
**SENATE COMMITTEE ON ENERGY, UTILITIES AND
COMMUNICATIONS**

**Senator Steven Bradford, Chair
2023 - 2024 Regular**

Bill No:	SB 394	Hearing Date:	4/18/2023
Author:	Gonzalez		
Version:	3/13/2023 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Sarah Smith		

SUBJECT: Master Plan for Healthy, Sustainable, and Climate-Resilient Schools

DIGEST: This bill requires the California Energy Commission (CEC), upon appropriation by the Legislature, to convene a group of agencies and stakeholders to develop a master plan for healthy, sustainable, and climate-resilient schools.

ANALYSIS:

Existing law:

- 1) Establishes a goal of doubling energy efficiency savings from existing building end uses by January 1, 2030. Existing law requires the CEC to establish annual targets for statewide energy efficiency savings and demand reduction to achieve this goal. (Public Resources Code §25310)
- 2) Establishes the School Energy Efficiency Stimulus Program (also known as the California Schools Healthy Air, Plumbing, and Efficiency Program – CalSHAPE), which provides grants to local educational agencies (LEAs) to fund appliance, plumbing, and HVAC upgrades at schools using ratepayer energy efficiency incentives. Existing law designates the CEC as the third-party administrator of CalSHAPE grants and sunsets the program on January 1, 2027. (Public Utilities Code §§1610 – 1618)
- 3) Established the Clean Energy Job Creation Program to and allocates Proposition 39 revenues to fund energy efficient retrofits and clean energy installations as well as related improvements and repairs that contribute to reduced operating costs and provide certain non-energy benefits, including improved health and safety conditions in public schools. The program also allocated funds to the State Energy Conservation Assistance Account Education Subaccount (ECAA-Ed) to provide LEAs with no-interest revolving loans to fund energy efficiency and renewable energy projects. (Public Resources Code §26200 et seq.)

This bill:

- 1) Requires the CEC to work with various stakeholders, including, but not limited to the California Department of Education (CDE), Division of the State Architect, Office of Public School Construction, and Natural Resources Agency to develop a master plan for healthy, sustainable, and climate-resilient schools. This bill specifies that development of this master plan must be completed by November 1, 2024, and its development will be contingent upon receipt of an appropriation by the Legislature.
- 2) Specifies groups and entities with whom state agencies must engage to develop the master plan, including, but not limited to a selection of stakeholders from different geographic locations prone to climate hazards, stakeholders from diverse demographic backgrounds, and stakeholders from communities with high populations of K-12 students that are socioeconomically disadvantaged, English learners, pupils of color, and students with disabilities.
- 3) Specifies the contents that must be included in the master plan, including, the following:
 - a) Recommendations and strategies for how to align investments in public school buildings, including any potential school bond monies and federal decarbonization funding, with state building decarbonization goals and climate adaptation needs.
 - b) An inventory of the state's existing K-12 buildings and grounds that includes a variety of features, including age and fuel source for all building systems and recommendations for systems to track and analyze inventory data for planning and investments.
 - c) An assessment of a representative sample of the state's public school buildings and grounds for emissions reductions potential, climate hazards, grid reliability, and climate adaptation potential.
 - d) Recommendations on how LEAs can leverage building decarbonization and climate resilience investments to support high-road job opportunities, including labor agreements with unionized workforces and workforce development for the local community and students.
- 4) Requires the CEC to contract with a nongovernmental entity to review research, data and coordinate the development of the master plan.

- 5) Requires the completed master plan to be published on specified public agency websites and submitted to the governor and relevant policy committees of the Legislature electronically.

Background

LEAs have diverse and unique energy and climate challenges. California's K-12 facilities include approximately 12,800 schools with more than 714 million square feet of space, making LEAs the largest category of building in the public building sector. Unlike other commercial end users, government buildings generally aren't able to use energy savings to reinvest in more capital improvements, which leads public buildings to require regular cycles of investment to update facilities and replace less efficient appliances. While some district may seek local and state bond or tax funding to make these updates, other districts may seek monies and tax incentives from the recently enacted Infrastructure Investment and Jobs Act (IIJA) and Inflation Reduction Act (IRA).

This bill seeks to establish a master plan that may help provide LEAs with guidance about the types of building decarbonization and climate resilience investments that can provide benefits for LEAs. However, the diversity of size, condition, and location of California's LEAs creates challenges for providing guidance that meaningfully addresses an LEA's needs. While some LEAs may be seeking to make major investments in fuel switching, electric vehicle (EV) charging, and on-site clean energy generation, other LEAs may need new HVAC systems and water filtration. LEAs with sufficient resources may have little difficulties in taking advantage of new funding opportunities as they arise; however, smaller LEAs and LEAs with limited support resources may require additional guidance and technical assistance to identify the best opportunities for their specific considerations and submit successful applications.

CEC has administered energy efficiency programs supporting LEAs with goals similar to the master plan required by this bill. While the CEC has not established a master plan addressing K-12 buildings' climate adaptation needs, the CEC has administered multiple programs aimed at providing incentives to improve energy efficiency, water savings, and non-energy benefits associated with clean energy and appliance installations in LEA facilities. Following the passage of Proposition 39 in 2012, the CEC administered the Clean Energy and Jobs Creation Program. Between 2013 and 2020, the CEC approved 2,108 applications from 1,739 LEAs for a total \$1.53 billion in funding. As part of the program, the CEC also approved 42 loans from the ECAA-Ed program totaling \$64.6 million. Following an extension and revision of the Proposition 39 program in 2017, the program expanded to include the School Bus Replacement Program. As part of this

program, the CEC awarded \$74.7 million for replacement electric buses and \$14.1 million for electric bus charging infrastructure.

This bill requires the master plan to include various components that are similar to the goals of the Clean Energy and Job Creation Program. For example, this bill requires the master plan to include recommendations on how schools can obtain sufficient technical assistance to leverage investments in building decarbonization and climate resilience and encourage workforce development and high-road jobs. During its administration of the Clean Energy and Job Creation Program, the CEC established the Bright Schools Program to provide \$3.3 million for technical assistance to help LEAs identify opportunities for energy savings and submit successful funding applications. As part of its administration of the School Bus Replacement Program, the CEC leveraged \$1 million in Clean Transportation Program (CTP) monies to develop and implement an automotive instructor training program for school districts to provide instruction on operating, maintaining, and managing electric buses. This training curriculum was created by a local community college and provided to school districts that received electric buses through the School Bus Replacement Program.

Bill may pose cumbersome data collection requirements on the CEC and LEAs.

This bill requires the CEC to establish an inventory of K-12 buildings and grounds, and this bill specifies a number of building features that must be included in this inventory. These features include an inventory of HVAC equipment, fuel sources, all major appliances, appliance energy ratings, and at least three years of water and energy billing information. While the CEC may have substantial information about the general building stock of K-12 facilities, it is unlikely that the CEC has the level of detail that this bill would require about all K-12 buildings, particularly historical water and energy billing information. Additionally, this bill does not specify how the CEC will collect information required for this inventory. As a result, the CEC may need LEAs to gather and report this information to the CEC to create the inventory. It is not clear that LEAs are prepared to conduct this data reporting.

Need for amendments. As currently written, this bill requires the CEC to start meetings to develop the master plan within a month of the bill's enactment, and the bill requires the CEC to complete the master plan within nine months. It may not be feasible for the CEC to complete the scope of stakeholder consultations and data analysis required by this bill within that time frame. Additionally, this bill requires the CEC to develop an inventory of all K-12 buildings and grounds in the state and an analysis of data based on specified samples of LEA buildings. These analyses appear to be duplicative and may result in overly burdensome reporting and

collection duties for the CEC and LEAs. *As a result, the author and committee may wish to amend this bill to do the following:*

- *Extend this bill's deadlines for the start of stakeholder meetings and completion of the master plan to March 2024, and March 2025 respectively.*
- *Delete the requirement that the CEC establish an inventory of K-12 buildings and instead require a representative assessment based on existing data and voluntarily reported data.*

Dual Referral. Should this bill be approved by this committee, it will be re-referred to the Senate Committee on Education.

Prior/Related Legislation

AB 841 (Ting, Chapter 372, Statutes of 2020) among other provisions, established the CalSHAPE program to provide stimulus grants to LEAs to fund appliance, plumbing, and HVAC upgrades at schools using ratepayer energy efficiency incentives. The bill also designated the CEC as the third-party administrator of the CalSHAPE program.

SB 110 (Committee on Budget, Chapter 55, Statutes of 2017) and AB 129 (Committee on Budget, Chapter 250, Statutes of 2017) among other requirements, extended the operation of the Proposition 39 program, re-appropriated funds for the purpose of the program, and revised the allocation of Proposition 39 funds for LEAs to establish a competitive grant program for the remainder of the program's operation.

AB 802 (Williams, Chapter 590, Statutes of 2015) required the CEC to establish an energy use benchmarking and public disclosure program for buildings to increase access to energy consumption information.

SB 350 (De León, Chapter 547, Statutes of 2015) the Clean Energy and Pollution Reduction Act of 2015, established new clean energy, clean air and GHG reduction goals. Specifically, the bill established a goal to double energy efficiency in existing buildings by 2030.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT:

California Federation of Teachers, Co-sponsor
California Labor for Climate Jobs, Co-sponsor

Generation Up, Co-sponsor
UndauntedK12, Co-sponsor
1000 Grandmothers for Future Generations
2035 Initiative
Alliance for a Better Community
Alliance of Nurses for Healthy Environments
American Academy of Pediatrics, California
Association for Environmental and Outdoor Education
California Climate Voters
California Green New Deal Coalition
California Nurses for Environmental Health and Justice
California State PTA
Central California Asthma Collaborative
Center for Cities and Schools, UC Berkeley
Children Now
Climate Action Campaign
Climate Action Pathways for Schools
Climate Health Now
CMTA Engineers
Collective Resilience
Education Justice Academy
Fossil Free California
Green Schools National Network
Green Schoolyards America
Greenpeace USA
Jobs With Justice San Francisco
Labor Network for Sustainability
Let's Green Ca!
Long Beach Alliance for Clean Energy
Menlo Spark
Natural Resources Defense Council
New Buildings Institute
NextGen California
Oil & Gas Action Network
Oil Change International
Our Turn
PODER
Rewiring America
Santa Clara County Office of Education
School Energy Coalition
Service Employees International Union California

Strategic Energy Innovations
Sierra Club California
State Building and Construction Trades Council of California
Ten Strands
TerraVerde Energy
The Climate Center
The Climate Reality Project, Los Angeles Chapter
The Climate Reality Project, San Fernando Valley
Tree People
UPTE-CWA 9119
Two Individuals

OPPOSITION:

Western Electrical Contractors Association

ARGUMENTS IN SUPPORT: According to the author:

California's K-12 students are served by over 1,000 school districts that utilize more than 10,000 facilities, comprising 125,000 acres of grounds, and 730 million square feet of buildings. The students who attend these schools each day are increasingly burdened by climate-related threats such as extreme heat, flooding, wildfire smoke, and other hazards that can harm their health and hinder their ability to learn. A recent report from the Legislative Analyst's Office showed that, as climate change continues to drive extreme weather events and other disruptions, students will face learning loss, food insecurity, and traumatic mental health impacts that are likely to affect their ability to learn and result in diminished academic outcomes.

While the condition of our school facilities plays an integral part in the mission of educating California's students, the State currently has no mechanism for assessing its school facilities' sustainability, and no cohesive strategy to make school buildings and grounds climate-resilient to protect the health and safety of students. It is abundantly clear that for California to meet its climate goals and ensure the educational opportunities of students there must be a comprehensive policy and implementation road map.

SB 394 will address the lack of guidance and planning around school facilities and sustainability by requiring the California Energy Commission to collaborate with various state agencies and education stakeholders to develop a Master Plan for Healthy, Sustainable, and Climate-Resilient

Schools. The Master Plan will provide the State and the public with substantive guidance to ensure California's school facilities will be resilient in the face of continuing climate change and its acute impacts on the health and wellbeing of our students. A cohesive plan will also position California to take full advantage of forthcoming grants and incentives for decarbonization and climate adaptation under the federal Infrastructure Investment and Jobs Act (IIJA) and Inflation Reduction Act.

ARGUMENTS IN OPPOSITION: The Western Electrical Contractors Association (WECA) opposes this bill because it requires the CEC to make recommendations regarding implementation of decarbonization plans using high road labor standards, including project labor agreements. In opposition, WECA states:

WECA does not oppose the Mater Plan but opposes requirements in the bill that mandate the plan includes "recommendations to ensure that local educational agencies have access to sufficient technical assistance, professional learning, training programs, and pipelines of sustainability and climate resilience personnel to implement decarbonization and adaptation plans that include high road labor standards, project labor agreements with unionized workforces..." WECA believes project labor agreements are discriminatory and increases the cost of construction.

-- END --