1) If the School District received a Preliminary Charter School Apportionment prior to October 31, 2024, and a Form SAB 50-04 requesting a Final Charter School Apportionment is received on or after October 31, 2024, a complete and valid Master Plan must be submitted within 18 months of fund release, or concurrently with submittal of the 100 percent complete Form SAB 50-06 if it is submitted less than 18 months following fund release.

(2) A local governing board resolution acknowledging the Apportionment may be rescinded for failure to submit a complete and valid Master Plan within the timeline specified in (d)(1) must be submitted with the Form SAB 50-04 application for Final Charter School Apportionment.

(3) If the School District receives a Preliminary Charter School Apportionment on or after October 31, 2024, the Master Plan must be submitted with the Form SAB 50-04 request for Final Charter School Apportionment.

(4) A local governing board resolution acknowledging the Apportionment may be rescinded for failure to submit a complete and valid Master Plan within the timeline specified in (d)(3) must be submitted with the Form SAB 50-09, Application for Preliminary Charter School Apportionment.

(e) Applicants to the Natural Disaster Assistance Program in Sections 1859.84, 1859.84.1, and 1859.81.2 must submit a complete and valid Master Plan as follows:

(1) A complete and valid Master Plan must be submitted by the time of submittal of the 100 percent complete Form SAB 50-06.

(2) A local governing board resolution acknowledging the Apportionment may be rescinded for failure to submit a complete and valid Master Plan within the timeline specified in (fe)(1) must be submitted with the Form SAB 195.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.54, 17070.75, 17071.10, 17071.25, 17071.75, 17071.76 and 41024, Education Code.