

Amend Regulation Section 1859.2

Regulation 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:

...
“Current Replacement Cost” means, beginning [insert the OAL effective date of the regulation], \$932.00 per square foot for permanent Toilet Facilities and \$517.00 per square foot for all other permanent spaces, and \$302.00 per square foot for portable Toilet Facilities and \$118.00 per square foot for all other portable spaces. The amounts shown will be adjusted annually in the manner prescribed in Section 1859.71.

...
“Department” shall have the meaning set forth in Education Code Section 17070.15(f).

...
“Form SAB 50-04” means the *Application For Funding*, Form SAB 50-04 (Revised ~~05/2008/25~~), which is incorporated by reference.

...
“Form SAB 57-75” means the *75 Years or Older Building Cost/Benefit Analysis*, Form SAB 57-75, (New 06/25), which is incorporated by reference.

...
“Local Funding Adjustment Grant” means the additional funding provided to reduce the School District’s required matching share, pursuant to Education Code Sections 17072.30, 17074.16, and 17070.59 for Approved Applications received on or after October 31, 2024.

...
“Minimum Essential Facility” is defined as a gymnasium, multipurpose room, library and/or school kitchen pursuant to Education Code Section 17073.16, or a hybrid combination of any of the four, including, but not limited to, multipurpose/gymnasium hybrid, multipurpose/school kitchen hybrid, or multipurpose/gymnasium/school kitchen.

...
“Retrofit” means a construction project to retrofit an existing school facility to adequately house Transitional Kindergarten or kindergarten pupils, which shall only include the costs of design, engineering, testing, inspection, plan checking, construction management, demolition, construction, necessary utility costs, utility connection and other related fees, the purchase and installation of air-conditioning equipment and insulation materials and related costs, furniture and equipment, including telecommunication equipment to increase school security, fire safety improvements, playground safety improvements, the identification, assessment, or abatement of hazardous asbestos, seismic safety improvements, the upgrading of electrical systems, and the wiring or cabling of classrooms in order to accommodate educational technology.

...
“Transitional Kindergarten” means the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate, pursuant to EC Section 48000.

...
Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Sections 8974, 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 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, 17077.40, 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.

Amend Regulation Section 1859.32

Regulation Section 1859.32. Adjustments to Gross Classroom Inventory.

After the gross classroom inventory has been prepared pursuant to Section 1859.31, it will be reduced by the following. Any classrooms:

...

(n) built with funds provided by Education Code Section 17375.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17052, 17071.25, 17071.30, ~~and 17077.40,~~ and 17375, Education Code.

Amend Regulation Section 1859.51

Regulation Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

The baseline eligibility for new construction determined on the Form SAB 50-03 will be adjusted as follows:

...

(t) Reduced by the number of pupils housed in additional Transitional Kindergarten Classrooms constructed, pursuant to Education Code Section 17073.16(c) in an SFP modernization project.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17052, 17070.51, 17071.25, 17071.75, 17071.76, 17072.20, 17073.16, 17077.40, 17078.72, 17079.20, 17375, 42268, and 42270, Education Code.

Adopt Regulation Section 1859.70.5

Regulation Section 1859.70.5. Points for Determining the Local Funding Adjustment Grant.

This Section shall apply to Approved Applications received on or after October 31, 2024 for funding of a New Construction Adjusted Grant, Modernization Adjusted Grant, and funding pursuant to Sections 1859.82.1 and 1859.82.2. For Approved Applications on the OPSC workload list or the Applications Received Beyond Bond Authority list, OPSC will notify the School District in writing that OPSC is scheduled to begin processing the School District's Form SAB 50-04. The School District must submit documentation to substantiate the information in (a) within 90 days of the OPSC notification. For Approved Applications submitted pursuant to Sections 1859.82.1 and 1859.82.2, the School District must report the information in (a) on the Form SAB 50-04 and shall be based on the OPSC received date of the Approved Application.

(a) To determine the Local Funding Adjustment Grant, the School District must submit the following information:

(1) The School District's total assessed valuation in the form of a letter or report from the appropriate county auditor-controller(s) that certifies to the School District's total assessed valuation. The total assessed valuation means the amount provided in the last equalized county assessment roll reported pursuant to Revenue and Taxation Code Section 2052. The reporting year of the total assessed valuation shall be based upon the OPSC received date as determined in the chart below.

OPSC Received Date of Total Assessed Valuation Documentation	Reporting Year
July 1 through August 19	Submit Prior Fiscal Year
August 20 through June 30	Submit Current Fiscal Year

(2) The School District's gross bonding capacity which shall be the product of (A) or (B) as applicable:

(A) Multiply the total assessed valuation in (a) by 1.25 percent for non-unified School Districts, or

(B) Multiply the total assessed valuation in (a) by 2.5 percent for unified School Districts.

(3) The School District's total enrollment meaning the districtwide enrollment reported on a Form SAB 50-01 in Part A, the continuation high pupils reported in Part C, and the Special Day Class pupils reported in Part D. The enrollment year data is determined as follows:

OPSC Received Date of Enrollment Data	Reporting Year
July 1 through October 31	Submit Prior Fiscal Year
November 1 through June 30	Submit Current Fiscal Year

(4) Unduplicated pupil percentage as determined for purposes of the local control funding formula pursuant to EC Section 42238.02. The enrollment year data is determined as in (2) above.

(b) The points used to compute the Local Funding Adjustment Grant are the sum of (1), (2), (3) and (4) below:

(1) Points for the School District's gross bonding capacity divided by the School District's total enrollment shall be one of the following:

(A) Four points for a School District determined to have a gross bonding capacity per enrollment of zero dollars (\$0) to nine thousand nine hundred ninety-nine dollars (\$9,999), inclusive.

(B) Three points for a School District determined to have a gross bonding capacity per enrollment of ten thousand dollars (\$10,000) to nineteen thousand nine hundred ninety-nine dollars (\$19,999), inclusive.

(C) Two points for a School District determined to have a gross bonding capacity per enrollment of twenty thousand dollars (\$20,000) to fifty-four thousand nine hundred ninety-nine dollars (\$54,999), inclusive.

(D) One point for a School District determined to have a gross bonding capacity per enrollment of fifty-five thousand dollars (\$55,000) or more.

(2) Points for the School District's unduplicated pupil percentage shall be one of the following:

(A) Eight points for a School District determined to have an unduplicated pupil percentage of between 75 percent and 100 percent, inclusive.

(B) Six points for a School District determined to have an unduplicated pupil percentage of between 50 percent and 74.99 percent, inclusive.

(C) Four points for a School District determined to have an unduplicated pupil percentage of between 25 percent and 49.99 percent, inclusive.

(D) Two points for a School District determined to have an unduplicated pupil percentage that is 24.99 percent or less.

(3) Two points for a School District with a pupil enrollment of 200 pupils or fewer.

(4) Two points for a project that includes the use of a project labor agreement in the application being processed. Projects that indicate use of a project labor agreement will be verified as part of the audit process required in EC Section 41024. If it is determined that a project labor agreement was not used, the funding associated with the points assigned in (d) 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) from the time of fund release until funds are returned.

(c) If the School District does not submit any of the necessary information in subsection (a), the funding application receives the lowest points possible in the corresponding subsections (b)(1), (2), (3) and/or (4).

Note: Authority cited: Sections 17070.35 and 17070.59, Education Code.

Reference: Sections 17072.30 and 17074.16, Education Code; Section 2052, Revenue and Taxation Code.

Amend Regulation Section 1859.77.1

Regulation Section 1859.77.1. New Construction District Matching Share Requirement.

For applications received before October 31, 2024, Any funding provided by these Regulations shall require a School dDistrict matching share contribution on a dollar-for-dollar basis with the exception of financial hardship provided by Section 1859.81 or any additional grant provided for a district-owned site acquisition cost pursuant to Sections 1859.74.5 or 1859.81.2.

For applications received on or after October 31, 2024, any funding provided by these Regulations shall require a School District matching share contribution pursuant to Education Code Sections 17070.59 and 17072.30 and adjusted for the Local Funding Adjustment Grant using the points determined in Section 1859.70.5, with the exception of Financial Hardship provided by Section 1859.81 or any additional grant provided for a district-owned site acquisition cost pursuant to Sections 1859.74.5 or 1859.81.2.

The School dDistrict may include as its School dDistrict matching share any amounts expended on the project for an energy audit made pursuant to Education Code Section 17077.10 and any amounts applied to the project for incentive grants or rebates received by the School dDistrict from a program funded pursuant to Public Utilities Code Section 381.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17072.30, 17074.16 and 17077.10, Education Code.

Adopt Regulation Section 1859.78.7.1

Section 1859.78.7.1. Modernization Additional Grant for 75 Years or Older Buildings.

In lieu of the funding provided by subdivision (a) of Education Code Section 17074.10 and Section 1859.78.3, the Board shall provide funding to Approved Applications received on or after October 31, 2024 for projects that include the demolition and replacement of 75 years or older permanent or portable school building(s) if a contract for the work was awarded on or after July 3, 2024.

A School District may replace the 75 Years or Older Building in the same location or an alternate location on the same site. Site development funding for the minimum work required to replace the qualifying building may be provided pursuant to subdivision (e).

(a) To receive 75 Years or Older funding pursuant to Education Code Section 17074.265, all of the following must be met:

(1) The existing permanent or portable building must be at least 75 years or older. For purposes of determining the age of the building, the 75 years or older period shall begin 12 months after the original plans for the construction of the building were approved by the Department or DSA as applicable.

(2) Each building on the site that is 75 years or older must qualify on an individual basis.

(3) If the school building was demolished prior to OPSC's receipt of an Approved Application, the school building must have been 75 years old prior to the demolition.

(4) The existing permanent or portable building must be replaced on the same site.

(5) The School District must complete and submit to OPSC a 75 Years or Older Building Cost/Benefit Analysis (Form SAB 57-75) that demonstrates the total cost to modernize a 75 years or older school building and comply with current Title 24 Building Code is at least 50

percent of the Current Replacement Cost for the applicable building type; permanent or portable. The cost/benefit analysis for each building proposed for replacement under this section must meet the following criteria:

(A) The Form SAB 57-75 must demonstrate the minimum work required to modernize and continue to occupy the 75 years or older school building is at least 50 percent of the Current Replacement Cost of the existing Square Footage of the school building.

(B) The work in the Form SAB 57-75 may only include work directly related to the modernization of the qualifying 75-year old school building, which may include improvements to extend the useful life of, or to enhance the physical environment of the qualifying 75-year old building. The Form SAB 57-75 may only include:

1. The cost of design, engineering, testing, inspection, plan checking, construction management, demolition, construction, necessary utility costs, utility connection and other fees, the purchase and installation of air-conditioning equipment and insulation materials and related costs, costs to limit pupil exposure to harmful air pollutants by updating air filtration systems, telecommunication equipment to increase school security, fire safety improvements, and the upgrading of electrical systems or wiring or cabling of Classrooms in order to accommodate educational technology.

2. The cost of designs and materials that promote the efficient use of energy and water, the maximum use of natural lighting 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 other characteristics of high-performance schools.

(C) The Form SAB 57-75 may not include costs associated with the acquisition of real property.

(D) The Form SAB 57-75 must be completed using the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. For all materials or items listed, the amounts entered on the Form SAB 57-75 must use the unit costs. For individual materials or items that are not contained in the most current edition of the Current Construction Remodeling and Repair publication, the School District must provide supporting documentation to demonstrate that the costs for the unique work are reasonable and appropriate.

(E) All requested line items shall include Construction Specifications Institute reference number (CSI #), description, F2 total unit cost amount, and quantity. Any line items that include amounts in lump-sum formats will not be reviewed or approved. For individual materials or items that are not contained in the most current edition of the Current Construction Remodeling and Repair publication, the School District must provide supporting documentation to demonstrate that the costs for the unique work are reasonable and appropriate.

(b) For each qualifying Classroom replaced, funding shall be provided on a per pupil grant basis for the number of pupils to be housed as follows: 25 for each K-6 Classroom, 27 for each 7-12 Classroom, 13 for each Special Day Class Non-Severe Classroom, and 9 for each Special Day Class Severe Classroom. Beginning [insert the OAL effective date of this Section], the Board shall provide the following grant amounts:

(1) \$19,016 for each elementary pupil.

(2) \$20,113 for each middle school pupil.

(3) \$25,592 for each high school pupil.

(4) \$53,437 for each Special Day Class Severe pupil.

(5) \$35,738 for each Special Day Class Non-Severe pupil.

The amounts in (1), (2), (3), (4) and (5) above shall be adjusted annually based on the change in the Class B Construction Cost Index as approved by the Board each January, pursuant to Education Code Section 17072.10.

(c) For qualifying non-classroom space, funding provided shall be based on the eligible Square Footage. The eligible Square Footage shall be the lesser of the following:

(1) Non-classroom Square Footage that was on the site at the time modernization eligibility was established pursuant to Section 1859.60

(2) Non-classroom Square Footage constructed to replace the qualifying Square Footage, justified by enrollment pursuant to the chart in Section 1859.82.1(b)(4)(B)2. Excess Square Footage required as part of California Code of Regulations, Title 5 requirements needed to obtain plan approvals are permissible per Regulation Section 1859.79.2 and considered an eligible expenditure, not to exceed Square Footage allowances provided in the chart in Regulation Section 1859.82.1(b)(4)(B)(2.). Any excess Square Footage not due to California Code of Regulations, Title 5 requirements will not be eligible and must be locally funded by the School District.

(d) The funding for the replacement Square Footage is calculated as follows:

(1) Multiply the Square Footage determined in (c) by \$312. This amount shall be adjusted annually based on the change in the Class B Construction Cost Index as approved by the Board each January, pursuant to Education Code Section 17072.10.

(2) Divide the product by the per pupil allowance in (b) to determine the total allowable pupil grants for the Square Footage being constructed. For school sites serving multiple grade levels, select the amount for the highest grade level served by the building.

(e) An additional grant for site development may be provided for the minimum work required to replace the qualifying building. Any site development provided will be reduced, on a prorated basis, by the percentage of excess building Square Footage constructed. The Board shall provide 60 percent of the following approved site development and applicable design costs:

(1) Service site development cost, within school property lines, attributable only to the replacement of the qualifying building(s) for:

(A) Site clearance including the removal of trees, brush, and debris within footprint of the replacement building(s).

(B) Demolition and removal of the qualifying building(s) and existing buildings and site improvements which lie in the footprint of a proposed replacement building(s).

(C) Removal and rerouting of existing utility service which lie in the footprint of a proposed replacement building(s).

(D) Rough grading including cut and fill and leveling and terracing operations required in the design.

(E) Soil compaction adhering to common engineering practices and engineered fill that is required by a soils report that is available for review by OPSC.

(F) On-site drainage facilities including inlets below grade drainage facilities and retention basins.

(G) 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.

(H) Outside stairways, handicap ramps and retaining walls due to embankments having a slope of at least two to one and a vertical height greater than six feet.

(I) Fire code requirements on site that are not a part of the replacement building.

(2) Utility service costs that are necessary to serve the replacement building:

(A) Water: Replacement or repair of main water service line(s) between the utility company connection and to five feet of the qualifying 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.

(B) Sewage: Replacement or repair of main sewer line between the utility company connection and to five feet of the qualifying 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 main disposal line from the treatment system to five feet of the qualifying building(s) on the site.

(C) Gas: Replacement or repair of main gas service line between the utility company connection and to five feet of the qualifying 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 qualifying building(s) on the site.

(D) Electric: Replacement or repair of electrical service between the utility company connection and the qualifying building's 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.

(E) Communication systems: Replacement or repair of service between the utility company connection and the nearest distribution center.

(3) The School District must submit a detailed cost estimate for eligible site development work in (A) and (B) and any justification documents that will support the work with the Form SAB 50-04 using the most current edition of the Current Construction Cost publication by Sierra West Publishing. The Board will approve reasonable and appropriate site development work which meets common engineering practices and industry standards that are consistent with the specific site conditions if the site development costs are consistent with the most current edition of the Current Construction Cost publication by the Sierra West Group. The design professional must certify to the School District that the site development work does not exceed the minimum requirements to develop the site to meet educational needs and/or standards.

(f) Portable buildings replaced pursuant to this section shall be replaced with permanent Square Footage.

(g) The qualifying 75 Years or Older Building(s) must be demolished before the Notice of Completion of the project.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17074.265, Education Code.

Adopt Regulation Section 1859.78.9.1

Section 1859.78.9.1. Modernization Additional Grant for Minimum Essential Facilities.

In addition to any other funding authorized by these Regulations, the Board shall provide grant amounts identified in subsections (b) or (c) for an application for modernization if the eligible project includes a Minimum Essential Facility pursuant to Education Code Section 17073.16. The School District must meet all requirements to qualify for Modernization funding, prior to the additional grant pursuant to this section.

(a) A School District may request a modernization supplemental grant to construct a new or expand an existing multipurpose, gymnasium, library, school kitchen, or a hybrid combination of any of these four facility types, including, but not limited to, multipurpose/gymnasium hybrid, multipurpose/school kitchen hybrid, or multipurpose/gymnasium/school kitchen, when all of the following are met:

(1) The site does not have an existing Minimum Essential Facility, or the existing Minimum Essential Facility is not adequate to serve the enrollment of the school. For the purposes of this Section, to determine if an existing Minimum Essential Facility is inadequate, the existing Square Footage is 60 percent or less than the square footage necessary for the enrollment in the current CBEDS Report at the time of receipt of an Approved Application at the site as calculated pursuant to the chart in Section 1859.82.1(b)(4)(B)2.

(2) The site has not previously received funding pursuant to this article to construct or expand a Minimum Essential Facility.

(3) An Approved Application for Modernization funding has been received by OPSC for a project wherein the DSA-approved plans contain the construction or expansion of a Minimum Essential Facility eligible for this grant.

(A) An Approved Application received by the OPSC, on or after October 31, 2024, may be amended to request this supplemental grant provided the plans and specifications that contain the expansion or construction of a Minimum Essential Facility eligible for this supplemental grant were approved by the DSA prior to the receipt of the Approved Application.

(B) If the School District wishes to amend its Approved Application to include a request for this supplemental grant and the plans and specifications were approved by DSA after the receipt of the Approved Application, the School District must request in writing that the Approved Application be withdrawn and removed from OPSC's workload list. The resubmitted Approved Application will receive a new received date by OPSC.

(4) The construction contract(s) for the construction or expansion of the Minimum Essential Facility was executed on or after July 3, 2024.

(5) The Minimum Essential Facility must meet the requirements pursuant to the California Code of Regulations, Title 5.

(6) For purposes of this Section, a multipurpose/gymnasium Hybrid is considered to be both a multipurpose and a gymnasium. A school site with a middle school and/or high school pupils is eligible for one multipurpose and one gymnasium; therefore, if a school site has an adequate multipurpose and an adequate gymnasium, it is not eligible for a Multipurpose/Gymnasium Hybrid under this Section.

(b) If all conditions in Subsection (a) are met, and the site is lacking one or more of the Minimum Essential Facilities, the application is eligible to receive a supplemental grant based on the Square Footage of the new Minimum Essential Facility constructed justified by enrollment at the project site as follows:

(1) Determine the current enrollment at the site using the CBEDS Report at the time of receipt of an Approved Application.

(2) The eligible Square Footage for the Minimum Essential Facility shall be the lesser of the actual Square Footage constructed or the Square Footage justified by enrollment pursuant to the chart in Section 1859.82.1(b)(4)(B)2.

(3) If a School District submits documentation that demonstrates additional toilet space must be constructed to obtain plan approval from DSA, the eligible toilet Square Footage may be increased by the amount of Square Footage required to obtain plan approval.

(4) Beginning [insert the OAL effective date of this Section], the permanent Square Footage amount(s) determined in (b)(2) above shall be multiplied by \$312 per square foot for all non-Toilet Facilities and by \$559 for Toilet Facilities (includes shower/locker area and physical therapy area for individuals with Exceptional Needs). The amounts shown will be adjusted in the manner prescribed in Section 1859.71.

(5) Beginning [insert the OAL effective date of this Section], the portable Square Footage amount(s) determined in (b)(2) above shall be multiplied by \$69 per square foot for all non-Toilet Facilities and by \$181 for Toilet Facilities (includes shower/locker area and physical therapy area for individuals with Exceptional Needs). The amounts shown will be adjusted in the manner prescribed in Section 1859.71.

(6) In addition to the funding provided in Subsections (4) and (5), an amount equal to 35 percent of the sum of Subsections (4) and (5) for costs associated with site development, demolition, landscaping and other costs incurred when adding a Minimum Essential Facility to a site, utility costs, utility connections and other related fees necessary for the Minimum Essential Facility.

(7) In lieu of 35 percent funding provided in (6) above, the School District has the option of requesting 60 percent of eligible costs pursuant to Section 1859.76 (a), (b), and (c) by submitting a detailed cost estimate for requests related to site development work for the eligible Square Footage in the qualifying Minimum Essential Facility and any justification documents that will support the work must be submitted with the Form SAB 50-04. The Board will approve reasonable and appropriate site development work that meets common

engineering practices and industry standards that are consistent with the specific site conditions if the site development costs are consistent with the most current edition of the Current Construction Costs publication by the Sierra West Group. The design professional must certify to the district that the site development work does not exceed the minimum requirements to develop the site to meet educational needs and/or standards. This amount will be prorated for any excess Square Footage constructed beyond the eligible Square Footage determined in (b)(2) and (b)(3).

(c) If all conditions in Subsection (a) are met, and the site's existing Minimum Essential Facility is not adequate to serve the enrollment of the school, the application is eligible to receive a supplemental grant based on the square footage of the expanded Minimum Essential Facility constructed justified by enrollment at the project site as follows:

(1) Determine the current enrollment at the site using the CBEDS Report at the time of receipt of an Approved Application.

(2) The eligible Square Footage for the Minimum Essential Facility shall be the lesser of the delta between the Square Footage of the existing Minimum Essential Facility and actual Square Footage constructed or the delta between the Square Footage of the existing Minimum Essential Facility and the Square Footage justified by enrollment pursuant to the chart in Section 1859.82.1(b)(4)(B)(2).

(3) If a School District submits documentation that demonstrates that additional toilet space must be constructed to obtain plan approval from DSA, the eligible toilet Square Footage may be increased by the amount of Square Footage required to obtain plan approval.

(4) Beginning [insert the OAL effective date of this Section], the permanent Square Footage amount(s) determined in (b)(2) above shall be multiplied by \$312 per square foot for all non-Toilet Facilities and by \$559 for Toilet Facilities (includes shower/locker area and physical therapy area for individuals with Exceptional Needs). The amounts shown will be adjusted in the manner prescribed in Section 1859.71.

(5) Beginning [insert the OAL effective date of this Section], the portable Square Footage amount(s) determined in (b)(2) above shall be multiplied by \$69 per square foot for all non-Toilet Facilities and by \$181 for Toilet Facilities (includes shower/locker area and physical therapy area for individuals with Exceptional Needs). The amounts shown will be adjusted in the manner prescribed in Section 1859.71.

(6) In addition to the funding provided in Subsections (4) and (5), an amount equal to 35 percent of the sum of Subsections (4) and (5) for costs associated with site development, demolition, landscaping and other costs incurred when adding a Minimum Essential Facility to a site, utility costs, utility connections and other related fees necessary for the Minimum Essential Facility.

(7) In lieu of 35 percent funding provided in (6) above, the School District has the option of requesting 60 percent of eligible site development costs pursuant to Section 1859.76 (a), (b) and (c) by submitting a detailed cost estimate for requests related to site development work for the eligible Square Footage in the qualifying Minimum Essential Facility and any justification documents that will support the work must be submitted with the Form SAB 50-04. The Board will approve reasonable and appropriate site development work that meets common engineering practices and industry standards that are consistent with the specific site conditions if the site development costs are consistent with the most current edition of the Current Construction Costs publication by the Sierra West Group. The design professional must certify to the School District that the site development work does not exceed the minimum requirements to develop the site to meet educational needs and/or standards. This amount will be prorated for any excess Square Footage constructed beyond the eligible Square Footage determined in (c)(2) and (c)(3).

Note: Authority cited: Sections 17070.35 and 17073.16, Education Code.

Reference: Sections 17073.16 and 17074.25, Education Code.

Adopt Regulation Section 1859.78.9.2

Regulation Section 1859.78.9.2. Modernization Additional Grant for Transitional Kindergarten Classrooms

(a) In addition to any other funding authorized by these Regulations, the Board shall provide the funding determined in (c) for each eligible Transitional Kindergarten Classroom, up to a maximum of four Classrooms, in an Approved Application for Modernization funding if the School District demonstrates a need to adequately house Transitional Kindergarten pupils as described in Education Code Section 17073.16, and the following conditions are met:

(1) The Approved Application was received on or after October 31, 2024.

(2) Construction contracts for the construction or Retrofit of Transitional Kindergarten Classrooms were signed on or after July 3, 2024.

(3) Final DSA and CDE plan approvals for the eligible Transitional Kindergarten Classrooms were obtained prior to the receipt date of the Approved Application.

(4) The funding must construct or Retrofit facilities that result in Classroom(s) that meets the design requirements required for new kindergarten Classrooms as specified in paragraph (2) of subdivision (h) of Section 14030 of Title 5 of the California Code of Regulations.

(5) For new construction projects, Classrooms must be not less than 1,350 square feet, including restrooms, storage, teacher preparation, wet and dry areas.

(6) For Retrofit projects, Classrooms shall not be less than 1,350 square feet, including restrooms, storage, teacher preparation, wet and dry areas unless both of the following conditions are met:

(A) The project qualifies for an exemption through CDE pursuant to Title 5, Section 14030(r) of the California Code of Regulations to Retrofit a Classroom that will be less than 1,350 square feet.

(B) The Classroom shall not be less than 1,250 square feet.

(7) The School District shall not use funds to purchase, or install, a Portable Classroom(s).

(8) The School District lacks the facilities to provide Transitional Kindergarten instruction at the project school site. A project school site is considered lacking Transitional Kindergarten facilities if the calculated enrollment exceeds the current kindergarten Classroom capacity at the site. Classrooms constructed as kindergarten or Transitional Kindergarten classrooms or altered to house kindergarten or Transitional Kindergarten students, regardless of current use, will be included when determining the existing kindergarten and Transitional Kindergarten classroom capacity, as determined by CDE. For purposes of determining Classroom capacity, a loading standard of 25 kindergarten pupils per Classroom will be used and all Transitional Kindergarten Classrooms will be loaded for full-day instruction unless the School District indicates that an existing Classroom(s) will continue to be used for non-full-day instruction at the completion of the project. The maximum calculated Transitional Kindergarten Classroom need shall be determined by one of the following:

(A) Calculate the mean of first grade, second grade, and third grade enrollment at the time of receipt of an Approved Application. The mean shall be rounded up to the nearest whole number.

(B) Calculate the mean of the Transitional Kindergarten enrollment at the time of receipt of an Approved Application, plus two prior enrollment years. The mean shall be rounded up to the nearest whole number.

(b) Applicants requesting the additional grant for Transitional Kindergarten shall include the following documentation:

(1) A description of the proposed project, including, but not limited to, the following information:

(A) The total number of Transitional Kindergarten and kindergarten Classrooms on the site prior to the construction of the proposed Transitional Kindergarten Classrooms in the project.

(B) The current CBEDS Report, at the time of receipt of an Approved Application, including Transitional Kindergarten students pursuant to EC Section 48000. To determine the appropriate enrollment reporting year, refer to the following:

<u>OPSC 90 Day Notification of Processing</u>	<u>Enrollment Reporting Year</u>
<u>July 1 through October 31</u>	<u>Submit Prior Fiscal Year Enrollment Data</u>
<u>November 1 through June 30</u>	<u>Submit Current Fiscal Year Enrollment Data</u>

(C) The enrollment at the site for the three years immediately preceding the enrollment reporting year determined in (7)(B) above.

(D) The total number of Transitional Kindergarten and kindergarten Classrooms on the site after the completion of the project.

(E) Site map that includes labelling of all facilities and their current use, identifies all Classrooms constructed or previously retrofitted to house preschool, Transitional Kindergarten, and kindergarten students, and identifies any facilities that will be retrofitted in the project.

(c) Beginning [insert the OAL effective date of this Section], the additional grant for the construction of a new Transitional Kindergarten Classroom(s) shall be equal to the sum of (1) through (6):

(1) \$19,016 for each pupil housed multiplied by 25 for each Transitional Kindergarten Classroom in the DSA-approved plans.

(2) \$23 for each pupil housed multiplied by 25 if the Classroom(s) in the DSA-approved plans if the project includes an automatic fire detection and alarm system.

(3) \$318 for each pupil housed multiplied by 25 if the DSA-approved plans if the project includes an automatic sprinkler system.

(4) An amount equal to 35 percent of the amount determined in (1) for costs associated with site development, demolition, landscaping, utility costs, utility connections and other related fees necessary to add a Transitional Kindergarten Classroom(s) to the site.

(5) In lieu of 35 percent funding provided in (4) above, the School District has the option of requesting 60 percent of eligible site development costs pursuant to Section 1859.76 (a), (b) and (c) by submitting a detailed cost estimate for requests related to site development work for the qualifying Classrooms, and any justification documents that will support the work with the Form SAB 50-04. The Board will approve reasonable and appropriate site development work that meets common engineering practices and industry standards that are consistent with the specific site conditions, if the site development costs are consistent with the most current edition of the Current Construction Costs publication by the Sierra West Group. The design professional must certify to the School District that the site development work does not exceed the minimum requirements to develop the site to meet educational needs and/or standards.

(6) An amount equal to 12 percent of the amount determined in (a) for each pupil housed in a multilevel building that will house pupils in all levels of the building if the usable site acreage is less than 75 percent of the site size recommended by CDE, pursuant to California Code of Regulations, Title 5, Section 14010(a), for the master-planned project capacity.

(7) The grant amounts in (1), (2), and (3) above shall be adjusted annually based on the change in the Class B Construction Cost Index as approved by the Board each January, pursuant to Education Code Section 17072.10(b).

(d) Beginning [insert the OAL effective date of this Section], the additional grant for the Retrofit of an existing school facility to be a Transitional Kindergarten Classroom(s) shall be equal to the sum of (1) through (5) below:

(1) \$6,034 for each pupil housed multiplied by 25 for each Transitional Kindergarten Classroom in the DSA-approved plans.

- (2) \$196 for each pupil housed multiplied by 25 for each Classroom(s) in the DSA-approved plans if the project includes an automatic fire detection and alarm system.
- (3) An amount equal to 35 percent of the amount determined in (a) for costs associated with demolition, landscaping, playground safety improvements and other costs incurred when adding a preschool, transitional kindergarten or kindergarten Classroom(s) to a site, utility costs, utility connections and other related fees necessary for the project.
- (4) An amount equal to 15 percent of the amount determined in (a) for upgrading existing site development (utilities) work as necessary if the project includes the Retrofit of a 50-year-old or older permanent building.
- (5) In lieu of funding provided in (3) and (4) above, the School District has the option of requesting 60 percent of eligible site development costs pursuant to Section 1859.76 (a), (b) and (c) by submitting a detailed cost estimate for requests related to site development work for the qualifying Classrooms, and any justification documents that will support the work with the Form SAB 50-04. The Board will approve reasonable and appropriate site development work that meets common engineering practices and industry standards that are consistent with the specific site conditions, if the site development costs are consistent with the most current edition of the Current Construction Costs publication by the Sierra West Group. The design professional must certify to the School District that the site development work does not exceed the minimum requirements to develop the site to meet educational needs and/or standards.
- (6) The grant amounts in (1) and (2) above shall be adjusted annually based on the change in the Class B Construction Cost Index as approved by the Board each January, pursuant to Education Code Section 17074.10(b).

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17073.16 and 17375, Education Code.

Amend Regulation Section 1859.79

Section 1859.79. Modernization District Matching Share Requirement.

Except in the case of financial hardship as provided in Section 1859.81 a School ~~d~~District matching share for a modernization project shall be required as follows:

- (a) If the Approved Application is received on or before April 29, 2002, any Modernization Grant plus any other funding provided by these Regulations shall require a School ~~d~~District matching share equal to at least 20 percent of those amounts which, combined with the State's Modernization Adjusted Grant, shall represent 100 percent of the total project cost.
- (b) If the Approved Application is received after April 29, 2002 and before October 31, 2024, any Modernization Grant, plus any other funding authorized by these Regulations shall require a School ~~d~~District matching share equal to at least 40 percent of those amounts which, combined with the State's Modernization Adjusted Grant, shall represent 100 percent of the total project cost.
- (c) If the Approved Application is received on or after October 31, 2024, any Modernization Grant, plus any other funding authorized by these Regulations shall require a School District matching share contribution pursuant to Education Code Sections 17070.59 and 17074.16 and adjusted for the Local Funding Adjustment Grant using the points determined in Section 1859.70.5.

The School ~~d~~District may include as its School ~~d~~District matching share any amounts expended on the project for an energy audit made pursuant to Education Code Section 17077.10 and any amounts applied to the project for incentive grants or rebates received by the School ~~d~~District from a program funded pursuant to Public Utilities Code Section 381.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17074.15, 17074.16, 17074.16 and 17077.10, Education Code.

Amend Regulation Section 1859.79.2

Section 1859.79.2. Use of Modernization Grant Funds.

The Modernization Grant plus any other funds provided by these Regulations shall be expended as set forth in Education Code Sections 17073.16, 17074.25, 17074.10(f) and 17070.15(i) and may also be utilized for other purposes as set forth in Education Code Section 100420(c), and Labor Code Section 1771.3(a) in effect on January 1, 2012 through June 19, 2014.

Modernization funding may also be used for the costs incurred by the district directly or through a contract with a third party provider for the initiation and enforcement of a LCP. Modernization funding, with the exception of savings, is limited to expenditure on the specific site where the modernization grant eligibility was generated. The grant may not be used for the following:

(a) New building area with the exception of the following:

(1) Replacement building area of like kind. Additional ~~C~~lassrooms constructed within the replacement area will reduce the new construction baseline eligibility for the School District.

(2) Building area required by the federal Americans with Disabilities Act (ADA) or by the ~~Division of the State Architect's (DSA)~~ handicapped access requirements.

(3) Additional Square Footage constructed with funding provided by Sections 1859.78.7.1, 1859.78.9.1 or 1859.78.9.2.

(4) Additional Square Footage constructed to meet the minimum requirements of California Code of Regulations, Title 5.

(b) New site development items with the exception of:

(1) Replacement, repair or additions to existing site development.

(2) Site development items required by the federal ADA Act or by the DSA's handicapped access requirements.

(3) Site development work for facilities in (a)(3) or (a)(4) above.

(c) The evaluation and removal of hazardous or solid waste and/or hazardous substances when the Department of Toxic Substance Control has determined that the site contains dangerous levels of a hazardous substance, hazardous waste, or both that exceed ten percent of the combined adjusted grant and the district matching share for the project.

(d) Leased facilities not owned by another School District or a county superintendent.

Modernization Grant funds may be used on any school facilities on the site, with the exception of portable classroom facilities eligible for an additional apportionment pursuant to Education Code Sections 17073.15 and 17074.10(f) and as defined in Section 1859.78.8. If the classroom facilities on the site include areas that are currently ineligible for modernization, it will not disqualify those facilities from future modernization funding.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.15, 17073.16, 17074.25 and 100420(c), Education Code, and Section 1771.3 in effect on January 1, 2012 through June 19, 2014, Labor Code.

Amend Regulation Section 1859.82.1

Section 1859.82.1. Facility Hardship Program.

Facility	Elementary School Pupils	Middle School Pupils	High School Pupils
Multi-Purpose (includes food service)	5.3 sq. ft. per pupil minimum 4,000 sq. ft.	5.3 sq. ft. per pupil minimum 5,000 sq. ft.	6.3 sq. ft. per pupil minimum 8,200 sq. ft.
<u>Multi-Purpose Only (excludes food service)</u>	<u>3.3 sq. ft. per pupil minimum 3,600 sq. ft.</u>	<u>3.3 sq. ft. per pupil minimum 4,600 sq. ft.</u>	<u>3.3 sq. ft. per pupil minimum 7,600 sq. ft.</u>

<u>School Kitchen</u>	<u>2 sq. ft. per pupil</u> <u>minimum 400 sq. ft.</u> <u>maximum 1,480 sq. ft.</u>	<u>2 sq. ft. per pupil</u> <u>minimum 400 sq. ft.</u> <u>maximum 1,880 sq. ft.</u>	<u>3 sq. ft. per pupil</u> <u>minimum 600 sq. ft.</u> <u>maximum 3,975 sq. ft.</u>
Toilet	3 sq. ft. per pupil minimum 300 sq. ft.	4 sq. ft. per pupil minimum 300 sq. ft.	5 sq. ft. per pupil minimum 300 sq. ft.
Gymnasium (includes shower/locker area)	N/A	12.9 sq. ft. per pupil minimum 6,828 sq. ft. maximum 16,000 sq. ft.	15.3 sq. ft. per pupil minimum 8,380 sq. ft. maximum 18,000 sq. ft.
School Administration	3 sq. ft. per pupil minimum 600 sq. ft.	3 sq. ft. per pupil minimum 600 sq. ft.	4 sq. ft. per pupil minimum 800 sq. ft.
Library/Media Center	2.3 sq. ft. per pupil plus 600 sq. ft., minimum 960 sq. ft.	3.3 sq. ft. per pupil plus 600 sq. ft. minimum 960 sq. ft.	4.3 sq. ft. per pupil plus 600 sq. ft. minimum 960 sq. ft.
Kindergarten Classrooms (including Transitional Kindergarten)	1,350 sq. ft. for each replacement classroom.	NA	NA
Classrooms (1 st -12 th grade)	960 sq. ft. for each replacement classroom	960 sq. ft. for each replacement classroom	960 sq. ft. for each replacement classroom
Computer instructional support area, Industrial and Technology/Education Laboratory	960 sq. ft. for each replacement classroom.	960 sq. ft. for each replacement classroom.	960 sq. ft. for each replacement classroom.
Laboratory Classrooms (including science and consumer home economics. (Does not include Industrial and Technology/Education Laboratory)	1,300 sq. ft. for each replacement classroom.	1,300 sq. ft. for each replacement classroom.	1,300 sq. ft. for each replacement classroom.

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Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17075.10, 17075.15, 100420, 100620, 100820, 101012 and 101122, Education Code.