

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 ~~02/26/20~~12/26), which is incorporated by reference.

...

“Form SAB 58-01” means the *Facility Hardship Cost Estimate*, Form SAB 58-01 (~~New 05/20~~Revised 10/25), which is incorporated by reference.

...

“Rehabilitation Cost” means health and safety mitigation cost that is less than 50 percent of the Current Replacement Cost of the School Building. Rehabilitation Costs provided shall be 60 percent of the eligible costs in Form SAB 58-01 required in Section 1859.82.1(c)(3)(~~CD~~) that has been reviewed and approved by OPSC and approved by the Board.

...

“Seismic Rehabilitation Grant” means a grant allowable for Approved Applications received on or before October 30, 2024 under Education Code Section 17075.10(a) and (b)(2) as it read on January 1, 2024, and Section 1859.82.2(c)(4), excluding additional grants; or for Approved Applications received on or after October 31, 2024, under Education Code Section 17075.10(a)(2) and (b)(2) as it read on November 6, 2024, and Section 1859.82.2(c)(4), excluding additional grants.

...

Note: Authority cited: Sections 17070.35, 17075.20 and 17078.64, Education Code.

Reference: Sections 8974, 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 17070.54, 17070.59, 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.18, 17072.30, 17072.33, 17073.16, 17073.25, 17074.10, 17074.16, 17074.30, 17075.10, 17075.15, 17077.30, 17077.35, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17078.72(k), 17079, 17079.10, 17280, 56026 and 101012(a)(8), Education Code; Section 53311, Government Code; and Sections 1771.3 in effect on January 1, 2012 through June 19, 2014 and 1771.5, Labor Code.

Amend Regulation Section 1859.61

Section 1859.61. Adjustments to the Modernization Baseline Eligibility.

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

(a) Reduced by the number of pupils provided grants in a modernization SFP project or a CSFP Rehabilitation project at the specific site.

(b) Reduced by the number of pupils housed, based on the loading standards pursuant to Education Code Section 17071.25(a)(2), in a modernization LPP project funded under the LPP pursuant to Sections 1859.14 and 1859.15.

- (c) Increased by changes in projected enrollment in subsequent enrollment reporting years.
- (d) Increased for additional facilities not previously modernized with State funds, that become 25 years old, if permanent, or 20 years old, if portable or as a result of audit findings made pursuant to Sections 1859.90, 1859.90.3 and 1859.105.
- (e) Adjusted as a result of errors or omissions by the district or by the OPSC.
- (f) Adjusted as a result of amendments to these Subgroup 5.5 Regulations that affect the eligibility.
- (g) For classroom loading standards adopted by the Board for non-severely disabled individuals with exceptional needs and severely disabled individuals with exceptional needs.
- (h) As directed by the Board due to a finding of a Material Inaccuracy pursuant to Regulation Section 1859.104.1.
- (i) Increased for facilities previously modernized with State funds, which qualify for an additional modernization apportionment pursuant to Section 1859.78.8 or Education Code Section 17073.15(b).
- (j) Decreased for facilities that were deemed eligible for modernization pursuant to Sections 1859.60 and 1859.61(d) and subsequently replaced, or will be replaced under a signed contract for construction or acquisition of facilities, in a project funded by the School ~~d~~District without participation from the State.
- (k) Adjusted as a result of replaced eligible ~~p~~Portable Classrooms funded with the Overcrowding Relief Grant, pursuant to Education Code Section 17079, et seq.
- (l) Increased for additional facilities located on a military installation pursuant to Education Code Section 17073.15(b) not previously modernized with State funds, that become 10 years old, if permanent or portable. Portable buildings modernized pursuant to this subsection shall be replaced with a permanent structure.
- (m) ~~Adjusted upon Board receipt of the local school board resolution acknowledging that the buildings have been removed from K-12 classroom use, Adjusted as a result of school buildings, as defined in Regulation Section 1859.82.1, and/or Classrooms that have been replaced, demolished, or removed from Classroom use pursuant to Section 1859.82.1(b) or 1859.82.2(b) as follows:~~
 - (1) ~~School Buildings~~ For school buildings and/or eClassrooms that receive replacement funding via the New Construction Grant or the Facility Hardship Square Footage Grant pursuant to Section 1859.82.1 or Section 1859.82.2, the school building age shall be reset to the date of the Apportionment for the corresponding Form SAB 50-04.
 - (2) ~~School Buildings~~ For school buildings and/or eClassrooms that were originally included in the School ~~D~~istrict's baseline eligibility and were later demolished or removed from eClassroom use due to health and/or safety concerns that meet the requirements of Regulation Section 1859.82.1 or 1859.82.2 as verified by OPSC, except the School ~~D~~istrict did not have the current enrollment to support the replacement and funding of those Sschool ~~B~~uildings and/or eClassrooms. Buildings and/or classrooms removed from K-12 classroom use that remain on the school site will be identified on a list published on OPSC's website. as follows:
 - (A) For school buildings and/or Classrooms that have been demolished, the school building and/or Classroom shall be removed from the gross Classroom inventory that was used to establish modernization eligibility at the site.
 - (B) For school buildings and/or Classrooms that have been removed from Classroom use and remain on the site, upon receipt of a local school board resolution acknowledging that the school buildings and/or Classrooms have been removed from Classroom use, the school building and/or Classroom shall be identified on a list published on OPSC's website and removed from the gross Classroom inventory that was used to establish modernization eligibility at the site.

~~For (m)(1) the building age shall be reset to the date of the Apportionment for the corresponding~~

~~project. For (m)(2) the building shall be removed from the classroom inventory used to establish modernization eligibility at the site.~~

Note: Authority cited: Sections 17070.35 and 17075.10, Education Code.

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

Amend Regulation Section 1859.82

Section 1859.82. Facility Hardship Program and Seismic Mitigation Program.

~~A School dDistrict may apply for Facility Hardship, including Seismic Mitigation Program, assistance, in cases of extraordinary circumstances that have caused an imminent health and safety threat pursuant to Education Code Section 17075.10. An Approved Application received on or before October 30, 2024, pursuant to this Section shall be subject to Education Code Section 17075.10 as it read on January 1, 2024. An Approved Application received on or after October 31, 2024, pursuant to this Section shall be subject to Education Code 17075.10 as it read on November 6, 2024.~~

Note: Authority cited: Sections 17070.35 and 17075.10, Education Code.

Reference: Sections 17075.10, 17075.15, 100420, 100620, 100820, 101012(a)(1) and 101122, Education Code.

Amend Regulation Section 1859.82.1

Section 1859.82.1. Facility Hardship Program.

~~“School Bbuilding” for the purposes of this Section shall have the same definition as Education Code Section 17283 and shall also exclude any districtwide administrative facilities. For the purposes of this Section, “grade category” shall refer to any of the following: kindergarten (including transitional kindergarten) through sixth grade (K-6), seventh grade through eighth grade (7-8), ninth grade through twelfth grade (9-12), Non-Severely Disabled Individuals with Exceptional Needs, and Severely Disabled Individuals with Exceptional Needs. “Facility type,” for the purposes of this section, refers to the type of facility listed in the chart below.~~

~~A School dDistrict is eligible for Facility Hardship funding to repair, replace, or construct Sschool Bbuildings or related required components, including but not limited to water supply, electrical, and site development, that are currently causing a health and safety threat to the students and/or staff. Projects solely to replace components that have reached the end of their useful life; perform routine maintenance or repair; mitigate asbestos that becomes friable in the course of school building maintenance, repairs or modernization; issues resulting from the deferment of routine maintenance or repair; lack of current code compliance; or the addition of components that were not previously existing, do not meet the qualifying criteria of the program. However, this work may be incorporated into a qualifying Facility Hardship application if it is required to be completed to gain DSA approval. Work beyond the minimum required to mitigate the qualifying health and safety threat may be incorporated into a qualifying Facility Hardship application if it is required to be completed to obtain approval(s) from DSA and/or other Governmental Agencies.~~

~~Beginning 90 days after the effective date of this Section [November 29, 2020], Approved Applications requesting Facility Hardship Program funding shall be submitted to OPSC within 12 months of DSA approval for the scope of work mitigating the identified health and safety threat. If the project does not require DSA approval, then the Approved Application for funding must be~~

received within the 6 months following project completion, as demonstrated by the earliest of the following: the date that the notice of completion of the project has been filed; occupancy of any portion of the project facility; or when the school buildings or components of the school buildings in the project are currently in use by the School District. If a School District demonstrates that extreme or unusual circumstances prevented the submission of an eligible application within the applicable timeline outlined above, OPSC may allow up to an additional 6 months for submittal.

(a) School Districts may qualify for funding to replace or construct new school buildings. Factors to be considered by the Board to determine eligibility for Facility Hardship program replacement funding may include, but are not limited to:

- (1) Damage or loss as a result of a natural disaster such as a fire, flood, or earthquake.
- (2) Proximity to a major freeway, airport, electrical facility, high power transmission lines, dam, pipeline, or industrial facility.
- (3) Adverse air quality.
- (4) Structural deficiency to the school building, and
- (5) Site conditions such as faulting, toxic soil, or liquefaction.

(b) To qualify for replacement funding for school buildings, the school district must submit an Approved Application for funding and either (1) or (2) below:

(1) For school buildings that are lost, destroyed, or unable to be repaired, the School District must submit the following:

(A) For Approved Applications received on or after October 31, 2024 that are for school buildings that were lost, destroyed or are unable to be repaired as a result of a natural disaster for which the Governor has declared a state of emergency, documentation which demonstrates that the School District has been or will be determined by the Board to meet the requirements of Education Code Section 17075.20.

(AB) For all Approved Applications received on or before October 30, 2024; and for Approved Applications received on or after October 31, 2024 that are for school buildings that were lost, destroyed, or are unable to be repaired due to circumstances that are not the result of a natural disaster determined by the Board to meet the requirements of Education Code Section 17075.20. A report from an industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) that states that the only way to mitigate the health and safety threat is to replace the school building(s).

(BC) Documentation which demonstrates that the facilities in the project must be reconstructed in order to house the current enrollment of the School District.

(D) If the School District intends to request additional grants for site development costs applicable to the qualifying project, a detailed cost estimate for the eligible site development work contained within Section 1859.76 and any justification documents that support the requested costs as part of a complete application for funding.

(2) For permanent school building(s) where the cost to rehabilitate the school building(s) exceeds 50 percent of the Current Replacement Cost, or for Portable Classrooms where the cost to rehabilitate exceeds the Portable Classroom Replacement Grant or Portable Toilet Replacement Grant, the School District must submit:

(A) A report by an industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) that outlines describes the minimum work to mitigate the health and safety threat and remain in the existing school building. If the threat is due to the presence of mold, OPSC must conduct a site visit to discuss the scope of the project prior to remediation. If the remediation is done prior to a site visit, the application will be ineligible for funding. Requests for asbestos mitigation must include lab test results indicating the presence of asbestos and an industry specialist report that states that the asbestos is currently friable, and provides the location, material, and testing methods used.

(B) A letter of concurrence from a ~~g~~Governmental ~~a~~Agency that has jurisdiction or expertise over the field in which the health and safety threat originates. The letter must concur with the industry specialist report on both 1. and 2. below:

1. An imminent health and safety threat to student and/or staff exists.
2. The mitigation measures outlined in the industry specialist's report are the minimum measures required to mitigate the threat and allow the continued use of the ~~S~~school ~~B~~building(s).

(C) Applications must include a detailed Form SAB 58-01 that meets the following requirements:

1. The Form SAB 58-01 must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. For all materials or items listed in the most current edition of the Current Construction Remodeling and Repair Cost publication, amounts entered on the Form SAB 58-01 must use the provided 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 for OPSC to review the requested unit cost.
2. All requested line items shall include Construction Specifications Institute reference number (CSI #), description, F3 total unit cost amount, and quantity. Any line items that include amounts in lump-sum formats will not be reviewed or approved.
3. The work in the Form SAB 58-01 shall match the work outlined in the report provided by the industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) for the minimum work required to mitigate the health and safety threat.
4. The estimate submitted to OPSC shall be for the same scope of work reviewed and concurred to by DSA, and that is referenced in the governmental concurrence letter for the project.
5. The Form SAB 58-01 may also include any work required by DSA and other Governmental Agencies to obtain plan approval for the minimum work required to mitigate the health and safety threat.

(D) A cost/benefit analysis that demonstrates the minimum work required to mitigate the health and safety threat and remain in the ~~S~~school ~~B~~building exceeds 50 percent of the Current Replacement Cost of the existing Square Footage of the ~~S~~school ~~B~~building. The minimum work required may include work required by DSA to gain approval for the mitigation project.

(E) A gross inventory of all school buildings located on the project site, such as a site diagram or floor plan. The documentation must indicate the current usage, Square Footage, and facility type of all school buildings located on the project site at the time of application submittal. For all spaces used as Classrooms, the current grade level must also be indicated.

~~(E)~~ All other documents required to complete an Approved Application for funding. This includes:

1. A completed *Application for Funding* (Form SAB 50-04).
2. The DSA Plan Approval letter for the project or documentation from DSA verifying that the project is exempt from their approval process.
3. CDE Plan Approval letter for the project or documentation from CDE verifying that the project is exempt from their approval process.
4. If the project is for a high school site, a letter or meeting minutes from the School District's Career and Technical Education Advisory Committee (CTEAC) certifying that the School District is in compliance with all career technical facility needs and assessments as outlined in Education Code, Section 17070.955.
5. If the School District is requesting additional funding for site development costs and performed or will perform site development work as part of the qualifying project, a detailed cost estimate for eligible site development costs contained within Section 1859.76 and any justification documents that support the requested costs.

(3) Applications for Facility Hardship replacement funding that do not submit all documents required as part of (1) or (2) above shall be returned without review.

(4) If the School District qualifies for funding to replace its ~~S~~school ~~B~~buildings, the School

District is eligible to receive funding for the project as follows:

(A) If the School District is required to replace all School Buildings on site, the School District is eligible to receive funding as follows:

1. A New Construction Grant will be provided for the lesser of 2. or 3. below.
2. The eClassroom capacity determined by multiplying the number of eClassrooms in each grade category on the project site being replaced by:
 - a. 25 pupils for each K-6 eClassroom.
 - b. 27 pupils for each 7-12 eClassroom.
 - c. 13 pupils for each Non-Severely Disabled Individuals with Exceptional Needs eClassroom.
 - d. 9 pupils for each Severely Disabled Individuals with Exceptional Needs eClassroom.
3. The higher of a., b., or c. below:
 - a. The CBEDS Report of the current enrollment reporting year at the existing project site.
 - b. The average CBEDS Report of the current enrollment reporting year and two immediately preceding enrollment reporting years at the existing project site.
 - c. If the site is closed, use the CBEDS Report of the last enrollment reporting year in which the site was open.
4. Additional funding may be provided, as applicable, for:
 - a. ~~F~~ire ~~C~~ode ~~R~~quirements pursuant to Section 1859.71.2,
 - b. therapy room pursuant to Section 1859.72,
 - c. multilevel construction pursuant to Section 1859.73,
 - d. project assistance pursuant to Section 1859.73.1.
 - e. replacement with multistory construction pursuant to Section 1859.73.2,
 - f. site acquisition pursuant to Sections 1859.74, 1859.74.5, and 1859.75,
 - g. ~~H~~azardous waste removal pursuant to Sections 1859.74.2, 1859.74.3, and 1859.74.4,
 - h. Applicable site development costs pursuant to contained within Section 1859.76, and
 - i. New Construction Excessive Cost Hardship Grant for geographic location pursuant to Section 1859.83(a),
 - j. New Construction Excessive Cost Hardship Grant(s) for small size projects pursuant to Section 1859.83(b),
 - k. New Construction Excessive Cost Hardship Grant(s) for new school projects pursuant to Section 1859.83(c), and
 - l. New Construction Excessive Cost Hardship Grant(s) for urban location, security requirements and impacted site pursuant to Section 1859.83(d).

(B) If the School District qualifies to replace some, but not all permanent School Building(s) on the project site, ~~funding will be the School District is eligible to receive a Facility Hardship Square Footage Grant based on the Square Footage of the qualifying S~~chool Buildings replaced and ~~is capped by the lesser of the amount provided in accordance to the chart below and the Square Footage constructed for each category as justified by enrollment at the project site as follows:~~

1. ~~The~~ Determine the enrollment at the project site, ~~is determined by using~~ the higher of a., ~~or b. below,~~ or c. below:
 - a. The CBEDS Report of the current enrollment reporting year at the existing project site.
 - b. The average CBEDS Report of the current enrollment reporting year and two immediately preceding enrollment reporting years at the existing project site.
 - c. If the site is closed, use the CBEDS Report of the last enrollment reporting year in which the site was open.
2. ~~Using the enrollment determined in 1. above, and the gross inventory described in (b)(2)(E), any permanent replacement Square Footage provided will be calculated in accordance to a., b., c., below and the chart below:~~ determine the maximum amount of eligible Square Footage for the school building(s) being replaced based on a. through f. as follows and the facility type in the chart below.

- a. If the actual Square Footage being constructed in the replacement project of the qualifying school building(s), not including Classrooms, is less than the amount allowable minimum in the chart for each facility type, the replacement Square Footage shall be limited to the lesser of the actual square footage constructed or the minimum in the chart.
- b. If the actual Square Footage of the qualifying school building(s), not including Classrooms, is larger than the minimum in the chart for the facility type, the replacement Square Footage shall be the lesser of the actual Square Footage constructed or the Square Footage justified by enrollment pursuant to the chart below.
- c. Non-specialized eClassrooms space provided is are limited by the enrollment determined in 1. rounded up to the nearest whole eClassroom based on 1859.82.1(b)(4)(A)(2), and then reduced for any eClassroom space available at the site to house the pupils at the site.
- d. Classrooms with specialized design such as auto shop, metal shop, music rooms, consumer home economic laboratories, industrial technology laboratories, or science laboratories will qualify for funding if used for its specialized purpose in the current enrollment reporting year or immediately preceding enrollment reporting year. Additionally, these spaces will not count as available capacity for purposes of providing funding in this section when calculating space available to house displaced pupils.
- e. Any space not in the chart below will be provided based on the Square Footage replaced. This may include, but is not limited to, janitor's closets, hallways, workrooms, and vestibules. If the Square Footage of the school building(s) being replaced is less than the minimum amount allowable in the chart for each facility type, the replacement Square Footage shall be the lesser of the minimum amount allowable in the chart for the facility type and the actual Square Footage being constructed for the facility type in the replacement project.
- f. If a School District submits documentation that demonstrates that additional toilet space must be constructed to obtain plan approval from DSA, the replacement Toilet Square Footage may be increased by the amount of Square Footage required to obtain plan approval.

Facility Type	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.
Multi-Purpose Only (excludes food service)	3.3 sq. ft. per pupil minimum 3,600 sq. ft.	3.3 sq. ft. per pupil minimum 4,600 sq. ft.	3.3 sq. ft. per pupil minimum 7,600 sq. ft.
School Kitchen	2 sq. ft per pupil minimum 400 sq. ft. maximum 1,480 sq. ft.	2 sq. ft. per pupil minimum 400 sq. ft. maximum 1,880 sq. ft.	3 sq. ft. per pupil minimum 600 sq. ft. maximum 3,975 sq. ft.
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.

eg. Beginning August 31, 2020, the ~~resulting~~ Square Footage amount(s) determined in (B)(2) above shall be multiplied by \$204 per square foot for all non-Toilet Facilities and by \$366 per square foot 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.

3. Additional funding may be provided, as applicable, for:

- a. therapy room pursuant to Section 1859.72,
- b. multilevel construction pursuant to Section 1859.73,
- c. project assistance pursuant to Section 1859.73.1.
- d. replacement with multistory construction pursuant to Section 1859.73.2,
- e. site acquisition pursuant to Section 1859.74,
- f. ~~H~~azardous waste removal pursuant to Sections 1859.74.2, 1859.74.3 and 1859.74.4,
- g. ~~A~~pplicable site development costs pursuant to contained within Section 1859.76, and
- h. New Construction Excessive Cost Hardship Grant(s) for geographic location pursuant to Section 1859.83(a),
- i. New Construction Excessive Cost Hardship Grant(s) for small size Projects pursuant to Section 1859.83(b), and
- j. New Construction Excessive Cost Hardship Grant(s) for urban location, security requirements and impacted site pursuant to Section 1859.83(d).

(C) Using the enrollment determined in (b)(4)(B)1., replacement of qualifying any Portable Classroom Square Footage~~replacement funding provided~~ will be calculated using the Portable Replacement Grant. ~~Any Replacement of qualifying portable toilet facilities provided~~ will be calculated using the Portable Toilet Replacement Grant.

1. Additional funding may be provided, as applicable, for:

- a. ~~F~~ire ~~C~~ode ~~R~~equirements pursuant to Section 1859.71.2,
- b. therapy room pursuant to Section 1859.72,
- c. project assistance pursuant to Section 1859.73.1.
- d. site acquisition pursuant to Section 1859.74,
- e. ~~H~~azardous waste removal pursuant to Sections 1859.74.2, 1859.74.3 and 1859.74.4,
- f. ~~A~~pplicable site development costs pursuant to contained within Section 1859.76, and
- g. Excessive Cost Hardship Grant(s) for geographic location pursuant to Section 1859.83(a),
- h. New Construction Excessive Cost Hardship Grant(s) for small size projects pursuant to

Section 1859.83(b), and

i. Excessive Cost Hardship Grant(s) for urban location, security requirements and impacted site pursuant to Section 1859.83(d).

(D) If the School District qualifies for replacement funding, the funding may be used to rehabilitate the facility as long as the qualifying health and safety threat is fully mitigated. If replacement funding is used for rehabilitation work, the School District may request the following supplemental grants, as applicable, for:

1. ~~F~~ire code requirements pursuant to Section 1859.71.2 if the funding is based on a per-pupil basis pursuant to Section 1859.82.1(b)(4)(A),
2. ~~T~~herapy room pursuant to Section 1859.72,
3. ~~P~~roject assistance pursuant to Section 1859.73.1,
4. Excessive Cost Hardship Grant(s) for geographic location pursuant to Section 1859.83(a),
5. New Construction Excessive Cost Hardship Grant(s) for small size projects pursuant to Section 1859.83(b), and
6. Excessive Cost Hardship Grant for urban location, security requirements and impacted site pursuant to Section 1859.83(d).

(c) School Districts may qualify for funding to rehabilitate their S~~S~~chool B~~B~~uildings, components of S~~S~~chool B~~B~~uildings, unenclosed roofed structures used for school purposes, or school site conditions. Factors to be considered by the Board may include (1) or (2) below:

(1) School B~~B~~uildings where the minimum cost to mitigate the health and safety threat and remain in the S~~S~~chool B~~B~~uilding is 50 percent or less of the Current Replacement Cost.

(2) Components of the S~~S~~chool B~~B~~uildings, unenclosed roofed structures used for school purposes, or school ~~sites~~ site conditions that are causing a health and safety threat to students and/or staff. Health and safety threats that may qualify include, but are not limited to:

(A) School B~~B~~uilding structural deficiency.

(B) Hazardous conditions such as the presence of methane, lead, or friable asbestos ~~mitigation~~.

(C) Unsafe water supply.

(D) Site conditions such as faulting, toxic soil, landslide risk, or liquefaction.

(3) To qualify for Facility Hardship rehabilitation funding for S~~S~~chool B~~B~~uildings, ~~or~~ components of S~~S~~chool B~~B~~uilding(s), unenclosed roofed structures used for school use, or school site conditions, the School District must submit an Approved Application for funding and all documents outlined below. Applications that do not meet the requirements below shall be returned without review.

(A) For Approved Applications received on or after October 31, 2024, for school buildings or components that were damaged or other hazardous conditions that occurred as a result of a natural disaster for which the Governor has declared a state of emergency, documentation which demonstrates that the School District has been or will be determined by the Board to meet the requirements of Education Code Section 17075.20

(AB) For all Approved Applications received on or before October 30, 2024; and for Approved Applications received on or after October 31, 2024, for school buildings or components that were damaged or other hazardous conditions that did not occur as a result of a natural disaster for which the Governor has declared a state of emergency, A report by an industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) that outlines describes the minimum work to mitigate the health and safety threat and remain in the existing School Building. If the Approved Application is for an existing school building(s), the report must also describe the minimum work to allow the continued use of the school building(s). If the Approved Application is for a component of a school building(s) or an unenclosed roofed structure used for school purposes, the report must either describe the minimum work to allow the continued use of the component or unenclosed roofed structure or the minimum work to replace the component or unenclosed roofed structure with an equivalent component or structure with only the minimum required improvements necessary to obtain DSA

approval. If the threat is due to the presence of mold, OPSC must conduct a site visit to view the damage prior to remediation. If the remediation is done prior to a site visit, the application will be ineligible for funding. Requests for asbestos mitigation that are required to mitigate the qualifying health and safety threat must include lab test results indicating the asbestos is currently friable, and ~~providing~~provides the location, material, and testing methods used.

(BC) For all Approved Applications received on or before October 30, 2024, and for Approved Applications received on or after October 31, 2024, for school buildings or components that were damaged or other hazardous conditions that did not occur as a result of a natural disaster for which the Governor has declared a state of emergency, ~~A~~a letter of concurrence from a ~~g~~Governmental ~~a~~Agency that has jurisdiction or expertise over the field in which the health and safety threat originates. The letter must concur with the industry specialist's report on both 1. and 2. below:

1. An imminent health and safety threat to students and/or staff exists.
2. The mitigation measures outlined in the industry specialist's report are the minimum measures required to mitigate the threat and, as applicable, either allow the continued use of the ~~S~~School ~~B~~Building(s) ~~, or component, or unenclosed roofed structure, or replace the component or unenclosed roofed structure with an equivalent component or unenclosed roofed structure with required safety improvements.~~ If the application is for the cleanup and/or remediation of hazardous materials and waste, the Governmental Agency concurrence letter must be from the Department of Toxic Substances Control.

(CD) Approved Applications for rehabilitation must include a detailed Form SAB 58-01 that meets the following requirements:

1. The Form SAB 58-01 must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. For all materials or items listed in the most current edition of the Current Construction Remodeling and Repair Cost publication, amounts entered on the Form SAB 58-01 must use the provided 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 for OPSC to review the requested unit cost.
2. All requested line items shall include Construction Specifications Institute reference number (CSI #), description, F3 total unit cost amount, and quantity. Any line items that include amounts in lump-sum formats will not be reviewed and will be disallowed.
3. For all Approved Applications received on or before October 30, 2024; and for Approved Applications received on or after October 31, 2024, for school buildings or components that were damaged or for other hazardous conditions that did not occur as a result of a natural disaster for which the Governor has declared a state of emergency, ~~T~~the work in the Form SAB 58-01 shall match the work outlined in the report provided by the industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) for the minimum work required to mitigate the health and safety threat.
4. If the project requires DSA plan approval, the Form SAB 58-01 submitted to OPSC shall be for the same scope of work reviewed and concurred to by DSA, and that is referenced in the governmental concurrence letter for the project.
5. The Form SAB 58-01 may also include any associated work required by DSA and other Governmental Agencies to obtain approval for the minimum work required to mitigate as a result of the mitigation of the health and safety threat.
6. If the minimum work required to mitigate the health and safety threat is the replacement of unenclosed roofed structures used for school purposes, funding shall be provided for costs associated with replacing the unenclosed structure with required safety improvements to obtain DSA approval.

(DE) Facility Hardship applications for School Buildings must also include a cost/benefit analysis. The cost/benefit analysis shall be completed based on the type of the project as

outlined below:

1. For permanent school buildings, the School District must demonstrate the minimum work required to mitigate the health and safety threat and remain in the School Buildings is less than 50 percent of the Current Replacement Cost of the School Building. The minimum work required may include work required by ~~Division of the State Architect~~ DSA to gain approval for the mitigation project.

2. For ~~P~~ortable School Buildings, the School District must demonstrate the minimum work required to mitigate the health and safety threat and remain in the portable school building is less than the Portable Classroom Replacement Grant. The minimum work required may also include any associated work required by DSA as a result of the mitigation of the health and safety threat.

3. Applications that are for necessary components of a site or School Building or school site condition, such as hazardous water supply, methane mitigation, faulting, liquefaction, landslide potential, friable asbestos, or unenclosed roofed structures used for school purposes do not require a Cost Benefit Analysis to be submitted.

~~(E)~~ All other documents required to complete an Approved Application for funding. This includes:

1. A completed *Application for Funding* (Form SAB 50-04).

2. The DSA Plan Approval letter for the project or documentation from DSA verifying that the project is exempt from their approval process.

3. CDE Plan Approval letter for the project or documentation from CDE verifying that the project is exempt from their approval process.

4. If the project is for a high school site, a letter or meeting minutes from the School District's Career and Technical Education Advisory Committee (CTEAC) certifying that the School District is in compliance with all career technical facility needs and assessments as outlined in Education Code Section 17070.955.

~~(4) If the School District qualifies for funding to rehabilitate or repair its School Buildings pursuant to Section 1859.82.1(c), the School District is eligible to receive funding for the project as follows:~~

~~(A) Rehabilitation Costs provided shall be 60 percent of the eligible costs in the Form SAB 58-01 required in Section 1859.82.1(c)(3)(~~G~~) that has been reviewed and approved by the OPSC and approved by the Board.~~

~~(B) If the School District qualifies for rehabilitation funding, the funding may be used towards the replacement of the facility, as long as the qualifying health and safety threat is fully mitigated.~~

~~(C) Applicable supplemental grants may be provided for the following:~~

~~1. project assistance pursuant to Section 1859.73.1.~~

~~2. geographic percentage factor pursuant to 1859.83(a)~~

~~(d) Any grants provided in accordance to (b) or (c) above shall be adjusted as follows:~~

~~(1) For projects funded in accordance to (b) above:~~

~~(A) Reduced for any space deemed available by the Board in the School district, HSAA, or Super HSAA that could be used to house some or all of the displaced pupils in the project,~~

~~(B) For Approved Applications received on or before October 30, 2024, rReduced by 50 percent of any insurance proceeds collectable by the School district for the project. For Approved Applications received on or after October 31, 2024, reduced by 50 percent of any insurance proceeds collected by the School District for the project, or a commensurate amount adjusted for the School District matching share pursuant to Section 1859.77.1. Any insurance proceeds collected after Apportionment shall be reported to OPSC and the Apportionment will be amended accordingly.~~

~~(C) For Approved Applications received on or before October 30, 2024, rReduced by 50 percent of the net proceeds available from the disposition of the property and/or facilities in the project.~~

For Approved Applications received on or after October 31, 2024, reduced by 50 percent of the net proceeds available from the disposition of the property and/or facilities in the project, or a commensurate amount adjusted for the School District matching share pursuant to Section 1859.77.1.

(2) For projects funded in accordance to (c) above:

(A) For Approved Applications received on or before October 30, 2024, reduced by 60 percent of any insurance proceeds collectable by the School dDistrict for the project. For Approved Applications received on or after October 31, 2024, reduced by 60 percent of any insurance proceeds collected by the School District for the project, or a commensurate amount adjusted for the School District matching share pursuant to Section 1859.79.

(B) For Approved Applications received on or before October 30, 2024, reduced by 60 percent of the net proceeds available from the disposition of any displaced facilities in the project. For Approved Applications received on or after October 31, 2024, reduced by 60 percent of the net proceeds available from the disposition of the property and/or facilities in the project, or a commensurate amount adjusted for the School District matching share pursuant to Section 1859.79.

(e) Adjustments to School Facility Program per-pupil grants.

(1) The ~~s~~School ~~d~~District's New Construction Eligibility will be adjusted for any net increase in classroom capacity in the project pursuant to Section 1859.51(i).

(2) The baseline eligibility for modernization as provided in Section 1859.60 will be adjusted for any funding received in accordance to (b) above. The age of the classroom and square footage in the project shall be reset to the date of the Apportionment for the project.

(f) School Districts that qualify for separate site apportionment for Environmental Hardship pursuant to Section 1859.75.1 may file an application for site funding in advance of construction funding.

~~(f)~~(g) School Districts that qualify for Financial Hardship assistance may file an application for design funding, site funding, and determination of program eligibility in advance of construction funding.

(1) To request advanced funding for design for eligible projects, the ~~s~~School ~~d~~District must submit an *Application for Funding* (Form SAB 50-04) indicating the request for design funding and all documents listed in Section 1859.82.1(c)(3)(A) through Section 1859.82.1(c)(3)(~~D~~E)(3).

(2) Advanced funding for design shall be provided based on the eligible project type as follows:

(A) For projects receiving funding for advanced design for the replacement of all ~~S~~School ~~B~~Buildings on the project site pursuant to Section 1859.82.1(b)(4)(A), the Board will apportion an amount not to exceed 40 percent of the New Construction Grant less any ~~School d~~District funds available for the project pursuant to Section 1859.81(a).

(B) For projects receiving funding for advanced design for at least one but not all ~~S~~School ~~B~~Buildings on the project site pursuant to Section 1859.82.1(b)(4)(B), the Board will apportion an amount not to exceed 40 percent of the Facility Hardship Square Footage Grant less any ~~School D~~istrict funds available for the project pursuant to Section 1859.81(a).

(C) For projects receiving funding for advanced design for Rehabilitation Costs pursuant to Section 1859.82.1(c)(4)(A), the Board will apportion an amount not to exceed 25 percent of the Rehabilitation Costs determined pursuant to Section 1859.82.1(c)(4)(A) less any ~~School D~~istrict funds available for the project pursuant to Section 1859.81(a).

(3) Advanced funding for site shall be provided pursuant to 1859.82.1(b)(4)(A)(4). The ~~School D~~istrict is eligible for advanced funding for site acquisition as calculated pursuant to 1859.81.1.

(4) The amount apportioned for advanced design is an estimate of the funds needed for design, engineering, and other pre-construction project costs. Qualifying ~~School D~~istricts may request a separate Apportionment for the design and for site acquisition for the same ~~F~~acility ~~H~~ardship project.

(5) The ~~School D~~istrict is required to submit an Approved Application for funding and an

updated Form SAB 58-01 for projects funded in accordance to Section 1859.82.1(c) or site development worksheet for projects funded in accordance to Section 1859.82.1(b), that reflects the final approved drawings for the project within:

(A) 18 months from the date of Apportionment if the project scope will be for repair or replacement on the same site.

(B) 24 months from the date of Apportionment if the project scope is for the replacement of Sschool Bbuilding(s) which will be located on a replacement site.

(6) If the School Ddistrict does not submit the Approved Application for funding within the timelines required by Section (2) above, the application will be reduced to eligible costs incurred.

(7) Upon receipt of the Approved Application, the application will be reviewed for conformance with all program laws and regulations.

(8) Any funding provided in Section 1859.82.1 shall be offset by any funding previously provided for the project.

Note: Authority cited: Sections 17070.35 and 17075.10, Education Code.

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

Amend Regulation Section 1859.82.2

Section 1859.82.2. Seismic Mitigation Program.

“School Bbuilding” for the purposes of this Section shall have the same definition as Education Code Section 17283 and shall also exclude any districtwide administrative facilities. For the purposes of this Section, “grade category” shall refer to any of the following: kindergarten (including transitional kindergarten) through sixth grade (K-6), seventh grade through eighth grade (7-8), ninth grade through twelfth grade (9-12), Non-Severely Disabled Individuals with Exceptional Needs, and Severely Disabled Individuals with Exceptional Needs. “Facility type,” for the purposes of this section, refers to the types of facilities listed in the chart below.

A Sschool Ddistrict is eligible for funding to repair, reconstruct, or replace the Most Vulnerable Category 2 Buildings which were originally constructed to be used as Sschool Ffacilities and pose an unacceptable risk of injury to its occupants in the event of seismic activity. Program eligibility is determined by the DSA while determination of grant funding is determined by the Board based on the following criteria.

~~Notwithstanding~~ In accordance with Sections 1859.93 and 1859.93.1, all applications for the seismic mitigation of the Most Vulnerable Category 2 Buildings shall be funded in the order of receipt of an Approved Application for funding. For Approved Applications received on or after October 31, 2024, Any grants funding for replacement of school buildings provided for the purpose of this section shall be provided as a new construction project and allocated on a 50 percent state share basis, and funding for rehabilitation of school buildings shall be provided as a modernization project and allocated on a 60 percent state share basis.

(a) Seismic mitigation projects must meet all of the following requirements:

(1) The construction contract was executed on or after May 20, 2006;

(2) The project funding provided shall be for the minimum work necessary to obtain DSA approval for the work to mitigate the structural deficiencies that pose an unacceptable risk of injury to its occupants in a seismic event;

(3) The Sschool Bbuilding(s) is designed for occupancy by students and staff; and

(4) The DSA concurs with a report by a structural engineer, which identifies structural

deficiencies that pose an unacceptable risk of injury to its occupants in a seismic event. The structural engineers report shall conform to the guidelines prepared by the DSA, in accordance with Education Code Section 17310.

If the unacceptable risk of injury is due to the presence of faulting, liquefaction or landslide, these hazards must be documented by a geological hazards report prepared by an engineering geologist in accordance with California Building Code, Part 2, Chapter 18, Section 1803A and with concurrence of the California Geological Survey.

(b) To qualify for replacement funding for Sschool Bbuilding(s), the School Ddistrict must submit an Approved Application for funding based on their specific circumstances in accordance to either (1) or (2) below:

(1) For Sschool Bbuilding(s) that are lost, destroyed, or unable to be repaired the School Ddistrict must submit:

(A) A report from a licensed design professional (a design professional licensed by the appropriate State of California oversight authority) identifying the Sschool Bbuilding(s) that are the Most Vulnerable Category 2 bBuilding(s) and;

(B) DSA letter(s) of concurrence to the findings in the report required in (b)(1)(A);

(C) If the collapse potential is due to faulting, liquefaction, or landslide, or if it is otherwise required by DSA for project approval, the School dDistrict must submit 1. and 2. below:

1. A geological hazards report prepared by an engineering geologist indicating the potential for building displacement and recommended site improvements to mitigate the hazard

2. Concurrence to the report from the California Geological Survey.

(D) Documentation which demonstrates that the facilities in the project must be reconstructed in order to house the current enrollment of the School Ddistrict.

(E) If the School District is requesting additional funding for site development costs and performed or will perform site development work as part of the qualifying project, a detailed cost estimate for eligible site development costs contained within Section 1859.76 and any justification documents that will support the work.

(2) For Sschool Bbuildings with interior square footage to be mitigated, the School dDistrict must submit:

(A) A report from a licensed design professional (a design professional licensed by the appropriate State of California oversight authority) identifying the structural deficiencies that pose an unacceptable risk of injury to its occupants in a seismic event and the minimum mitigation-work necessary to obtain DSA approval of the seismic mitigation work.

(B) DSA letter(s) of concurrence to the report.;

(C) If the collapse potential is due to faulting, liquefaction, or landslide, or if it is otherwise required by DSA for project approval the School dDistrict must submit 1. and 2. below:

1. A geological hazards report prepared by an engineering geologist indicating the potential for building displacement and recommended site improvements to mitigate the hazard

2. Concurrence to the report from the California Geological Survey.

(D) Documentation that demonstrates that the facilities in the project must be reconstructed in order to house the current enrollment of the School dDistrict.

(E) A detailed Form SAB 58-01 that meets the following requirements:

1. The Form SAB 58-01 must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. For all materials or items listed in the most current edition of the Current Construction Remodeling and Repair Cost publication, amounts entered on the Form SAB 58-01 must use the provided 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 Ddistrict must provide supporting documentation for OPSC to review the requested unit cost.

2. All requested line items shall include Construction Specifications Institute reference number (CSI #), description, quantity, unit, cost per unit, and School District's request. Any line items that include amounts in lump-sum formats will not be reviewed or approved.

3. The work in the Form SAB 58-01 shall match the work ~~outlined~~ described in the report provided by the industry specialist (a person or entity that specializes in the specific area of expertise for that health and safety issue) for the minimum work that would be required to mitigate the seismic threat if the ~~S~~school B~~uilding(s)~~ uilding(s) were to be rehabilitated instead of replaced.

4. The Form SAB 58-01 may also include any ancillary work required by DSA and other Governmental Agencies to obtain plan approval for the minimum work required to mitigate the seismic threat.

(F) A cost/benefit analysis that demonstrates that the minimum work to mitigate the seismic threat and remain in the ~~S~~school B~~uilding(s)~~ uilding(s) exceeds 50 percent of the Current Replacement Cost.

(G) A gross inventory of all school buildings located on the project site, such as a site diagram or floor plan. The documentation must indicate the current usage, Square Footage, and facility type of all school buildings located on the project site at the time of application submittal. For all spaces used as Classrooms, the current grade level must also be indicated.

(~~G~~H) All other documents required to complete an Approved Application for funding. This includes:

1. A completed *Application For Funding* (Form SAB 50-04).

2. The DSA Plan Approval letter for the project or documentation from DSA verifying that the project is exempt from their approval process.

3. CDE Plan Approval letter for the project or documentation from CDE verifying that the project is exempt from their approval process.

4. If the project is for a high school site, a letter or meeting minutes from the School d~~D~~istrict's Career and Technical Education Advisory Committee (CTEAC) certifying that the School D~~e~~istrict is in compliance with all career technical facility needs and assessments as ~~outlined~~ required by Education Code, Section 17070.955.

5. If the School District is requesting additional funding for site development costs and has performed or will perform site development work as part of the qualifying project, a detailed cost estimate for eligible site development costs contained within Section 1859.76 and any justification documents that support the work.

(3) Applications for seismic mitigation replacement funding that do not meet the requirements of (1) or (2) above shall be returned without review.

(4) If the School D~~e~~istrict qualifies for ~~R~~eplacement funding in accordance to (a)(1) or (a)(2) above, the School D~~e~~istrict is eligible to receive funding for the project as follows:

(A) If the School D~~e~~istrict is required to replace the entire site and relocate to a new site, the School D~~e~~istrict is eligible to receive funding as follows:

1. A New Construction Grant will be provided for the lesser of 2. or 3. below.

2. The ~~e~~Classroom capacity determined by multiplying the number of ~~e~~Classrooms in each grade category on the project site being replaced by:

a. 25 pupils for each K-6 ~~e~~Classroom.

b. 27 pupils for each 7-12 ~~e~~Classroom.

c. 13 pupils for each Non-Severely Disabled Individuals with Exceptional Needs ~~e~~Classroom.

d. 9 pupils for each Severely Disabled Individuals with Exceptional Needs ~~e~~Classroom.

3. The higher of a., b., or c. below:

a. The CBEDS Report of the current enrollment reporting year at the existing project site.

b. The average CBEDS Report of the current enrollment reporting year and two immediately preceding enrollment reporting years at the existing project site.

c. If the site is closed, use the CBEDS Report of the last enrollment reporting year in which the

site was open.

4. Additional funding may be provided, as applicable, for:

- a. ~~Fire~~ fire code requirements pursuant to Section 1859.71.2,
- b. therapy room pursuant to Section 1859.72,
- c. multilevel construction pursuant to Section 1859.73,
- d. project assistance pursuant to Section 1859.73.1.
- e. replacement with multistory construction pursuant to Section 1859.73.2,
- f. site acquisition pursuant to Sections 1859.74, 1859.74.5 and 1859.75,
- g. ~~Hazardous waste removal~~ hazardous waste removal pursuant to Sections 1859.74.2, 1859.74.3 and 1859.74.4,
- h. ~~Applicable site development costs pursuant to~~ contained within Section 1859.76, and
- i. New construction Excessive Cost Hardship Grant for geographic location pursuant to Section 1859.83(a),
- j. New construction Excessive Cost Hardship Grant for small size projects pursuant to Section 1859.83(b),
- k. New construction Excessive Cost Hardship Grant for new school projects pursuant to Section 1859.83(c),
- l. New construction Excessive Cost Hardship Grant for urban location, security requirements and impacted site pursuant to Section 1859.83(d).

(B) If the School District qualifies to replace some, but not all permanent Sschool Bbuilding(s) on the project site, ~~funding will be the~~ School District is eligible to receive a Facility Hardship Square Footage Grant based on the Square Footage of the qualifying Sschool Bbuilding(s) replaced and is capped by the lesser of the amount provided in accordance to the chart below and the Square Footage constructed for each category as and justified by enrollment at the project site as follows:

1. ~~The Determine the~~ enrollment at the project site, is determined by using the higher of a., b., or c. below:

- a. The CBEDS Report of the current enrollment reporting year at the existing project site.
- b. The average CBEDS Report of the current enrollment reporting year and two immediately preceding enrollment reporting years at the existing project site.
- c. If the site is closed, use the CBEDS Report of the last enrollment reporting year in which the site was open.

2. Using the enrollment determined in 1. above and the gross inventory described in (b)(2)(G), any permanent replacement Square Footage provided in accordance to a. and b. below will be calculated in accordance to determine the maximum amount of eligible permanent replacement Square Footage for the school building(s) being replaced based on a. through f. and the facility type in the chart below:

a. If the actual Square Footage of the qualifying school building(s), not including Classrooms, is less than the minimum in the chart for the facility type, the replacement Square Footage shall be the lesser of the actual Square Footage constructed or the minimum in the chart.

b. If the actual Square Footage of the qualifying school building(s), not including Classrooms, is larger than the minimum in the chart for the facility type, the replacement Square Footage shall be the lesser of the Square Footage of the qualifying school building or the Square Footage justified by enrollment pursuant to the chart below.

~~a.~~ c. Non-specialized eClassrooms space provided is are limited by the enrollment determined in Section 1859.82.2(b)(4)(B)(1), rounded up to the nearest whole eClassroom based on Section 1859.82.2(b)(4)(A)(2), and then reduced for any classrooms space available at the site to house the displaced pupils.

~~b.~~ d. Classrooms with specialized design such as auto shop, metal shop, music rooms, consumer home economic laboratories, industrial technology laboratories, or science laboratories will qualify for funding if used for its specialized purpose in the current enrollment reporting year or immediately preceding enrollment reporting year. Additionally, these spaces will not count as

available capacity for purposes of providing funding in this section when calculating space available to house displaced pupils.

ee. Any space not in the chart below will be provided based on the Square Footage replaced. This may include, but is not limited to, janitor's closets, hallways, workrooms, and vestibules.

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

Facility Type	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.
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.	N/A	N/A
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 and 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)	1,300 sq. ft. for each replacement classroom.	1,300 sq. ft. for each replacement classroom.	1,300 sq. ft. for each replacement classroom.

d.g. Beginning August 31, 2020, the ~~resulting~~ Square Footage amount(s) determined in (B)(2) above shall be multiplied by \$204 per square foot for all non-Toilet Facilities and by \$366 per square foot for Toilet Facilities (includes shower/locker area and physical therapy area for Individuals with Exceptional Needs).

3. Additional funding may be provided, as applicable, for:

- therapy room pursuant to Section 1859.72,
- multilevel construction pursuant to Section 1859.73,
- project assistance pursuant to Section 1859.73.1.
- replacement with multistory construction pursuant to Section 1859.73.2,
- site acquisition pursuant to Section 1859.74,
- ~~H~~azardous waste removal pursuant to Sections 1859.74.2, 1859.74.3 and 1859.74.4,

- g. ~~Applicable site development costs pursuant to~~ contained within Section 1859.76, and
- h. Excessive Cost Hardship Grant for geographic location pursuant to Section 1859.83(a), and
- i. Excessive Cost Hardship Grant for small size projects pursuant to Section 1859.83(b).
- j. Excessive Cost Hardship Grant(s) for urban location, security requirements and impacted site pursuant to Section 1859.83(d).

(C) If the School District qualifies for replacement funding, the funding may be used to rehabilitate the facility as long as the seismic hazard is fully mitigated. If replacement funding is used for rehabilitation work, the School District may request the following supplemental grants, as applicable, for:

- 1. ~~Fire~~ code requirements pursuant to Section 1859.71.2 if the funding is based on a per-pupil basis pursuant to Section 1859.82.2(b)(4)(A),
- 2. ~~Therapy~~ room pursuant to Section 1859.72,
- 3. ~~Project~~ assistance pursuant to Section 1859.73.1,
- 4. Excessive Cost Hardship Grant for geographic location pursuant to Section 1859.83(a),
- 5. Excessive Cost Hardship Grant for small size projects pursuant to Section 1859.83(b), and
- 6. Excessive Cost Hardship Grant for urban location, security requirements and impacted site pursuant to Section 1859.83(d).

(c) School Districts may qualify for seismic mitigation funding to rehabilitate their School Building(s), unenclosed roofed structures used for school purposes including, but not limited to lunch shelters and covered walkways, ~~exterior square footage of School Buildings,~~ or site conditions. Factors to be considered by the Board may include (1) or (2) below:

(1) School Buildings where the minimum cost to rehabilitate and remain in the School Building is 50 percent or less of the Current Replacement Cost.

(2) ~~Square footage of the Most Vulnerable Category 2 School Buildings,~~ Unenclosed roofed structures used for school purposes including, but not limited to covered walkways, and lunch shelters that need repair or replacement to mitigate a collapse potential in the event of seismic activity as confirmed by ~~the~~ DSA.

(3) To qualify for seismic mitigation rehabilitation funding, the School District must submit an Approved Application for funding as well as all documents outlined below. Applications that do not meet these requirements will be returned without review.

(A) A report from a licensed design professional (a design professional licensed by the appropriate State of California oversight authority) identifying the structural deficiencies that pose an unacceptable risk of injury to its occupants in a seismic event and the minimum ~~mitigation-work~~ necessary to obtain DSA approval for the seismic mitigation work. If the application is for an unenclosed roofed structure used for school purposes, the report must either describe the minimum work to allow the continued use of the unenclosed roofed structure or the minimum work to replace the unenclosed roofed structure with a structure of like-kind with only the minimum required safety improvements needed to obtain plan approval.

(B) DSA letter(s) that concur to the findings and minimum mitigation work ~~outlined~~ described in the report required by (b)(1)(A).

(C) If the collapse potential is due to faulting, liquefaction, or landslide, or if it is otherwise required by DSA for project approval, the School District must submit 1. and 2. below:

- 1. A geological hazards report prepared by an engineering geologist in accordance with California Building Code, Part 2, Chapter 18, Section 1803A and with the concurrence of the California Geological Survey.
- 2. Concurrence to the report in 1. from the California Geological Survey.

(D) A detailed Form SAB 58-01 that meets the following requirements:

- 1. The Form SAB 58-01 must use the most current edition of the Current Construction Remodeling and Repair Cost publication by Sierra West Publishing. For all materials or items listed in the most current edition of the Current Construction Remodeling and Repair Cost publication, amounts entered on the Form SAB 58-01 must use the provided 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 for OPSC to review the requested unit cost.

2. All requested line items shall include Construction Specifications Institute reference number (CSI #), description, quantity, unit, cost per unit, and School District's request. Any line items that include amounts in lump-sum formats will not be reviewed or approved.

3. The work in the Form SAB 58-01 shall match the work ~~outlined~~ described in the report provided by the industry specialist (a person or entity that specializes in the area of expertise for that health and safety issue) for the minimum work required to mitigate the seismic threat. The Form SAB 58-01 submitted to OPSC shall be for the same scope of work reviewed and concurred to by DSA, and that is referenced in the governmental concurrence letter for the project.

4. The Form SAB 58-01 may also include any ancillary work required by DSA and other Governmental Agencies to obtain ~~plan~~ approval for the minimum work required to mitigate the seismic threat.

5. If the minimum work required to mitigate the seismic threat is the replacement of an unenclosed roofed structure(s) used for school purposes including, but not limited to lunch shelters and covered walkways, funding shall be provided for costs associated with replacing the unenclosed roofed structure(s) in like-kind with required safety improvements.

(E) A cost/benefit analysis that demonstrates that the minimum work to mitigate the seismic threat and remain in the ~~S~~school B~~uilding(s)~~ is less than 50 percent of the Current Replacement Cost.

(F) All other documents required to complete an Approved Application for funding. This includes:

1. A completed *Application For Funding* (Form SAB 50-04).

2. The DSA Plan Approval letter for the project or documentation from DSA verifying that the project is exempt from their approval process.

3. CDE Plan Approval letter for the project or documentation from CDE verifying that the project is exempt from their approval process.

4. If the project is for a high school site, a letter or meeting minutes from the School District's Career and Technical Education Advisory Committee (CTEAC) certifying that the School District is in compliance with all career technical facility needs and assessments as ~~outlined~~ required in Education Code Section 17070.955.

(4) If the School District qualifies for seismic mitigation rehabilitation ~~funding to repair their permanent School Buildings~~, the School District is eligible to receive funding for the project as follows:

(A) For Approved Applications received on or before October 30, 2024, tThe Seismic Rehabilitation Grant ~~is~~ based on 50 percent of the eligible costs in the Form SAB 58-01 required in Section 1859.82.2(c)(3)(D) that have been reviewed by OPSC and approved by the Board.

(B) For Approved Applications received on or after October 31, 2024, the Seismic Rehabilitation Grant is based on 60 percent of the eligible costs in the Form SAB 58-01 required in Section 1859.82.2(c)(3)(D) that have been reviewed by OPSC and approved by the Board.

(BC) If the School District qualifies for rehabilitation funding, the funding may be used towards the replacement of the facility, as long as the qualifying seismic threat is fully mitigated.

(CD) Applicable supplemental grants may be provided for the following:

1. project assistance pursuant to Section 1859.73.1., and

2. ~~Excessive Cost Hardship Grant for geographic~~ percentage factor ~~location~~ pursuant to Section 1859.83(a), and

3. ~~Excessive Cost Hardship Grant for accessibility and fire code requirements in accordance with Section 1859.83(e)(3).~~

(d) Any grants provided in accordance to (b) or (c) above shall be adjusted as follows:

(1) For projects funded in accordance to (b) above:

- (A) Reduced for any space deemed available by the Board in the School District, HSAA, or Super HSAA that could be used to house some or all of the displaced pupils in the project,
- (B) For Approved Applications received on or before October 30, 2024, reduced by 50 percent of any insurance proceeds collected by the School District for the project. For Approved Applications received on or after October 31, 2024, reduced by 50 percent of any insurance proceeds collected by the School District for the project, or a commensurate amount adjusted for the School District matching share pursuant to Section 1859.77.1. Any insurance proceeds collected after Apportionment shall be reported to OPSC and the Apportionment will be amended accordingly.
- (C) For Approved Applications received on or before October 30, 2024, reduced by 50 percent of the net proceeds available from the disposition of the property and/or facilities in the project.
- (D) For Approved Applications received on or after October 31, 2024, reduced by 50 percent of the net proceeds available from the disposition of the property and/or facilities in the School District for the project, or a commensurate amount adjusted for the School District matching share pursuant to Section 1859.77.1.
- (2) For projects funded in accordance to (c) above:
- (A) For Approved Applications received on or before October 30, 2024, reduced by 50 percent of any insurance proceeds collectable by the School District for the project.
- (B) For Approved Applications received on or after October 31, 2024, reduced by 60 percent of any insurance proceeds collectable by the School District for the project, or a commensurate amount adjusted for the School District matching share pursuant to Section 1859.79.
- (BC) For Approved Applications received on or before October 30, 2024, reduced by 50 percent of the net proceeds available from the disposition of any displaced facilities in the project.
- (D) For Approved Applications received on or after October 31, 2024, reduced by 60 percent of the net proceeds available from the disposition of any displaced facilities in the project, or a commensurate amount adjusted for the School District matching share pursuant to Section 1859.79.
- (e) Adjustments to School Facility Program per-pupil grants.
- (1) The School District's New Construction Eligibility will be adjusted for any net increase in classroom capacity in the project pursuant to Section 1859.51(i).
- (2) The baseline eligibility for modernization as provided in Section 1859.60 will be adjusted for any funding received in accordance to (b) above. The age of the Classroom and Square Footage in the project shall be reset to the date of the Apportionment for the project.
- (f) School Districts that qualify for Separate site apportionment for Environmental Hardship pursuant to Section 1859.75.1 may file an application for site funding in advance of construction funding.
- ~~(f)~~(g) School Districts that qualify for Financial Hardship assistance may file an application for design funding, site funding, and determination of program eligibility in advance of construction funding.
- (1) To request advanced funding for design for eligible projects, the School District must submit an *Application for Funding* (Form SAB 50-04) indicating the request for design funding and all documents listed in Section 1859.82.2(c)(3)(A) through Section 1859.82.2(c)(3)(E).
- (2) Advanced funding for design shall be provided based on the eligible project type as follows:
- (A) For projects receiving funding for advanced design for the replacement of all School Buildings on the project site, pursuant to Section 1859.82.2(b)(4)(A), the Board will apportion an amount not to exceed 40 percent of the New Construction Grant less any School District funds available for the project pursuant to Section 1859.81(a).
- (B) For projects receiving funding for advanced design for at least one but not all School Buildings on the project site pursuant to Section 1859.82.2(b)(4)(B), the Board will apportion an amount not to exceed 40 percent of the Facility Hardship Square Footage Grant less any School District funds available for the project pursuant to Section 1859.81(a).

(C) For projects receiving funding for advanced design for a Seismic Rehabilitation Grant pursuant to Section 1859.82.2(c), the Board will apportion an amount not to exceed 25 percent of the costs determined pursuant to Section 1859.82.2(c)(4)(A) less any School District funds available for the project pursuant to Section 1859.81(a).

(3) Advanced funding for site shall be provided pursuant to Section 1859.82.2(b)(4)(A)~~(4)~~. The School District is eligible for advanced funding for site acquisition as calculated pursuant to Section 1859.81.1.

(4) The amount apportioned for advanced design is an estimate of the funds needed for design, engineering, and other pre-construction project costs. Qualifying School Districts may request a separate Apportionment for the design and for site acquisition for the same seismic mitigation project.

(5) The School District is required to submit an Approved Application for funding and an updated Form SAB 58-01 for projects funded in accordance with Section 1859.82.2(c) or site development worksheet for projects funded in accordance with Section 1859.82.2(b), that reflects the final approved drawings for the project within:

(A) 18 months from the date of Apportionment if the project scope will be for repair or replacement on the same site.

(B) 24 months from the date of Apportionment if the project scope is for the replacement of ~~S~~School Building(s) which will be located on a replacement site.

(6) If the School District does not submit the Approved Application for funding within the timelines required by Section (2) above, the application will be reduced to eligible costs incurred.

(7) Upon receipt of the Approved Application, the application will be reviewed for conformance with all program laws and regulations.

(8) Any funding provided in Section 1859.82.2 shall be offset by any advanced design funding previously provided for the project pursuant to Section 1859.82.2(fg)(2).

Note: Authority cited: Sections 17070.35 and 17075.10, Education Code.

Reference: Sections 17075.10, 17075.15, 101012(a)(1) and 101122, Education Code.

Amend Regulation Section 1859.82.3

Section 1859.82.3. Facility Hardship Program and Seismic Mitigation Program Conceptual Approvals.

A School District may request approval from the Board to determine eligibility for ~~f~~Facility ~~h~~Hardship or seismic mitigation programs in advance of project funding. Board approval does not constitute a reservation of bond authority. Board approval only confirms the School District meets the criteria in Section 1859.82.

(a) To request conceptual approval for ~~F~~Facility ~~H~~Hardship projects, the School District must submit an *Application For Funding* (Form SAB 50-04) indicating the request for conceptual approval and all documents listed below:

(1) For replacement projects, all of the documents listed in Section 1859.82.1(b)(2)(A) through Section 1859.82.1(b)(2)(~~DE~~).

(2) For rehabilitation projects, all of the documents listed in Section 1859.82.1(c)(3)(A) through Section 1859.82.1(c)(3)(~~DE~~)(3).

(b) To request conceptual approval for seismic mitigation projects, the School District must submit an *Application For Funding* (Form SAB 50-04) indicating the request for conceptual approval and all documents listed below:

(1) For replacement projects, all of the documents listed in Section 1859.82.2(b)(2)(A) through

Section 1859.82.2(b)(2)(F).

(2) For rehabilitation projects, all of the documents listed in Section 1859.82.2(c)(3)(A) through Section 1859.82.2(c)(3)(E).

Note: Authority cited: Sections 17070.35 and 17075.10, Education Code.

Reference: Sections 17075.10, 17075.15, 100420, 100620, 100820, 101012(a)(1) and 101122, Education Code.