



California Regulatory Notice Register

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PROPOSED ACTION ON REGULATIONS

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*Time-
Dated
Material*

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. STATE ALLOCATION BOARD

AMEND VARIOUS REGULATION SECTIONS, ALONG WITH AN ASSOCIATED FORM; ADOPT A NEW FORM

Proposed Amendments to the Following Regulation Sections:

- 1859.2, 1859.32, 1859.51, 1859.77.1, 1859.79, 1859.79.2, AND 1859.82.1.

Proposed Amendments to the Following Form:

- Form SAB 50-04, *Application for Funding*, (Rev. 05/20 08/25), which is incorporated by reference and referenced in Regulation Section 1859.2.

Proposed Adoption of the Following Regulation Sections:

- 1859.70.5, 1859.78.7.1, 1859.78.9.1, AND 1859.78.9.2.

Proposed Adoption of the Following Form:

- Form SAB 57-75, *75 Years or Older Building Cost Estimate and Cost/Benefit Analysis (CBA)*, (New 06/25), which is incorporated by reference and referenced in Regulation Section 1859.2.

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced regulation sections, including an associated form, as well as adopt new regulation sections and a new form, 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 sections under the authority provided by Sections 17070.35, 17070.59, 17073.16 and 17078.64 of the Education Code. The proposal interprets and make specific reference Sections 8974, 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17052, 17070.15, 17070.51, 17070.51(a), 17070.59, 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.18, 17072.20, 17072.30, 17072.33, 17073.16, 17073.25, 17074.10, 17074.15, 17074.16, 17074.25, 17074.265, 17074.30, 17074.32, 17075.10, 17075.15, 17077.10, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17078.72, 17078.72(k), 17079, 17079.10, 17079.20, 17280, 17375, 42268, 42270, 56026, 100420, 100420(c), 100620, 100820, 101012(a)(8) and 101122, Education Code; Section 53311, Government Code; and Sections 1771.3 in effect on January 1, 2012 through June 19, 2014 and 1771.5, Labor Code; Section 2052, Revenue and Taxation Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999.

At its meeting on June 25, 2025, the SAB adopted proposed regulatory amendments, on an emergency basis, that align and implement provisions of Assembly Bill (AB) 247 (Muratsuchi, Chapter 81, Statutes of 2024) into the SFP regulations and include the following topics:

- 1) establishment of a points-based methodology and sliding scale to calculate the required state and local matching share for all SFP projects, regardless of whether the projects qualify for financial hardship assistance. AB 247 specifies the number of points awarded based on a school district's gross bonding capacity per enrollment; a school district's unduplicated pupil percentage as determined for purposes of the Local Control Funding Formula; whether a school district has an enrollment of 200 pupils or fewer; and whether the project includes the use of a project labor agreement.

Based on the total number of points for a project, the required local matching share will be adjusted with no change to the total approved project cost. (Education Code Section 17070.59).

- 2) provides a modernization supplemental grant for projects with a scope of work that includes the demolition and replacement of building(s) at least 75 years of age or older. (Education Code Section 17074.265).
- 3) provides a modernization supplemental grant for projects that expand an existing gymnasium, multipurpose room, library, or school kitchen if the facility is 60 percent or less than the department's recommended size needed to serve the enrollment of the school, or constructing a new gymnasium, multipurpose room, library, or school kitchen if the site is lacking one or more of the specified facilities. (Education Code Section 17073.16).
- 4) provides a modernization supplemental grant for projects that retrofit an existing school facility to adequately house Transitional Kindergarten (TK) pupils or construct new TK classrooms if the site is lacking sufficient school facilities to house TK pupils. (Education Code Section 17073.16).

OPSC submitted the emergency regulations to the Office of Administrative Law (OAL) and the OAL approved the emergency regulations and filed them with the Secretary of State with an effective date of September 8, 2025. Attached to this Notice are the proposed regulations, along with two associated forms. The proposed regulations can also 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-Regulations-for-School-Construction-Projects>. Copies of the proposed regulations, along with the two associated forms will be mailed to any person requesting this information by using OPSC's contact information set forth below in this Notice. The proposed regulations amend the SFP Regulations under the California Code of Regulations, Title 2, Chapter 3, Subchapter 4, Group 1, State Allocation Board, Subgroup 5.5, Regulations relating to the Leroy F. Greene School Facilities Act of 1998.

Background and Problem Being Resolved

At its meeting on December 3, 2024, the SAB adopted recommendations implementing provisions of Proposition 2, which are contained in AB 247. In part, Proposition 2 provides \$8.5 billion in proceeds from the sale of bonds for the construction and modernization of Transitional Kindergarten (TK) through Grade 12 school facilities. Proposition 2 specifies that the \$8.5 billion will be allocated to the SFP as follows:

- New Construction = \$3.3 billion, of which up to ten percent (\$330 million) shall be available to small school districts.
- Modernization = \$4.0 billion, of which up to ten percent (\$400 million) shall be available to small school districts **and** up to \$115 million shall be available to address the remediation of lead in water.
- Charter School Facilities Program = \$600 million, and,
- Career Technical Education Facilities Program = \$600 million.

Proposition 2 also makes numerous changes to the SFP as follows:

- Requires the submittal of a five-year school facilities master plan as a condition of participating in the SFP;
- Establishes a points-based methodology for calculating the local contribution a school district is required to make to be eligible to receive state funding;
- Requires school districts participating in the SFP New Construction or Modernization programs after November 5, 2024, to submit an updated report of the school district's existing school building capacity;
- Authorizes additional state funding for the replacement of school buildings that are at least 75 years old;
- Establishes several new supplemental grants (minimum essential facilities, energy efficiency, career technical education, and TK)
- Authorizes the SAB to provide interim housing assistance funding or any other assistance following specified natural disasters;
- Provides specified assistance to school districts with a school facility on a military installation, small school districts, and for the testing and remediation of specified lead levels in water fountains and faucets used for drinking or preparing food on school sites; and,
- Increases the maximum level of total bonding capacity allowable for a school district to be automatically eligible for financial hardship assistance.

The problem being resolved is not necessarily a problem but an opportunity to replenish the SFP with \$8.5 billion in bond authority and to implement Proposition 2 provisions in the SFP. As indicated above, the proposed regulations set forth the new points-based methodology and sliding scale calculation and also provide school districts with unique funding opportunities to qualify for the 75-year old or older supplemental grant as well as the minimum essential fa-

cilities and TK supplemental grants. These additional funding opportunities provide enhancements to existing facilities, as well as the construction of new facilities, thereby increasing the life expectancy of these facilities. The additional funding also covers the expected increased costs of construction for the inclusion of these types of facilities in school districts projects.

OPSC performed a search on whether the proposed regulatory amendments were consistent and compatible with existing State laws and regulations and did not identify any inconsistent or incompatible existing State laws or regulations. The proposed regulatory amendments are consistent with and implement several provisions of statutory changes enacted with the passage of Proposition 2. Proceeding with the implementation of the proposed regulations will provide a positive impact on the state's economy, as well as the creation of an unknown number of jobs in the school construction industry. Once school districts request the release of state funds, manufacturing and construction-related industries such as architecture, engineering, trades and municipalities may expand based on the demand on these industries. School districts will also have the ability to take advantage of the new Proposition 2 provisions. The proposed regulations will maintain equity, consistency, and the integrity of the SFP.

Anticipated Benefits of the Proposed Regulations

There are benefits associated with the proposed regulations. The SAB has the opportunity to administer the SFP with new Proposition 2 provisions that make program modifications beneficial to school districts and to replenish the SFP with \$8.5 billion in bond authority. The proposed regulations provide school districts with a points-based methodology and sliding scale to calculate the required state and local matching share contribution for all SFP projects, and there are additional modernization supplemental funding opportunities for projects such as the demolition and replacement of buildings at least 75 years of age or older; for projects that expand an existing gymnasium, multipurpose room, library, or school kitchen; and for projects that retrofit an existing school facility to house TK pupils or construct new TK classrooms if the site is lacking sufficient school facilities to house TK pupils. In addition, there is a positive impact on the state's economy, as well as the creation of an unknown number of jobs in the school construction industry. Once school districts request the release of state funds, manufacturing and construction-related industries such as architecture, engineering, trades and municipalities may expand based on the demand on these industries.

The proposed regulations are therefore determined to be consistent and compatible with existing State laws and regulations. Proceeding with the implemen-

tation of the proposed regulations maintains the integrity of the SFP funding process, as well as equity amongst school district projects.

Summary of the Proposed Regulations

A summary of the proposed regulations is as follows:

Existing Regulation Section 1859.2 represents a set of defined words and terms used exclusively for these regulations. The proposed amendments define additional specific words, terms, and forms, as well as further define existing words and terms essential to these regulations for purposes of implementing Proposition 2 provisions in the SFP Regulations.

Existing Regulation Section 1859.32 sets forth the definitive criteria and guidelines for excluding specific permanent and portable classrooms from the district's gross classroom inventory. The proposed amendment provides an additional criterion that excludes the counting of classrooms funded through the California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program from the district's gross classroom inventory.

Existing Regulation 1859.51 outlines the criteria for adjusting a district's new construction baseline eligibility. The proposed amendment adds an additional adjustment to reduce the new construction baseline by the number of pupils housed in TK classrooms constructed from funding provided under the SFP modernization program.

Proposed adoption of Regulation Section 1859.70.5 establishes a points-based determination and sliding scale for the required state and local contributions for SFP projects. This will be known as the Local Funding Adjustment Grant. There are four criteria for determining the number of points awarded for a project: 1) a school district's gross bonding capacity per enrollment; 2) a school district's unduplicated pupil percentage as determined for purposes of the Local Control Funding Formula; 3) a school district that has an enrollment of 200 pupils or fewer; and 4) whether the project includes the use of project labor agreement. This is in alignment with Education Code Section 17070.59. This section establishes the submittal timing and deadlines for providing the information necessary to make the funding adjustment.

Existing Regulation Section 1859.77.1 sets forth a school district's matching share requirement for new construction grants. The proposed amendments differentiate a school district's matching share requirement based on two dates: applications received before October 31, 2024 and applications received on or after October 31, 2024. Applications received before October 31, 2024 require set matching share contributions for both state and local; applications received after October 31, 2024 will require a matching share contribution based on the methodology and calculation of the new regulation section above (Regula-

tion Section 1859.70.5) and will be known as the Local Funding Adjustment Grant. This is in alignment with Education Code Section 17070.59. Additionally, there are several minor edits that are considered non–substantive changes.

Proposed adoption of Regulation Section 1859.78.7.1 provides a modernization supplemental grant for projects with a scope of work that includes the demolition and replacement of buildings at least 75 years of age or older. This section sets forth the eligibility criteria and grant calculations for this supplemental grant. The grant amount is aligned with the new construction per pupil grant amount and will be adjusted annually based on the change in the Class B Construction Cost Index as approved by the SAB each January. Recipients of this grant will receive an alternate per–pupil grant amount than provided under the current modernization program and must replace the building that generated the eligibility for this grant. The regulation also requires the replacement of portable buildings with permanent buildings. This is in alignment with Education Code Sections 17074.25 and 17074.265.

Proposed adoption of Regulation Section 1859.78.9.1 provides a modernization supplemental grant for projects that either expand an existing gymnasium, multipurpose room, library, or school kitchen if the facility is 60 percent or less than the department’s recommended size needed to serve the enrollment of the school, or construct a new gymnasium, multipurpose room, library, or school kitchen if the site is lacking one or more of the specified facilities. This section sets forth the minimum essential facilities eligibility criteria and grant calculation. The grant will be adjusted annually based on the change in the Class B Construction Cost Index as approved by the SAB each January. This is in alignment with Education Code Sections 17073.16 and 17074.25.

Proposed adoption of Regulation Section 1859.78.9.2 provides a modernization supplemental grant for projects that either retrofit an existing school facility to adequately house TK pupils or construct new TK classrooms if the site is lacking sufficient school facilities to house TK pupils. This section sets forth the eligibility criteria and calculation for this supplemental grant to construct new or retrofit existing space into TK classrooms. The grant will be adjusted annually based on the change in the Class B Construction Cost Index as approved by the SAB each January. This is in alignment with Education Code Sections 17073.16 and 17074.16.

Existing Regulation Section 1859.79 sets forth a district’s modernization matching share contribution for approved applications received on or before April 29, 2002 (20 percent district share/80 percent state share) and for approved applications received after April 29, 2002 and on or before October 30, 2024 (40 percent

district share/60 percent state share). The proposed amendments stipulate that for approved applications received on or after October 31, 2024, a district’s modernization matching share contribution will be determined based on Education Code Sections 17070.59 and 17074.16 and adjusted for the Local Funding Adjustment Grant using the methodology and calculation in Regulation Section 1859.70.5. Additionally, there are several minor edits that are considered non–substantive changes.

Existing Regulation Section 1859.79.2 sets forth guidelines for eligible and ineligible expenditures related to the use of modernization grant funds. The proposed amendments provide that modernization grant funds may now be used on additional square footage constructed with funding for 75 year old or older buildings, minimum essential facilities (gymnasium, multipurpose room, library, or school kitchen), and the retrofit of existing school facilities or the construction of new TK classrooms to house TK pupils, as well as any additional square footage constructed to meet the minimum requirements of Title 5, California Code of Regulations. Prior to AB 247 and Proposition 2, the construction of new building area was not typically allowable. Additionally, there are several minor edits that are considered non–substantive changes.

Existing Regulation Section 1859.82.1 sets forth the criteria as to general factors generating facility hardship program eligibility as well as placing limits on program eligibility including, but not limited to performance of routine maintenance or repair, issues resulting from the deferment of routine maintenance or repair, lack of current code compliance, or the addition of components that were not previously existing, and the required information that must be contained in the industry specialist’s report/findings. The proposed amendments add the square footage per pupil as well as the minimum/maximum square footage for multipurpose room (excluding food service) and for school kitchen for elementary school pupils, middle school pupils and high school pupils. The addition of these facilities was also necessary for purposes of determining the funding formula for providing the supplemental grants in Regulation Section 1859.78.9.1.

Existing Form SAB 50–04, *Application for Funding*, (Rev. 05/20 08/25), (incorporated by reference) is submitted by school districts to apply for State funding for new construction and modernization projects. The proposed amendments incorporate the provisions of Proposition 2 outlined in this Finding of Emergency, such as the new matching share requirements for new construction and modernization projects, including the Local Funding Adjustment Grant, and the modernization supplemental grants for 75 year old or older buildings, minimum essential facilities (gymnasium, multipurpose room, library, and school kitch-

en), and the TK supplemental grant to retrofit existing school facilities or construct new TK classrooms to house TK pupils. These amendments are necessary to collect the information needed to calculate the Local Funding Adjustment Grant.

Proposed adoption of the Form SAB 57-75, *75 Years or Older Building Cost Estimate and Cost/Benefit Analysis (CBA)*, (New 06/25), and its instructions, (incorporated by reference) is submitted by school districts and sets forth the specificity of how to utilize the form for submittal. This form will serve as the cost estimate for preparing the cost–benefit analysis required in the statute.

Statutory Authority and Implementation

Education Code Section 17070.35. (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.

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

The SFP is replenished with \$8.5 billion in bond authority and Proposition 2 provisions are/will be implemented in the SFP. The proposed regulations set forth the new points-based methodology and sliding scale calculation and also provide school districts with unique funding opportunities to qualify for the 75-year old or older supplemental grant as well as the minimum essential facilities and TK supplemental grants. These additional funding opportunities provide enhancements to existing facilities, as well as the construction of new facilities, thereby increasing the life expectancy of these facilities. The additional funding also covers the expected increased costs of construction for the inclusion of these types of facilities in school districts projects.

After conducting a review, the SAB has concluded that these are the only regulations on this subject area, and therefore, the proposed regulations are neither inconsistent nor incompatible with existing State laws and regulations. The proposed regulations are within

the SAB's authority to enact regulations for the SFP under Education Code Section 17070.35 and Government Code Section 15503.

Documents Incorporated by Reference

- *Form SAB 50-04*, (Rev. 05/20 08/25), referenced in Regulation Section 1859.2 and is incorporated by reference.
- *75 Years or Older Building Cost Estimate and Cost Benefit Analysis (CBA)*, (New 06/25), referenced in Regulation Section 1859.2 and is incorporated by reference.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do 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 regulations.

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 regulations create 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 regulations create 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 regulations promote transparency because school districts and the school district community have been collaborating on the proposed regulations through a series of stakeholder meetings. The SAB has the opportunity to administer the SFP with new Proposition 2 provisions that make program modifications beneficial to school districts and replenishes the SFP with \$8.5 billion in bond authority. The proposed regulations set forth the new points-based methodology and sliding scale calculation and also provide school districts with unique funding opportunities to qualify for the 75-year old or older supplemental grant as well as the minimum essential facilities and TK supplemental grants. These additional funding opportunities provide enhancements to existing facilities, as well as the construction of new facilities, thereby increasing the life expectancy of these facilities. The additional funding also covers the expected increased costs of construction for the inclusion of these types of facilities in school districts projects. In addition, the proposed regulations will not negatively impact the creation of jobs, the creation of new businesses, and the expansion of businesses in California. It is not anticipated that the proposed regulations will result in the elimination of existing businesses or jobs within California. Additionally, the proposed regulations expand the SFP while aligning with the statute, as well as maintain program integrity and equity amongst school district projects.

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

- The proposed regulations promote transparency because school districts and the school district community have been collaborating on the proposed regulations through a series of stakeholder meetings. The SAB has the opportunity to administer the SFP with new Proposition 2 provisions that make program modifications beneficial to school districts and replenishes the SFP with \$8.5 billion in bond authority.
- There are continued benefits to the health and welfare of California residents and worker safety. School districts, charter schools, and local educational agencies utilize construction and trades employees to work on school construction projects and although this proposed regulation does not directly impact worker's safety, existing law provides for the availability of a skilled labor force and encourages improved health and safety of construction and trades employees through proper apprenticeship and training. Further, public health and safety is enhanced because a prop-

erly paid and trained workforce will build school construction projects that are higher quality, structurally code-compliant and safer for use by pupils, staff, and other occupants on the site.

- There is no impact to the State's environment from the proposed regulations.

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

EFFECT ON SMALL BUSINESSES

It has been determined that the proposed regulations will not have a negative impact on small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. The proposed regulations only apply to school districts and local education agencies for purposes of funding school facility projects. Manufacturing and construction-related industries such as architecture, engineering, trades and municipalities may expand based on the demand on these industries. This may include new [small] businesses, or the expansion of [small] businesses, which has a positive impact on the state's economy and may also create an unknown number of jobs.

**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 January 26, 2026 end of day. The express terms of the proposed regulations 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, 3rd Floor
West Sacramento, CA 95605
Email Address: lisa.jones@dgs.ca.gov
Fax Number: (916) 375-6721

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to

Ms. Lisa Jones at (279) 946-8459. If Ms. Jones is unavailable, these questions may be directed to the backup contact person, Mr. Michael Watanabe, Deputy Executive Officer, at (279) 946-8463.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulation 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 regulations.

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 regulations should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulations 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 regulations 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 Web site at: <https://www.dgs.ca.gov/OPSC/Resources/Page-Content/Office-of>

[Public-School-Construction-Resources-List-Folder/Laws-Regulations-for-School-Construction-Projects](#) then scroll down to School Facility Program, Pending Regulatory Changes, and click on the links entitled 45-day Public Notice, Initial Statement of Reasons and Proposed Regulation 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 alternative to these proposed regulations would be the SAB take no action and be in violation of the statute (AB 247). The SAB is charged with ensuring that the provisions of Proposition 2 are implemented timely in the SFP.

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 regulation coordinator named in this notice or may be accessed on the website listed above.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

PROHIBITED NOXIOUS WEED SEED

The Department of Food and Agriculture (Department) proposes to make permanent the emergency amendment to Title 3 of the California Code of Regulations (CCR) Section 3854 Prohibited Noxious Weed Seed.

PUBLIC HEARING

A public hearing is not scheduled. However, 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 Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulations to the Department. Comments may be submitted by USPS, FAX or email. The written comment period closes January 26, 2026. The Department will consider only comments received at the Department offices by that date or postmarked no later than January 26, 2026. Submit comments to:

Erin Lovig, Senior Environmental Scientist
Supervisor
California Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street,
Sacramento, CA 95814
(916) 403-6650
Permits@cdfa.ca.gov

Questions regarding the substance of the proposed regulation should be directed to Erin Lovig. In her absence, you may contact Rachel Avila at (916) 698-2947 or rachel.avila@cdfa.ca.gov.

Unless there are substantial changes to the proposed regulations prior to adoption, the Department of Food and Agriculture may adopt the proposal as set forth in this notice without further notice to the public. Following the public hearing, if one is requested, or following the written comment period if none is requested, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

AUTHORITY

The Department proposes to amend Section 3854 pursuant to the authority vested by Sections 407 and 52332 of the Food and Agricultural Code (FAC).

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5004, 52256-52258, 52287 and 52332 of the FAC.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

This amendment will add Egyptian broomrape to the list of Prohibited Noxious Weed Seed. In addition, we are adding to the list the alternate generic name *Phelipanche* in addition to *Orobanche* for this pest and for its close relative branched broomrape, *Orobanche (Phelipanche) ramosa*.

Egyptian broomrape is a harmful agricultural weed because of its ability to reduce yields, produce large numbers of long-lived seeds, and its ease of spread.

To prevent spread of this species to non-infested areas, to protect California's agricultural industry, and to prevent trading partners from quarantining California commodities for this parasitic pest, it is necessary to eradicate it when found within California, as well as to prevent its spread from limited incursions within the state. That is why the Department proposes to make permanent the emergency amendment to add Egyptian broomrape to the list of Prohibited Noxious Weed Seed.

EXISTING LAWS AND REGULATIONS

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code which the Secretary is directed or authorized to administer or enforce.

Existing law, FAC section 5004, provides that the Secretary may adopt a list of the plants that is, or is liable to be, detrimental, to agriculture or important native species, and difficult to control or eradicate, which the Secretary, by regulation, designates to be a noxious weed.

Existing law, FAC section 52256, provides that "Noxious weed seed" means the seed or propagule of any species of noxious weed, as defined in Section 5004. As used in the FAC chapter California Seed Law, noxious weed seed are of two classes, prohibited noxious weed seed and restricted noxious weed seed, which are defined in Sections 52257 and 52258, respectively.

Existing law, FAC section 52256.5, provides that "Person" also means any individual, partnership, corporation, trust association, cooperative association, or any other business unit or organization.

Existing law, FAC section 52257, provides that "Prohibited noxious weed seed" means the seed or propagule of any species of noxious weed which the director, as provided in Section 52332, finds and declares to be a prohibited noxious weed seed and which either: (1) is not known to occur, or is of limited distribution, in this state; (2) is not widely distributed throughout the state and which not only reproduce by seed, but also by underground roots or stems; or (3) is under eradication measures in this state.

Existing law, FAC section 52257.5, provides that "Conditioner" means any person who cleans, scatters, or blends to obtain uniform quality, or who conducts other operations which would change the purity, germination, or identity of any lot of seed, including, but not limited to, packaging, labeling, blending together of uniform lots of the same kind or variety, or the preparation of a mixture.

Existing law, FAC section 52257.6, provides that "Process" means any modification of the form or na-

ture of agricultural or vegetable seed, or any treatment of the seed, which renders it inviable.

Existing law, FAC section 52257.8, provides that "Research" means any research related to the variety, purity, quality, type, strain, or other genetic and physiological characteristics of agricultural or vegetable seed or the production thereof.

Existing law, FAC section 52258, provides that "Restricted noxious weed seed" means the seed or propagule of any species of noxious weed, the seed of which is not otherwise designated as prohibited noxious weed seed, and which the director, as provided in Section 52332, finds and declares to be a restricted noxious weed seed.

Existing law, FAC section 52287, provides that All prohibited and restricted noxious weed seed which are enumerated in this chapter or in any regulation which is adopted by the director pursuant to this chapter, California Seed Law, are hereby recognized as noxious within the meaning of the Federal Seed Act (7 U.S.C., Sec. 1551, et seq.).

Existing law, FAC section 52332, provides that the secretary, by regulation, may adopt a list of noxious weed seed that the secretary finds are prohibited noxious weed seed, as defined in this chapter, California Seed Law

ANTICIPATED BENEFITS OF THE PROPOSED AMENDMENT

The amendment of this regulation provides the necessary regulatory authority for the prevention of movement of a serious plant pest which is a mandated statutory goal.

This amendment is necessary to prevent the future spread of Egyptian broomrape to un-infested areas of the State. The regulation benefits agriculture, the environment, and the overall California economy by preventing the spread of Egyptian broomrape.

There are economic benefits to the State's general fund from these regulations. Egyptian broomrape attacks a broad array of field crops and some ornamentals. Tomato, potato, tobacco, eggplant, peppers, peas, carrot, celery, mustard, spinach, and chrysanthemum are among the susceptible plants. Out of these hosts the largest potential agricultural impact in California is to tomatoes. In 2023 tomatoes had a total value production of 1.5 billion in the state. Egyptian broomrape may attack different hosts, such as sunflower in the current case. Established Egyptian broomrape infestations can reduce crop yields by up to 90%, threaten export markets, and are extremely difficult to eradicate.

By adding Egyptian broomrape to the Prohibited Noxious Weed Seed list we will reduce the chances of future incursions and help maintain the economic baseline.

There is no existing, comparable federal regulations or statute.

There are no known specific benefits to worker safety or the health of California residents.

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of Section 3854 and has determined that they are not inconsistent or incompatible with existing state regulations.. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern prohibited noxious weed seed in California.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost to any local agency or school district requiring reimbursement pursuant to 17500 et seq.: None.

Cost or savings to any state agency: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

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

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

Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: The cost impacts are expected to be none and minimal/non-consequential. The Department makes the initial determination that the proposed action will not have a significant, statewide adverse economic impact.

Significant effect on housing costs: None.

Small business determination: The proposed action will not affect small business because compliance activities are currently being performed by existing staff throughout quarantine areas within the State without any impact on small business.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The amendment is designed to prevent or minimize the spread of Egyptian broomrape by amending

Section 3854. The Department has made an assessment that the amendment to this regulation would: (1) not create or eliminate jobs within California, (2) not create new business or eliminate existing businesses within California, (3) not affect the expansion of businesses currently doing business within California, (4) is expected to benefit the health and welfare of California residents, (5) is expected to benefit the state's environment, and is (6) not expected to benefit workers' safety.

Health and welfare: The proposed action will benefit the health and welfare of California residents by making it more likely that Egyptian broomrape would be prevented from spreading within California, thus protecting the agricultural sector. Maintaining the economic baseline is important to the health and welfare of California residents.

The state's environment: The proposed action will benefit the state's environment by increasing the chance that Egyptian broomrape would be prevented from spreading within California. If the pest was to enter California it could adversely impact private and commercial landscape plantings, local, regional, state and national parks, other recreational sites, open habitats, and wild lands. Affected plants could become less vigorous and may produce fewer seeds. Plants/trees with low propagule output can result in major changes to plant community structure. Therefore, this amended regulation may contribute to the preservation of the natural environment.

CONSIDERATION OF ALTERNATIVES

The Department 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 Department invites interested persons to present alternatives during the written comment period.

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

The Department has prepared an initial statement of reasons for the proposed action, and has made available all the information upon which its proposal is based and the express terms of the proposed action. The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/plant/Regulations.html). A copy of

the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the comment period and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. 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. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein. 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 by contacting the agency officer named herein.

TITLE 5. BOARD OF EDUCATION

EXTENDED SCHOOL YEAR

Notice is Hereby Given that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

The SBE 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

The California Department of Education (CDE) staff, on behalf of the SBE, will hold a virtual public hearing at 9:00 a.m. on **January 27, 2026**.

Attendees may participate in the public hearing via the Zoom online meeting platform by logging in per the following instructions:

- Click the following link or paste the link into your browser to join the meeting and enter the passcode: <https://us02web.zoom.us/j/84587001075>.
Passcode: 672070
- To connect with audio only and no video, call one of the following telephone numbers and enter the meeting ID and password:
 - +1 669 900 6833 US (San Jose).
 - +1 213 338 8477 US (Los Angeles).
 - +1 669 219 2599 US (San Jose).

Meeting ID: 845 8700 1075

Passcode: 672070

Attendees may test their Zoom connection 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.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, 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 Denise Lambert, Special Education, 1430 N Street, Room 2401, Sacramento, CA, 95814 or by telephone at 916-319-0417. It is recommended that assistance be requested at least two weeks prior to the hearing.

Pursuant to Government Code Section 11346.6(a)(3) and (b), because some of these regulations pertain to special education, the following provisions also apply:

Upon request from a person with a visual disability or other disability for which effective communication is required under state or federal law, the CDE shall provide that person a narrative description of the additions to and deletions from the regulations. The description shall identify each addition to or deletion from the regulations by reference to the subdivision, paragraph, subparagraph, clause, or subclause within the proposed regulation containing the addition or deletion. The description shall provide the express language proposed to be added to or deleted from the regulations and any portion of the surrounding language necessary to understand the change in a manner that allows for accurate translation by reading software used by the visually impaired.

The CDE shall provide the information described above within 10 business days, unless the CDE determines that compliance with this requirement will be

impractical and notifies the requester of the date on which the information will be provided.

Notwithstanding any other law, if information is provided to a requester as described above, the CDE shall provide that requester at least 45 days from the date upon which the information was provided to the requester to submit a public comment regarding the proposed regulation. The CDE shall not take final action to adopt the regulation until the requester has submitted a public comment or the extended 45-day comment period expires, whichever occurs first.

WRITTEN COMMENT PERIOD

Any interested person, or their 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 January 27, 2026. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

AUTHORITY AND REFERENCE

Authority: Section 56100, Education Code.

References: Sections 46146, 46201 and 56345, Education Code and Title 34 Code of Federal Regulations (C.F.R.) Section 300.106.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The CDE proposes amendments to California Code of Regulations (CCR) Section 3043(d) to align Extended School Year (ESY) programs with current instructional time requirements as established in California Education Code sections 46201 and 46146. These sections define the minimum instructional time for various grade levels throughout the school year, ensuring consistency across educational programs.

Currently, CCR Section 3043(d) mandates a minimum of 20 instructional days for ESY programs. However, California Education Code sections 46201 and 46146 set forth instructional time requirements that govern general education and special education

programs but do not explicitly require a 20-day minimum for ESY.

The proposed amendment reduces the minimum instructional days for ESY from 20 to 15 while establishing grade-specific instructional time requirements. This change is designed to:

- Align ESY programs with the broader instructional standards set by the Education Code.
- Provide clarity and consistency in ESY program implementation statewide.
- Allow greater flexibility for local educational agencies (LEAs) in structuring ESY programs while ensuring compliance with instructional mandates.
- Support schools in efficiently planning and delivering extended learning opportunities.

Policy Statement Overview

- The proposed amendment to CCR Section 3043(d) seeks to enhance the efficiency and effectiveness of ESY program implementation by reducing the minimum instructional days from 20 to 15 and establishing grade-specific instructional time requirements. This change aligns ESY programs with California Education Code sections 46201 and 46146, ensuring consistency with state instructional time standards while addressing administrative challenges faced by LEAs.

Anticipated Benefits of the Proposed Regulation

- The proposed amendment to CCR Section 3043(d) is expected to provide several key benefits, particularly in enhancing the efficiency, accessibility, and equity of ESY programs. While the regulation change does not primarily focus on financial impact, it offers significant non-monetary benefits that contribute to the fair and effective delivery of special education services across California.
 - By reducing the minimum instructional days from 20 to 15, the regulation helps remove barriers that may prevent students from accessing ESY services.
 - LEAs will be better equipped to offer consistent and reliable extended learning opportunities, ensuring students with disabilities receive the support they need.
 - The elimination of frequent waiver requests will streamline the process for LEAs, allowing them to focus on service delivery rather than excessive administrative tasks.
 - The change allows for more efficient use of resources, helping educators maintain high-quality instruction within a manageable and effective timeframe.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

An evaluation of the proposed regulations has determined they are not inconsistent/incompatible with existing regulations, pursuant to Government Code Section 11346.5(a)(3)(D). After conducting a review for any regulations that would relate to or affect this area of law, the SBE has concluded that these are the only regulations that concern the ESY regulation.

DISCLOSURES REGARDING THE PROPOSED ACTION/FISCAL IMPACT

The SBE 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 businesses: The SBE 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 businesses because they apply only to local educational agencies (LEAs) by giving them additional flexibility in scheduling extended year programs for students with disabilities.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment — Government Code Section 11346.5(a)(10):

The SBE 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 the health and welfare of California residents, by improving access to ESY services for students with disabilities, ensuring that instructional time aligns with state standards while providing greater flexibility for LEAs to effectively administer ESY programs. This amendment supports student learning continuity, reduces administrative burdens, and enhances the overall efficiency of special education service delivery.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, 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 SBE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

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

Denise Lambert, Special Education
California Department of Education
1430 N Street, Room 2401
Sacramento, CA 95814
Telephone: 916-319-0417
Email: DLambert@cde.ca.gov

Inquiries concerning the regulatory process may be directed to Lorie Adame, Regulations Coordinator, or the backup contact person, Gerri White, Analyst.

The Regulations Coordinator and the Analyst may be reached by email at regulations@cde.ca.gov or by telephone at 916-319-0860.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS AND INFORMATION

As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulations, the Initial Statement of Reasons (ISOR), the agenda and a recording of the SBE meeting where the SBE approved commencement of this rulemaking activity, and Fiscal and Economic Impact Statement (STD. 399). These documents upon which the proposed action is based may be obtained upon request from the Regulations Coordinator. In addition, this Notice, the text of the proposed regulations and the ISOR may also be viewed on the CDE website at <http://www.cde.ca.gov/re/ir/rr/>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SBE 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 any modified regulation will be available to the public for at least 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations. If individuals want to be notified of additional changes for only these proposed regulations, a written request should be sent to the Regulations Coordinator at the contact information above. The SBE will accept written comments on the modified regulations for 15 days after the date on which they are made available.

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.

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications highlighted, as well as the Final Statement of Reasons, when completed, and modified text, if any, can be accessed via the CDE website at <http://www.cde.ca.gov/re/lr/rr/>.

DISAPPROVAL DECISION**DEPARTMENT OF SOCIAL SERVICES****DECISION OF DISAPPROVAL OF
REGULATORY ACTIONS**

Printed below is the summary of an Office of Administrative Law disapproval decision. The full text of disapproval decisions are available on OAL's website at https://oal.ca.gov/publications/disapproval_decisions/ or by contacting our Reference Attorney at staff@oal.ca.gov or (916) 323-6815 or by mail to Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814. Please request by OAL file number.

**State of California
Office of Administrative Law
In re: Department of Social Services
Regulatory Action: Manual of Policies and
Procedures
Adopt sections: 51–001, 51–010, 51–101, 51–110,
51–120, 51–130, 51–140
Amend sections: 40–107
Government Code Section 11349.3
OAL Matter Number: 2025–1001–01
OAL Matter Type: Regular (S)**

SUMMARY OF REGULATORY ACTION

In this regulatory action, the Department of Social Services (Department) proposes to add sections to its Manual of Policies and Procedures (MPP) to establish the Home Visiting Program (HVP). The regulations set forth definitions, county responsibilities, program eligibility and service requirements, and rules related to program participation. The regulations also address data collection.

On October 1, 2025, the Department submitted the above-referenced regulatory action to the Office of Administrative Law (OAL) for review. On November 13, 2025, OAL notified the Department that OAL disapproved the proposed regulatory action pursuant to

the Administrative Procedure Act (APA). This Decision of Disapproval of Regulatory Action explains the reasons for OAL's action.

DECISION

OAL disapproved the action because the proposed regulatory changes failed to comply with the clarity standard of Government Code section 11349.1, subdivision (a)(3).

CONCLUSION

For the foregoing reasons, OAL disapproved the above-referenced regulatory action. Pursuant to Government Code section 11349.4, subdivision (a), the Department may resubmit revised regulations within 120 days of its receipt of this Decision of Disapproval of Regulatory Action. A copy of this Decision will be emailed to the Department on the date indicated below.

The Department must make any substantive regulatory text changes, which are sufficiently related to the originally noticed text, available for public comment for at least 15 days pursuant to subdivision (c) of Government Code section 11346.8 and section 44 of title 1 of the CCR. Any objections or recommendations raised by the public during the 15-day public comment period must be summarized and responded to in the Final Statement of Reasons. The Department must resolve all issues raised in this Decision of Disapproval of Regulatory Action prior to the resubmittal of this regulatory action.

If you have any questions, please do not hesitate to contact me at (916) 323–6824.

Date: November 20, 2025

/s/

Thanh Huynh
Senior Attorney
For: Kenneth J. Pogue
Director
Original: Kim Johnson, Director
Copy: Kenneth Jennings

**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.

Department of State Hospitals

File # 2025-1030-04

Contraband Disposition Regulation

This Certificate of Compliance action by the Department of State Hospitals further amends and makes permanent the regulations adopted in OAL Matter Nos. 2024-1202-03ER, 2025-0527-02EE, and 2025-0818-02EE which address the disposing of contraband by defining terms and prescribing the methods to dispose of contraband seized on hospital grounds based on the characteristics of the item seized.

Title 09

Adopt: 4354, 4354.1

Filed 12/02/2025

Effective 12/02/2025

Agency Contact: Anna Libonati (916) 654-2478

Department of Resources Recycling and Recovery

File # 2025-1120-02

Covered Battery — Embedded Products Recycling Fee

In this emergency action, the Department of Resources Recycling and Recovery sets a covered battery-embedded waste recycling fee at 1.5 percent of the retail sales price with a cap of \$15 for the fee.

Title 14

Amend: 18660.40

Filed 12/01/2025

Effective 01/01/2026

Agency Contact:

Emma Cervantes

(916) 341-6274

Board of Chiropractic Examiners

File # 2025-1015-02

Align Fee Amounts with Fixed Fee Schedule in Statute

This action by the Board of Chiropractic Examiners makes changes without regulatory effect to align fee amounts with those set by Senate Bill 1434 (Stats. 2022, chapter 623).

Title 16

Amend: 310.1, 317.1, 323, 360, 367.5, 367.10, 370

Filed 12/01/2025

Agency Contact: Kristin Walker (916) 574-7784

Commission on Peace Officer Standards and Training
File # 2025-1017-01

Peace Officer Background Investigation

This change without regulatory effect by the Commission on Peace Officer Standards and Training authorizes specified credential evaluation services to evaluate the equivalency of a foreign college or university degree for purposes of satisfying the minimum education requirements in accordance with a statutory change made by Assembly Bill 992 (Stats. 2025, chapter 175).

Title 11

Amend: 1953

Filed 12/03/2025

Agency Contact: Kelli Surawski (916) 894-9523

Contractors State License Board

File # 2025-1020-01

Review of Application

In this action without regulatory effect, the Contractors State License Board amends regulations to use gender neutral language and to amend regulations related to minimum, median, and maximum application processing times that were adopted to meet the requirements of the Permit Reform Act of 1981. The Permit Reform Act was repealed in 2003 (A.B. 1757 (Stats. 2003, Chapter 229, section 1.8)).

Title 16

Amend: 827, 828

Filed 12/02/2025

Agency Contact: Tracy Brazil (916) 255-4633

Board of Forestry and Fire Protection

File # 2025-1015-04

Watercourse Crossings and Emergency Notice Watercourse Crossing Requirements, 2025

This action, with respect to watercourse crossings and related emergency notices, removes the condition of Fish and Game Code approval for planning and constructing logging roads or landings. With respect to emergency timber operations, this action (1) adds mapping requirements for tractor road crossings and logging road watercourse crossings that will be constructed or reconstructed; and (2) requires the registered professional forester (RPF) to (a) certify that the forestry plan complies with related conservation statutes; and (b) issue certain notices and to furnish and update certain data regarding construction or reconstruction of watercourse crossings.

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Title 14
Amend: 916.9, 923.1, 923.4, 936.9, 943.1, 943.4, 956.9, 963.1, 963.4, 1052
Filed 12/01/2025
Effective 01/01/2026
Agency Contact:
Jane Van Susteren (916) 619-9795

California Department of Tax and Fee Administration
File # 2025-1021-02
Calculation of Estimated Use Tax — Use Tax Table

This regular rulemaking action by the California Department of Fee and Tax Administration (“Department”) amends section 1685.5 of title 18 of the California Code of Regulations (“CCR”). Specifically, this action amends the percentage of California consumers’ total purchases of tangible personal property for use in California that are made from out-of-state retailers that are not registered with the Department to collect use tax that the Department uses to annually calculate the use tax liability factor, replaces the federal data the Department uses to annually calculate total spending on taxable purchases with other federal data and a taxable percentage, and updates the way the Department annually calculates the average state, local, and district sales and use tax rate that the Department uses to calculate the use tax liability factor. This action also removes outdated provisions and makes grammatical changes to make provisions read more clearly.

Title 18
Amend: 1685.5
Filed 11/26/2025
Effective 01/01/2026
Agency Contact: Kim DeArte (916) 309-5227

Commission on Teacher Credentialing
File # 2025-1016-01
PK-3 ECE Specialist Instruction Credential U.S. Constitution Requirements

This regular rulemaking adds the verification of knowledge of the United States Constitution requirement as the sixth minimum requirement for applicants seeking to obtain the preliminary PK-3 Early Childhood Education (ECE) Specialist Instruction credential.

Title 05
Amend: 80067
Filed 11/26/2025
Effective 01/01/2026
Agency Contact:
Mika Laidler-Rubio (916) 327-8697

Medical Board of California
File # 2025-1015-01
Fees for Petitions for Penalty Relief

In this rulemaking action, the Board adopts a regulation to establish an initial nonrefundable fee to process a petition for modification or termination of probation, an initial nonrefundable fee to process a petition for reinstatement of a revoked or surrendered certificate, and a remaining fee required to cover reasonable costs to process and adjudicate a petition for penalty relief. The Board also amends a regulation to describe the process for filing a petition for penalty relief.

Title 16
Filed 12/01/2025
Effective 04/01/2026
Agency Contact: Kerrie Webb (916) 263-2389

Medical Board of California
File # 2025-1015-01
Fees for Petitions for Penalty Relief

In this rulemaking action, the Board adopts a regulation to establish an initial nonrefundable fee to process a petition for modification or termination of probation, an initial nonrefundable fee to process a petition for reinstatement of a revoked or surrendered certificate, and a remaining fee required to cover reasonable costs to process and adjudicate a petition for penalty relief. The Board also amends a regulation to describe the process for filing a petition for penalty relief.

Title 16
Adopt: 1352.3
Amend: 1359
Filed 12/01/2025
Effective 04/01/2026
Agency Contact: Kerrie Webb (916) 263-2389

San Francisco Bay Conservation and Development Commission
File # 2025-1014-05
Amendment of SF Waterfront Special Area Plan, a Part of SF Bay Plan

This rulemaking action pursuant to Government Code section 11354.1 by the San Francisco Bay Conservation and Development Commission amends the San Francisco Waterfront Special Area Plan to revise geographic-specific findings and policies that pertain to Fisherman’s Wharf and the Northeastern Waterfront.

Title 14
Amend: 11960
Filed 11/26/2025
Effective 11/26/2025
Agency Contact: Amanda Boyd (415) 352-3643

**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 oal.ca.gov.