

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:

....

~~"High Performance Rating Criteria" (HPRC) will be used to evaluate the costs of design and materials that promote high performance schools. The HPRC will be determined by using a point system adopted by the Green Building Initiative.~~

"High Performance Rating Criteria" (HPRC) means the standard used to evaluate the costs of designs and materials that promote high performance schools. The HPRC will be using the Collaborative for High Performance Schools (CHPS) rating criteria model as identified in the CHPS *Best Practices Manual Volume III 2002 Edition and 2006 Edition*. For the purposes of the SFP, the HPRC contained in these regulations have been modified to focus on facility related components.

"High Performance School Account" means the funds set aside by the Board for purposes of Education Code Section 101012(a)(8).

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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,~~ and 101012(a)(8), Education Code; Section 53311, Government Code; and Section 1771.5, Labor Code.

Adopt Regulation Section 1859.71.6

Section 1859.71.6. New Construction Additional Grant for High Performance

~~(a) In addition to any other funding authorized by these Regulations, the Board shall provide the grant amounts identified in Subsection (b) if all the following are met:~~

~~(1) The project includes the prerequisites in each of the six HPRC;~~

~~(2) If the project has been accepted by DSA prior to August 24, 2007, the points standard must be within the range from 28 to 81 points. If the project has been accepted by DSA on or after August 24, 2007, the points standard must be within the range from 32 to 85 points;~~

~~(3) The DSA has reviewed the proposed project and concurs with the points specified in the HPRC;~~

~~(4) The project will not receive funding from the Energy Efficiency Account.~~

~~(b) A New Construction Grant will be multiplied by the percentage allowance as follows:—~~

~~(1) — For those projects accepted by DSA prior to August 24, 2007, in which the level of high performance attained as concurred by the DSA is 28 points, the New Construction Grant multiplied by:~~

~~(A) Two percent at 28 points plus 0.06 percent for each point attained from 29 through 33 points; or~~

~~(B) 2.35 percent at 34 points plus 0.24 percent for each point attained from 35 through 40 points; or~~

~~(C) Four percent at 41 points plus 0.36 percent for each point attained from 42 through 54 points; or~~

~~(D) 9.05 percent at 55 points plus 0.060 percent for each point attained from 56 through 81 points;~~

~~(2) For those projects accepted by DSA on or after August 24, 2007, in which the level of high performance attained as concurred by DSA is 32 points, the New Construction Grant multiplied by:~~

~~(A) two percent at 32 points plus 0.17 percent for the point attained at 33 points; or~~

~~(B) 2.35 percent at 34 points plus 0.24 percent for each point attained from 35 through 40 points; or~~

~~(C) four percent at 41 points plus 0.36 percent for each point attained from 42 through 54 points; or~~

~~(D) 9.05 percent at 55 points plus 0.060 percent for each point attained from 56 through 85 points;~~

If there are no funds remaining in the High Performance School Account or the funds remaining in the High Performance School Account are insufficient to fully fund the additional grant authorized in Subsection (b), the district may either withdraw its application and resubmit it should additional funds be made available in the High Performance School Account or continue with the new construction project and accept a full and final apportionment without the additional grant authorized by Subsection (b).

Note: Authority cited: Section 17070.35, Education Code.

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

Section 1859.71.6. New Construction Additional Grant for High Performance Incentive.

(a) In addition to any other funding authorized by these Regulations, the Board shall provide the grant amounts identified in Subsection (b) if all the following are met:

- (1) The project includes all the prerequisites in each of the five HPRC to include Sustainable Sites, Water, Energy, Materials and Indoor Environmental Quality and related subcategory credits.
- (2) Once the prerequisites in (a)(1) have been met, the district may select the criteria and credits it wishes to pursue to determine point award. Category, criteria and associated points are as follows:

(A) Sustainable Sites.

1. Site Selection:

- a. Code compliance equals prerequisite.
- b. Environmentally sensitive land equals one point.
- c. Greenfields equals one point.
- d. Central location equals one point.
- e. Joint-use of facilities equals one point.
- f. Joint-use of parks equals one point.
- g. Reduced footprint equals one point.

2. Transportation:

- a. Public transportation equals one point.
- b. Bicycles equals one point.
- c. Minimize parking equals one point.

3. Stormwater Management:

- a. Construction site runoff control equals prerequisite.
- b. Limit stormwater runoff equals one point.
- c. Treat stormwater runoff equals one point.

4. Outdoor Surfaces:

- a. Reduce heat islands – landscaping equals one point.
- b. Reduce heat islands – cool roofs equals one point.
5. Outdoor lighting: light pollution reduction equals one point.

(B) Water.

1. Outdoor Systems:

- a. Create water use budget equals prerequisite.
- b. Reduce potable water for landscaping equals one to two points.

2. Indoor Systems:

- a. Reduce sewage conveyance from toilets equals one point.
- b. Reduce indoor potable water use equals one to two points.

(C) Energy.

1. Energy Efficiency:

- a. Minimum energy performance equals prerequisite.
- b. Superior energy performance equals one to 13 points.
- c. Natural ventilation equals one point.
- d. Energy management system equals one point.

2. Alternate Energy Sources: Renewable energy equals one to seven points: one point for each five percent of the site's annual power consumption that is produced on site not to exceed 35 percent.
3. Commissioning and Training:
 - a. Fundamental building systems testing and training equals prerequisite.
 - b. Enhanced commissioning equals one to two points.
- (D) Materials
 1. Recycling: Storage and collection of recyclables equals prerequisite.
 2. Construction Waste Management:
 - a. Construction waste management equals prerequisite.
 - b. Construction waste management at 75 percent or above diverted equals one to two points.
 3. Building Reuse:
 - a. Reuse of structure or shell equals one to two points:
 - b. Reuse of interior partitions equals one point.
 4. Sustainable Materials:
 - a. Recycled content equals one to two points:
 - b. Rapidly renewable materials equals one point:
 - c. Organically grown materials equals one point:
 - d. Certified wood equals one point:
 - e. Salvaged materials equals one to two points.
 - f. Alternative: environmentally preferable products in lieu of a. through e. above equals one to seven points.
- (E) Indoor Environmental Quality.
 1. Lighting and Daylighting:
 - a. Daylighting equals one to four points:
 - b. View windows equals one point:
 - c. Electric lighting equals one point.
 2. Indoor Air Quality:
 - a. Minimum requirements equals prerequisite.
 - b. Thermal displacement ventilation equals two points:
 - c. Low-emitting materials equals one to four points:
 - d. Chemical and pollutant source control equals one point:
 - e. Ducted returns equals one point:
 - f. Filtration equals one point.
 3. Acoustics:
 - a. Minimum acoustical performance equals prerequisite.
 - b. Improved acoustical performance equals one to three points.
 4. Thermal Comfort:
 - a. American Society of Heating, Refrigerating and Air-Conditioning Engineers 55 code compliance equals prerequisite.
 - b. Controllability of systems equals one to two points.
- (3) A minimum of four points must come from either (a)(2)(C)1.b. and/or 2.
- (4) The project, which includes a complete set of plans, must be submitted to and accepted by the DSA on or after May 20, 2006.
- (5) The DSA has reviewed the proposed project and concurs with the points specified in the HPRC.
- (6) The project will not receive funding from the Energy Efficiency Account.
- (7) For those projects accepted by the DSA prior to October 1, 2007, districts may utilize the *CHPS Best Practices Manual Volume III 2002 Edition*, and the point standard will be in the range of 23 to 72 points. All prerequisites, credits and points obtained must be based on the *2002 Edition* requirements. Criteria and associated prerequisite or points as indicated in (a)(2)(D)2.a. and 4.c. and f. and (E)1.c. and 2.b. and district resolutions are ineligible, and (a)(3) is optional.
- (b) To determine the High Performance Incentive grant, multiply the New Construction Grant by the percentage allowance in accordance with the eligible high performance points as follows:

- (1) For those projects accepted by the DSA prior to October 1, 2007, pursuant to (a)(7), in which the level of high performance attained, as concurred by the DSA, is a minimum of 23 points, the New Construction Grant will be multiplied by:
- (A) Two percent at 23 points plus 0.03 percent for each point attained from 24 through 33 points; or
 - (B) 2.35 percent at 34 points plus 0.24 percent for each point attained from 35 through 40 points; or
 - (C) Four percent at 41 points plus 0.36 percent for each point attained from 42 through 54 points; or
 - (D) 9.05 percent at 55 points plus 0.060 percent for each point attained from 56 through 72 points.
- (2) For those projects accepted by the DSA utilizing the *CHPS Best Practices Manual Volume III 2006 Edition*, in which the level of high performance attained as concurred by the DSA is a minimum of 27 points, the New Construction Grant will be multiplied by:
- (A) Two percent at 27 points plus 0.050 percent for each point attained from 28 through 33 points; or
 - (B) 2.35 percent at 34 points plus 0.24 percent for each point attained from 35 through 40 points; or
 - (C) four percent at 41 points plus 0.36 percent for each point attained from 42 through 54 points; or
 - (D) 9.05 percent at 55 points plus 0.060 percent for each point attained from 56 through 75 points.

If there are no funds remaining in the High Performance School Account or the funds remaining are insufficient to fully fund the additional grant authorized in Subsection (b), the district may either withdraw its application and resubmit it should additional funds be made available in the High Performance School Account or continue with the new construction project and accept a full and final apportionment without the additional grant authorized by Subsection (b).

Note: Authority cited: Section 17070.35, Education Code.

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

Adopt Regulation Section 1859.77.4

Section 1859.77.4. Addition to a Site and Modernization Additional Grant for High Performance.

- (a) In addition to any other funding authorized by these Regulations, the Board shall provide the grant amounts identified in Subsection (b), if all the following are met:
- (1) The project meets the prerequisites in each of the six HPRC that are in the scope of the project.
 - (2) If the project has been accepted by DSA, the points standard must be within the range from 25 to 81 points.
 - (3) The DSA has reviewed the proposed project and concurs with the points specified in the HPRC.
 - (4) The project will not receive any funding from the Energy Efficiency Account.
- (b) For an Addition to a Site or Modernization project in which the level of high performance attained as concurred by DSA is 25 points, the New Construction or Modernization Grant will be multiplied by:
- (1) Two percent at 25 points plus 0.035 percent for each point attained from 26 through 33 points; or
 - (2) 2.35 percent at 34 points plus 0.24 percent for each point attained from 35 through 40 points; or
 - (3) Four percent at 41 points plus 0.36 percent for each point attained from 42 through 54 points; or
 - (4) 9.05 percent at 55 points plus 0.060 percent for each point attained from 56 through 81 points.

If there are no funds remaining in the High Performance School Account or the funds remaining in the High Performance School Account are insufficient to fully fund the additional grant authorized in Subsection (b), the district may either withdraw its application and resubmit it should additional funds be made available in

the High Performance School Account or continue with the project and accept a full and final apportionment without the additional grant authorized by Subsection (b).

Note: Authority cited: Section 17070.35, Education Code.

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

Section 1859.77.4. Addition to a Site and Modernization Grant for High Performance Incentive.

- (a) In addition to any other funding authorized by these Regulations, the Board shall provide the grant amounts identified in Subsection (b) if all the following are met:
- (1) The project includes all the prerequisites in each of the five HPRC to include Sustainable Sites, Water, Energy, Materials and Indoor Environmental Quality, that are within the scope of the project, and related subcategory credits.
 - (2) Once the prerequisites in (a)(1) have been met, the district may select the criteria and credits it wishes to pursue to determine point award. The category, criteria and associated points are as indicated in Section 1859.71.6 (a), with the exception of (a)(2)(C) 2. that has an amended point allowance that equals three to nine points: three points for the first five percent plus one point for each additional five percent thereafter of the site's annual power consumption that is produced on site not to exceed 35 percent.
 - (3) A minimum of four points must come from either Section 1859.71.6 (a)(2)(C)1.b. and/or 2.
 - (4) The project, which includes a complete set of plans, must be submitted to and accepted by the DSA on or after May 20, 2006.
 - (5) The DSA has reviewed the proposed project and concurs with the points specified in the HPRC.
 - (6) The project will not receive funding from the Energy Efficiency Account.
 - (7) For those projects accepted by the DSA prior to October 1, 2007, districts may utilize the *CHPS Best Practices Manual Volume III 2002 Edition*, and the point standard will be in the range of 23 to 72 points. All prerequisites, credits and points obtained must be based on the *2002 Edition* requirements. Criteria and associated prerequisite or points as indicated in Section 1859.71.6 (a)(2)(D)2.a. and 4.c. and f. and (E)1.c. and 2.b. and district resolutions are ineligible, and (a)(3) is optional.
- (b) To determine the High Performance Incentive grant, multiply the New Construction or Modernization Grant, as appropriate, by the percentage allowance in accordance with the eligible high performance points as follows:
- (1) For those projects accepted by the DSA prior to October 1, 2007, pursuant to (a)(7), in which the level of high performance attained, as concurred by the DSA, is a minimum of 23 points, the New Construction or Modernization Grant, as appropriate, will be multiplied by:
 - (A) Two percent at 23 points plus 0.03 percent for each point attained from 24 through 33 points; or
 - (B) 2.35 percent at 34 points plus 0.24 percent for each point attained from 35 through 40 points; or
 - (C) Four percent at 41 points plus 0.36 percent for each point attained from 42 through 54 points; or
 - (D) 9.05 percent at 55 points plus 0.060 percent for each point attained from 56 through 72 points.
 - (2) For those projects accepted by the DSA utilizing the *CHPS Best Practices Manual Volume III 2006 Edition*, in which the level of high performance attained as concurred by the DSA is a minimum of 20 points, the New Construction or Modernization Grant, as appropriate, will be multiplied by:
 - (A) Two percent at 20 points plus 0.025 percent for each point attained from 21 through 33 points; or
 - (B) 2.35 percent at 34 points plus 0.24 percent for each point attained from 35 through 40 points; or
 - (C) Four percent at 41 points plus 0.36 percent for each point attained from 42 through 54 points; or
 - (D) 9.05 percent at 55 points plus 0.060 percent for each point attained from 56 through 77 points.

If there are no funds remaining in the High Performance School Account or the funds remaining are insufficient to fully fund the additional grant authorized in Subsection (b), the district may either withdraw its application and resubmit it should additional funds be made available in the High Performance School Account or continue with the addition to an existing site/modernization project and accept a full and final apportionment without the additional grant authorized by Subsection (b).

Note: Authority cited: Section 17070.35, Education Code.

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