

REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2015-0922-10	REGULATORY ACTION NUMBER 2015-1211-045	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
 in the office of the Secretary of State
 of the State of California

DEC 23 2015

3:37 PM

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OFFICE OF
 ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY
 State Allocation Board

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER 2015, 40-2	PUBLICATION DATE 10/2/15

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Leroy F. Greene School Facilities Act of 1998; SB 869-Return of \$\$	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND Regulation Sections 1859.70.4, 1859.93, 1859.93.1, and 1859.190
TITLE(S) 2	REPEAL

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) January 1, 2016 per agency request
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Lisa Jones	TELEPHONE NUMBER (916) 376-1753	FAX NUMBER (Optional) (916) 375-6721	E-MAIL ADDRESS (Optional) lisa.jones@dgs.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Lisa Silverman</i>	DATE December 10, 2015
TYPED NAME AND TITLE OF SIGNATORY Lisa Silverman, Executive Officer, State Allocation Board	

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ENDORSED APPROVED

DEC 23 2015

Office of Administrative Law

Amend Regulation Section 1859.70.4

Section 1859.70.4. Available Funding for High Performance.

The Board shall set aside \$100 million pursuant to Education Code Section 101012(a)(8) for the costs of designs and materials that promote in new construction and modernization projects, 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.

On or after January 1, 2015, the Board shall not approve High Performance Incentive grants pursuant to Education Code Section 17070.965.

Funds in the High Performance School Account on or after January 1, 2015 shall be made available to Approved Applications pursuant to Section 1859.93 (a) or Section 1859.93.1(a) in order of receipt pursuant to EC Sections 17075.15 (a) and (b). Funds remaining in excess of the aforementioned Approved Applications shall be allocated as follows:

- (a) 50 percent to Approved Applications pursuant to Section 1859.93 (b); and,
- (b) 50 percent to Approved Applications pursuant to Section 1859.93.1 (b).

Note: Authority cited: Sections 17070.35 and 101012, Education Code.

Reference: Section 101012(a)(8) and 17070.965, Education Code.

Amend Regulation Section 1859.93

Section 1859.93. Modernization Project Funding Order.

Applications shall be funded as follows:

- (a) First, to applications for Rehabilitation pursuant to Section 1859.83(e) in order of receipt of an Approved Application for funding; then,
- (b) If there are no applications pursuant to subsection (a), to applications for modernization funds in order of receipt of an Approved Application for funding.

~~All modernization applications shall be funded in the order of receipt of an Approved Application for funding until all modernization funds available to the Board have been apportioned.~~

Note: Authority cited: Sections 17070.35 Education Code.

Reference: Section 17074.15 and 17075.15, Education Code.

Amend Regulation Section 1859.93.1

Section 1859.93.1. New Construction Project Funding Order.

~~All new construction Applications, except those new construction applications identified in (ac) through (ee) below, shall be funded as follows: shall be funded in the order of receipt of an Approved Application for funding.~~

(a) First, to applications for Facility Hardship pursuant to Section 1859.82, except those for the seismic mitigation of the Most Vulnerable Category 2 Buildings, in order of receipt of an Approved Application for funding; then,

(b) If there are no applications pursuant to subsection (a), to applications for New Construction Grant(s) in order of receipt of an Approved Application for funding.

~~(ac) Approved Applications for New Construction Grant(s) funded with the proceeds of state bonds approved by the voters prior to January 1, 2002.~~

~~(bd) Approved Applications for New Construction Grant(s) authorized by Education Code Sections 17078.10 through 17078.30.~~

~~(ee) Approved Applications that utilize pupil eligibility derived from the Alternative Enrollment Projection method. These applications shall be funded in order of receipt once the OPSC and the DRU have approved the Alternative Enrollment Projection method or the Alternative Enrollment Projection annual update.~~

Note: Authority cited: Sections 17070.35 Education Code.

Reference: Sections 17072.25, and 17070.35, and 17075.15, Education Code.

Amend Regulation Section 1859.190

Section 1859.190. General.

An applicant seeking Career Technical Education Facilities Project funding pursuant to the provisions of Education Code Section 17078.72, shall complete and file Form SAB 50-10.

An applicant may submit multiple Career Technical Education Facilities applications for different career technical education projects located at a single school site, pursuant to Education Code Section 17078.72(e), (f), and (i).

Modernization of facilities under Article 16 shall not affect the Modernization Eligibility of the facility pursuant to Section 1859.60.

On or after January 1, 2015, the Board shall not approve any Career Technical Education Facility projects pursuant to Education Code Section 17078.73

Funds in the Career Technical Education Facilities Program account on or after January 1, 2015 shall be made available to Approved Applications pursuant to Section 1859.93 (a) or Section 1859.93.1(a) in order of receipt pursuant to EC Sections 17075.15 (a) and (b). Funds remaining in excess of the aforementioned Approved Applications shall be allocated as follows:

(a) 50 percent to Approved Applications pursuant to Section 1859.93 (b); and.

(b) 50 percent to Approved Applications pursuant to Section 1859.93.1(b).

Note: Authority cited: Sections 17070.35 and 17078.72(k), Education Code.

Reference: Sections 17078.72, 17078.73, and 101012(a)(4), Education Code.