

Amend Regulation Section 1859.2 as follows:

...

~~“CEC” means the California Energy Resources, Conservation and Development Commission.~~

...

“EnergyPro 3.1” means a computer program approved by the CEC State Energy Resources Conservation and Development Commission that calculates energy efficiency standards.

...

“Proposition 55” means the Kindergarten-University Public Education Facilities Bond Act of 2004.

...

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

Reference: Sections 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 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, 17072.33, 17073.25, 17074.10, 17074.30, 17074.32, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17280, and 56026, Education Code; Section 53311, Government Code; and Section 1771.5, Labor Code.

Amend Regulation Section 1859.70.1 as follows:

Section 1859.70.1. Available Funding for Energy Efficiency.

- (a) The Board shall set aside \$20 million pursuant to Education Code Section 100620(e) and \$20 million pursuant to Education Code Section 100820(e) for energy conservation adjustments authorized by Education Code Section 17077.35. The \$20 million from each set aside shall be transferred to the Energy Efficiency Account from the following sources:
- (1) ~~\$14.2 million each from~~ The funds made available by Education Code Section 100620(a)(1) and 100820(a)(1), as appropriate.
  - (2) ~~\$5.8 million each from~~ The funds made available by Education Code Section 100620(a)(2) and 100820(a)(2), as appropriate.
- (b) The funds from each set aside in (a) shall be apportioned for either of the following:
- (1) ~~\$14.2 million for a~~ New Construction Additional Grants for Energy Efficiency authorized by Section 1859.71.3.
  - (2) ~~\$5.8 million for a~~ Modernization Additional Grants for Energy Efficiency authorized by Section 1859.78.5.

If the Board makes a finding that the funds are not needed for the purposes of Sections 1859.71.3 or 1859.78.5, the Board shall transfer the funds back to the original funding source(s) identified in (a)(1) and (a)(2) above.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17077.35, 100620 and 100820, Education Code.

Amend Regulation Section 1859.71.3 as follows:

Section 1859.71.3. New Construction Additional Grant for Energy Efficiency.

- (a) In addition to any other funding authorized by these Regulations, the Board shall provide the grant amounts identified in (b) if all the following are met:
- (1) The project includes energy efficiency components that conform to Subdivision (b) of Education Code Section 17077.35.
  - (2) The average energy efficiency score of all the buildings in the project, as determined by EnergyPro 3.1 or a similar computer program approved by the CEC State Energy Resources Conservation and Development Commission, exceeds the nonresidential building energy efficiency standards specified in Part 6 of Title 24 of the California Code of Regulations by at least 15 percent.

- (3) The DSA has reviewed the proposed project and concurs with the percentage of energy efficiency that exceeds the nonresidential building energy efficiency standards specified in Part 6 of Title 24 of the California Code of Regulations.
- (4) No portion of the project will be funded with funds made available from the Renewable Energy Program administered by the CECState Energy Resources Conservation and Development Commission.
- (5) There are funds remaining in the Energy Efficiency Fund as prescribed in Section 1859.70.1 to apportion some or the entire additional grant provided in (b).
  - (b) An amount equal to the lesser of the following:
    - (1) The New Construction Grant multiplied by one percent if the percentage of energy efficiency as concurred by the DSA in (a)(3) is 15 percent, or by one percent plus 0.04 percent for each 0.1 percent increment of increased energy efficiency up to 25 percent. The multiplier may not exceed five percent.
    - (2) The funds available in the Energy Efficiency Account set aside for this Section.

If there are no funds remaining in the Energy Efficiency Account or the funds remaining in the Energy Efficiency Account are insufficient to fully fund the additional grant authorized in (b)(1), the district may either withdraw its application and resubmit it when additional funds are available in the Energy Efficiency Account or continue with the new construction project and accept a full and final apportionment without the additional grant authorized by (b)(1) or the lesser apportionment authorized by (b)(2).

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17077.35, Education Code.

Amend Regulation Section 1859.78.5 as follows:

**Section 1859.78.5. Modernization Additional Grant for Energy Efficiency.**

- (a) In addition to any other funding authorized by these Regulations, the Board shall provide the grant amounts identified in (b) if all the following are met:
  - (1) The project includes energy efficiency components that conform to Subdivision (b) of Education Code Section 17077.35.
  - (2) The average energy efficiency score of all the buildings in the project, as determined by EnergyPro 3.1 or a similar computer program approved by the CECState Energy Resources Conservation and Development Commission, exceeds the nonresidential building energy efficiency standards specified in Part 6 of Title 24 of the California Code of Regulations by at least 10 percent.
  - (3) The DSA has reviewed the proposed project and concurs with the percentage of energy efficiency that exceeds the nonresidential building energy efficiency standards specified in Part 6 of Title 24 of the California Code of Regulations.
  - (4) No portion of the project will be funded with funds made available from the Renewable Energy Program administered by the CECState Energy Resources Conservation and Development Commission.
  - (5) There are funds remaining in the Energy Efficiency Fund as prescribed in Section 1859.70.1 to apportion some or the entire additional grant provided in (b).
    - (b) An amount equal to the lesser of (b)(1) or (b)(2):
      - (1) The Modernization Grant multiplied by one percent if the percentage of energy efficiency as concurred by the DSA in (a)(3) is 10 percent, or by one percent plus 0.1 percent for each 0.1 percent increment of increased energy efficiency up to 14 percent. The multiplier may not exceed five percent.
      - (2) The remaining funds available in the Energy Efficiency Account set aside for this Section.

If there are no funds remaining in the Energy Efficiency Account or the funds remaining in the Energy Efficiency Account are insufficient to fully fund the additional grant authorized in (b)(1), the district may either withdraw its application and resubmit it when additional funds are available in the Energy Efficiency Account or continue with the modernization project and accept a full and final apportionment without the additional grant authorized by (b)(1) or the lesser apportionment authorized by (b)(2).

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17077.35, Education Code.