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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY:

Northern California Regional Liability Excess Fund

STATE:

Department of Community Services & Development

A written comment period has been established commencing on December 18, 2020 and closing on February 1, 2021. Written comments should be directed to the Fair Political Practices Commission, Attention Amanda Apostol, 1102 Q Street, Suite 3000, Sacramento, California 95811.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than February 1, 2021. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code-reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

**AVAILABILITY OF PROPOSED
CONFLICT-OF-INTEREST CODES**

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

**TITLE 2. STATE ALLOCATION
BOARD**

**THE STATE ALLOCATION BOARD
PROPOSES TO AMEND REGULATION
SECTION 1580, CALIFORNIA CODE OF
REGULATIONS, RELATING TO THE
EXECUTIVE OFFICER'S
EMERGENCY POWERS**

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced regulation section contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend the above-referenced regulation section under the authority provided by Sections 17070.35 and 17375, Education Code and Section 15503 of the Government Code. The proposal interprets and makes specific reference Sections 17070.35 and 17375 of the Education Code and Section 15503, Government Code.

**INFORMATIVE DIGEST/POLICY
OVERVIEW STATEMENT**

On March 4, 2020, the Governor of the State of California issued Executive Order N-25-20, which proclaimed a State of Emergency existed in California as a result of the threat of the Novel Coronavirus 2019 (COVID-19). The threat of COVID-19 has led

to many changes in California, including the closure of schools. At its emergency meeting on March 25, 2020, the SAB adopted an emergency regulation that granted the Executive Officer of the SAB and OPSC the ability to extend, for an appropriate period of time to be determined by the Executive Officer, any deadline set forth in regulations adopted by the SAB or in other rules and procedures set by the SAB and/or OPSC. The Office of Administrative Law (OAL) approved the emergency regulation on April 22, 2020. Since that time, the threat of COVID-19 is still present. Counties are opening slowly based on the State's tier system, which allows school districts in those counties to open slowly and/or continue with online distance-learning. However, there continues to be an impact on the public school system to maintain normal operations as it relates to application submittal and other funding requirements of the SAB.

In addition to the above, another statewide threat was introduced: a surge of wildfires abruptly ravaged much of California earlier than the normal wildfire season. This created an additional and ongoing need for the Emergency Powers of the Executive Officer to be expanded beyond the COVID-19 pandemic. These same emergency powers granted for COVID-19 would apply to any State of Emergency declared by the Governor. The Executive Officer would inform the SAB and members of the public of any actions taken. Information regarding any such actions would also be made public through the SAB Agendas as an Information Item, postings on the relevant pages of OPSC's website, along with email blast(s) to stakeholders. The SAB adopted the proposed amendments on an emergency basis on September 30, 2020 and the OAL approved the emergency regulation on November 12, 2020.

The specific regulatory language of the proposed regulation is accessible and can be reviewed on OPSC's website at: <https://www.dgs.ca.gov/OPSC/Resources/Page-Content/Office-of-Public-School-Construction-Resources-List-Folder/Laws-and-Regulations>, scroll down to the heading entitled "Emergency Powers of the Executive Officer," and click on the 45-day Public Notice, Initial Statement of Reasons and regulation text. Copies of the proposed regulation will be mailed to any person requesting this information by using OPSC's contact information set forth below in this Notice. The proposed regulation implements the Emergency Powers of the Executive Officer during States of Emergency (Executive Officer of the SAB and OPSC), which is a regulation section under Article 2, Section 1580, of Subgroup 2, of Group 1, of Subchapter 4, of Chapter 3, of Division 2, of Title 2, of the CCR.

Background and Problem Being Resolved

The SAB administers multiple programs related to school facilities. The two primary programs include the School Facility Program (SFP) and the Full-Day Kindergarten Facilities Grant Program (FDKFGP). Per statute, the SAB sets the rules and processes for its programs through the adoption of regulations. The regulations contain provisions that require school districts to take specified actions by certain deadlines, or funding could be at risk.

The primary stakeholders and participants in programs operated by the SAB are school districts. Some school districts in the State remain closed while other school districts are slowly opening and/or are encouraging online distance-learning. As a result of these situations, school districts throughout the State are quickly working to implement and establish methods to safely provide nutrition services to students while their own staff may or may not continue with the telework arrangements.

The SAB and OPSC are concerned that with so many competing priorities, not all school districts will be able to meet currently established deadlines. The extent to which school districts will be able to continue with school construction funding requirements at the current points in time is unknown. Administrative deadlines set by OPSC can easily be extended. However, without the adoption of the proposed regulatory amendments and maintaining this regulation on a permanent basis, future declarations of States of Emergency by the Governor shall be subject to regulatory approval each time, thereby taking time to prepare, present to the SAB, and process through the Administrative Procedure Act.

OPSC performed a search on whether the proposed regulation was consistent and compatible with existing State laws and regulations. After performing the search, OPSC, on behalf of the SAB, determined that there are no other programs or regulations in existence that address the ability for the Executive Officer of the SAB and OPSC to extend any deadline set forth in regulations adopted by the SAB or in other rules and procedures set by the SAB and/or OPSC. Therefore, the proposed regulation is determined to be consistent and compatible with existing State laws and regulations. Proceeding with the implementation of the proposed regulation will ensure transparency of any actions taken by the Executive Officer.

Anticipated Benefits of the Proposed Regulations

There are non-monetary benefits associated with this proposed regulation. The proposed regulation promotes fairness to school districts participating in the SFP and the FDKFGP. Extension requests can be made in order to prevent school districts from financial harm based on deadlines established by the SAB and/or OPSC in the event school districts

cannot comply because of the conditions created as a result of COVID-19 and States of Emergency declared by the Governor. Further, school districts also benefit by not having to focus on construction projects during a time when the education and welfare of students and staff must take priority. The proposed regulation also promotes transparency because the Executive Officer of the SAB and OPSC will inform the SAB and members of the public of any actions taken. Information regarding any such actions would also be made public through the SAB Agendas as an Information Item, postings on the relevant pages of OPSC's website, along with email blast(s) to stakeholders.

The proposed regulation is therefore determined to be consistent and compatible with existing State laws and regulations. As stated above, OPSC performed a search on whether the proposed regulation was consistent and compatible with existing State laws and regulations. After performing the search, OPSC, on behalf of the SAB, has determined that there are no other programs or regulations in existence that address the ability for the Executive Officer of the SAB and OPSC to extend any deadline set forth in regulations adopted by the SAB or in other rules and procedures set by the SAB and/or OPSC. Therefore, the proposed regulation is determined to be consistent and compatible with existing State laws and regulations. Proceeding with the implementation of the proposed regulation will ensure transparency of any actions taken by the Executive Officer.

This proposed regulation does not impact California businesses and does not impact the creation of jobs. This proposed regulation protects school districts from unintended financial consequences if funding for school projects is jeopardized by failure to comply with deadlines during this unprecedented time of extreme crises. It is not anticipated that the proposed regulation will result in the elimination of existing businesses or jobs within California.

Summary of the Proposed Regulation

A summary of the proposed regulation is as follows: Existing Regulation Section 1580 grants the Executive Officer of the SAB and OPSC the ability to extend, for an appropriate period of time to be determined by the Executive Officer, any deadline set forth in regulations adopted by the SAB or in other rules and procedures set by the SAB and/or OPSC. The Executive Officer shall notify the SAB upon exercising the powers authorized by the regulation. The regulation further specifies that a deadline extension shall not alter approved project funding amounts, and the regulation shall not use the regulation solely to alter prospective grant amounts. The proposed regulatory amendments remove the sunset language and maintain the regulation on a permanent basis to

allow for future declarations of States of Emergency by the Governor to be included.

After conducting a review, the SAB has concluded that these are the only regulations on this subject area and, therefore, the proposed regulation is neither inconsistent nor incompatible with existing State laws and regulations. The proposed regulation is within the SAB's authority to enact regulations for the SFP and FDKFGP under Education Code Sections 17070.35 and 17375(g), as well as Government Code Section 15503.

Statutory Authority and Implementation

Education Code Section 17070.35 states in part: (a) In addition to all other powers and duties as are granted to the board by this chapter, other statutes, or the California Constitution, the board shall do all of the following: (1) Adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter ...

Education Code Section 17375(g). The State Allocation Board may adopt regulations to implement this section. Any regulations adopted pursuant to this section may be adopted as emergency regulations in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of the Title 2 of the Government Code). The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare.

Government Code Section 15503. Whenever the board is required to make allocations or apportionments under this part, it shall prescribe rules and regulations for the administration of, and not inconsistent with, the act making the appropriation of funds to be allocated or apportioned. The board shall require the procedure, forms, and the submission of any information it may deem necessary or appropriate. Unless otherwise provided in the appropriation act, the board may require that applications for allocations or apportionments be submitted to it for approval.

Determination of Inconsistency or Incompatibility with Existing State Regulations

On March 4, 2020, the Governor of the State of California issued Executive Order N-25-20, which proclaimed a State of Emergency existed in California as a result of the threat of the Novel Coronavirus 2019 (COVID-19). The threat of COVID-19 has led to many changes in California, including the closure of schools. At its emergency meeting on March 25, 2020, the SAB adopted an emergency regulation that granted the Executive Officer of the SAB and OPSC the ability to extend, for an appropriate period

of time to be determined by the Executive Officer, any deadline set forth in regulations adopted by the SAB or in other rules and procedures set by the SAB and/or OPSC. The Office of Administrative Law (OAL) approved the emergency regulation on April 22, 2020. Since that time, the threat of COVID-19 is still present. Counties are opening slowly based on the State's tier system, which allows school districts in those counties to open slowly and/or continue with online distance-learning. However, there continues to be an impact on the public school system to maintain normal operations as it relates to application submittal and other funding requirements of the SAB.

In addition to the above, another statewide threat was introduced; a surge of wildfires abruptly ravaged much of California earlier than the normal wildfire season. This created an additional and ongoing need for the Emergency Powers of the Executive Officer to be expanded beyond the COVID-19 pandemic. These same emergency powers granted for COVID-19 would apply to any State of Emergency declared by the Governor. The Executive Officer would inform the SAB and members of the public of any actions taken. Information regarding any such actions would also be made public through the SAB Agendas as an Information Item, postings on the relevant pages of OPSC's website, along with email blast(s) to stakeholders. The SAB adopted the proposed amendments on an emergency basis on September 30, 2020 and the OAL approved the emergency regulation on November 12, 2020.

The SAB and OPSC are concerned that with so many competing priorities, not all school districts will be able to meet currently established deadlines. The extent to which school districts will be able to continue with school construction funding requirements at the current points in time is unknown. Administrative deadlines set by OPSC can easily be extended. However, without the adoption of the proposed regulatory amendments and maintaining this regulation on a permanent basis means that future declarations of States of Emergency by the Governor shall be subject to regulatory approval each time, thereby taking time to prepare, present to the SAB, and process through the Administrative Procedure Act.

OPSC performed a search on whether the proposed regulation was consistent and compatible with existing State laws and regulations. After performing the search, OPSC, on behalf of the SAB, determined that there are no other programs or regulations in existence that address the ability for the Executive Officer of the SAB and OPSC to extend any deadline set forth in regulations adopted by the SAB or in other rules and procedures set by the SAB and/or OPSC. Therefore, the proposed regulation is determined to

be consistent and compatible with existing State laws and regulations. Proceeding with the implementation of the proposed regulation will ensure transparency of any actions taken by the Executive Officer.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulation does not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulation.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Executive Officer of the SAB has made the following initial determinations relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- The proposed regulation creates no costs to any local agency or school district requiring reimbursement pursuant to Section 17500 et seq., or beyond those required by law, except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- The proposed regulation creates no costs or savings to any State agency beyond those required by law.
- The SAB has made an initial determination that there will be no impact on housing costs.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Impact to Businesses and Jobs in California

The proposed regulation does not impact California businesses and does not impact the creation of jobs. This proposed regulation protects school districts

from unintended financial consequences if funding for school projects is jeopardized by failure to comply with deadlines during this unprecedented time of extreme crises. It is not anticipated that the proposed regulation will result in the elimination of existing businesses or jobs within California.

Benefits to Public Health and Welfare, Worker's Safety, and the State's Environment

- The proposed regulation promotes fairness to school districts participating in the SFP and the FDKFGP. Extension requests can be made in order to prevent school districts from financial harm based on deadlines established by the SAB and/or OPSC in the event school districts cannot comply because of the conditions created as a result of COVID-19 and States of Emergency declared by the Governor. Further, school districts also benefit by not having to focus on construction projects during a time when the education and welfare of students and staff must take priority.
- The proposed regulation also promotes transparency because the Executive Officer of the SAB and OPSC will inform the SAB and members of the public of any actions taken. Information regarding any such actions would also be made public through the SAB Agendas as an Information Item, postings on the relevant pages of OPSC's website, along with email blast(s) to stakeholders.
- There is no impact to the State's environment from the proposed regulation.

The SAB finds the proposed regulation fully consistent with the stated purposes and benefits.

EFFECT ON SMALL BUSINESSES

It has been determined that the proposed regulation will not have an impact on small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. The proposed regulation protects school districts from unintended financial consequences if funding for school projects is jeopardized by failure to comply with deadlines during this unprecedented time of extreme crises. It is not anticipated that the proposed regulation will result in the elimination of existing businesses or jobs within California.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, email or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, email or fax must be received at OPSC no

later than February 1, 2021. The express terms of the proposed regulation as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, email or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Lisa Jones, Regulations Coordinator

Mailing Address:

Office of Public School Construction
707 Third Street, 6th Floor
West Sacramento, CA 95605

E-mail Address: Lisa.Jones@dgs.ca.gov

Fax No.: (916) 375-6721

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Lisa Jones at (916) 376-1753. If Ms. Jones is unavailable, these questions may be directed to the backup contact person, Mr. Michael Watanabe, Chief of Administrative Services, at (916) 376-1646.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulation.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulations coordinator identified above. The SAB will accept written comments on the modified regulation during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulation with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulation for which the adoption is proposed in ~~strikeout~~/underline.
2. A copy of this Notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received they will be added to the rulemaking file. The file is available for public inspection at OPSC during normal working hours. Items 1 through 3 are also available on OPSC's Internet Website at: <https://www.dgs.ca.gov/OPSC/Resources/Page-Content/Office-of-Public-School-Construction-Resources-List-Folder/Laws-and-Regulations>, scroll down to "Emergency Powers of the Executive Officer" and click on one of the linked documents, such as the 45-day Public Notice, the Initial Statement of Reasons and the proposed regulatory text.

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The proposed regulation protects school districts from unintended financial consequences if funding for school projects is jeopardized by failure to comply with deadlines during this unprecedented time of extreme crises.

AVAILABILITY OF THE FINAL
STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulations coordinator named in this notice or may be accessed on the website listed above.

**TITLE 5. STATE SUPERINTENDENT
OF PUBLIC INSTRUCTION**

AMENDMENT TO CALIFORNIA CODE
OF REGULATIONS, TITLE 5, REGARDING
CALIFORNIA STATE
PRESCHOOL PROGRAM

NOTICE IS HEREBY GIVEN that the State Superintendent of Public Instruction (SSPI) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

The SSPI invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SSPI, will hold a public hearing at 8:30 a.m. on February 1, 2021. Any interested person may participate in the public hearing via Zoom meeting by logging in per the following instructions:

- Click the following link or paste the link to the browser to join the webinar and enter the password:
<https://us02web.zoom.us/j/84329983436>
Password: 403162
- To connect with audio only and no video, call one of the following telephone numbers and enter the meeting ID and password:
669 900 9128
213 338 8477
Meeting ID: 843 2998 3436
Password: 403162

For persons intending to attend the Zoom meeting, those persons may check their computers by:

- Clicking on the test link: <https://zoom.us/test>.
- For any issues regarding connecting with Zoom, go to <https://support.zoom.us/hc/en-us> for assistance.

At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest.

The SSPI requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

REASONABLE ACCOMMODATION FOR ANY
INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations may request assistance by contacting Danielle Davis, Early Learning and Care Division, 1430 N Street, Suite 3410, Sacramento, CA, 95814; telephone, 916-322-4883. It is recommended that assistance be requested at least two weeks prior to the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or that person's authorized representative, may submit written comments relevant to the proposed regulatory action to:

Lorie Adame, Regulations Coordinator
Administrative Support and Regulations Adoption
Unit
California Department of Education
1430 N Street, Room 5319
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-322-2549 or by email to regcomments@cde.ca.gov.

Comments must be received by the Regulations Coordinator prior to or on February 1, 2021. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SSPI may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of all modified regulations will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to the regulations, or who provide oral testimony at the public hearing, or who have

requested notification of any changes to the proposed regulations.

AUTHORITY AND REFERENCE

Authority: Sections 8235, 8235.5, 8236, 8236.3, 8261, 8261.5, 8263, 8263.1, 8264.7, 8265 and 8269, Education Code; and Section 1596.9725, Health and Safety Code.

References: Sections 8202, 8203, 8203.1, 8203.5, 8204, 8206, 8208,, 8235, 8236, 8236.3, 8237, 8239, 8239.1, 8244, 8250, 8261, 8261.5, 8263, 8263.1, 8263.3, 8264.7, 8264.8, 8265, 8266.1, 8266.2, 8266.5, 8269, 8271, 8273, 8273.1, 8273.3, 8275, 8276.7, 8280, 8328, 8360, 8360.1, 8400, 8401, 8401.5, 8402, 8403, 8404, 8405, 8406, 8406.6, 8406.7, 8406.9, 8407, 8408, 8409, 8444, 8445, 8447, 8447.5, 8448, 17002, 33420, 41020.5, 56026, 56443 and 48000, Education Code; Sections 1596.792 and 1596.7925, Health and Safety Code; Section 1798.24, Civil Code; Sections 10850, 16500.5 and 16506, Welfare and Instruction Code; and 45 Code of Federal Regulations Section 98.21.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Department of Education (CDE) has administered subsidized early learning and care services for children from infancy to 13 years of age and their parents since the Child Care and Development Services Act (Act) was established in 1980, chapter 2 of part 6 of the Education Code (EC), starting at section 8200 et seq. The intent of the Act is that qualified subsidized early learning and care services be provided to children and families meeting the eligibility criteria established under the Act.

The California State Preschool Program (CSPP) as established by EC section 8235, provides three- and four-year-old children with a developmentally appropriate program designed to facilitate their transition to kindergarten. This program includes education, development, health services, social service, nutritional service, parent education and participation, evaluation, and staff development.

Eligibility criteria for full-day CSPP are set forth in EC section 8263 and require a family to meet both “eligibility” and “need” criteria pursuant to EC sections 8263(a)(1)(A) and (B). The Budget Act of 2019, Senate Bill (SB) 75, amended EC section 8263 to allow full-day CSPP contractors to now enroll three- and four-year-old children whose families do not meet a “need” criteria pursuant to EC section 8263(a)(1)(B) after all other CSPP-eligible families have been enrolled.

SB 75 also added EC section 8236.3 which made the following changes to eligibility and enrollment priorities for CSPP programs:

- Allows for the CSPP contracted sites operating within the attendance boundary of a public elementary school, except charter and magnet schools, where at least 80 percent of enrolled students are eligible for free and reduced price meals (FRPM) to enroll CSPP four-year-old children whose families reside within the school boundaries of a qualified FRPM school.
- Sets CSPP eligibility and enrollment priorities for families residing within the school boundaries of a qualified FRPM school.

SB 75 authorized the SSPI to provide guidance and instruction to implement this provision through a Management Bulletin (MB) on or before December 1, 2019. The CDE released FRPM-related guidance in MB 20-01. In addition to initiating the regulatory process no later than December 31, 2020, the SSPI must convene a workgroup of specified stakeholders to develop recommendations regarding the implementation of the provisions.

SB 98, the education omnibus budget trailer bill of 2020 amended part 1.7 of the Welfare and Institutions Code effectively transferring the following early learning and care programs from the CDE to the California Department of Social Services (CDSS) beginning July 1, 2021: (1) Alternative payment programs (CAPP); (2) Migrant alternative payment programs (CMAP); (3) CalWORKs Stage 2 (C2AP); (4) CalWORKs Stage 3 (C3AP); (5) General child care and development programs (CCTR); (6) Migrant child care and development programs (CMIG); and (7) Childcare and development services for children with severe disabilities (CHAN). This transfer will separate the CSPP from all other contracted early learning and care programs that are currently administered by the CDE.

The objectives of these proposed regulations include fulfilling the Legislature’s directive in SB 75 described above to align the regulations to current law and to provide further clarity to CSPP contractors on the applicable part-day and full-day CSPP regulations ensuring more efficient administration of the CSPP.

Anticipated Benefits of the Proposed Regulations

The benefit of enacting the proposed regulations will be to align the title 5 regulations with the statutory changes from SB 75, and, with changes from SB 98, separate the CSPP regulations from the other early learning and care programs administered by the CDE. This regulation package will further clarify the differences in which regulations are applicable for full-day and part-day CSPP. These regulations will achieve clarity, consistency, and an efficient

administration of the CSPP for early learning and care contractors. Additionally, the benefit anticipated by the proposed regulations is the assurance of the continued health and safety of young children enrolled in these programs. These regulations are specifically appropriate for a preschool environment

Determination of Inconsistency/Incompatibility with Existing State Regulations

The SSPI has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the SSPI has concluded that these are the only regulations that concern CSPP.

DISCLOSURES REGARDING THE PROPOSED ACTION/FISCAL IMPACT

The SSPI has made the following initial determinations:

Other statutory requirements: There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

Mandate on local agencies and school districts: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None.

Cost or savings to any state agency: None.

Other non-discretionary costs or savings imposed on local agencies, including local educational agencies: None.

Costs or savings in federal funding to the state: None.

Effect on housing costs: None.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or business: The SSPI is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Report required: The proposed regulations do not require a report to be made.

Effect on small businesses: The proposed regulations would not have an effect on any small business because they are only relevant to the contractors of subsidized programs contracted through the CDE.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The SSPI concludes that it is unlikely that these proposed regulations will: 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Benefits of the Proposed Action: The proposed regulations will benefit children and families in California as they take advantage of high-quality early learning and care programs guided by these proposed regulations.

CONSIDERATION OF ALTERNATIVES

The SSPI must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SSPI, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

CONTACT PERSONS

Inquiries concerning the content of these proposed regulations should be directed to:

Danielle Davis, Consultant
 Early Learning and Care Division
 California Department of Education
 1430 N Street, Suite 3410
 Sacramento, CA 95814
 Telephone: 916-322-4883
 Email: DDavis@cde.ca.gov

Inquiries concerning the regulatory process may be directed to Lorie Adame, Regulations Coordinator or the backup contact person, Hillary Wirick, Regulations Analyst, at 916-319-0860.

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS AND AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS AND INFORMATION

The SSPI has prepared an Initial Statement of Reasons for the proposed regulations. This document and the text of the proposed regulations may also be viewed and downloaded from the CDE's website at <http://www.cde.ca.gov/re/lr/r/>. All of the information

upon which the proposed action is based may be obtained upon request from the Regulations Coordinator.

**AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS AND
RULEMAKING FILE**

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator. All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

TITLE 11. DEPARTMENT OF JUSTICE

**DIVISION 1. ATTORNEY GENERAL
CHAPTER 16. Master Settlement
Agreement, Tobacco**

The Department of Justice (Department) proposes to amend sections 999.10, 999.14, 999.15, 999.16, 999.17, 999.18, 999.19, 999.22, 999.23, 999.24, 999.25, 999.26, and 999.29 of Title 11, Division 1, Chapter 16 of the California Code of Regulations, including amending forms JUS-TOB1, JUS-TOB3, JUS-TOB4, JUS-TOB5, JUS-TOB7, JUS-TOB8, and JUS-TOB15, which are incorporated by reference, regarding the California Tobacco Directory. Moreover, the Department proposes to repeal sections 999.11 and 999.20 of Title 11, Division 1, Chapter 16 of the California Code of Regulations.

PUBLIC HEARING

The Department has not scheduled a public hearing for the proposed regulatory action. The Department will hold a virtual public hearing, however, if it receives a written request for a public hearing from any interested person, or an authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes on February 9, 2021 at 5:00 p.m. Only written comments received by that time will be considered. Submit written comments to:

Barry Alves
Department of Justice
Tobacco Unit
1300 I Street Sacramento, Suite 125
Sacramento, CA 95814
(916) 210-7838
Barry.Alves@doj.ca.gov

Please note that written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the public record and can be released to the public upon request.

AUTHORITY AND REFERENCE

Authority: Section 30165.1, Revenue and Taxation Code; Section 104555 through 104557, Health and Safety Code.

Reference: Section 30165.1, Revenue and Taxation Code; Section 104555 through 104557, Health and Safety Code; 22979, Business and Professions Code.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Summary of Existing Laws and Regulations:

In 1998, 46 states entered into a Tobacco Master Settlement Agreement (“MSA”) with the largest tobacco manufacturing companies in the United States to settle certain claims against manufacturers arising out of the sale, advertising, and consumption of certain tobacco products. (Health & Safety Code, § 104555, subd. (e).)

Health and Safety Code sections 104555 through 104557 (the “Reserve Fund Statute”) impose escrow deposit and reserve fund requirements on tobacco product manufacturers that elect not to enter the MSA. The reserve fund provides a source of compensation for the financial burdens imposed on the State by cigarette-related illnesses and other health conditions. Existing regulations implement the Reserve Fund Statute.

Revenue and Taxation Code section 30165.1 (“Directory Statute”) requires the Department to publish and maintain a list of all tobacco product manufacturers and their cigarette and roll-your-own tobacco (“RYO”) brand styles (both cigarettes and RYO are hereafter together “Cigarettes”) that are eligible to be included on the California tobacco directory (“California Tobacco Directory”). The Directory Statute prohibits California sales of Cigarettes that are not listed on the California Tobacco Directory. In order to have their eligibility for listing on the California Tobacco Directory evaluated, tobacco product manufacturers have been obligated since approximately 2004 to provide the Department with annual certifications, quarterly reports, and other

information regarding compliance with the Directory Statute, the Reserve Fund Statute, and the MSA.

Sections 999.10–999.29, Title 11, Division 1, Chapter 16 of the California Code of Regulations implement the Directory Statute, Reserve Fund Statute, and MSA. Currently, the Department has fourteen forms, JUS–TOB1 through JUS–TOB6 and JUS–TOB8 through JUS–TOB15 (with JUS–TOB7 currently unused) to implement the Directory Statute, Reserve Fund Statute, and MSA.

Effect of the Proposed Rulemaking:

The Department proposes to amend, repeal, or consolidate sections 999.10 through 999.29, which implement the Directory Statute, the Reserve Fund Statute, and the MSA. The Department also proposes to amend seven of its 14 tobacco forms, which are incorporated in existing regulations, by repealing existing forms and replacing them with newly adopted forms. The effect of the proposed amendments include: adding definitions for commonly used terms; updating references to the Board of Equalization to the California Department of Tax and Fee Administration; reducing and eliminating duplicative language appearing in both the regulations and the forms; eliminating outdated or unused processes; and streamlining the process for Tobacco Product Manufacturers seeking listing on California’s Tobacco Directory by replacing hard-copy paper forms with electronic forms, to the extent possible.

Anticipated Benefits of the Proposed Regulations:

The Directory Statute, the Reserve Fund Statute, and the MSA protect the health and safety of the public by ensuring that tobacco product manufacturers comply with their fiscal obligations to the state associated with cigarette smoking. Existing regulations protect the health and safety of the public and promote fairness by implementing the Directory Statute, the Reserve Fund Statute, and the MSA.

This action to update existing regulations and program forms promote the same public benefits as the existing regulations. In addition, the Department anticipates that this action will streamline the process for a tobacco product manufacturer seeking listing on the California Tobacco Directory, and reduce the workload of the Department and the tobacco product manufacturer.

Comparable Federal Regulations:

There are no existing federal regulations or statutes comparable to the proposed regulations.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The Department has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations. After conducting a review of regulations affecting tobacco product manufacturers,

the Department has concluded that these are the only regulations that concern implementation of the Directory Statute, the Reserve Fund Statute, and the MSA.

Forms Incorporated by Reference:

Form number JUS–TOB1 was revised in September 2020, will now be titled “PARTICIPATING TOBACCO PRODUCT MANUFACTURER (‘PM’) CERTIFICATION SEEKING LISTING ON THE CALIFORNIA TOBACCO DIRECTORY,” and is referenced in sections 999.16 and 999.17.

Form number JUS–TOB3 was revised in September 2020, will now be titled “CERTIFICATION OF COMPLIANCE AND AFFIDAVIT BY NON-PARTICIPATING TOBACCO PRODUCT MANUFACTURER,” and is referenced in sections 999.10 and 999.16.

Form number JUS–TOB4 was revised in September 2020, will now be titled “CIG–SALES,” and is referenced in sections 999.10, 999.14, and 999.16.

Form number JUS–TOB5 was revised in September 2020, will now be titled “NON-PARTICIPATING TOBACCO PRODUCT MANUFACTURER (‘NPM’) CERTIFICATION SEEKING LISTING ON THE CALIFORNIA TOBACCO DIRECTORY,” and is referenced in sections 999.16 and 999.17.

Form number JUS–TOB7 was revised in September 2020, will now be titled “CIG–MAP,” and is referenced in section 999.16.

Form number JUS–TOB8 was revised in September 2020, will now be titled “DEFINITIONS,” and is referenced in section 999.16.

Form number JUS–TOB15 was revised in September 2020, will now be titled “BRAND LIST,” and is referenced in section 999.16, 999.24, and 999.29.

Materials Relied Upon: None.

Other Statutory Requirements: None.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None. This action will not affect funding to the Department.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other non-discretionary costs or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.
Cost impacts on representative person or business:

The proposed action will affect tobacco product manufacturers seeking to be listed on the California Tobacco Directory. Since approximately 2004,

tobacco product manufacturers have been obligated to prepare certifications and other reports to the Department. In order to ensure compliance with the Directory Statute, the Reserve Fund Statute, and the MSA, the Department's forms must be revised to gather relevant information, collect data electronically, and make the forms easier to use and understand. The proposed action will require tobacco product manufacturers to review the new forms and prepare some new responses. The Department anticipates it will cost each of approximately thirty tobacco product manufacturers approximately \$1,000 to implement the changes in 2021. Because many of the tobacco product manufacturers' 2021 revised responses are unlikely to change in subsequent years and the revised forms are much easier to use and understand than the prior versions, the proposed action is unlikely to have a net fiscal impact beyond 2021.

Significant effect on housing costs: None.

Significant, statewide adverse economic impact directly affecting businesses, including ability to compete:

The Department has made an initial determination that that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Results of the Economic Impact Assessment (EIA):

The Department concludes that it is unlikely that the proposed regulations: (1) will create or eliminate jobs within the state; (2) will create new businesses or eliminate existing businesses within the state; or (3) will result in the expansion of businesses currently doing business within the state.

Benefits of the Proposed Action: The Directory Statute, the Reserve Fund Statute, and the MSA protect the health and safety of the public by ensuring that tobacco product manufacturers comply with their fiscal obligations to the state associated with cigarette smoking. Existing regulations protect the health and safety of the public and promote fairness by implementing the Directory Statute, the Reserve Fund Statute, and the MSA.

This action to update existing regulations and program promote the same public benefits as the existing regulations. In addition, the Department anticipates that this action will streamline the process for a tobacco product manufacturer seeking listing on the California Tobacco Directory, and reduce the workload for both the Department and the tobacco product manufacturer.

Business Report Requirement:

Since approximately 2004, tobacco product manufacturers have been obligated to report their compliance with the Directory Statute, the Reserve

Fund Statute, and the MSA to the Department. As explained above, this action to update existing regulations and program forms promote the same public benefits as the existing regulations. In addition, the Department anticipates that this action will streamline the process for a tobacco product manufacturer seeking listing on the California Tobacco Directory, and reduce the workload for both the Department and the tobacco product manufacturer. It is necessary for the health, safety, or welfare of the people of the state that the regulation apply to businesses.

Small Business Determination:

The Department has determined that the proposed action affects small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department has determined that the proposed revisions to forms and regulations are the most effective way to ensure compliance with the Directory Statute, Reserve Fund Statute, and MSA. The forms and sections of the Code of Regulations addressed by the notice were modified so California gathers only the information needed from tobacco product manufacturers, and does so as clearly and efficiently as possible.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Barry Alves
Department of Justice
Tobacco Unit
1300 I Street Sacramento, Suite 125
Sacramento, CA 95814
(916) 210-7838
Barry.Alves@doj.ca.gov

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

Debra Berry
 Department of Justice
 Tobacco Unit
 1300 I Street Sacramento, Suite 125
 Sacramento, CA 95814
 (916) 210-7799
Debra.Berry@doj.ca.gov

AVAILABILITY OF
 DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, amended forms incorporated by reference and the text of the regulations in underline and strikeout can be accessed through the Department's website at <https://oag.ca.gov/tobacco/directory/regulations>.

AVAILABILITY OF STATEMENT
 OF REASONS, TEXT OF PROPOSED
 REGULATIONS, AND RULEMAKING FILE

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the text of the proposed regulations (the "express terms" of the regulations), amended forms incorporated by reference, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based. The text of the Notice, the express terms, the forms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available at the Department's website at <https://oag.ca.gov/tobacco/directory/regulations>. Copies may be obtained from Barry Alves at the above address.

AVAILABILITY OF CHANGED OR
 MODIFIED TEXT

After the Department analyzes all timely and relevant comments received during the 45-day public comment period, the Department will either adopt the regulations substantially as described in this notice or make modifications based on the comments. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the name and address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL
 STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained from Barry Alves at the above address.

**TITLE 21. DIVISION OF THE STATE
 ARCHITECT**

VOLUNTARY CERTIFIED
 ACCESS SPECIALIST
 PROGRAM REGULATIONS FOUND UNDER
 SUBCHAPTER 2.5, CHAPTER 1, DIVISION 1,
 TITLE 21 OF THE CALIFORNIA CODE
 OF REGULATIONS

AMENDMENTS TO SECTIONS 132, 133, 137,
 138, 141, 162 AND
 AMENDMENTS TO DOCUMENTS
 INCORPORATED BY REFERENCE

- Certified Access Specialist Program (CASp) Examination, Certification, and Practice Standards Handbook (02/2016)
- Form DSA 600A Candidate Eligibility Application (11/01/15)
- Form DSA 600R CASp Certification Renewal Application (07/01/15)
- Form DSA 601 CASp Examination Registration (11/01/15)
- ADA Test Accommodation(s) Guidelines for the CASp Examination (03/20/16)
- Form DSA 602 CASp Test Accommodation(s) Request (03/20/16)
- Repeal of form DSA 603 CASp Test Accommodation(s) Request Questionnaire (03/20/16)
- Form DSA 650 Disclosure Of Social Security Number And/Or Federal Taxpayer Identification Number (07/01/15)

NOTICE IS HEREBY GIVEN that the Division of the State Architect (DSA) proposes to amend the above referenced regulation sections and documents incorporated by reference contained in Title 21, California Code of Regulations (CCR).

WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action to DSA in writing. The written comment period will close on Monday, February 1, 2021. Submit comments to:

Division of the State Architect
1102 Q Street, Suite 5100
Sacramento, CA 95811
Attention: Debbie Wong
Or emailed to:
debbie.wong@dgs.ca.gov

No public hearing is scheduled. Pursuant to Government Code Section 11346.8, should there be a request that a public hearing be held, such request must be made to DSA no later than 15 days prior to the close of the written comment period by any interested person or their duly authorized representative.

AUTHORITY AND REFERENCE

Government Code Section 4459.5 authorizes the State Architect to adopt the proposed regulation, which would implement, interpret, or make specific Government Code Section 4459.5 through 4459.8.

POLICY STATEMENT OVERVIEW

The federal Americans with Disabilities Act (ADA) of 1990 and the California Building Standards Code (CCR Title 24) require that specified buildings, structures, and facilities be accessible to, and usable by persons with disabilities. Government Code Section 4450 requires the State Architect to develop and submit proposed building standards to the California Building Standards Commission for approval and adoption for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities.

In order to assist the public in determining compliance to the applicable standards for accessibility, the State Architect established and publicizes a program for voluntary certification by the State of any person who meets specified criteria as a CASp. The State Architect determined minimum criteria a person must meet for certification. The objectives of the amendments to the regulations is to establish a new eligibility criteria for Program qualification, change content requirement of the disability access inspection certificate (DAIC) record, and lower select fees required for Program participation.

INFORMATIVE DIGEST

Government Code Section 4459.5 authorized the State Architect to establish and publicize a program

for voluntary certification by the state of any person who meets specified criteria as a certified access specialist (CASp).

Government Code Section 4459.8 requires that each applicant for certification as a CASp to pay fees, including an application fee, examination fee, and certification fee at a level sufficient to meet the operating costs of the program and directs the State Architect to periodically review the fee schedule to ensure that the fees for certification are not excessive while covering the costs to administer the CASp Program.

Subchapter 2.5 of the CCR is the set of rules used for the voluntary CASp Program. Proposed amendments include establishing a new criteria for program eligibility to provide eligibility for qualified applicants whose work experience is not recognized by existing Program regulations, amending content required to be submitted in the DAIC record required for certification renewal, and reduction of select fees for Program participation. Changes without regulatory effect include adding privacy notice disclosures on forms, updates to statute citation of amended California codes and regulations and non-substantive, grammatical and formatting revisions.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

The amended regulations will provide for new applicants to pursue and current candidates to resume their certification process. Establishing a new eligibility subcategory will enable qualified individuals, whose employment is not recognized by existing regulation, for CASp Program eligibility. Lower fees for Program participation will promote participation by inviting new individuals who were unwilling to pay the current higher fees and encourage current candidates yet to be certified to continue pursuing certification. More CASps will result in more professionals who have specialized knowledge of accessibility laws which provides for a more accessible environment that benefits all users.

EXISTING LAWS/REGULATIONS

DSA has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, DSA has concluded that these are the only regulations that concern Certified Access Specialist Program in California.

DSA HAS MADE THE FOLLOWING
INITIAL DETERMINATIONS

- Mandated by Federal Law and Regulations: **None.**
- Mandate on local agencies or school districts: **None.**
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code Section 17500 through 17630: **None.**
- Costs or savings to any state agency: **None.**
- Other non-discretionary costs or savings imposed on local agencies: **None.**
- Cost or savings in federal funding to the state: **None.**
- Significant effect on Housing Costs: **None.**
- Significant, statewide adverse economic impact directly affecting business, including the ability of California business to compete with businesses in other states: **None.**

STATEMENT OF THE RESULTS OF THE
ECONOMIC IMPACT ASSESSMENT

Amendment of these regulations will not:

- create or eliminate jobs within California;
- create new businesses or eliminate existing businesses within California; nor
- affect the expansion of businesses currently doing business within California.

BENEFITS OF REGULATIONS

The amended regulations will provide for new applicants to pursue and current candidates to resume their certification process. Establishing a new eligibility subcategory will enable qualified individuals, whose employment is not recognized by existing regulation, for CASp Program eligibility. Lower fees for Program participation will promote participation by inviting new individuals who were unwilling to pay the current higher fees and encourage current candidates yet to be certified to continue pursuing certification. More CASps will result in more professionals who have specialized knowledge of accessibility laws which provides for a more accessible environment that benefits all users.

COST IMPACT AND BENEFITS ON
PRIVATE PERSONS

DSA has determined that the proposed amendments of existing regulations will have a cost impact and benefit on private persons because:

Program fees related to examination, initial certification and certification renewal will be reduced:

- Examination fee reduced from \$400 to \$250 per examination,
- Certification fee reduced from \$300 to \$200,
- Application evaluation fee reduce from \$200 to \$100.

DSA has determined that the proposed amendments to the existing regulations will not have a cost impact on business.

EFFECT ON SMALL BUSINESS

DSA has determined that the proposed amendment of existing regulations does not affect small businesses because the regulation does not regulate small businesses and does not require a report or any other compliance activities.

CONSIDERATION OF ALTERNATIVES

DSA must determine that no reasonable alternative considered by DSA or that has otherwise been identified and brought to the attention of DSA would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. DSA invites interested persons to present statements or arguments with respect to alternatives to the proposed amendment of existing regulations during the written comment period.

AVAILABILITY OF INITIAL STATEMENT
OF REASONS, PROPOSED TEXT, AND
LOCATION OF THE RULEMAKING FILE

All of the information upon which the proposed amendments to the existing regulations are based is contained in the rulemaking file, which is available for public review. To date, the file consists of:

- Notice of Proposed Action (DOC, PDF)
- Initial Statement of Reasons (DOC, PDF)
- Certified Access Specialist Program (CASp) Examination, Certification, and Practice Standards Handbook (02/2016)
- Proposed Text of Regulations in ~~strikeout~~ and underline (DOC)
- Standard Form 399 Economic and Fiscal Impact Statement
- Form DSA 600A Candidate Eligibility Application (11/01/15)

- Form DSA 600R CASp Certification Renewal Application (07/01/15)
- Form DSA 601 CASp Examination Registration (11/01/15)
- ADA Test Accommodation(s) Guidelines for the CASp Examination (03/20/16)
- Form DSA 602 CASp TEST ACCOMMODATION(S) REQUEST (03/20/16)
- Form DSA 603 CASp Test Accommodation(s) Request Questionnaire (03/20/16)
- Form DSA 650 Disclosure Of Social Security Number And/Or Federal Taxpayer Identification Number (07/01/15)

Copies of the rulemaking file may be obtained from our website at <https://www.dgs.ca.gov/DSA/Resources/Page-Content/Resources-List-Folder/CASp-Regulation-Development> or upon written request to the contact person listed above.

MODIFICATIONS TO THE TEXT OF THE REGULATIONS

After considering all timely and relevant comments received, DSA may adopt the proposed regulations substantially as described in this notice. If DSA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before DSA adopts the regulations as revised. Copies of any modified regulations may be accessed through our website at <https://www.dgs.ca.gov/DSA/Resources/Page-Content/Resources-List-Folder/CASp-Regulation-Development> or upon written request to the attention of Debbie Wong at the address indicated above. DSA will accept written comments on the modified regulations for 15 days after the date on which the modified regulations are made available.

FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Express Terms and the Final Statement of Reasons will be available at <https://www.dgs.ca.gov/DSA/Resources/Page-Content/Resources-List-Folder/CASp-Regulation-Development> or by contacting Debbie Wong.

CONTACT PERSONS

Inquiries or comments concerning the proposed rulemaking action may be directed to:

Debbie Wong
Division of the State Architect, Headquarters
1102 Q Street, Suite 5100
Sacramento, CA 95811
Phone (916) 327-5410
Email debbie.wong@dgs.ca.gov

The backup contact person is:

Ida Antoniolli Clair
Acting State Architect
Division of the State Architect, Headquarters
Department of General Services
1102 Q Street, Suite 5100
Sacramento, CA 95811
Phone 916.322.2490
Email ida.clair@dgs.ca.gov

TITLE 22. DEPARTMENT OF COMMUNITY SERVICES AND DEVELOPMENT

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE DEPARTMENT OF COMMUNITY SERVICES AND DEVELOPMENT

NOTICE IS HEREBY GIVEN that the Department of Community Services and Development, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on December 18, 2020 and closing on February 1, 2021. All inquiries should be directed to the contact listed below.

The Department of Community Services and Development proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict-of-interest code include: 1) Confirms the Director's Statement of Economic Interests will be filed with the FPPC; 2) Adds reporting requirements for the following designated positions: Chief Counsel, Legislative & Public Affairs Deputy Director, Staff Services Manager I, All Attorneys, Staff Services Manager III (M), Staff Services Manager I (Specialist), Associate Governmental Program Analyst (AGPA) — Business Services

Unit, IT Manager I, IT Supervisor II, Research Data Analyst II (associated with Policy Development), AGPA — Program Division, Consultants/New Positions and Retired Annuitants; 3) Eliminates the following designated positions: Assistant Director for External Affairs (Exempt), Staff Counsel, Business Services Officer I, Business Services Assistant, Data Processing Manager II, Senior Information Systems Analyst (S), and All Consultants; 4) Adds disclosure category 4 for Staff Services Manager II (M) in the Administrative Services Division; 5) Adds a separate category for IT Services Unit, and also makes other technical changes.

Information on the code amendment is available on the agency's intranet site and/or attached to this email.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than February 1, 2021, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than January 17, 2021.

The Department of Community Services and Development has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Amanda Flok, Human Resources Manager, (916) 576-5299, or Amanda.Flok@csd.ca.gov.

DECISION NOT TO PROCEED

**DEPARTMENT OF
DEVELOPMENTAL SERVICES**

Pursuant to Government Code section 11347
Re: Early Intervention Services

Pursuant to Government Code Section 11347, the California Department of Developmental Services (DDS) hereby gives notice that it has decided not to proceed with the proposed rulemaking action to consider amendments to the Early Intervention Services regulations published in the California Regulatory Notice Register on October 30, 2020, Register 2020, No. 44-Z, Notice File Number Z-2020-1019-02.

PLEASE BE ADVISED that the proposed rulemaking has been withdrawn. A new rulemaking for Early Intervention Services will be undertaken at an appropriate time. It is anticipated that the new proposed rulemaking action will align the Early Intervention Services regulations with additional federal regulations.

Please direct any inquiries regarding this action or questions of substance of the proposed regulatory action to:

Sharon DeRego
Telephone: (916) 654-2773

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Emily Woolford
Telephone: (916) 654-2773

DDS will also post this Notice of Decision Not to Proceed on its website at www.dds.ca.gov.

**AVAILABILITY OF INDEX OF
PRECEDENTIAL DECISIONS**

DEPARTMENT OF SOCIAL SERVICES

STATE HEARINGS DIVISION

**NOTICE OF AVAILABILITY OF
PRECEDENTIAL DECISION AND
DECISION INDEX**

Notice is hereby given that the California Department of Social Services, State Hearings Division pursuant to subdivision (c) of Section 11425.6 of the Government Code, maintains an index of precedential decisions. The index is available to the public at <https://cdss.ca.gov/hearings-and-appeals/para-regs-and-notes>.

To subscribe to receive notifications when the index is updated, email PrecedentialDecisionRequests@dss.ca.gov. For additional information contact:

California Department of Social Services
State Hearings Division
Precedential Decisions Support
744 P Street, MS 21-36
Sacramento CA 95814
Telephone: 916-309-3481
Email: PrecedentialDecisionRequests@dss.ca.gov

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH THE
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

Alcoholic Beverage Control Appeals Board
File # 2020-1006-01
Alcoholic Beverage Control Administrative Appeals Process

This action makes nonsubstantive changes to existing regulation text for purposes of improving syntax, grammar, punctuation, and organization.

Title 04
Amend: 178, 179, 180, 183 (renumbered to 184(c)), 184, 187, 188, 189, 190, 193, 197, 198, 198.1 (renumbered to 195), 199, 200
Filed 12/08/2020
Effective 12/08/2020
Agency Contact: Linda Mathes (916) 203-1670

Board of Accountancy
File # 2020-0626-01
Peer Review Reporting — Firms

In this regular rulemaking, the Board of Accountancy is repealing questions from the Peer Review Reporting Form (“PR-1”) and repealing the requirement that Certified Public Accountants/Public Accountants in an “inactive” or a “retired” status complete PR-1 when renewing their license.

Title 16
Amend: 45
Filed 12/03/2020
Effective 04/01/2021
Agency Contact: Deanne Pearce (916) 651-1740

Board of Forestry and Fire Protection
File # 2020-1019-04
Camping Fee Amendments, 2020

This rulemaking action by the Board of Forestry and Fire Protection updates the fees required for use of Designated Camping Areas in the Jackson Demonstration State Forest, Boggs Mountain Demonstration State Forest, and Mountain Home Demonstration State Forest.

Title 14
Amend: 1401.1
Filed 12/07/2020
Effective 04/01/2021
Agency Contact: Eric Hedge (916) 653-9633

Bureau of Cannabis Control
File # 2020-1130-02
Quick Response Code Certificate Requirements

In this emergency re-adopt, the Bureau of Cannabis Control extends its emergency regulations requiring licensed retailers of cannabis goods to prominently display the Quick Response Code (QR Code) issued by the Bureau so that it can be viewed and scanned from outside of the licensed premises. Licensed distributor employees and delivery employees of licensed retailers are also required to carry a copy of the QR Code.

Title 16
 Amend: 5039, 5311, 5415
 Filed 12/08/2020
 Effective 12/08/2020
 Agency Contact: Kaila Fayne (916) 465-9120

California Architects Board
 File # 2020-0624-04
 Criminal Conviction Substantial Relationship and
 Rehabilitation Criteria

The California Architects Board amended two regulations that establish criteria for determining when a crime, act, or professional misconduct is substantially related to the qualifications, functions, and duties of a landscape architect, or when a landscape architect applicant or licensee has made a showing of rehabilitation related to a crime, act, or professional misconduct that resulted in the denial of a license or disciplinary action against a licensee. The amendments implement amendments to the Business and Professions Code made in A.B. 2138 (Stats. 2018, ch. 995).

Title 16
 Amend: 2655, 5656
 Filed 12/04/2020
 Effective 12/04/2020
 Agency Contact:
 Kourtney Nation (916) 575-7237

California Horse Racing Board
 File # 2020-0928-03
 Shock Wave Therapy Restricted

This rulemaking action by the California Horse Racing Board (Board) adopts procedures for the possession and use of Extracorporeal Shock Wave Therapy (ESWT) machines within Board racing or training inclosures.

Title 04
 Adopt: 1866.2
 Filed 12/02/2020
 Effective 04/01/2021
 Agency Contact: Zachary Voss (916) 263-6036

Commission on Peace Officer Standards and Training
 File # 2020-1110-02
 Training and Testing Specifications — LD 33

The Commission on Peace Officer Standards and Training submitted this timely certificate of compliance action to make permanent emergency regulations adopted on July 1, 2020. The emergency action amended three regulations that incorporate by reference a document entitled “Training and Testing Specifications for Peace Officer Basic Courses” (Training and Testing Specifications). The amendments added a new incorporation by reference date

for the Training and Testing Specifications to the three regulations and removed training in the use of the carotid restraint control hold from Learning Domain #33 of the Training and Testing Specifications.

Title 11
 Amend: 1005, 1007, 1008
 Filed 12/03/2020
 Effective 12/03/2020
 Agency Contact: Cheryl Smith (916) 227-0544

Department of Alcoholic Beverage Control
 File # 2020-1112-02
 Delivery Minor Decoy Requirements

In this action, the Department of Alcoholic Beverage Control amends and makes permanent a regulation governing the use of minor decoys in the purchase of alcoholic beverages for delivery by a licensee or employee or agent of a licensee.

Title 04
 Adopt: 141.1
 Filed 12/03/2020
 Effective 12/03/2020
 Agency Contact:
 Robert de Ruyter (916) 419-8958

Division of Workers’ Compensation
 File # 2020-1016-01
 Workers’ Compensation, Document Separator Sheet
 — Document Titles

This action by the Department of Industrial Relations, Division of Workers’ Compensation makes changes without regulatory effect to the Document Separator Sheet and the accompanying Comprehensive List of Document Product, Type, and Title forms which is incorporated by reference in section 10205.14.

Title 08
 Amend: 10205.14
 Filed 12/02/2020
 Agency Contact: River J. Sung (510) 286-0637

Office of Environmental Health Hazard Assessment
 File # 2020-1016-02
 Proposition 65 NSRL p-chloro-a,a,a-trifluorotoluene (PCBTF)

In this rulemaking action, the Office adds p-chloro-a,a,a-trifluorotoluene (PCBTF) to the list of chemicals causing cancer. And it specifies 23 micrograms per day as the amount with No Significant Risk Level (NSRL).

Title 27
Amend: 25705
Filed 12/02/2020
Effective 04/01/2021
Agency Contact: Monet Vela (916) 323–2517

Office of Statewide Health Planning and
Development
File # 2020–1021–01
CCORP Reporting Updates

The Office of Statewide Health Planning and Development updated regulations that establish data elements reported by hospitals in the California Coronary Artery Bypass Graft Outcomes Reporting Program.

Title 22
Amend: 97170, 97174, 97177.25, 97177.35,
97177.55, 97177.60, 97177.65, 97177.67, 97177.70
Filed 12/07/2020
Effective 12/07/2020
Agency Contact: Denise Stanton (916) 326–3785

State Allocation Board
File # 2020–1201–01
Regulations Relating to Surplus School Property;
Use of Proceeds

In this emergency rulemaking action, the State Allocation Board extends the applicability of the terms defined in section 1700 of Title 2 of the California Code of Regulations to sales of surplus properties by local education agencies (LEAs) which are made pursuant to Education Code section 17463.7. Education Code section 17463.7 was enacted in 2020 to authorize LEAs to use the proceeds from the sales of surplus properties purchased with non–state funds for any one–time general fund purpose in order to provide LEAs the resources and flexibility necessary to ensuring quality public education during the COVID–19 pandemic.

Title 02
Amend: 1700
Filed 12/09/2020
Effective 12/09/2020
Agency Contact: Lisa Jones (916) 376–1753

**PRIOR REGULATORY
DECISIONS AND CCR
CHANGES FILED WITH THE
SECRETARY OF STATE**

A quarterly index of regulatory decisions by the Office of Administrative Law (OAL) is provided in the California Regulatory Notice Register in the volume published by the second Friday in January, April, July, and October following the end of the preceding quarter. For additional information on actions taken by OAL, please visit www.oal.ca.gov.