

# SixTen and Associates Mandate Reimbursement Services

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December 14, 2007



Paula Higashi, Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

Re: Test Claim of San Diego County Office of Education  
and the Sweetwater Union High School District  
Statutes of 2006, Chapter 704  
Williams Case Implementation II

Dear Ms. Higashi:

Enclosed is the original and seven copies of the above referenced test claim.

I have been appointed by the test claimants as their representative for this test claim. The test claimants request that all correspondence originating from your office and documents subject to service by other parties be directed to me, with a copy to:

Lora Duzyk, Assistant Superintendent Business Services  
San Diego County Office of Education  
6401 Linda Vista Road  
San Diego, CA 92111-7399

Dianne L. Russo, Chief Fiscal Officer  
Sweetwater Union High School District  
1130 Fifth Avenue  
Chula Vista, CA 91911-2896

This test claim is filed with the endorsement of the Education Mandated Cost Network, so Robert Miyashiro, EMCN Consultant, and Michael Johnston, EMCN Chair, should be included as interested parties for future correspondence. I have already provided them copies of the test claim material.

The following state agencies may have an interest in this test claim:

State Department of Education  
State Allocation Board  
Office of Public School Construction

The Commission regulations provide for an informal conference of the interested parties within thirty days. If this meeting is deemed necessary, I request that it be conducted in conjunction with a regularly scheduled Commission hearing.

Sincerely,



Keith B. Petersen

C: Lora Duzyk, Assistant Superintendent Business Services  
San Diego County Office of Education  
Dianne L. Russo, Chief Fiscal Officer  
Sweetwater Union High School District  
Robert Miyashiro, School Services of California

# COMMISSION ON STATE MANDATES TEST CLAIM FORM

(Pursuant to Government Code Section 17553)

## 1. TEST CLAIM TITLE

**Williams Case Implementation II**

Supplement to:

Williams Case Implementation (05-TC-04)

07-TC-06

For CSM Use Only

Filing Date:

**RECEIVED**

DEC 14 2007

Test Claim #:

**COMMISSION ON  
STATE MANDATES**

## 2. CLAIMANT INFORMATION

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Sweetwater Union High School District  
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1130 Fifth Avenue  
Chula Vista, CA 91911-2896  
Voice: 619-691-5550  
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E-Mail: dianne.russo@suhsd.k12.ca.us

## 3. CLAIMANT REPRESENTATIVE INFORMATION

Claimant designates the following person to act as its sole representative in this test claim. All correspondence and communications regarding this claim shall be forwarded to this representative. Any change in representation must be authorized by the claimant in writing, and sent to the Commission on State Mandates.

Keith B. Petersen  
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## 4. TEST CLAIM STATUTES OR EXECUTIVE ORDERS

### STATUTES

**Statutes of 2006, Chapter 704** (AB 607), effective January 1, 2007

### EDUCATION CODE SECTIONS

1240 1242 1242.5 17002 17592.72 35186 60119

### REGULATIONS

Title 2, Sections 1859.300 through 1859.330  
Register 2007, No. 27

### RELATED EXECUTIVE ORDERS

#### Emergency Repairs Program

- Application Submittal Requirements Checklist
- Grant Request replaces Application For Reimbursement and Expenditure Report,  
Form SAB 61-03 (revised 01/07)
- Expenditure Report  
Form SAB 61-04 (new 01/07)

#### School Facilities Needs Assessment Grant Program

- Online School Facilities Needs Assessment Submittal [Web-based] Program replaces  
Certificate of Eligibility  
Needs Assessment Report Worksheet  
Progress Report Survey

Facility Inspection Tool (FIT) (new 06/07)

Copies of all statutes and executive orders cited are attached.

Sections 5, 6, 7, and 8 are attached as follows:

- 5. Written Narrative:** pages 1 to 29
- 6. Declarations:** See Exhibit A
- 7. Documentation:** See Exhibits B to D
- 8. Claim Certification:** Located after page 29

1       **5.     WRITTEN NARRATIVE**

2       First Test Claim

3             On September 16, 2005, the San Diego County Office of Education and the  
4     Sweetwater Union High School District submitted a test claim entitled "Williams Case  
5     Implementation." By letter dated October 3, 2005, the Commission on State Mandates  
6     accepted the test claim. That test claim (05-TC-04) alleges mandated costs  
7     reimbursable by the state for school districts and county offices of education ("school  
8     districts") to implement the legislation which resulted from the settlement of the  
9     "Williams" court case.

10       Second Test Claim

11            This second test claim supplements the prior test claim for changes and  
12     additions to statutes, regulations, and executive orders. The statute, Education Code  
13     sections, Title 2 regulations, and the executive orders of the Office of Public School  
14     Construction and State Allocation Board, referenced in this test claim result in school  
15     districts and county offices of education incurring increased costs mandated by the  
16     state, as defined in Government Code Section 17514, by creating new state-mandated  
17     duties related to the uniquely governmental function of providing services to the public  
18     and these statutes apply to school districts and do not apply generally to all residents  
19     and entities in the state. County offices of education (the County Superintendent of  
20     Schools) incur costs mandated by the state in two capacities: for the required  
21     monitoring and oversight of school districts within the jurisdiction of the county offices of  
22     education which implement the *Williams* Case, as well as in their capacity as a local  
23     education agency which operates schools as a "school district."

1 **PART A. ACTIVITIES AND COSTS**

2 **SECTION 1. STATUTORY MANDATES**

3 **Statutes of 2006, Chapter 704, Assembly Bill 607**

4 Statutes of 2006, Chapter 704, Assembly Bill 607, effective January 1, 2007,  
5 2007, makes the following changes:

6 <u>Education Code Section</u>	<u>Action</u>	
7 1240	amended	
8 1242	added	
9 1242.5	added	
10 17002	amended	
11 17076.10	amended	(unrelated subject matter)
12 17592.72	amended	
13 35186	amended	
14 60119	amended	

15 and makes an appropriation therefor.

16 Legislative Digest

17 (1) Existing law requires a county superintendent of schools, among other things, to  
18 visit and examine each school in the county to observe its operation and learn of its  
19 problems. Existing law requires the county superintendent to annually present a report  
20 to the governing board of each school district under his or her jurisdiction, and to the  
21 board of supervisors of the county, describing the state of county schools ranked in

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1 deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index (API).

2 This statute:

3 Requires the county superintendent to submit the annual report in November at a  
4 regularly scheduled meeting of the governing board. The report must include certain  
5 determinations for each school including teacher misassignments and teacher  
6 vacancies. The report requires the county superintendent, or his or designee, to use a  
7 standardized template unless the superintendent already reports such information.

8 Requires, commencing with the 2006-07 fiscal year, that certain funds be  
9 appropriated pursuant to the Budget Act of 2006 to county offices of education for site  
10 visits for elementary, middle or junior, and high schools, as specified. This statute  
11 provides additional allocations to county offices of education responsible for visiting  
12 more than 150 schoolsites. The statute sets \$10,000 as the minimum amount to be  
13 allocated to county offices of education.

14 Requires the State Department of Education to review the actual costs of 2005-  
15 06 fiscal year site visits conducted. If the department determines that a county office of  
16 education did not expend the funds allocated, the amount that exceeds the amount  
17 spent shall revert to a certain fund which would be available to cover specified  
18 extraordinary costs incurred by the county offices of education. It would require the  
19 department to allocate the funds to county offices of education by June 30, 2007.

20 (3) Existing law establishes in the State Treasury the School Facilities Emergency  
21 Repair Account, administered by the State Allocation Board, for the purpose of  
22 reimbursing school districts with schools ranked in deciles 1 to 3, inclusive, on the API,

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1 as specified, for emergency facility repairs, as provided.

2 This statute requires that, commencing with the 2006-07 fiscal year, the money  
3 in the account is also available to fund grants for certain listed necessary repairs that  
4 meet specific conditions. The statute requires the board establish a process for schools  
5 to apply for the grants and provide certification of the completion of the projects. It also  
6 requires that the board post the grant application form on its Internet Web site.

7 (4) Existing law requires a school district to use its uniform complaint process to help  
8 identify and resolve any deficiencies related to instructional materials, conditions of  
9 facilities that are not maintained in a clean and safe manner or in good repair, and  
10 teacher vacancy or teacher misassignments. Existing law requires a notice to be  
11 posted in each classroom in each school in the school district notifying parents and  
12 guardians that there should be sufficient textbooks or instructional materials, that school  
13 facilities must be clean, safe, and in good repair, and that there should be no teacher  
14 vacancies or misassignments, as defined. Existing law also requires the notice to  
15 inform parents of the location to obtain a form to file a complaint in case of a shortage  
16 of textbooks. Existing law authorizes anonymous complaints. If a complainant  
17 identifies himself or herself, the complainant is entitled to a response if he or she  
18 requests one.

19 This statute requires that, if certain conditions are met, the report and response,  
20 if requested, are written in English and the primary language in which the complaint was  
21 filed, thereby establishing a state-mandated local program.

22 (6) Requires the remaining unencumbered balance of certain funds appropriated to

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1 county offices of education for certain reviews and monitoring of schools and to conduct  
2 and report on site visits, as specified, to remain available for expenditure through June  
3 30, 2008, for purposes of certain site visit reports on the state of certain schools,  
4 thereby making an appropriation.

5 Activities and Costs

6 **Education Code Section 1240, subdivision (c), paragraph (2), subparagraph (A)**

7 Education Code Section 1240 (c)(1) requires the county superintendent of  
8 schools to visit and examine each school in his or her county at reasonable intervals to  
9 observe its operation and to learn of its problems. He or she may annually present a  
10 report of the state of the schools in his or her county, and of his or her office, including  
11 but not limited to, his or her observations while visiting the schools, to the board of  
12 education and the board of supervisors of his or her county.

13 Education Code Section 1240, subdivision (c)(2)(A), required the county  
14 superintendent of schools to annually submit a report to the governing board of each  
15 school district under his or her jurisdiction, the county board of education of his or her  
16 county, and the board of supervisors of his or her county. As amended by Statutes of  
17 2006, Chapter 704, requires that for fiscal years 2004-05 to 2006-07, the report shall be  
18 submitted at a regularly scheduled November board meeting.

19 Education Code Section 1240, subdivision (c)(2)(A), required that the report  
20 must describe the state of the schools in the county or of his or her office that are  
21 ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index, as  
22 defined in subdivision (b) of Section 17592.70, of his or her observations while visiting

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1 the schools. As amended, the report must include his or her determinations for each  
2 school and the reasons for the determinations, regarding: sufficient textbooks, school  
3 facility conditions, the accuracy of data reported on the school accountability report card  
4 with respect to sufficient textbooks, and the safety, cleanliness, and adequacy of school  
5 facilities, including good repair. Also, as a condition for receipt of funds, the county  
6 superintendent, or his or her designee, shall use a standardized template to report the  
7 circumstances listed in renumbered paragraph (l) [formerly paragraph (e)] and teacher  
8 misassignments and teacher vacancies, unless the current annual report being used by  
9 the county superintendent, or his or her designee, already includes those details for  
10 each school.

**11 Education Code Section 1240, subdivision (c), paragraph (2), subparagraph (B)**

12 Education Code Section 1240, subdivision (c) (2) (B), as amended, requires  
13 commencing with the 2007-08 fiscal year, to the extent that funds are appropriated for  
14 purposes of this paragraph, the county superintendent, or his or her designee, must  
15 annually submit a report, at a regularly scheduled November board meeting, to the  
16 governing board of each school district under his or her jurisdiction, the county board of  
17 education of his or her county, and the board of supervisors of his or her county  
18 describing the state of the schools in the county or of his or her office that are ranked in  
19 deciles 1 to 3, inclusive, of the 2006 base API, pursuant to Section 52056. As a  
20 condition for the receipt of funds, the annual report must include the determinations for  
21 each school made by the county superintendent, or his or her designee, regarding the  
22 status of all of the circumstances listed in subparagraph (l) and teacher

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1 misassignments and teacher vacancies, and the county superintendent, or his or her  
2 designee, shall use a standardized template to report the circumstances listed in  
3 subparagraph (I) and teacher misassignments and teacher vacancies, unless the  
4 current annual report being used by the county superintendent, or his or her designee,  
5 already includes those details with the same level of specificity that is otherwise  
6 required by this subdivision. For purposes of this section, schools ranked in deciles 1 to  
7 3, inclusive, on the 2006 base API shall include any schools determined by the  
8 department to meet either of the following:

9 (i) The school meets all of the following criteria:

10 (I) Does not have a valid base API score for 2006.

11 (II) Is operating in fiscal year 2007-08 and was operating in fiscal year 2006-  
12 07 during the Standardized Testing and Reporting (STAR) Program  
13 testing period.

14 (III) Has a valid base API score for 2005 that was ranked in deciles 1 to 3,  
15 inclusive, in that year.

16 (ii) The school has an estimated base API score for 2006 that would be in deciles 1  
17 to 3, inclusive.

18 **Education Code Section 1240, subdivision (c), paragraph (2), subparagraph (C)**

19 Education Code Section 1240, subdivision (c) (2) (C), as amended, requires the  
20 department to estimate an API score for any school that does not have a valid base API  
21 score and was operating in fiscal 2006-07 which did not have a valid base score in  
22 fiscal year 2005, by using available testing scores and any weighting or corrective

1 factors it deems appropriate. The department shall post the API scores on its Internet  
2 Web site by May 1.

3 **Education Code Section 1240, subdivision (c), paragraph (2), subparagraph (D)**

4 Education Code Section 1240, subdivision (c) (2) (D), as amended, excludes  
5 from schools ranked in deciles 1 to 3, on the 2006 base API, schools operated by  
6 county offices of education pursuant to Educational Code Section 56140, as  
7 determined by the department.

8 **Education Code Section 1240, subdivision (c), paragraph (2), subparagraph (E)**

9 Education Code Section 1240, subdivision (c) (2) (E) (i), as amended, requires  
10 that commencing with fiscal year 2010-11 and every third year thereafter, the state  
11 superintendent must identify a list of schools ranked in deciles 1 to 3, inclusive, of the  
12 API, for which the county superintendent shall annually submit a report at a regularly  
13 scheduled November board meeting. Item (ii) requires the list of decile 1-3 schools to  
14 be based on the API for the preceding year. Item (iii) requires, as a condition for the  
15 receipt of funds, the annual report must include the determinations for each school  
16 made by the county superintendent, or his or her designee, regarding the status of all of  
17 the circumstances listed in subparagraph (I) and teacher misassignments and teacher  
18 vacancies, and the county superintendent, or his or her designee, shall use a  
19 standardized template to report the circumstances listed in subparagraph (I) and  
20 teacher misassignments and teacher vacancies, unless the current annual report being  
21 used by the county superintendent, or his or her designee, already includes those  
22 details with the same level of specificity that is otherwise required by this subdivision.

1 **Education Code Section 1240, subdivision (c), paragraph (2), subparagraph (G)**

2 Education Code Section 1240, subdivision (c) (2) (G) [previously subparagraph  
3 (D)], required the county superintendent to report the results of the visits and reviews  
4 conducted that quarter to the governing board of the school district on a quarterly basis  
5 at a regularly scheduled meeting held in accordance with public notification  
6 requirements. As amended, that report must include the determinations of the county  
7 superintendent, or his or her designee, for each school regarding the status of all of the  
8 circumstances including the sufficiency of textbooks, condition of school facilities, and  
9 the accuracy of data reported on the school accountability report card regarding the  
10 sufficiency of textbooks, and the safety, cleanliness, and adequacy of school facilities,  
11 including good repair, and teacher misassignments and teacher vacancies. If the  
12 county superintendent or his or her designee does not conduct any visits or reviews that  
13 quarter, the quarterly report shall report the fact.

14 **Education Code Section 1240, subdivision (c), paragraph (2), subparagraph (K)**

15 Education Code Section 1240, subdivision (c) (2) (K), as amended, requires that  
16 if the county superintendent determines that the condition of a school facility poses an  
17 emergency or urgent threat to the health and safety of pupils or staff or is not in good  
18 repair, the county superintendent is authorized to:

- 19 (i) Return to the school to verify repairs; or  
20 (ii) Prepare a report that identifies and documents the instances of non-  
21 compliance if the district has not provided evidence of successful repairs within  
22 30 days of the county superintendent's visit or, for major projects, has not

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1 evidenced that the repairs will be made in a timely manner. The report may be  
2 provided to the governing board of the school district, if so, it shall be presented  
3 at a regularly scheduled meeting held in accordance with public notification  
4 requirements. The county superintendent shall post the report on its Internet  
5 Web site, and the report shall be removed from the Web site when the county  
6 superintendent verifies that the repairs have been completed.

7 **Education Code Section 1240, subdivision (e)**

8 Education Code Section 1240, subdivision (e) required the county  
9 superintendent of schools, or his or her designee, to present an annual report regarding  
10 the fiscal solvency of any school district with a disapproved budget, qualified interim  
11 certification, negative interim certification, or one which is determined at any time to be  
12 in a position of fiscal uncertainty. As amended, this report must be presented on or  
13 before August 15.

14 **Education Code Section 1240, subdivision (i)**

15 Education Code Section 1240, subdivision (i), required the county  
16 superintendent to enforce the use of state textbooks and instructional materials and to  
17 specifically review compliance at decile 1-3 schools within the county superintendent's  
18 jurisdiction. Superintendents in counties with more than 200 decile 1-3 schools were  
19 allowed to utilize a combination of visits and written surveys to accomplish this duty.

20 As amended, subparagraph (3) (B), requires that if a county superintendent  
21 surveys teachers at a school where he or she has found sufficient textbooks and  
22 instructional materials for the previous two consecutive years, and determines that the

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1 school does not have sufficient textbooks or instructional materials, the county  
2 superintendent shall, within 10 business days, provide a copy to the school district of  
3 the insufficiency report.

4 Subparagraph (4) (B) required the county superintendent to provide a report to  
5 the school district if the superintendent determines that the district does not have  
6 sufficient textbooks and materials. As amended, this report must be provided within 10  
7 business days.

8 Subparagraph (4) (D) required the State Department of Education to report to  
9 the State Board of Education when a request was received from a county  
10 superintendent for the state department to purchase textbooks for a school district. As  
11 amended, the county superintendent no longer needs the consent of the state board  
12 before requesting the department to purchase the necessary instructional materials.  
13 Furthermore, the department no longer needs the state board's consent to purchase  
14 instructional materials. The department, rather than the state board, shall issue a  
15 public statement indicating that the district superintendent and the governing board of  
16 the school district failed to provide sufficient instructional materials at the first regularly  
17 scheduled meeting of the state board occurring immediately after the department  
18 receives the county superintendent's request.

19 **Education Code Section 1242**

20 Education Code Section 1242, subdivision (a), as added by Statutes of 2006,  
21 Chapter 704, requires county offices of education, commencing with the 2006-07 fiscal  
22 year, to allocate funds appropriated pursuant to Item 6110-266-0001 of Section 2.0 of

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Chapter 47 of the Statutes of 2006 (Budget Act of 2006) for site visits as follows:

- (1) Two thousand five hundred dollars (\$2,500) for each elementary school.
- (2) Three thousand five hundred dollars (\$3,500) for each middle or junior high school.
- (3) Five thousand dollars (\$5,000) for each high school.

Subdivision (b), as added, requires county offices of education to receive, in addition to the funds described in subdivision (a), additional funding for sites whose enrollment in the prior year is 20 percent greater than the average enrollment of all sites for the prior year as follows:

- (1) Two dollars and fifty cents (\$2.50) for each pupil that exceeds a total elementary school enrollment of 856 pupils.
- (2) Three dollars and fifty cents (\$3.50) for each pupil that exceeds a total middle school or junior high school enrollment of 1,427 pupils.
- (3) Five dollars (\$5.00) for each pupil that exceeds a total high school enrollment of 2,296 pupils.

Subdivision (c), as added, requires that county offices of education that are responsible for visiting more than 150 schoolsites shall receive an additional allocation of one dollar (\$1.00) per pupil for the total prior year enrollment of all sites visited.

Subdivision (d), as added, states that the minimum amount of allocation pursuant to this section to county offices of education shall be ten thousand dollars (\$10,000).

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1     **Education Code Section 1242.5**

2             Education Code Section 1242.5, as added by Statutes of 2006, Chapter 704,  
3     requires that by March 31, 2007, the Department of Education to review the actual  
4     costs of 2005-06 fiscal year site visits conducted pursuant to Section 1240. If the  
5     department determines that a county office of education did not expend the funds  
6     allocated for this purpose during the 2006-07 fiscal year, the amount that exceeds the  
7     amount spent shall revert to the extraordinary cost pool created by Chapter 710 of the  
8     Statutes of 2005, and shall be available to cover the extraordinary costs incurred by  
9     county offices of education as a result of the reviews conducted pursuant to Section  
10    1240. Based on a determination by the Department of Education jointly with the  
11    Department of Finance that it was necessary for a county office of education to incur  
12    extraordinary costs to conduct the site visits, funds in the amount necessary to cover  
13    these costs shall be allocated to the county office of education by June 30, 2007.

14    **Education Code Section 17002, subdivision (d)**

15             Education Code Section 17002 defines specific terms relating to the Leroy F.  
16    Greene State School Building Lease-Purchase Law of 1976. Subdivision (d),  
17    paragraph (1), previously defined "good repair" to mean the facility is maintained in a  
18    manner that assures that it is clean, safe, and functional as determined pursuant to an  
19    "interim" evaluation instrument as developed by the Office of Public Construction.  
20    Statutes of 2006, Chapter 704, amended the subdivision (d) (1) definition to require  
21    "good repair" to be determined pursuant to a school facility inspection and evaluation  
22    instrument developed by the Office of Public School Construction and approved by the

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1 state board, or a local evaluation instrument that meets the same criteria. In order to  
2 provide that school facilities are reviewed to be clean, safe, and functional, the school  
3 facility inspection and evaluation instrument and local evaluation instruments must at  
4 least include the following criteria:

5 (A) Gas systems and pipes appear and smell safe, functional, and free of leaks.

6 (B)(i) Mechanical systems, including heating, ventilation, and air conditioning  
7 systems, are functional and unobstructed.

8 (ii) Appear to supply adequate amount of air to all classrooms, work spaces, and  
9 facilities.

10 (iii) Maintain interior temperatures within normally acceptable ranges.

11 (C) Doors and windows are intact, functional and open, close, and lock as  
12 designed, unless there is a valid reason they should not function as designed.

13 (D) Fences, and gates are intact, functional, and free of holes and other  
14 conditions that could present a safety hazard to pupils, staff, or others. Locks and other  
15 security hardware function as designed.

16 (E) Interior surfaces, including walls, floors, and ceilings, are free of safety  
17 hazards from tears, holes, missing floor and ceiling tiles, torn carpet, water damage, or  
18 other cause. Ceiling tiles are intact. Surfaces display no evidence of mold or mildew.

19 (F) Hazardous and flammable materials are stored properly. No evidence of  
20 peeling, chipping, or cracking paint is apparent. No indicators of mold, mildew, or  
21 asbestos exposure are evident. There is no apparent evidence of hazardous materials  
22 that may pose a threat to the health and safety of pupils or staff.

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1 (G) Structures, including posts, beams, supports for portable classrooms and  
2 ramps, and other structural building members appear intact, secure, and functional as  
3 designed. Ceilings and floors are not sloping or sagging beyond their intended design.  
4 There is no visible evidence of severe cracks, dry rot, mold, or damage that undermines  
5 structural components.

6 (H) Fire sprinklers, fire extinguishers, emergency alarm systems, and all  
7 emergency equipment and systems appear to be functioning properly. Fire alarm and  
8 pull stations are clearly visible. Fire extinguishers are current and placed in all required  
9 areas, including every classroom and assembly area. Emergency exits are clearly  
10 marked and unobstructed.

11 (I) Electrical systems, components, and equipment, including switches, junction  
12 boxes, panels, wiring, outlets, and light fixtures, are securely enclosed, properly  
13 covered and guarded from pupil access, and appear to be working properly.

14 (J) Lighting appears to be adequate and working properly. Lights do not flicker,  
15 dim, or malfunction, and there is no unusual hum or noise from light fixtures. Exterior  
16 lights onsite appear to be working properly.

17 (K) No visible or odorous indicators of pest or vermin infestation are evident.

18 (L) Interior and exterior drinking fountains are functional, accessible, and free of  
19 leaks. Drinking fountain water pressure is adequate. Fountain water is clear and  
20 without unusual taste or odor, and moss, mold, or excessive staining is not evident.

21 (M)(i) Restrooms and restroom fixtures are functional.

22 (ii) Appear to be maintained and stocked with supplies regularly.

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1 (iii) Appear to be accessible to pupils during the schoolday.

2 (iv) Appear to be in compliance with Section 35292.5, relating to cleanliness and  
3 maintenance of restrooms.

4 (N) The sanitary sewer system controls odor as designed, displays no signs of  
5 stoppage, backup, or flooding, in the facilities or on school grounds, and appears to be  
6 functioning properly.

7 (O) Roofs, gutters, roof drains, and downspouts appear to be functioning  
8 properly and are free of visible damage and evidence of disrepair when observed from  
9 the ground inside and outside of the building.

10 (P) The school grounds do not exhibit signs of drainage problems, such as  
11 visible evidence of flooded areas, eroded soil, water damage to asphalt playgrounds or  
12 parking areas, or clogged storm drain inlets.

13 (Q) Playground equipment and exterior fixtures, seating, tables, and equipment  
14 are functional and free of significant cracks, trip hazards, holes, deterioration that  
15 affects functionality or safety, and other health and safety hazards.

16 (R) School grounds, fields, walkways, and parking lot surfaces are free of  
17 significant cracks, trip hazards, holes, deterioration that affects functionality or safety,  
18 and other health and safety hazards.

19 (S) Overall cleanliness of the school grounds, buildings, common areas, and  
20 individual rooms demonstrates that all areas appear to have been cleaned regularly,  
21 and are free of accumulated refuse and unabated graffiti. Restrooms, drinking  
22 fountains, and food preparation or serving areas appear to have been cleaned each

1 day that the school is in session.

2 Section 17002, subdivision (d), paragraph (2), subparagraph (A), as amended,  
3 requires that by January 1, 2007, the Office of Public School Construction must develop  
4 the school facility inspection and evaluation instrument and instructions for users. The  
5 school facility inspection and evaluation instrument and local evaluation instruments  
6 that meet the minimum criteria of this subdivision shall include a "good, fair," or "poor"  
7 rating as developed by Office of Public School Construction, and an overall summary of  
8 each school's conditions on a scale of "exemplary," "good, fair," or "poor."

9 Section 17002, subdivision (d), paragraph (2), subparagraph (B), as amended,  
10 requires that by July 1, 2007, the Office of Public School Construction in consultation  
11 with county offices of education, shall define objective criteria for determining the  
12 overall summary of the conditions of schools.

13 Section 17002, subdivision (d), paragraph (2), subparagraph (C), as amended,  
14 defines "users" as local educational agencies participating in either the Leroy F. Greene  
15 State School-building Lease Purchase Law of 1975, the Leroy F. Greene School  
16 Facilities Act of 1998, or the District Deferred Maintenance Fund.

17 **Education Code Section 17592.72**

18 Education Code Section 17592.72 determines the allocation of the School  
19 Facilities Emergency Repair Account. Subdivision (a), paragraph (1), as amended,  
20 establishes the API base for FY 2005-06 funds. Subdivision (a), paragraph (2), as  
21 amended, establishes the API base for FY 2006-07 funds, and requires the State  
22 Allocation Board to establish a grant application process and to post the grant

1 application form on its Internet Web site. Subdivision (a), paragraph (3), as amended,  
2 states that for subsequent fiscal years, schools shall be eligible for funding based on  
3 the Academic Performance Index scores as specified in paragraph (2) of subdivision (c)  
4 of Section 1240.

5 **Education Code Section 35186**

6 Education Code Section 35186, subdivision (a), requires school districts to utilize  
7 the uniform complaint process provided for by Title 5, California Code of Regulations,  
8 Chapter 5.1, commencing with Section 4600. Subdivision (a), paragraph (1), as  
9 amended, requires school districts to write the report in English, and, when requested,  
10 in the primary language in which the complaint was filed, when 15% or more of students  
11 do not have English as their primary language as determined by Education Code  
12 Section 48985.

13 Subdivision (e), paragraph (3), as amended, includes violations relating to public  
14 and private school restrooms and their cleanliness, as stated under Education Code  
15 Section 35292.5.

16 **Education Code Section 60119**

17 Education Code Section 60119, subdivision (a), paragraph (1), subparagraph  
18 (A), requires the school district governing board to conduct a public hearing regarding  
19 its determination of whether there are sufficient textbooks and instructional materials for  
20 each school in the district. Paragraph (2), subparagraph (A), as amended, requires the  
21 governing board resolution for each school in which an insufficiency exists report the  
22 percentage of pupils who lack sufficient standards-aligned textbooks or instructional

1 materials in each subject area and the reasons that each pupil does not have sufficient  
2 textbooks and instructional materials.

3 **SECTION 2. REGULATORY MANDATES**

4 Regulations

5 Title 2, Sections 1859.300 through 1859.330 Register 2007, No. 27

6 The State Allocation Board adopted Title 2 regulations (Register 2005, No. 45)  
7 on November 7, 2005, which certified emergency regulations (Register 2005, No. 22)  
8 adopted May 31, 2005, which were the subject of the first test claim. These regulations  
9 are located at Title 2, Sections 1859.300 through 1859.330, and are titled "School  
10 Facilities Needs Assessment and Emergency Repair Program."

11 Since then, the Board has adopted additional emergency regulations (Register  
12 2007, No. 27) operative July 2, 2007, to implement the facilities portion of Statutes of  
13 2007, Chapter 704. A Certificate of Compliance must be transmitted to the Office of  
14 Administrative Law by December 31, 2007, by the Board to adopt the emergency  
15 regulations as permanent regulations.

16 Executive Orders

17 Emergency Repairs Program:

18 *-Application Submittal Requirements Checklist*

19 *-Grant Request replaces Application For Reimbursement and Expenditure Report,*

20 Form SAB 61-03 (revised 01/07)

21 *-Expenditure Report*

22 Form SAB 61-04 (new 01/07)

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4

1 School Facilities Needs Assessment Grant Program:

2 *-Online School Facilities Needs Assessment Submittal [Web-based] Program replaces*

3 *Certificate of Eligibility*

4 *Needs Assessment Report Worksheet*

5 *Progress Report Survey*

6 *Facility Inspection Tool (FIT) (new 06/07)*

7 Activities and Costs

8 Section 1859.302, as amended by the 2007 Register, Number 27, operative July  
9 2, 2007, as an emergency regulation, relating to School Facilities Emergency Repair  
10 Account, adds a reference to SAB Form 61-03 and adds a new definition for "grants."

11 Section 1859.318, as amended, replaces "reimbursement" with "funding"  
12 pursuant to Chapter 704, Statutes of 2006, which changes the program to a grant  
13 program, and adds Education Code Section 17592.72 as a reference.

14 Section 1859.320, as amended, adds a reference to SAB Form 61-03 and  
15 clarifies the use of this form.

16 Section 1859.321, as amended, adds at subdivision (b) a reference to SAB Form  
17 61-03 and to Education Code Section 17592.72.

18 Section 1859.322, as amended, adds a reference to SAB Form 61-04,  
19 substitutes grant language for previous reimbursement language, establishes a new  
20 project funding priority, and requires local special reserve funds used for repairs to be  
21 reimbursed by the grant funds.

22 Section 1859.323, as amended, additionally requires that to be eligible for grant

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1 funding consideration, the total project cost request on the Form SAB 61-03 must be  
2 \$5,000 or higher, unless the LEA can justify its request for a lesser amount and adds  
3 application documentation preparation and submittal costs, if any, as permissible costs  
4 under Regulation Section 1859.323.2 (j).

5 Section 1859.323.1, as amended, adds grant funding language and clarifies the  
6 technical requirements for determination of replacement costs.

7 Section 1859.323.2, as amended, limits application costs reimbursement to no  
8 more than two percent of the total project costs or \$5,000, whichever is less.

9 Section 1859.324, as amended, adds grant funding language and changes the  
10 API references.

11 New Section 1859.324.1, as added, states that after review of a LEA's submitted  
12 Form SAB-61-04, projects that require a Grant Adjustment will be presented to the  
13 Board for approval and necessary determinations will be made.

14 Section 1859.326, as amended, regarding the audit of project costs, adds  
15 references to the amended regulations regarding return of funds and other technical  
16 corrections.

17 Section 1859.328, as amended, adds a reference to the new mandatory SAB  
18 Form 61-04.

19 Section 1859.329, as amended, adds grant funding language and provisions for  
20 grant adjustments.

21 New Section 1859.330, as added, requires emergency repairs to be completed  
22 within 12 months without State Architect approval and 18 months when State Architect

1 approval is required.

2 **PART B. COST ESTIMATES**

3 **SECTION 1. TEST CLAIMANTS' COST ESTIMATE**

4 The actual and/or estimated costs resulting from the mandate exceeds one  
5 thousand dollars (\$1,000) for San Diego County Office of Education and exceeds one  
6 thousand dollars (\$1,000) for the Sweetwater Union High School District. See the  
7 Declarations in Exhibit A.

8 **SECTION 2. STATEWIDE COST ESTIMATE**

9 The statewide cost estimate for this test claim relies upon the FY 2004-05 data  
10 collected for the original Williams Case Implementation (WCI-1) test claim (05-TC-04)  
11 for the extrapolation of the estimated FY 2007-08 costs of this test claim. The WCI-I  
12 statewide cost estimate was based on voluntary responses to a survey questionnaire  
13 prepared by the test claimants. The responses from school districts represented about  
14 10% of the Williams Decile 1-3 enrollment. The responses from county offices of  
15 education represented about 23% of the Williams Decile 1-3 enrollment. The  
16 responses were extrapolated based on the ratio of the survey statistics to total  
17 statewide statistics.

18 **School Districts (K-12)**

19 The FY 2007-08 statewide cost extrapolation for school districts for this test  
20 claim is based on the FY 2007-08 estimated cost for the Sweetwater Union High School  
21 District to implement the mandated activities, divided by the percentage that the

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Sweetwater Union High School District's estimated FY 2004-05 WCI-I Implementation costs represented to the total FY 2004-05 amounts reported by the WCI-I survey, divided by the percentage of school districts responding to the WCI-I survey.

05-TC-04 Williams Case Implementation

K-12 School District Survey Costs Reported for FY 2004-05

<u>Activity</u>	<u>Total</u>	<u>Sweetwater</u>
1 Preparing to Implement Mandate-Ongoing	\$132,310	\$21,367
2 Facilities Inspection: One-time	96,938	1,339
3 Instructional Materials-Annual	138,890	14,182
4 Teacher Assignments-Ongoing	84,160	8,828
5 SARC-One-time	109,270	no data
6 Uniform Complaint Procedure-Ongoing	61,460	2,605
7 Financial and Compliance Audits-Ongoing	10,710	513
8 School Facility Needs Assessment-One-time	63,510	no data
9A Preparing for COE Reviews-Annual	107,820	9,881
9B Participating in the COE Reviews-Annual	39,900	1,625
9C Remediation after COE Reviews-Annual	<u>62,710</u>	<u>0</u>
Statewide Totals (K-12)	\$907,678	\$60,340

A. The WCI-I total reported survey costs for school districts for FY 2004-05 were \$907,678. The estimated amount reported by the test claimant Sweetwater Union High School District for FY 2004-05 was \$60,340. Therefore, the Sweetwater Union High School District survey costs represent about 7% of the

704/06 Williams Case Implementation II Test Claim

1 statewide survey costs (\$60,340 divided by \$907,678 = 6.65%, rounded to 7%).

2 B. The estimated costs for the Sweetwater Union High School District for this test  
3 claim for FY 2007-08 are \$10,750 (see the declaration attached as Exhibit "A").

4 The imputed total statewide survey costs for FY 2007-08 would then be  
5 \$153,500 (\$10,750 divided by 7%=\$153,571, rounded to \$153,500).

6 C. The number of school districts responding to the WCI-I test claim represented  
7 about 10% of the county offices. The extrapolated statewide costs for FY 2007-  
8 08 would then be \$1,535,000 (\$153,500 divided 10%=\$1,535,000).

9 **County Offices of Education**

10 The FY 2007-08 statewide cost extrapolation for county offices of education for  
11 this test claim is based on the FY 2007-08 estimated cost for the San Diego County  
12 Office of Education to implement the mandated activities, divided by the percentage  
13 that the San Diego County Office of Education's estimated FY 2004-05 WCI-I  
14 Implementation costs represented to the total FY 2004-05 amounts reported by the  
15 WCI-I survey, divided by the percentage of county offices of education responding to  
16 the WCI-I survey.

17 05-TC-04 Williams Case Implementation

18 County Office Survey Costs Reported for FY 2004-05

19	<u>Activity</u>	<u>Total</u>	<u>San Diego COE</u>
20	1 Preparing to Implement Mandate-Ongoing	\$184,029	\$82,100
21	2 Teacher Assignments-Ongoing	94,070	8,600
22	3 Uniform Complaint Procedure-Ongoing	12,010	700

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1	4	Financial and Compliance Audits-Ongoing	4,640	no data
2	5A	Preparing for Onsite Visits-Annual	206,820	25,500
3	5B	Conducting the Onsite Visit-Annual	305,160	52,900
4	5C	Reports and Monitoring-Annual	<u>121,160</u>	<u>15,200</u>
5		Statewide Totals (COE)	\$927,889	\$185,000

6 A. The WCI-I total reported survey costs for county offices of education (COE) for  
 7 FY 2004-05 were \$927,889. The estimated amount reported by the test claimant  
 8 San Diego County Office of Education for FY 2004-05 was \$185,000. Therefore,  
 9 the San Diego County Office of Education survey costs represent about 20% of  
 10 the statewide survey costs (\$185,000 divided by \$927,889=19.93%, rounded to  
 11 20%).

12 B. The estimated costs for the San Diego County Office of Education for this test  
 13 claim for FY 2007-08 are \$18,100 (see the declaration attached as Exhibit "A").  
 14 The imputed total statewide survey costs for FY 2007-08 would then be \$90,500  
 15 (\$18,100 divided by 20%=\$90,500).

16 C. The number of county offices of education responding to the WCI-I test claim  
 17 represented about 23% of the county offices. The extrapolated statewide costs  
 18 for FY 2007-08 would then be \$393,500 (\$90,500 divided by 23%=\$393,478,  
 19 rounded to \$393,500).

**Extrapolated Statewide Costs**

21		<u>FY2007-08</u>
22	K-12 School Districts	\$1,535,000
23	County Offices of Education	<u>\$ 393,500</u>
24		\$1,928,500

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1 Subsequent fiscal year costs are anticipated to be the same.

2 **PART C. FUNDING SOURCES**

3 1. State Funds

4 A. Section 2 of Statutes of 2006, Chapter 704: Adds Education Code Section 1242,  
5 which at subdivision (a), amends Item 6110-266-0001 of Section 2.0 of Chapter 47 of  
6 the Statutes of 2006, to establish a specific allocation schedule for the county office of  
7 education site visits pursuant to Sections 1240 and 52056 of the Education Code, as  
8 previously described above. However, none of these funds have been specifically  
9 identified as applicable to the increased activities required by Statutes of 2006, Chapter  
10 704.

11 B. Section 6 of Statutes of 2006, Chapter 704: Statutes of 2004, Chapter 899  
12 appropriated funds to State Department of Education for transfer to the State Allocation  
13 Board for grants to school districts under the School Facilities Needs Assessment Grant  
14 Program and the School Facilities Emergency Repair Account. Education Code  
15 Section 17592.72, as amended by Statutes of 2006, Chapter 704, Section 6, states that  
16 all monies in the School Facilities Emergency Repair Account continue to be available  
17 for reimbursement to schools in deciles 1 to 3. Statutes of 2007, Chapter 171, the FY  
18 2007-08 State Budget Bill, appropriates at item 6110-485-001 the sum of \$100 million  
19 for the School Facilities Emergency Repair Account. However, none of these funds  
20 have been specifically identified as applicable to the increased activities required by  
21 Statutes of 2006, Chapter 704.

22 C. Section 9 of Statutes of 2006, Chapter 704: Statutes of 2004, Chapter 900,

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1 appropriated \$15,000,000 for allocation to county offices of education for review and  
2 monitoring of schools. Statutes of 2006, Chapter 704, Section 9, states that the  
3 remaining unencumbered balance of these funds shall remain available for expenditure  
4 through June 30, 2008. However, none of these funds have been specifically identified  
5 as applicable to the increased activities required by Statutes of 2006, Chapter 704.  
6 purpose of the school facility inspections conducted by county offices of education.

7 2. Federal Funds

8 There are no funds specifically appropriated for the implementation of the mandate.

9 3. Non-local Agency Funds

10 There are no funds specifically appropriated for the implementation of the mandate.

11 4. Local Agency General Purpose Funds

12 There are no funds specifically appropriated for the implementation of the mandate.

13 5. Fee authority to offset costs

14 There is no fee authority for the implementation of the mandate.

15 **PART D. RELEVANT MANDATE DETERMINATIONS**

16 The test claim legislation includes activities which are the subject matter of other  
17 test claims in process:

18 02-TC-30 School Facilities Funding Requirements

19 03-TC-02 Uniform Complaint Procedures

20 03-TC-07 Instructional Materials Adoption

21 03-TC-09 Teacher Credentialing

22 04-TC-01 Clean School Restrooms

1 05-TC-04 Williams Case Implementation

2 **6. DECLARATIONS**

3 Attached as Exhibit "A"

4 **7. DOCUMENTATION**

5 Exhibit A Declarations:

6 -Charmaine Lawson, Coordinator, District and School Improvement,  
7 Williams Settlement Coordination, San Diego County Office of Education

8 -Declaration of Karen Janney, Assistant Superintendent, Academic  
9 Growth and Development, Sweetwater Union High School District

10 Exhibit B Statutes of 2006, Chapter 704 (AB 607)

11 Exhibit C Regulations:

12 Title 2, CCR, Sections 1859.300-1859.330

13 Exhibit D Executive Orders

14 Emergency Repairs Program:

15 -*Application Submittal Requirements Checklist*

16 -*Grant Request replaces Application For Reimbursement and*  
17 *Expenditure Report, Form SAB 61-03 (revised 01/07)*

18 -*Expenditure Report, Form SAB 61-04 (new 01/07)*

19 School Facilities Needs Assessment Grant Program:

20 -*Online School Facilities Needs Assessment Submittal [Web-based]*

21 *Program replaces:*

704/06 Williams Case Implementation II Test Claim

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- 1                    *Certificate of Eligibility*
- 2                    *Needs Assessment Report Worksheet*
- 3                    *Progress Report Survey*
- 4                    *Facility Inspection Tool (FIT) (new 06/07)*
- 5            /
- 6            /
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# COMMISSION ON STATE MANDATES TEST CLAIM FORM

(Pursuant to Government Code Section 17553)

## 8. CLAIM CERTIFICATION

This test claim alleges the existence of a reimbursable state-mandated program within the meaning of Article XIII B, section 6 of the California Constitution and Government Code section 17514. I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this test claim submission is true and correct to the best of my own knowledge or information or belief.



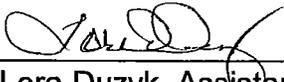
\_\_\_\_\_  
Lora Duzyk, Assistant Superintendent Business Services  
San Diego County Office of Education

12/11/07

\_\_\_\_\_  
Date

## APPOINTMENT OF REPRESENTATIVE

The San Diego County Office of Education appoints Keith B. Petersen, SixTen and Associates, as its representative for this test claim.



\_\_\_\_\_  
Lora Duzyk, Assistant Superintendent Business Services  
San Diego County Office of Education

12/11/07

\_\_\_\_\_  
Date

# COMMISSION ON STATE MANDATES TEST CLAIM FORM

(Pursuant to Government Code Section 17553)

## 8. CLAIM CERTIFICATION

This test claim alleges the existence of a reimbursable state-mandated program within the meaning of Article XIII B, section 6 of the California Constitution and Government Code section 17514. I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this test claim submission is true and correct to the best of my own knowledge or information or belief.

*Dianne Russo*

Dianne L. Russo, Chief Fiscal Officer  
Sweetwater Union High School District

12-11-07

Date

## APPOINTMENT OF REPRESENTATIVE

The Sweetwater Union High School District appoints Keith B. Petersen, SixTen and Associates, as its representative for this test claim.

*Dianne Russo*

Dianne L. Russo, Chief Fiscal Officer  
Sweetwater Union High School District

12-11-07

Date

Test Claim of San Diego County Office of Education and Sweetwater Union High School District  
WILLIAMS CASE IMPLEMENTATION II

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<u>Document</u>	<u>Pages</u>	<u>Total Pages</u>
Declaration of Charmaine Lawson, Coordinator District and School Improvement Williams Settlement Coordination San Diego County Office of Education	1-13	13
Declaration of Karen Janney, Assistant Superintendent Academic Growth and Development Sweetwater Union High School District	1-15	15



Test Claim of San Diego COE and Sweetwater UHSD.  
704/06 Williams Case Implementation  
Declaration of Charmaine Lawson, San Diego County Office of Education

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1  
2 I, Charmaine Lawson, Coordinator, District and School Improvement, Williams  
3 Settlement Coordination, San Diego County Office of Education, make the following  
4 declaration and statement.

5 In my capacity as Coordinator, District and School Improvement, Williams  
6 Settlement Coordination, I am the administrative official responsible for the  
7 implementation of the Williams Case mandate legislation by the San Diego County  
8 Office of Education. I am familiar with the provisions and requirements of the Statutes,  
9 Education Code, and Title 2 Sections enumerated above. These new laws and  
10 regulations result in increased costs to, and a new level of service for, the San Diego  
11 County Office of Education for the required monitoring and oversight of school districts  
12 within the jurisdiction of the San Diego County Office of Education which implement the  
13 Williams Case legislation, as well as increased costs to, and a new level of service for,  
14 the San Diego County Office of Education in its capacity as a local education agency  
15 which operates schools as a "school district." This declaration is limited to the new  
16 activities and costs required for monitoring and oversight of the school districts within  
17 the jurisdiction of the San Diego County Office of Education. The Sweetwater Union  
18 High School District declaration includes the activities required of a local education  
19 agency which operates schools.

20 /

21 /

1     **PART 1.     NEW PROGRAM AND INCREASED LEVEL OF SERVICES**

2             The new Williams Case mandate legislation results in increased direct and  
3 indirect costs of labor, materials and supplies, data processing services and software,  
4 contracted services and consultants, equipment and capital assets, and staff training  
5 and travel, to implement the following activities:

6     **Education Code Section 1240, subdivision (c), paragraph (2), subparagraph (A)**

7             Education Code Section 1240 (c)(1) required the county superintendent of  
8 schools to visit and examine each school within its jurisdiction at reasonable intervals to  
9 observe its operation and to learn of its problems. The county superintendent may  
10 annually present a report of the state of the schools in his or her county, and of his or  
11 her office, including but not limited to, his or her observations while visiting the schools,  
12 to the board of education and the board of supervisors of his or her county.

13             Education Code Section 1240, subdivision (c)(2)(A), required the county  
14 superintendent of schools to annually submit a report to the governing board of each  
15 school district under his or her jurisdiction, the county board of education of his or her  
16 county, and the board of supervisors of his or her county. As amended by Statutes of  
17 2006, Chapter 704, for fiscal years 2004-05 to 2006-07, the report shall be submitted at  
18 a regularly scheduled November board meeting.

19             Education Code Section 1240, subdivision (c)(2)(A), required that the report  
20 must describe the state of the schools in the county or of his or her office that are

Test Claim of San Diego COE and Sweetwater UHSD.  
704/06 Williams Case Implementation  
Declaration of Charmaine Lawson, San Diego County Office of Education

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1 ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index, as  
2 defined in subdivision (b) of Section 17592.70, of his or her observations while visiting  
3 the schools. As amended, the report must include his or her determinations for each  
4 school and the reasons for the determinations, regarding: sufficient textbooks, school  
5 facility conditions, the accuracy of data reported on the school accountability report card  
6 with respect to sufficient textbooks, and the safety, cleanliness, and adequacy of school  
7 facilities, including good repair. Also, as a condition for receipt of funds, the county  
8 superintendent, or his or her designee, shall use a standardized template to report the  
9 circumstances listed in renumbered paragraph (l) [formerly paragraph (e)] and teacher  
10 misassignments and teacher vacancies, unless the current annual report being used by  
11 the county superintendent, or his or her designee, already includes those details for  
12 each school.

13 **Education Code Section 1240, subdivision (c), paragraph (2), subparagraph (B)**

14 Education Code Section 1240, subdivision (c) (2) (B), as amended, requires  
15 commencing with the 2007-08 fiscal year, to the extent that funds are appropriated for  
16 purposes of this paragraph, the county superintendent, or his or her designee, must  
17 annually submit a report, at a regularly scheduled November board meeting, to the  
18 governing board of each school district under his or her jurisdiction, the county board of  
19 education of his or her county, and the board of supervisors of his or her county  
20 describing the state of the schools in the county or of his or her office that are ranked in

Test Claim of San Diego COE and Sweetwater UHSD.  
704/06 Williams Case Implementation  
Declaration of Charmaine Lawson, San Diego County Office of Education

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1 deciles 1 to 3, inclusive, of the 2006 base API, pursuant to Section 52056. As a  
2 condition for the receipt of funds, the annual report must include the determinations for  
3 each school made by the county superintendent, or his or her designee, regarding the  
4 status of all of the circumstances listed in subparagraph (I) and teacher  
5 misassignments and teacher vacancies, and the county superintendent, or his or her  
6 designee, shall use a standardized template to report the circumstances listed in  
7 subparagraph (I) and teacher misassignments and teacher vacancies, unless the  
8 current annual report being used by the county superintendent, or his or her designee,  
9 already includes those details with the same level of specificity that is otherwise  
10 required by this subdivision.

11 **Education Code Section 1240, subdivision (c), paragraph (2), subparagraph (D)**

12 Education Code Section 1240, subdivision (c) (2) (D), as amended, excludes  
13 from schools ranked in deciles 1 to 3, on the 2006 base API, schools operated by  
14 county offices of education pursuant to Educational Code Section 56140, as  
15 determined by the department.

16 **Education Code Section 1240, subdivision (c), paragraph (2), subparagraph (E)**

17 Education Code Section 1240, subdivision (c) (2) (E) (i), as amended, requires  
18 that commencing with fiscal year 2010-11 and every third year thereafter, the state  
19 superintendent must identify a list of schools ranked in deciles 1 to 3, inclusive, of the  
20 API, for which the county superintendent shall annually submit a report at a regularly

1 scheduled November board meeting. Item (ii) requires the list of decile 1-3 schools to  
2 be based on the API for the preceding year. Item (iii) requires, as a condition for the  
3 receipt of funds, the annual report must include the determinations for each school  
4 made by the county superintendent, or his or her designee, regarding the status of all of  
5 the circumstances listed in subparagraph (I) and teacher misassignments and teacher  
6 vacancies, and the county superintendent, or his or her designee, shall use a  
7 standardized template to report the circumstances listed in subparagraph (I) and  
8 teacher misassignments and teacher vacancies, unless the current annual report being  
9 used by the county superintendent, or his or her designee, already includes those  
10 details with the same level of specificity that is otherwise required by this subdivision.

11 **Education Code Section 1240, subdivision (c), paragraph (2), subparagraph (G)**

12 Education Code Section 1240, subdivision (c) (2) (G) [previously subparagraph  
13 (D)], required the county superintendent to report the results of the visits and reviews  
14 conducted that quarter to the governing board of the school district on a quarterly basis  
15 at a regularly scheduled meeting held in accordance with public notification  
16 requirements. As amended, that report must include the determinations of the county  
17 superintendent, or his or her designee, for each school regarding the status of all of the  
18 circumstances including the sufficiency of textbooks, condition of school facilities, and  
19 the accuracy of data reported on the school accountability report card regarding the  
20 sufficiency of textbooks, and the safety, cleanliness, and adequacy of school facilities,

1 including good repair, and teacher misassignments and teacher vacancies. If the  
2 county superintendent or his or her designee does not conduct any visits or reviews that  
3 quarter, the quarterly report shall report the fact.

4 **Education Code Section 1240, subdivision (c), paragraph (2), subparagraph (K)**

5 Education Code Section 1240, subdivision (c) (2) (K), as amended, requires that  
6 if the county superintendent determines that the condition of a school facility poses an  
7 emergency or urgent threat to the health and safety of pupils or staff or is not in good  
8 repair, the county superintendent is authorized to:

9 (i) Return to the school to verify repairs; or

10 (ii) Prepare a report that identifies and documents the instances of non-  
11 compliance if the district has not provided evidence of successful repairs within  
12 30 days of the county superintendent's visit or, for major projects, has not  
13 evidenced that the repairs will be made in a timely manner. The report may be  
14 provided to the governing board of the school district, if so, it shall be presented  
15 at a regularly scheduled meeting held in accordance with public notification  
16 requirements. The county superintendent shall post the report on its Internet  
17 Web site, and the report shall be removed from the Web site when the county  
18 superintendent verifies that the repairs have been completed.

19 **Education Code Section 1240, subdivision (i)**

20 Education Code Section 1240, subdivision (i), required the county

Test Claim of San Diego COE and Sweetwater UHSD.  
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Declaration of Charmaine Lawson, San Diego County Office of Education

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1 superintendent to enforce the use of state textbooks and instructional materials and to  
2 specifically review compliance at decile 1-3 schools within the county superintendent's  
3 jurisdiction. Superintendents in counties with more than 200 decile 1-3 schools were  
4 allowed to utilize a combination of visits and written surveys to accomplish this duty.

5 As amended, subparagraph (3) (B), requires that if a county superintendent  
6 surveys teachers at a school where he or she has found sufficient textbooks and  
7 instructional materials for the previous two consecutive years, and determines that the  
8 school does not have sufficient textbooks or instructional materials, the county  
9 superintendent shall within 10 business days provide a copy of the insufficiency report  
10 to the district.

11 Subparagraph (4) (B) required the county superintendent to provide a report to  
12 the school district if the superintendent determines that the district does not have  
13 sufficient textbooks and materials. As amended, this report must be provided within 10  
14 business days.

15 **Education Code Section 17002, subdivision (d)**

16 Education Code Section 17002 defines specific terms relating to the Leroy F.  
17 Greene State School Building Lease-Purchase Law of 1976. Subdivision (d),  
18 paragraph (1), previously defined "good repair" to mean the facility is maintained in a  
19 manner that assures that it is clean, safe, and functional as determined pursuant to an  
20 "interim" evaluation instrument as developed by the Office of Public Construction.

1 Statutes of 2006, Chapter 704, amended the subdivision (d) (1) definition to require  
2 "good repair" to be determined pursuant to a school facility inspection and evaluation  
3 instrument developed by the Office of Public School Construction and approved by the  
4 state board, or a local evaluation instrument that meets the same criteria. In order to  
5 provide that school facilities are reviewed to be clean, safe, and functional, the school  
6 facility inspection and evaluation instrument and local evaluation instruments must  
7 comply with the new definition and SAB forms the Office of Public School Construction  
8 must develop by July 1, 2007.

9 **PART 2. COST TO IMPLEMENT THE MANDATE**

10 The actual and/or estimated costs resulting from the mandate exceed one  
11 thousand dollars (\$1,000) for the San Diego County Office of Education.

12 1. **IMPLEMENTING MANDATE AMENDMENTS**

13 Policies, Procedures, Planning, Training: Staff time amending previous policies and  
14 procedures to incorporate changes made to program and forms and training school  
15 district and county office staff to implement the mandate.

16 Estimated Costs July 2007 through June 2008 \$8,700

17 2. **COUNTY OFFICE INSPECTIONS OF WILLIAMS DECILES 1-3 SCHOOLS**

18 A. School Site Inspection Reports: Staff time to include in the school field inspection  
19 report to the school district governing boards, pursuant to Section 1240 (c)(2)(A), the  
20 determinations inspections [stated in renumbered paragraph (l), formerly paragraph (e)]

Test Claim of San Diego COE and Sweetwater UHSD.  
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1 for each school and the reasons for the determinations, regarding: sufficient textbooks,  
2 school facility conditions, the accuracy of data reported on the school accountability  
3 report card with respect to sufficient textbooks, and the safety, cleanliness, and  
4 adequacy of school facilities, including good repair.

5 Estimated Costs July 2007 through June 2008 \$800

6 B. Standard Reporting Forms: Staff time to utilize, pursuant to Section 1240  
7 (c)(2)(A), as a condition for receipt of funds, the standardized template and SAB forms  
8 to report the circumstances listed from the schoolsite inspections [renumbered  
9 paragraph (l), formerly paragraph (e)] and teacher misassignments and teacher  
10 vacancies.

11 Estimated Costs July 2007 through June 2008 \$4,600

12 C. Compliance Verification and Reporting: Where the school site inspection  
13 indicates that the condition of the school facility poses an emergency or urgent threat to  
14 health and safety or is not in "good repair" as defined by Section 17002, the staff time  
15 to, pursuant to Section 1240 (k), to:

16 (i) Return to the school to verify repairs; or

17 Estimated Costs July 2007 through June 2008 \$2,100

18 (ii) (1) Prepare a report that identifies and documents the instances of non-  
19 compliance if the district has not provided evidence of successful repairs  
20 within 30 days of the county superintendent's visit or, for major projects,

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1 has not evidenced that the repairs will be made in a timely manner.

2 (2) Present the report to the governing board of the school district at a  
3 regularly scheduled meeting held in accordance with public notification  
4 requirements.

5 (3) Post the report on the county office internet Web site until the repairs  
6 have been completed.

7 Estimated Costs July 2007 through June 2008 \$1,900

8 TOTAL COST ESTIMATE AMOUNT July 2007 through June 2008 \$18,100

9 **PART 3. FUNDING SOURCES**

10 State Funds

11 A. Statutes of 2006, Chapter 704, at Sections 2, 6, and 9, appropriates, re-  
12 appropriates, and specifically allocates state funds related to the Williams  
13 implementation. However, none of these funds have been specifically identified as  
14 applicable to the increased activities required by Statutes of 2006, Chapter 704.

15 Other funds

16 No federal funds have been received by the county office of education, or are  
17 receivable, which were specifically appropriated to implement this mandate. No other  
18 state or local monies were received by the county office of education, or are receivable,  
19 which were specifically appropriated to implement this mandate. No federal, state, local  
20 government, or private grants or awards have been received by the county office of

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1 education, or are receivable, which were specifically designated to implement this  
2 mandate. There is no authority in federal, state, or local law for this county office of  
3 education to levy fees to offset the costs to implement this mandate.

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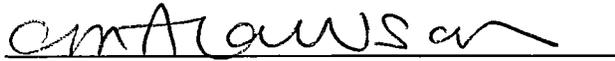
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CERTIFICATION

I hereby declare under penalty of perjury under the laws of the State of California that the information in this declaration is true and complete to the best of my own knowledge or information or belief.

EXECUTED this 12<sup>th</sup> day of December, 2007, at San Diego, California



Charmaine Lawson, Coordinator  
District and School Improvement  
Learning Resources and Educational Technology  
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**DECLARATION OF KAREN JANNEY  
SWEETWATER UNION HIGH SCHOOL DISTRICT**

**WILLIAMS CASE IMPLEMENTATION II**

Test Claim of San Diego County Office of Education  
and Sweetwater Union High School District.

**STATUTES**

Statutes of 2006, Chapter 704 (AB 607), effective January 1, 2007

**EDUCATION CODE SECTIONS**

1240 1242 1242.5 17002 17592.72 35186 60119

**REGULATIONS**

Title 2, Sections 1859.300 through 1859.330, Register 2007, No. 27

**Related Executive Orders**

Emergency Repairs Program:

*-Application Submittal Requirements Checklist*

*-Grant Request replaces Application For Reimbursement and  
Expenditure Report, Form SAB 61-03 (revised 01/07)*

*-Expenditure Report, Form SAB 61-04 (new 01/07)*

School Facilities Needs Assessment Grant Program:

*-Online School Facilities Needs Assessment Submittal [Web-based]  
Program replaces:*

*Certificate of Eligibility  
Needs Assessment Report Worksheet  
Progress Report Survey*

*-Facility Inspection Tool (FIT) (new 06/07)*

**Declaration and Statement**

1  
2 I, Karen Janney, Assistant Superintendent, Academic Growth and Development,  
3 Sweetwater Union High School District, make the following declaration and statement.

4 In my capacity as Assistant Superintendent, Academic Growth and  
5 Development, I am the administrative official responsible for the implementation of the  
6 Williams Case mandate legislation by the school district. I am familiar with the  
7 provisions and requirements of the Statutes, Education Code Sections, and Title 2  
8 Regulations enumerated above. These new laws and regulations result in increased  
9 costs to, and a new level of service for, school districts and county offices of education  
10 (in their capacity as a local education agency which operates schools as a "school  
11 district"), to implement the Williams Case legislation.

12 **PART 1. NEW PROGRAM AND INCREASED LEVEL OF SERVICES**

13 The new Williams Case mandate legislation results in increased direct and  
14 indirect costs of labor, materials and supplies, data processing services and software,  
15 contracted services and consultants, equipment and capital assets, and staff training  
16 and travel, to implement the following activities:

17 **Education Code Section 1240, subdivision (c), paragraph (2), subparagraph (K)**

18 Education Code Section 1240, subdivision (c) (2) (K), as amended, requires that  
19 if the county superintendent determines that the condition of a school facility poses an  
20 emergency or urgent threat to the health and safety of pupils or staff or is not in good  
21 repair, the county superintendent is authorized to:

22 (i) Return to the school to verify repairs; or

1 (ii) Prepare a report that identifies and documents the instances of non-  
2 compliance if the district has not provided evidence of successful repairs within  
3 30 days of the county superintendent's visit or, for major projects, has not  
4 evidenced that the repairs will be made in a timely manner. The report may be  
5 provided to the governing board of the school district. If so, it shall be presented  
6 at a regularly scheduled meeting held in accordance with public notification  
7 requirements. The county superintendent shall post the report on its Internet  
8 Web site, and the report shall be removed from the Web site when the county  
9 superintendent verifies that the repairs have been completed.

10 **Education Code Section 17002, subdivision (d)**

11 Education Code Section 17002 defines specific terms relating to the Leroy F.  
12 Greene State School Building Lease-Purchase Law of 1976. Subdivision (d),  
13 paragraph (1), previously defined "good repair" to mean the facility is maintained in a  
14 manner that assures that it is clean, safe, and functional as determined pursuant to an  
15 "interim" evaluation instrument as developed by the Office of Public Construction.  
16 Statutes of 2006, Chapter 704, amended the subdivision (d) (1) definition to require  
17 "good repair" to be determined pursuant to a school facility inspection and evaluation  
18 instrument developed by the Office of Public School Construction and approved by the  
19 state board, or a local evaluation instrument that meets the same criteria. In order to  
20 provide that school facilities are reviewed to be clean, safe, and functional, the school  
21 facility inspection and evaluation instrument and local evaluation instruments must at

1 least include the following criteria:

2 (A) Gas systems and pipes appear and smell safe, functional, and free of leaks.

3 (B)(i) Mechanical systems, including heating, ventilation, and air conditioning  
4 systems, are functional and unobstructed.

5 (ii) Appear to supply adequate amount of air to all classrooms, work spaces, and  
6 facilities.

7 (iii) Maintain interior temperatures within normally acceptable ranges.

8 (C) Doors and windows are intact, functional and open, close, and lock as  
9 designed, unless there is a valid reason they should not function as designed.

10 (D) Fences, and gates are intact, functional, and free of holes and other  
11 conditions that could present a safety hazard to pupils, staff, or others. Locks and other  
12 security hardware function as designed.

13 (E) Interior surfaces, including walls, floors, and ceilings, are free of safety  
14 hazards from tears, holes, missing floor and ceiling tiles, torn carpet, water damage, or  
15 other cause. Ceiling tiles are intact. Surfaces display no evidence of mold or mildew.

16 (F) Hazardous and flammable materials are stored properly. No evidence of  
17 peeling, chipping, or cracking paint is apparent. No indicators of mold, mildew, or  
18 asbestos exposure are evident. There is no apparent evidence of hazardous materials  
19 that may pose a threat to the health and safety of pupils or staff.

20 (G) Structures, including posts, beams, supports for portable classrooms and  
21 ramps, and other structural building members appear intact, secure, and functional as

1 designed. Ceilings and floors are not sloping or sagging beyond their intended design.

2 There is no visible evidence of severe cracks, dry rot, mold, or damage that undermines  
3 structural components.

4 (H) Fire sprinklers, fire extinguishers, emergency alarm systems, and all  
5 emergency equipment and systems appear to be functioning properly. Fire alarm and  
6 pull stations are clearly visible. Fire extinguishers are current and placed in all required  
7 areas, including every classroom and assembly area. Emergency exits are clearly  
8 marked and unobstructed.

9 (I) Electrical systems, components, and equipment, including switches, junction  
10 boxes, panels, wiring, outlets, and light fixtures, are securely enclosed, properly  
11 covered and guarded from pupil access, and appear to be working properly.

12 (J) Lighting appears to be adequate and working properly. Lights do not flicker,  
13 dim, or malfunction, and there is no unusual hum or noise from light fixtures. Exterior  
14 lights onsite appear to be working properly.

15 (K) No visible or odorous indicators of pest or vermin infestation are evident.

16 (L) Interior and exterior drinking fountains are functional, accessible, and free of  
17 leaks. Drinking fountain water pressure is adequate. Fountain water is clear and  
18 without unusual taste or odor, and moss, mold, or excessive staining is not evident.

19 (M)(i) Restrooms and restroom fixtures are functional.

20 (ii) Appear to be maintained and stocked with supplies regularly.

21 (iii) Appear to be accessible to pupils during the schoolday.

1 (iv) Appear to be in compliance with Section 35292.5, relating to cleanliness and  
2 maintenance of restrooms.

3 (N) The sanitary sewer system controls odor as designed, displays no signs of  
4 stoppage, backup, or flooding, in the facilities or on school grounds, and appears to be  
5 functioning properly.

6 (O) Roofs, gutters, roof drains, and downspouts appear to be functioning  
7 properly and are free of visible damage and evidence of disrepair when observed from  
8 the ground inside and outside of the building.

9 (P) The school grounds do not exhibit signs of drainage problems, such as  
10 visible evidence of flooded areas, eroded soil, water damage to asphalt playgrounds or  
11 parking areas, or clogged storm drain inlets.

12 (Q) Playground equipment and exterior fixtures, seating, tables, and equipment  
13 are functional and free of significant cracks, trip hazards, holes, deterioration that  
14 affects functionality or safety, and other health and safety hazards.

15 (R) School grounds, fields, walkways, and parking lot surfaces are free of  
16 significant cracks, trip hazards, holes, deterioration that affects functionality or safety,  
17 and other health and safety hazards.

18 (S) Overall cleanliness of the school grounds, buildings, common areas, and  
19 individual rooms demonstrates that all areas appear to have been cleaned regularly,  
20 and are free of accumulated refuse and unabated graffiti. Restrooms, drinking  
21 fountains, and food preparation or serving areas appear to have been cleaned each

1 day that the school is in session.

2 Section 17002, subdivision (d), paragraph (2), subparagraph (A), as amended,  
3 requires that by July 1, 2007, the Office of Public School Construction must develop the  
4 school facility inspection and evaluation instrument and instructions for users. The  
5 school facility inspection and evaluation instrument and local evaluation instruments  
6 that meet the minimum criteria of this subdivision shall include a "good," "fair," or "poor"  
7 rating as developed by Office of Public School Construction, and an overall summary of  
8 each school's conditions on a scale of "exemplary," "good," "fair," or "poor."

9 **Education Code Section 17592.72**

10 Education Code Section 17592.72 determines the allocation of the School  
11 Facilities Emergency Repair Account. Subdivision (a), paragraph (1), as amended,  
12 establishes the API base for FY 2005-06 funds. Subdivision (a), paragraph (2), as  
13 amended, establishes the API base for FY 2006-07 funds, and requires the State  
14 Allocation Board to establish a grant application process and to post the grant  
15 application form on its Internet Web site. Subdivision (a), paragraph (3), as amended,  
16 states that for subsequent fiscal years, schools shall be eligible for funding based on  
17 the Academic Performance Index scores as specified in paragraph (2) of subdivision (c)  
18 of Section 1240.

19 **Education Code Section 35186**

20 Education Code Section 35186, subdivision (a), requires school districts to utilize  
21 the uniform complaint process provided for by Title 5, California Code of Regulations,

1 commencing with Section 4600. Subdivision (a), paragraph (1), as amended, requires  
2 school districts to write the report in English, and, when requested, in the primary  
3 language in which the complaint was filed, when 15% or more of students do not have  
4 English as their primary language as determined by Education Code Section 48985.

5 Subdivision (e), paragraph (3), as amended, includes violations relating to public  
6 and private school restrooms and their cleanliness, as stated under Education Code  
7 Section 35292.5.

#### 8 **Education Code Section 60119**

9 Education Code Section 60119, subdivision (a), paragraph (1), subparagraph  
10 (A), requires the school district governing board to conduct a public hearing regarding  
11 its determination of whether there are sufficient textbooks and instructional materials for  
12 each school in the district. Paragraph (2), subparagraph (A), as amended, requires the  
13 governing board resolution for each school in which an insufficiency exists report the  
14 percentage of pupils who lack sufficient standards-aligned textbooks or instructional  
15 materials in each subject area and the reasons that each pupil does not have sufficient  
16 textbooks and instructional materials.

#### 17 **SECTION 2. REGULATORY MANDATES**

#### 18 **Title 2, California Administrative Code**

19 The State Allocation Board adopted Title 2 regulations (Register 2005, No. 45)  
20 on November 7, 2005, which certified emergency regulations (Register 2005, No. 22)  
21 adopted May 31, 2005, which were the subject of the first test claim. These regulations

1 are located at Title 2, Sections 1859.300 through 1859.330, and are titled "School  
2 Facilities Needs Assessment and Emergency Repair Program." This was a  
3 reimbursement program.

4 Since then, the Board has adopted additional emergency regulations (Register  
5 2007, No. 27) operative July 2, 2007 to implement the facilities portion of Statutes of  
6 2007, Chapter 704.

7 Section 1859.302, as amended by the 2007 Register, Number 27, operative July  
8 2, 2007, as an emergency regulation, relating to School Facilities Emergency Repair  
9 Account, adds a reference to SAB Form 61-03 and adds a new definition for "grants."

10 Section 1859.318, as amended, replaces "reimbursement" with "funding"  
11 pursuant to Chapter 704, Statutes of 2006, which changes the program to a grant  
12 program, and adds Education Code Section 17592.72 as a reference.

13 Section 1859.320, as amended, adds a reference to SAB Form 61-03 and  
14 clarifies the use of this form.

15 Section 1859.321, as amended, adds at subdivision (b) a reference to SAB Form  
16 61-03 and to Education Code Section 17592.72.

17 Section 1859.322, as amended, adds a reference to SAB Form 61-04,  
18 substitutes grant language for previous reimbursement language, establishes a new  
19 project funding priority, and requires local special reserve funds used for repairs to be  
20 reimbursed by the grant funds.

21 Section 1859.323, as amended, additionally requires that to be eligible for grant

1 funding consideration, the total project cost request on the Form SAB 61-03 must be  
2 \$5,000 or higher, unless the LEA can justify its request for a lesser amount and adds  
3 application documentation preparation and submittal costs, if any, as permissible costs  
4 under Regulation Section 1859.323.2 (j).

5 Section 1859.323.1, as amended, adds grant funding language and clarifies the  
6 technical requirements for determination of replacement costs.

7 Section 1859.323.2, as amended, limits application costs reimbursement to no  
8 more than two percent of the total project costs or \$5,000, which ever is greater.

9 Section 1859.324, as amended, adds grant funding language and changes the  
10 API references.

11 New Section 1859.324.1, as added, states that after review of a LEA's submitted  
12 Form SAB-61-04, projects that require a Grant Adjustment will be presented to the  
13 Board for approval and necessary determinations will be made.

14 Section 1859.326, as amended, regarding the audit of project costs, adds  
15 references to the amended regulations regarding return of funds and other technical  
16 corrections.

17 Section 1859.328, as amended, adds a reference to the new mandatory SAB  
18 Form 61-04.

19 Section 1859.329, as amended, adds grant funding language and provisions for  
20 grant adjustments.

21 New Section 1859.330, as added, requires emergency repairs to be completed

1 within 12 months without State Architect approval and 18 months when State Architect  
2 approval is required.

3 **PART 2. COST TO IMPLEMENT THE MANDATE**

4 The actual and/or estimated costs resulting from the mandate exceed one  
5 thousand dollars (\$1,000) for the Sweetwater Union High School District.

6 1. **IMPLEMENTING MANDATE AMENDMENTS**

7 Policies, Procedures, Planning, Training: Staff time amending previous policies and  
8 procedures to incorporate changes made to program and forms; amending the site  
9 inspection procedure to include the new expanded definition of "good repair," and  
10 training school district and county office staff to implement the mandate.

11 Estimated Costs July 2007 through June 2008 \$350

12 2. **FACILITIES**

13 A. District School Facility Inspection System: Staff time implementing the expanded  
14 scope of the School Facilities Inspection System (SFIS) to ensure that each of the  
15 district's schools is maintained in good repair as now defined by Education Code  
16 Section 17002, subdivision (d), as amended by Chapter 704, Statutes of 2006, as a  
17 condition of receiving state building funds and deferred maintenance program funds.

18 Estimated Costs July 2007 through June 2008 No estimate

19 B. School Facilities Needs Assessment (SFNA): Staff time to prepare a  
20 comprehensive school facilities needs assessment for Deciles 1-3 schools pursuant to  
21 the new standards defined by Education Code Section 17002. Maintaining a copy of

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1 the school facilities needs assessment and a list of emergency or urgent repairs  
2 completed or to be completed on site.

3 Estimated Costs July 2007 through June 2008 \$7,600

4 C. School Facilities Emergency Repairs: Staff time to prepare the amended and  
5 new State Allocation Board required inspection and progress reports, site assessment  
6 reports, and grant funding applications, pursuant to the new process and forms  
7 established by the State Allocation Board, pursuant to Education Code Section 17592,  
8 subdivision (a) (1), as amended by Chapter 704, Statutes of 2006, as a condition of  
9 receiving state building funds and deferred maintenance program funds. Making  
10 emergency and urgent repairs. Complying with any audit requirements.

11 Estimated Costs July 2007 through June 2008 No estimate

12 3. UNIFORM COMPLAINT PROCEDURE

13 A. Primary Language Translations: Staff time to respond to complaints in the  
14 primary language in which the complaint is filed, when requested.

15 Estimated Costs July 2007 through June 2008 No estimate

16 B. Clean Restroom Requirements: Staff time to respond to complaints related to  
17 Education Code Section 35292.5 clean restroom standards.

18 Estimated Costs July 2007 through June 2008 No estimate

19 4. COUNTY OFFICE INSPECTIONS OF WILLIAMS DECILES 1-3 SCHOOLS

20 A. Preparing for the COE "Return" Inspections: Staff time to prepare the reports and  
21 information required by the county office of education for its "return" inspections of the

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1 district's and decile 1-3 school compliance with Williams, as provided for by Education  
2 Code Section 1240 (c) (2) (K).

3 Estimated Costs July 2007 through June 2008 \$1,250

4 B Participating in the COE "Return" Reviews: Staff time to schedule site visits, staff  
5 and student interviews, documentation, and other administrative tasks to facilitate the  
6 "return" reviews.

7 Estimated Costs July 2007 through June 2008 \$8,650

8 C Remediation After COE "Return" Reviews: Staff time to prepare and implement  
9 corrective actions, facility repairs, apply for special funding, board action, updating  
10 policy and procedures, and other actions in response to the "return" review inspection  
11 findings.

12 Estimated Costs July 2007 through June 2008 \$900

13 TOTAL COST ESTIMATE AMOUNT July 2007 through June 2008 \$10,750

14 **PART 3. FUNDING SOURCES**

15 State Funds

16 Statutes of 2006, Chapter 704, at Sections 2, 6, and 9, appropriates, re-  
17 appropriates, and specifically allocates state funds related to the Williams  
18 implementation. However, none of these funds have been specifically identified as  
19 applicable to the increased activities required by Statutes of 2006, Chapter 704.

20 Other Funds

21 No federal funds have been received by the District, or are receivable, which

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1 were specifically appropriated to implement this mandate. No other state or local  
2 monies were received by the District, or are receivable, which were specifically  
3 appropriated to implement this mandate. No federal, state, local government, or private  
4 grants or awards have been received by the District, or are receivable, which were  
5 specifically designated to implement this mandate. There is no authority in federal,  
6 state, or local law for this District to levy fees to offset the costs to implement this  
7 mandate.

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CERTIFICATION

I hereby declare under penalty of perjury under the laws of the State of California  
that the information in this declaration is true and complete to the best of my own  
knowledge or information or belief.

EXECUTED this 11<sup>th</sup> day of December, 2007, at Chula Vista, California



Karen Janney, Assistant Superintendent  
Sweetwater Union High School District  
1130 Fifth Avenue  
Chula Vista, CA 91911-2896  
Voice: 619-691-5546  
Fax: 619-407-4975  
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Test Claim of San Diego County Office of Education and Sweetwater Union High School District  
WILLIAMS CASE IMPLEMENTATION II

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<u>Document</u>	<u>Pages</u>	<u>Total Pages</u>
Statutes of 2006, Chapter 704 (A.B. 607)	4361-4374	14

(1) The State Emergency Plan established pursuant to Section 8560 of the Government Code.

(2) The California standardized emergency management system established pursuant to Section 8607 of the Government Code.

## SCHOOLS AND SCHOOL DISTRICTS—REPORTS—FUNDS

### CHAPTER 704

#### A.B. No. 607

AN ACT to amend Sections 1240, 17002, 17076.10, 17592.72, 35186, and 60119 of, and to add Sections 1242 and 1242.5 to, the Education Code, relating to school facilities, and making an appropriation therefor.

[Filed with Secretary of State September 29, 2006.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 607, Goldberg School Facilities Emergency Repair Account.

(1) Existing law requires a county superintendent of schools, among other things, to visit and examine each school in the county to observe its operation and learn of its problems. Existing law requires the county superintendent to annually present a report to the governing board of each school district under his or her jurisdiction, and to the board of supervisors of the county, describing the state of the schools in the county that are ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index (API).

This bill would require the annual report to be submitted in November at a regularly scheduled meeting of the governing board. The bill would require the report to include certain determinations for each school and teacher misassignments and teacher vacancies and would require the county superintendent, or his or her designee, to use a standardized template to report those details, unless those details are already being reported by the county superintendent, or his or her designee.

The bill would require commencing with the 2006-07 fiscal year, certain funds appropriated pursuant to the Budget Act of 2006 to county offices of education for site visits to be allocated to elementary, middle or junior, and high schools, as specified. The bill would provide an additional allocation, as specified, to county offices of education that are responsible for visiting more than 150 schoolsites. The bill would set \$10,000 as the minimum amount for allocation to county offices of education.

The bill would require the State Department of Education to review the actual costs of 2005-06 fiscal year site visits conducted and if the department determines that a county office of education did not expend the funds allocated, the amount that exceeds the amount spent shall revert to a certain fund and would be available to cover certain extraordinary costs incurred by county offices of education. The bill would require the department to allocate the funds to county offices of education by June 30, 2007.

(2) Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. Existing law requires a school district that receives funding pursuant to the act to submit to the board a summary report of expenditure of state funds and district matching funds annually until all state funds and district matching funds are expended and then to submit a final report, and authorizes the board to require an audit of these reports or other district records to ensure all funds received under the act are expended in accordance with program requirements. Existing law provides that, if the board, after the review of expenditures or the audit, determines that a school district failed to expend funds in accordance with the act, the Department of General Services is required to notify the school district of the amount that must be repaid within 60

days and to notify the Controller and the school district if the district fails to make that payment, and requires the Controller to deduct that amount from the district's next principal apportionment of state funds, as specified.

This bill would require the board to approve a plan of equal annual payments, with interest, as specified, over a period of up to 5 years if the board determines that repayment of the full liability within 60 days after the board's action would constitute a severe financial hardship, as defined by the board, for the school district. The bill would require the Controller to withhold certain amounts pursuant to the plan.

(3) Existing law establishes the School Facilities Emergency Repair Account in the State Treasury, to be administered by the State Allocation Board, for the purpose of reimbursing school districts with schools ranked in deciles 1 to 3, inclusive, on the API, as specified, for emergency facility repairs, as provided.

This bill would provide that, commencing with the 2006-07 fiscal year, the money in the account is also available to fund grants for certain, listed necessary repairs that meet certain conditions. The bill would require the board to establish a process for schools to apply for the grants and provide certification of the completion of the projects. The bill would require the board to post the grant application form on its Internet Web site.

(4) Existing law requires a school district to use its uniform complaint process to help identify and resolve any deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean and safe manner or in good repair, and teacher vacancy or misassignment. Existing law requires a notice to be posted in each classroom in each school in the school district notifying parents and guardians that there should be sufficient textbooks or instructional materials, school facilities must be clean, safe, and in good repair, and there should be no teacher vacancies or misassignments; as defined. Existing law also requires the notice to inform parents of the location to obtain a form to file a complaint in case of a shortage. Existing law authorizes a complaint to be filed anonymously. If a complainant identified himself or herself, the complainant is entitled to a response if he or she indicates that a response is requested.

This bill would require, if certain conditions are met, the report and response, if requested, to be written in English and the primary language in which the complaint was filed, thereby establishing a state-mandated local program.

(5) This bill would make other technical, nonsubstantive changes to existing law.

(6) This bill would make an appropriation by requiring the remaining unencumbered balance of certain funds appropriated to county offices of education for certain reviews and monitoring of schools and to conduct and report on site visits, as specified, to remain available for expenditure through June 30, 2008, for purposes of certain site visit reports on the state of certain schools.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Appropriation: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1240 of the Education Code is amended to read:

1240. The county superintendent of schools shall do all of the following:

(a) Superintend the schools of his or her county.

(b) Maintain responsibility for the fiscal oversight of each school district in his or her county pursuant to the authority granted by this code.

(c)(1) Visit and examine each school in his or her county at reasonable intervals to observe its operation and to learn of its problems. He or she may annually present a report of the state of the schools in his or her county, and of his or her office, including, but not limited to,

his or her observations while visiting the schools, to the board of education and the board of supervisors of his or her county.

(2)(A) For fiscal years 2004-05 to 2006-07, inclusive, to the extent that funds are appropriated for purposes of this paragraph, the county superintendent, or his or her designee, shall annually submit a report, at a regularly scheduled November board meeting, to the governing board of each school district under his or her jurisdiction, the county board of education of his or her county, and the board of supervisors of his or her county describing the state of the schools in the county or of his or her office that are ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index (API), as defined in subdivision (b) of Section 17592.70, and shall include, among other things, his or her observations while visiting the schools and his or her determinations for each school regarding the status of all of the circumstances listed in subparagraph (I) and teacher misassignments and teacher vacancies. As a condition for receipt of funds, the county superintendent, or his or her designee, shall use a standardized template to report the circumstances listed in subparagraph (I) and teacher misassignments and teacher vacancies, unless the current annual report being used by the county superintendent, or his or her designee, already includes those details for each school.

(B) Commencing with the 2007-08 fiscal year, to the extent that funds are appropriated for purposes of this paragraph, the county superintendent, or his or her designee, shall annually submit a report, at a regularly scheduled November board meeting, to the governing board of each school district under his or her jurisdiction, the county board of education of his or her county, and the board of supervisors of his or her county describing the state of the schools in the county or of his or her office that are ranked in deciles 1 to 3, inclusive, of the 2006 base API, pursuant to Section 52056. As a condition for the receipt of funds, the annual report shall include the determinations for each school made by the county superintendent, or his or her designee, regarding the status of all of the circumstances listed in subparagraph (I) and teacher misassignments and teacher vacancies, and the county superintendent, or his or her designee, shall use a standardized template to report the circumstances listed in subparagraph (I) and teacher misassignments and teacher vacancies, unless the current annual report being used by the county superintendent, or his or her designee, already includes those details with the same level of specificity that is otherwise required by this subdivision. For purposes of this section, schools ranked in deciles 1 to 3, inclusive, on the 2006 base API shall include any schools determined by the department to meet either of the following:

(i) The school meets all of the following criteria:

(I) Does not have a valid base API score for 2006.

(II) Is operating in fiscal year 2007-08 and was operating in fiscal year 2006-07 during the Standardized Testing and Reporting (STAR) Program testing period.

(III) Has a valid base API score for 2005 that was ranked in deciles 1 to 3, inclusive, in that year.

(ii) The school has an estimated base API score for 2006 that would be in deciles 1 to 3, inclusive.

(C) The department shall estimate an API score for any school meeting the criteria of subclauses (I) and (II) of clause (i) of subparagraph (B) of paragraph (2) and not meeting the criteria of subclause (III) of clause (i) of subparagraph (B) of paragraph (2), using available testing scores and any weighting or corrective factors it deems appropriate. The department shall post the API scores on its Internet Web site on or before May 1.

(D) For purposes of this section, references to schools ranked in deciles 1 to 3, inclusive, on the 2006 base API shall exclude any schools operated by county offices of education pursuant to Section 56140, as determined by the department.

(E)(i) Commencing with the 2010-11 fiscal year and every third year thereafter, the Superintendent shall identify a list of schools ranked in deciles 1 to 3, inclusive, of the API for which the county superintendent, or his or her designee, shall annually submit a report, at a regularly scheduled November board meeting, to the governing board of each school district under his or her jurisdiction, the county board of education of his or her county, and the board of supervisors of his or her county that describes the state of the schools in the county

or of his or her office that are ranked in deciles 1 to 3, inclusive, of the base API as defined in clause (ii).

(ii) For the 2010–11 fiscal year, the list of schools ranked in deciles 1 to 3, inclusive, of the base API shall be updated using the criteria set forth in clauses (i) and (ii) of subparagraph (B), subparagraph (C), and subparagraph (D), as applied to the 2009 base API and thereafter shall be updated every third year using the criteria set forth in clauses (i) and (ii) of subparagraph (B), subparagraph (C), and subparagraph (D), as applied to the base API of the year preceding the third year consistent with clause (i).

(iii) As a condition for the receipt of funds, the annual report shall include the determinations for each school made by the county superintendent, or his or her designee, regarding the status of all of the circumstances listed in subparagraph (I) and teacher misassignments and teacher vacancies, and the county superintendent, or his or her designee, shall use a standardized template to report the circumstances listed in subparagraph (I) and teacher misassignments and teacher vacancies, unless the current annual report being used by the county superintendent, or his or her designee, already includes those details with the same level of specificity that is otherwise required by this subdivision.

(F) The county superintendent of the Counties of Alpine, Amador, Del Norte, Mariposa, Plumas, Sierra, and the City and County of San Francisco shall contract with another county office of education or an independent auditor to conduct the required visits and make all reports required by this paragraph.

(G) On a quarterly basis, the county superintendent, or his or her designee, shall report the results of the \* \* \* visits and reviews conducted that quarter to the governing board of the school district \* \* \* at a regularly scheduled meeting held in accordance with public notification requirements. The results of the visits and reviews shall include the determinations of the county superintendent, or his or her designee, for each school regarding the status of all of the circumstances listed in subparagraph (I) and teacher misassignments and teacher vacancies. If the county superintendent, or his or her designee, conducts no visits or reviews in a quarter, the quarterly report shall report that fact.

(H) The visits made pursuant to this paragraph shall be conducted at least annually and shall meet the following criteria:

(i) Minimize disruption to the operation of the school.

(ii) Be performed by individuals who meet the requirements of Section 45125.1.

(iii) Consist of not less than 25 percent unannounced visits in each county. During unannounced visits in each county, the county superintendent shall not demand access to documents or specific school personnel. Unannounced visits shall only be used to observe the condition of school repair and maintenance, and the sufficiency of instructional materials, as defined by Section 60119.

(I) The priority objective of the visits made pursuant to this paragraph shall be to determine the status of all of the following circumstances:

(i) Sufficient textbooks as defined in Section 60119 and as specified in subdivision (i).

(ii) The condition of a facility that poses an emergency or urgent threat to the health or safety of pupils or staff as defined in district policy \* \* \* or \* \* \* paragraph (1) of subdivision (c) of Section 17592.72.

(iii) The accuracy of data reported on the school accountability report card with respect to the availability of sufficient textbooks and instructional materials, as defined by Section 60119, and the safety, cleanliness, and adequacy of school facilities, including good repair as required by Sections 17014, 17032.5, 17070.75, and 17089.

(J) The county superintendent may make the status determinations described in subparagraph (I) during a single visit or multiple visits. In determining whether to make a single visit or multiple visits for this purpose, the county superintendent shall take into consideration factors such as cost-effectiveness, disruption to the schoolsite, deadlines, and the availability of qualified reviewers.

(K) If the county superintendent determines that the condition of a facility poses an emergency or urgent threat to the health or safety of pupils or staff as defined in district policy or paragraph (1) of subdivision (c) of Section 17592.72, or is not in good repair, as

specified in subdivision (d) of Section 17002 and required by Sections 17014, 17032.5, 17070.75, and 17089, the county superintendent may, among other things, do any of the following:

(i) Return to the school to verify repairs.

(ii) Prepare a report that specifically identifies and documents the areas or instances of noncompliance if the district has not provided evidence of successful repairs within 30 days of the county superintendent's visit or, for major projects, has not provided evidence that the repairs will be conducted in a timely manner. The report may be provided to the governing board of the school district. If the report is provided to the school district, it shall be presented at a regularly scheduled meeting held in accordance with public notification requirements. The county superintendent shall post the report on its Internet Web site. The report shall be removed from the Internet Web site when the county superintendent verifies the repairs have been completed.

(d) Distribute all laws, reports, circulars, instructions, and blanks that he or she may receive for the use of the school officers.

(e) Annually, on or before August 15, present a report to the governing board of the school district and the Superintendent regarding the fiscal solvency of any school district with a disapproved budget, qualified interim certification, or a negative interim certification, or that is determined at any time to be in a position of fiscal uncertainty pursuant to Section 42127.6.

(f) Keep in his or her office the reports of the Superintendent.

(g) Keep a record of his or her official acts, and of all the proceedings of the county board of education, including a record of the standing, in each study, of all applicants for certificates who have been examined, which shall be open to the inspection of any applicant or his or her authorized agent.

(h) Enforce the course of study.

(i)(1) Enforce the use of state textbooks and instructional materials and of high school textbooks and instructional materials regularly adopted by the proper authority in accordance with Section 51050.

(2) For purposes of this subdivision, sufficient textbooks or instructional materials has the same meaning as in subdivision (c) of Section 60119.

(3)(A) Commencing with the 2005-06 school year, if a school is ranked in any of deciles 1 to 3, inclusive, of the 2003 base \* \* \* API, as defined in subdivision (b) of Section 17592.70, and \* \* \* not currently under review pursuant to a state or federal intervention program, the county superintendent shall specifically review that school at least annually as a priority school. A review conducted for purposes of this paragraph shall be completed by the fourth week of the school year. For the 2004-05 fiscal year only, the county superintendent shall make a diligent effort to conduct a visit to each school pursuant to this paragraph within 120 days of receipt of funds for this purpose.

(B) In order to facilitate the review of instructional materials before the fourth week of the school year, the county superintendent of schools in a county with 200 or more schools that are ranked in any of deciles 1 to 3, inclusive, of the 2003 base \* \* \* API, as defined in subdivision (b) of Section 17592.70, may utilize a combination of visits and written surveys of teachers for the purpose of determining sufficiency of textbooks and instructional materials in accordance with subparagraph (A) of paragraph (1) of subdivision (a) of Section 60119 and as defined in subdivision (c) of Section 60119. If a county superintendent of schools elects to conduct written surveys of teachers, the county superintendent of schools shall visit the schools surveyed within the same academic year to verify the accuracy of the information reported on the surveys. If a county superintendent surveys teachers at a school in which the county superintendent has found sufficient textbooks and instructional materials for the previous two consecutive years and determines that the school does not have sufficient textbooks or instructional materials, the county superintendent shall within 10 business days provide a copy of the insufficiency report to the school district as set forth in paragraph (4).

(C) For purposes of this paragraph, "written surveys" may include paper and electronic or online surveys.

(4) If the county superintendent determines that a school does not have sufficient textbooks or instructional materials in accordance with subparagraph (A) of paragraph (1) of

subdivision (a) of Section 60119 and as defined by subdivision (c) of Section 60119, the county superintendent shall do all of the following:

(A) Prepare a report that specifically identifies and documents the areas or instances of noncompliance.

(B) Provide within five business days of the review, a copy of the report to the school district, as provided in subdivision (c), \* \* \* or, if applicable, provide a copy of the report to the \* \* \* school district within 10 business days pursuant to subparagraph (B) of paragraph (3).

(C) Provide the school district with the opportunity to remedy the deficiency. The county superintendent shall ensure remediation of the deficiency no later than the second month of the school term.

(D) If the deficiency is not remedied as required pursuant to subparagraph (C), the county superintendent shall request the department \* \* \* to purchase the textbooks or instructional materials necessary to comply with the sufficiency requirement of this subdivision. If the \* \* \* department \* \* \* purchases textbooks or instructional materials for the school district, the department shall issue a public statement at \* \* \* the first regularly scheduled meeting of the state board occurring immediately after the department receives the county superintendent's request and that meets the applicable public notice requirements, indicating that the district superintendent and the governing board of the school district failed to provide pupils with sufficient textbooks or instructional materials as required by this subdivision. Before purchasing the textbooks or instructional materials, the department shall consult with the district to determine which textbooks or instructional materials to purchase. All purchases of textbooks or instructional materials shall comply with Chapter 3.25 (commencing with Section 60420) of Part 33. The amount of funds necessary for the purchase the textbooks and materials is a loan to the school district receiving the textbooks or instructional materials. Unless the school district repays the amount owed based upon an agreed-upon repayment schedule with the Superintendent, the Superintendent shall notify the Controller and the Controller shall deduct an amount equal to the total amount used to purchase the textbooks and materials from the next principal apportionment of the district or from another apportionment of state funds.

(j) Preserve carefully all reports of school officers and teachers.

(k) Deliver to his or her successor, at the close of his or her official term, all records, books, documents, and papers belonging to the office, taking a receipt for them, which shall be filed with the department.

(l)(1) Submit two reports during the fiscal year to the county board of education in accordance with the following:

(A) The first report shall cover the financial and budgetary status of the county office of education for the period ending October 31. The second report shall cover the period ending January 31. Both reports shall be reviewed by the county board of education and approved by the county superintendent of schools no later than 45 days after the close of the period being reported.

(B) As part of each report, the county superintendent shall certify in writing whether or not the county office of education is able to meet its financial obligations for the remainder of the fiscal year and, based on current forecasts, for two subsequent fiscal years. The certifications shall be classified as positive, qualified, or negative, pursuant to standards prescribed by the Superintendent, for the purposes of determining subsequent state agency actions pursuant to Section 1240.1. For purposes of this subdivision, a negative certification shall be assigned to any county office of education that, based upon current projections, will \* \* \* not meet its financial obligations for the remainder of the fiscal year or for the subsequent fiscal year. A qualified certification shall be assigned to any county office of education that may not meet its financial obligations for the current fiscal year or two subsequent fiscal years. A positive certification shall be assigned to any county office of education that will meet its financial obligations for the current fiscal year and subsequent two fiscal years. In accordance with those standards, the Superintendent may reclassify any certification. If a county office of education receives a negative certification, the Superintendent, or his or her designee, may exercise the authority set forth in subdivision (c) of Section

1630. Copies of each certification, and of the report containing that certification, shall be sent to the Superintendent at the time the certification is submitted to the county board of education. Copies of each qualified or negative certification and the report containing that certification shall be sent to the Controller at the time the certification is submitted to the county board of education.

(2) All reports and certifications required under this subdivision shall be in a format or on forms prescribed by the Superintendent, and shall be based on standards and criteria for fiscal stability adopted by the State Board of Education pursuant to Section 33127. The reports and supporting data shall be made available by the county superintendent of schools to any interested party upon request.

(3) This subdivision does not preclude the submission of additional budgetary or financial reports by the county superintendent to the county board of education or to the Superintendent.

(4) The county superintendent of schools is not responsible for the fiscal oversight of the community colleges in the county, however, he or she may perform financial services on behalf of those community colleges.

(m) If requested, act as agent for the purchase of supplies for the city and high school districts of his or her county.

(n) For purposes of Section 44421.5, report to the Commission on Teacher Credentialing the identity of any certificated person who knowingly and willingly reports false fiscal expenditure data relative to the conduct of any educational program. This requirement applies only if, in the course of his or her normal duties, the county superintendent of schools discovers information that gives him or her reasonable cause to believe that false fiscal expenditure data relative to the conduct of any educational program has been reported.

SEC. 2. Section 1242 is added to the Education Code, to read:

1242. (a) Commencing with the 2006-07 fiscal year, funds appropriated pursuant to Item 6110-266-0001 of Section 2.0 of Chapter 47 of the Statutes of 2006 to county offices of education for site visits conducted pursuant to Section 1240, shall be allocated as follows:

(1) Two thousand five hundred dollars (\$2,500) for each elementary school.

(2) Three thousand five hundred dollars (\$3,500) for each middle or junior high school.

(3) Five thousand dollars (\$5,000) for each high school.

(b) In addition to the funds described in subdivision (a), county offices of education shall receive additional funding for sites whose enrollment in the prior year is 20 percent greater than the average enrollment of all sites for the prior year as follows:

(1) Two dollars and fifty cents (\$2.50) for each pupil that exceeds a total elementary school enrollment of 856 pupils.

(2) Three dollars and fifty cents (\$3.50) for each pupil that exceeds a total middle school or junior high school enrollment of 1,427 pupils.

(3) Five dollars (\$5.00) for each pupil that exceeds a total high school enrollment of 2,296 pupils.

(c) County offices of education that are responsible for visiting more than 150 schoolsites shall receive an additional allocation of one dollar (\$1.00) per pupil for the total prior year enrollment of all sites visited.

(d) The minimum amount for allocation pursuant to this section to county offices of education shall be ten thousand dollars (\$10,000).

SEC. 3. Section 1242.5 is added to the Education Code, to read:

1242.5. On or before March 31, 2007, the department shall review the actual costs of 2005-06 fiscal year site visits conducted pursuant to Section 1240. If the department determines that a county office of education did not expend the funds allocated for this purpose during the 2006-07 fiscal year, the amount that exceeds the amount spent shall revert to the extraordinary cost pool created by Chapter 710 of the Statutes of 2005 and shall be available to cover the extraordinary costs incurred by county offices of education as a result of the reviews conducted pursuant to Section 1240. Based on a determination by the

department and the Department of Finance that is was necessary for a county office of education to incur extraordinary costs to conduct the site visits, funds in the amount necessary to cover these costs shall be allocated to the county office of education by June 30, 2007.

SEC. 4. Section 17002 of the Education Code is amended to read:

17002. The following terms wherever used or referred to in this chapter, shall have the following meanings, respectively, unless a different meaning appears from the context:

(a) "Apportionment" means a reservation of funds necessary to finance the cost of any project approved by the board for lease to an applicant school district.

(b) "Board" means the State Allocation Board.

(c) "Cost of project" includes, but is not limited to, the cost of all real estate property rights, and easements acquired, and the cost of developing the site and streets and utilities immediately adjacent thereto, the cost of construction, reconstruction, or modernization of buildings and the furnishing and equipping, including the purchase of educational technology hardware, of those buildings, the supporting wiring and cabling, and the technological modernization of existing buildings to support that hardware, the cost of plans, specifications, surveys, and estimates of costs, and other expenses that are necessary or incidental to the financing of the project. For purposes of this section, "educational technology hardware" includes, but is not limited to, computers, telephones, televisions, and video cassette recorders.

(d)(1) "Good repair" means the facility is maintained in a manner that assures that it is clean, safe, and functional as determined pursuant to \* \* \* a school facility inspection and evaluation instrument developed by the Office of Public School Construction and approved by the board or a local evaluation instrument that meets the same criteria. Until the school facility inspection and evaluation instrument is approved by the board, "good repair" means the facility is maintained in a manner that assures that it is clean, safe, and functional as determined by the interim evaluation instrument developed by the Office of Public School Construction or a local evaluation instrument that meets the same criteria as the interim evaluation instrument. The school facility inspection and evaluation instrument and local evaluation instruments that meet the minimum criteria of this subdivision shall not require capital enhancements beyond the standards to which the facility was designed and constructed. In order to provide that school facilities are reviewed to be clean, safe, and functional, the school facility inspection and evaluation instrument and local evaluation instruments shall include at least the following criteria:

(A) Gas systems and pipes appear and smell safe, functional, and free of leaks.

(B)(i) Mechanical systems, including heating, ventilation, and air-conditioning systems, are functional and unobstructed.

(ii) Appear to supply adequate amount of air to all classrooms, work spaces, and facilities.

(iii) Maintain interior temperatures within normally acceptable ranges.

(C) Doors and windows are intact, functional and open, close, and lock as designed, unless there is a valid reason they should not function as designed.

(D) Fences and gates are intact, functional, and free of holes and other conditions that could present a safety hazard to pupils, staff, or others. Locks and other security hardware function as designed.

(E) Interior surfaces, including walls, floors, and ceilings, are free of safety hazards from tears, holes, missing floor and ceiling tiles, torn carpet, water damage, or other cause. Ceiling tiles are intact. Surfaces display no evidence of mold or mildew.

(F) Hazardous and flammable materials are stored properly. No evidence of peeling, chipping, or cracking paint is apparent. No indicators of mold, mildew, or asbestos exposure are evident. There is no apparent evidence of hazardous materials that may pose a threat to the health and safety of pupils or staff.

(G) Structures, including posts, beams, supports for portable classrooms and ramps, and other structural building members appear intact, secure, and functional as designed. Ceilings

and floors are not sloping or sagging beyond their intended design. There is no visible evidence of severe cracks, dry rot, mold, or damage that undermines structural components.

(H) Fire sprinklers, fire extinguishers, emergency alarm systems, and all emergency equipment and systems appear to be functioning properly. Fire alarm pull stations are clearly visible. Fire extinguishers are current and placed in all required areas, including every classroom and assembly area. Emergency exits are clearly marked and unobstructed.

(I) Electrical systems, components, and equipment, including switches, junction boxes, panels, wiring, outlets, and light fixtures, are securely enclosed, properly covered and guarded from pupil access, and appear to be working properly.

(J) Lighting appears to be adequate and working properly. Lights do not flicker, dim, or malfunction, and there is no unusual hum or noise from light fixtures. Exterior lights onsite appear to be working properly.

(K) No visible or odorous indicators of pest or vermin infestation are evident.

(L) Interior and exterior drinking fountains are functional, accessible, and free of leaks. Drinking fountain water pressure is adequate. Fountain water is clear and without unusual taste or odor, and moss, mold, or excessive staining is not evident.

(M)(i) Restrooms and restroom fixtures are functional.

(ii) Appear to be maintained and stocked with supplies regularly.

(iii) Appear to be accessible to pupils during the schoolday.

(iv) Appear to be in compliance with Section 35292.5.

(N) The sanitary sewer system controls odor as designed, displays no signs of stoppage, backup, or flooding, in the facilities or on school grounds, and appears to be functioning properly.

(O) Roofs, gutters, roof drains, and downspouts appear to be functioning properly and are free of visible damage and evidence of disrepair when observed from the ground inside and outside of the building.

(P) The school grounds do not exhibit signs of drainage problems, such as visible evidence of flooded areas, eroded soil, water damage to asphalt playgrounds or parking areas, or clogged storm drain inlets.

(Q) Playground equipment and exterior fixtures, seating, tables, and equipment are functional and free of significant cracks, trip hazards, holes, deterioration that affects functionality or safety, and other health and safety hazards.

(R) School grounds, fields, walkways, and parking lot surfaces are free of significant cracks, trip hazards, holes, deterioration that affects functionality or safety, and other health and safety hazards.

(S) Overall cleanliness of the school grounds, buildings, common areas, and individual rooms demonstrates that all areas appear to have been cleaned regularly, and are free of accumulated refuse and unabated graffiti. Restrooms, drinking fountains, and food preparation or serving areas appear to have been cleaned each day that the school is in session.

(2) \* \* \* (A) On or before January \* \* \* 1, 2007, the Office of Public School Construction shall develop the \* \* \* school facility inspection and evaluation instrument \* \* \* and instructions for users. The school facility inspection and evaluation instrument and local evaluation instruments that meet the minimum criteria of this subdivision shall include a system that will evaluate each facility, based on the criteria listed in paragraph (1), on a scale of "good," "fair," or "poor," as developed by the Office of Public School Construction, and provide an overall summary of the conditions at each school on a scale of "exemplary," "good," "fair," or "poor."

(B) On or before July 1, 2007, the Office of Public School Construction, in consultation with county offices of education, shall define objective criteria for determining the overall summary of the conditions of schools.

(C) For purposes of this paragraph, "users" means local educational agencies that participate in either of the programs established pursuant to this chapter, Chapter 12.5 (commencing with Section 17070.10), or Section 17582.

(e) "Lease" includes a lease with an option to purchase.

(f) "Project" means the facility being constructed or acquired by the state for rental to the applicant school district and may include the reconstruction or modernization of existing buildings, construction of new buildings, the grading and development of sites, acquisition of sites therefor and any easements or rights-of-way pertinent thereto or necessary for its full use including the development of streets and utilities.

(g) "Property" includes all property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of this chapter.

SEC. 5. Section 17076.10 of the Education Code is amended to read:

17076.10. (a) A school district that has received any funds pursuant to this chapter shall submit a summary report of expenditure of state funds and of district matching funds annually until all state funds and district matching funds are expended, and shall then submit a final report to the board. The board may require an audit of these reports or other district records to ensure that all funds received pursuant to this chapter are expended in accordance with program requirements.

(b) If the board finds that a participating school district has made no substantial progress towards increasing its pupil capacity or modernizing its facilities within 18 months of the receipt of any funding pursuant to this chapter, the board shall rescind the apportionment in an amount equal to the unexpended funds.

(c)(1) If the board, after the review of expenditures or audit has been conducted pursuant to subdivision (a), determines that a school district failed to expend funds in accordance with this chapter, the department shall notify the school district of the amount that must be repaid to the 1998 State School Facilities Fund, the 2002 State School Facilities Fund, or the 2004 State School Facilities Fund, as the case may be, within 60 days. If the school district fails to make the required payment within 60 days, the department shall notify the Controller and the school district in writing, and the Controller shall deduct an amount equal to the amount received by the school district under this subdivision, from the school district's next principal apportionment or apportionments of state funds to the school district, other than basic aid apportionments required by Section 6 of Article IX of the California Constitution. Any amounts obtained by the Controller shall be deposited into the 1998 State School Facilities Fund, the 2002 State School Facilities Fund, or the 2004 State School Facilities Fund, as appropriate.

(2) Notwithstanding paragraph (1), if the board determines that repayment of the full liability within 60 days after the board action would constitute a severe financial hardship, as defined by the board, for the school district, the board shall approve a plan of equal annual payments over a period of up to five years. The plan shall include interest on each year's outstanding balance at the rate earned on the state's Pooled Money Investment Account during that year. The Controller shall withhold amounts, other than basic aid apportionments required by Section 6 of Article IX of the California Constitution, pursuant to the plan.

(d) If a school district has received an apportionment, but has not met the criteria to have funds released pursuant to Section 17072.32 or 17074.15 within a period established by the board, but not to exceed 18 months, the board shall rescind the apportionment and deny the district's application.

SEC. 6. Section 17592.72 of the Education Code is amended to read:

17592.72. (a)(1) For the 2005-06 fiscal year, all moneys in the School Facilities Emergency Repair Account are available for reimbursement to schools ranked in deciles 1 to 3, inclusive, on the Academic Performance Index, pursuant to Section 52056, based on the 2003 base Academic Performance Index score for each school, as defined in subdivision (b) of Section 17592.70, to meet the repair costs of the school district projects that meet the criteria specified in subdivisions (c) and (d) and as approved by the State Allocation Board.

(2) Commencing with the 2006-07 fiscal year, all moneys in the School Facilities Emergency Repair Account are available for the purpose of providing emergency repair grants to schools ranked in deciles 1 to 3, inclusive, on the Academic Performance Index, pursuant to Section 52056, based on the 2003 base Academic Performance Index score for each school, as defined in subdivision (b) of Section 17592.70, to cover the costs of school district repair projects that meet the criteria specified in subdivisions (c) and (d). The State Allocation

Board shall establish a grant application process, grant parameters, substantial progress requirements, and a process for providing certification of the completion of projects. The State Allocation Board shall post the grant application form on its Internet Web site.

(3) For subsequent fiscal years, schools shall be eligible for funding based on the Academic Performance Index scores as specified in paragraph (2) of subdivision (c) of Section 1240.

(b)(1) It is the intent of the Legislature that each school district exercise due diligence in the administration of deferred maintenance and regular maintenance in order to avoid the occurrence of emergency repairs.

(2) Funds made available pursuant to this article shall supplement, not supplant, existing funds available for maintenance of school facilities.

(3) The board is authorized to deny future funding pursuant to this article to a school district if the board determines that there is a pattern of failure to exercise due diligence pursuant to paragraph (1) or supplantation. If the board finds a pattern of failure to exercise due diligence, the board shall notify the county superintendent of schools in which the school district is located.

(c)(1) For purposes of this article, "emergency facilities needs" means structures or systems that are in a condition that poses a threat to the health and safety of pupils or staff while at school. These projects may include, but are not limited to, the following types of facility repairs or replacements:

(A) Gas leaks.

(B) Nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems.

(C) Electrical power failure.

(D) Major sewer line stoppage.

(E) Major pest or vermin infestation.

(F) Broken windows or exterior doors or gates that will not lock and that pose a security risk.

(G) Abatement of hazardous materials previously undiscovered that pose an immediate threat to pupil or staff.

(H) Structural damage creating a hazardous or uninhabitable condition.

(2) For purposes of this section, "emergency facilities needs" does not include any cosmetic or nonessential repairs.

(d) For the purpose of this section, structures or components shall only be replaced if it is more cost-effective than repair.

SEC. 7. Section 35186 of the Education Code is amended to read:

35186. (a) A school district shall use the uniform complaint process it has adopted as required by Chapter 5.1 (commencing with Section 4600) of Title 5 of the California Code of Regulations, with modifications, as necessary, to help identify and resolve any deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment.

(1) A complaint may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if he or she indicates that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. If Section 48985 is otherwise applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed. All complaints and responses are public records.

(2) The complaint form shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as he or she wishes.

(3) A complaint shall be filed with the principal of the school or his or her designee. A complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner but not to exceed 10 working days to the appropriate school district official for resolution.

(b) The principal or the designee of the district superintendent, as applicable, shall make all reasonable efforts to investigate any problem within his or her authority. The principal or

designee of the district superintendent shall remedy a valid complaint within a reasonable time period but not to exceed 30 working days from the date the complaint was received. The principal or designee of the district superintendent shall report to the complainant the resolution of the complaint within 45 working days of the initial filing. If the principal makes this report, the principal shall also report the same information in the same timeframe to the designee of the district superintendent.

(c) A complainant not satisfied with the resolution of the principal or the designee of the district superintendent has the right to describe the complaint to the governing board of the school district at a regularly scheduled hearing of the governing board. As to complaints involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of Section 17592.72, a complainant who is not satisfied with the resolution proffered by the principal or the designee of the district superintendent has the right to file an appeal to the Superintendent, who shall provide a written report to the State Board of Education describing the basis for the complaint and, as appropriate, a proposed remedy for the issue described in the complaint.

(d) A school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. The complaints and written responses shall be available as public records.

(e) The procedure required pursuant to this section is intended to address all of the following:

(1) A complaint related to instructional materials as follows:

(A) A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state-adopted or district-adopted textbooks or other required instructional material to use in class.

(B) A pupil does not have access to instructional materials to use at home or after school.

(C) Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

(2) A complaint related to teacher vacancy or misassignment as follows:

(A) A semester begins and a teacher vacancy exists.

(B) A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20-percent English learner pupils in the class. This subparagraph does not relieve a school district from complying with state or federal law regarding teachers of English learners.

(C) A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

(3) A complaint related to the condition of facilities that pose an emergency or urgent threat to the health or safety of pupils or staff as defined in paragraph (1) of subdivision (c) of Section 17592.72 and any other emergency conditions the school district determines appropriate and the requirements established pursuant to subdivision (a) of Section 35292.5.

(f) In order to identify appropriate subjects of complaint, a notice shall be posted in each classroom in each school in the school district notifying parents, guardians, pupils, and teachers of the following:

(1) There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.

(2) School facilities must be clean, safe, and maintained in good repair.

(3) There should be no teacher vacancies or misassignments as defined in paragraphs (2) and (3) of subdivision (h).

(4) The location at which to obtain a form to file a complaint in case of a shortage. Posting a notice downloadable from the Internet Web site of the department shall satisfy this requirement.

(g) A local educational agency shall establish local policies and procedures, post notices, and implement this section on or before January 1, 2005.

(h) For purposes of this section, the following definitions apply:

(1) "Good repair" has the same meaning as specified in subdivision (d) of Section 17002.

(2) "Misassignment" means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

(3) "Teacher vacancy" means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

SEC. 8. Section 60119 of the Education Code is amended to read:

60119. (a) In order to be eligible to receive funds available for the purposes of this article, the governing board of a school district shall take the following actions:

(1)(A) The governing board shall hold a public hearing or hearings at which the governing board shall encourage participation by parents, teachers, members of the community interested in the affairs of the school district, and bargaining unit leaders, and shall make a determination, through a resolution, as to whether each pupil in each school in the district has sufficient textbooks or instructional materials, or both, that are aligned to the content standards adopted pursuant to Section 60605 in each of the following subjects, as appropriate, that are consistent with the content and cycles of the curriculum framework adopted by the state board:

(i) Mathematics.

(ii) Science.

(iii) History-social science.

(iv) English/language arts, including the English language development component of an adopted program.

(B) The public hearing shall take place on or before the end of the eighth week from the first day pupils attend school for that year. A school district that operates schools on a multitrack, year-round calendar shall hold the hearing on or before the end of the eighth week from the first day pupils attend school for that year on any tracks that begin a school year in August or September. For purposes of the 2004-05 fiscal year only, the governing board of a school district shall make a diligent effort to hold a public hearing pursuant to this section on or before December 1, 2004.

(C) As part of the hearing required pursuant to this section, the governing board shall also make a written determination as to whether each pupil enrolled in a foreign language or health course has sufficient textbooks or instructional materials that are consistent with the content and cycles of the curriculum frameworks adopted by the state board for those subjects. The governing board shall also determine the availability of laboratory science equipment as applicable to science laboratory courses offered in grades 9 to 12, inclusive. The provision of the textbooks, instructional materials, or science equipment specified in this subparagraph is not a condition of receipt of funds provided by this subdivision.

(2)(A) If the governing board determines that there are insufficient textbooks or instructional materials, or both, the governing board shall provide information to classroom teachers and to the public setting forth, in the resolution, for each school in which an insufficiency exists, the percentage of pupils who lack sufficient standards-aligned textbooks or instructional materials in each subject area and the reasons that each pupil does not have sufficient textbooks or instructional materials, or both, and take any action, except an action that would require reimbursement by the Commission on State Mandates, to ensure that each pupil has

sufficient textbooks or instructional materials, or both, within two months of the beginning of the school year in which the determination is made.

(B) In carrying out subparagraph (A), the governing board may use money in any of the following funds:

(i) Any funds available for textbooks or instructional materials, or both, from categorical programs, including any funds allocated to school districts that have been appropriated in the annual Budget Act.

(ii) Any funds of the school district that are in excess of the amount available for each pupil during the prior fiscal year to purchase textbooks or instructional materials, or both.

(iii) Any other funds available to the school district for textbooks or instructional materials, or both.

(b) The governing board shall provide 10 days' notice of the public hearing or hearings set forth in subdivision (a). The notice shall contain the time, place, and purpose of the hearing and shall be posted in three public places in the school district. The hearing shall be held at a time that will encourage the attendance of teachers and parents and guardians of pupils who attend the schools in the district and shall not take place during or immediately following school hours.

(c)(1) For purposes of this section, "sufficient textbooks or instructional materials" means that each pupil, including English learners, has a standards-aligned textbook or instructional materials, or both, to use in class and to take home. This paragraph does not require two sets of textbooks or instructional materials for each pupil.

(2) Sufficient textbooks or instructional materials as defined in paragraph (1), does not include photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage.

(d) Except for purposes of Section 60252, governing boards of school districts that receive funds for instructional materials from any state source, are subject to the requirements of this section only in a fiscal year in which the Superintendent determines that the base revenue limit for each school district will increase by at least 1 percent per unit of average daily attendance from the prior fiscal year.

SEC. 9. Notwithstanding any other provision of law, the remaining unencumbered balance of funds appropriated in paragraph (2) of subdivision (a) of Section 23 of Chapter 900 of the Statutes of 2004 shall remain available for expenditure through June 30, 2008, for the purposes set forth in paragraph (2) of subdivision (c) of Section 1240 of the Education Code and pursuant to Section 4 of Chapter 710 of the Statutes of 2005.

SEC. 10. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

## LAW ENFORCEMENT AGENCIES—CRIMES AND OFFENSES—SURVEILLANCE

### CHAPTER 705

A.B. No. 618

AN ACT to amend Section 7480 of the Government Code, relating to crime.

[Filed with Secretary of State September 29, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 618, Cogdill Crime.

4374

Additions or changes indicated by underline; deletions by asterisks \* \* \*

Test Claim of San Diego County Office of Education and Sweetwater Union High School District  
**WILLIAMS CASE IMPLEMENTATION II**

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Title 2, CCR, Sections 1859.302-1859.330	1-29	29



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2 CA ADC § 1859.302

2 CCR s 1859.302

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ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

This database is current through 10/05/07, Register 2007, No. 40  
s 1859.302. Definitions.

For the purposes of these Subgroup 5.7 regulations, the terms set forth below shall have the following meanings, subject to the provisions of the Act:

"Accepted Application(s)" means a Local Educational Agency (LEA) has submitted the application and all documents to the Office of Public School Construction (OPSC) that are required to be submitted with the application as identified in the General Information and Required Documentation section of the Form SAB 61-03, Grant Request, (Rev. 01/07), as appropriate, and the OPSC has accepted the application.

"Act" means California Education Code (EC) Sections 17592.70 through 17592.73, inclusive, and 41207.5.

"Apportionment" means an allocation of funds by the Board for eligible School Facilities Needs Assessment Grant Program or Emergency Repair Program costs.

"Board" means the State Allocation Board as established by Section 15490 of the Government Code.

"CBEDS Report" means the enrollment information provided through the California Basic Educational Data System (CBEDS) by the LEA to the California Department of Education (CDE).

"Certification of Eligibility" means the on-line worksheet provided by the OPSC and accessible through the OPSC Website at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov) for the purpose of a one-time determination of whether a school site meets the provisions of Section 1859.311(b).

"Cosmetic Repairs" means repairs that enhance the physical environment of the school and are not directly related to the mitigation of a health and safety hazard.

"Deferred Maintenance Program (DMP)" means the State deferred maintenance funding authorized by EC Sections 17582 through 17588, inclusive.

"Emergency Facilities Needs" means structures or systems that in their present condition pose an immediate threat to the health and safety of pupils and staff while at school.

"Emergency Repair Program (ERP)" means the repair program implemented under the Act, Senate Bill 6, Chapter 899, Statutes of 2004.

"ERP Grant" means an Apportionment provided by the State to the LEA for eligible costs, pursuant to EC Section 17592.72 and Regulation Sections 1859.323, 1859.323.1, and 1859.323.2.

"Employee" means an individual that is a classified or certificated temporary, probationary or permanent employee receiving a warrant as payment from the LEA.

"Expended" means work has been completed, or services rendered, and a warrant has been issued for payment.

"Form SAB 61-01" means the Needs Assessment Report, Form SAB 61-01 (New 01/05), which is incorporated by reference.

"Form SAB 61-02" means the Expenditure Report, Form SAB 61-02 (New 02/05), which is incorporated by reference.

"Form SAB 61-03" means the Grant Request, Form SAB 61-03 (Rev. 01/07), which is incorporated by reference.

"Form SAB 61-04" means the Expenditure Report, Form SAB 61-04 (New 01/07), which is incorporated by reference.

"Grant" means an apportionment for a request for an Emergency Repair Program project and can include reimbursement for projects already completed.

"Grant Adjustment" means an increase or a decrease in the Grant after review of the Form SAB 61-04.

"Interim Evaluation Instrument" means the evaluation tool developed pursuant to EC Section 17002.

"LEA Representative" means a member of the LEA staff or other agent authorized to execute and file application(s) with the Board on behalf of the LEA and/or act as liaison between the Board and the LEA.

"Like-Kind Material/System" means a building material or system that is substantially identical in function to the existing building material or system to be replaced.

"Local Educational Agency (LEA)" means a school district or county office of education meeting the requirements of Section 14101(18)(A) or (B) of the federal Elementary and Secondary Education Act of 1965.

"Needs Assessment" means the review of the facilities conducted pursuant to the Section 1859.315(c), the Form SAB 61-01 and EC Section 17592.70.

"Needs Assessment Grant" means the funding provided pursuant to EC Section 17592.70(c) and Sections 1859.312 and 1859.313.

"Nonessential Repairs" means work that is not directly related to the mitigation of a health and safety hazard including, but not limited to, repairs to correct items not in compliance with Title 24 of the California Code of Regulations that existed prior to and are not an Emergency Facilities Needs.

"Office of Public School Construction (OPSC)" means the State office within the Department of General Services that assists the Board as necessary and administers the School Facilities Needs Assessment Grant Program and the Emergency Repair Program.

"Pupil" means a student enrolled in any grade Kindergarten through grade twelve including individuals with exceptional needs meeting the provisions of EC Section 56026.

"Ready for Apportionment" means a review of an Accepted Application has been completed by the OPSC and it has been determined that it meets all requirements of law for an Apportionment, and the OPSC will recommend approval to the Board.

"Routine Restricted Maintenance Account" means the account into which funds are deposited by LEAs pursuant to EC Section 17070.75.

"School Facilities Emergency Repair Account" means the account established by the OPSC pursuant to EC Section 17592.71(a).

"School Facilities Needs Assessment Grant Program" means the one-time assessment of school facilities implemented under the Act, Senate Bill 6, Chapter 899, Statutes of 2004.

"School Facility Program (SFP)" means the Leroy F. Greene School Facilities Act of 1998, commencing with EC Section 17070.10.

"Section" means a section in these Subgroup 5.7 regulations.

"Unfunded List" means an information list of unfunded projects including projects partially funded on a prorated basis pursuant to Section 1859.322(b)(1).

"Web-Based Needs Assessment" means the on-line Form SAB 61-01 provided by the OPSC and accessible through the OPSC Website at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov) for the one-time purpose of submitting the Needs Assessment data electronically.

"Web-Based Progress Report Survey" means the on-line worksheet provided by the OPSC and accessible through the OPSC Website at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov) for the purpose of submitting a one-time report on the progress made toward completing the Needs Assessment.

#### <General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Section 17592.73, Education Code. Reference: Sections 17592.70, 17592.71, 17592.72 and 17592.73, Education Code.

#### HISTORY

1. New section filed 5-31-2005 as an emergency; operative 5-31-2005 (Register 2005, No. 22). A Certificate of Compliance must be transmitted to OAL by 9-28-2005 or emergency language will be repealed by operation of law on the

following day.

2. Certificate of Compliance as to 5-31-2005 order, including reordering of definitions to correct alphabetical order, transmitted to OAL 9-23-2005 and filed 11-7-2005 (Register 2005, No. 45).

3. Amendment of definitions of "Accepted Application(s)," "Apportionment," "Emergency Repair Program Grant," "Form SAB 61-03," "School Facility Program" and "Unfunded List" and new definitions of "Form SAB 61-04," "Grant" and "Grant Adjustment" filed 7-2-2007 as an emergency; operative 7-2-2007 (Register 2007, No. 27). A Certificate of Compliance must be transmitted to OAL by 12-31-2007 or emergency language will be repealed by operation of law on the following day.

2 CCR s 1859.302, 2 CA ADC s 1859.302  
1CAC

2 CA ADC s 1859.302

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ARTICLE 2. SCHOOL FACILITIES NEEDS ASSESSMENT GRANT PROGRAM

This database is current through 10/05/07, Register 2007, No. 40  
 s 1859.318. Supplement, Not Supplant, Needs Assessment Grant Funds.

Needs Assessment Grant funds remaining after the completion of the Needs Assessment must be used for repairs authorized in Section 1859.313(b) and must be used to supplement, not supplant, funds already available for routine, deferred, planned and scheduled maintenance, or emergency repairs of school facilities. In accordance with this requirement, the LEA must comply with all of the following in the 2005/2006 fiscal year:

(a) Deposit the funding level required pursuant to EC Section 17070.75 in the Routine Restricted Maintenance Account, if participating in the SFP.

(b) Deposit an amount equal to the State's matching share of the basic grant pursuant to EC Section 17584, if participating in the DMP.

(c) If either (a) or (b) are not applicable, the district must budget an amount not less than the average maintenance budget for the three previous fiscal years.

(d) In an effort to ensure that each of its schools is maintained in good repair, the LEA shall expend or encumber by issuing a purchase order or entering into a legal contract or document, or dedicate funds from the sources listed in subsections (a) through (c), above, to correct problems identified in the facilities inspection system required pursuant to EC Section 17070.75(e), which may include items listed in the DMP five-year plan, or the Interim Evaluation Instrument that do not qualify for funding as described in EC Section 17592.72(c)(1). For those projects eligible for ERP funding, the LEA may seek funding at any time provided that the LEA has or will meet the above requirements.

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Section 17592.73, Education Code. Reference: Sections 17592.72 and 17592.73, Education Code.

HISTORY

1. New section filed 5-31-2005 as an emergency; operative 5-31-2005 (Register 2005, No. 22). A Certificate of Compliance must be transmitted to OAL by 9-28-2005 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 5-31-2005 order transmitted to OAL 9-23-2005 and filed 11-7-2005 (Register 2005, No. 45).
3. Amendment of subsection (d) and Note filed 7-2-2007 as an emergency; operative 7-2-2007 (Register 2007, No. 27). A Certificate of Compliance must be transmitted to OAL by 12-31-2007 or emergency language will be repealed by operation of law on the following day.

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 ARTICLE 3. EMERGENCY REPAIR PROGRAM

This database is current through 10/05/07, Register 2007, No. 40  
 s 1859.320. General.

An LEA seeking an ERP Grant for funding of costs for repairs or replacement of existing structural components or building systems that pose(d) a health and safety threat to the pupils or staff while at school, as defined by EC Section 17592.72(c)(1), shall submit to the OPSC a completed Form SAB 61-03. . . .

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Section 17592.73, Education Code. Reference: Section 17592.72, Education Code.

### HISTORY

1. New article 3 (sections 1859.320-1859.329) and section filed 5-31-2005 as an emergency; operative 5-31-2005 (Register 2005, No. 22). A Certificate of Compliance must be transmitted to OAL by 9-28-2005 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 5-31-2005 order transmitted to OAL 9-23-2005 and filed 11-7-2005 (Register 2005, No. 45).
3. Amendment filed 7-2-2007 as an emergency; operative 7-2-2007 (Register 2007, No. 27). A Certificate of Compliance must be transmitted to OAL by 12-31-2007 or emergency language will be repealed by operation of law on the following day.

2 CCR s 1859.320, 2 CA ADC s 1859.320  
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ARTICLE 3. EMERGENCY REPAIR PROGRAM

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s 1859.321. Eligible Schools.

Eligible schools are determined as follows:

(a) An LEA that has a school site meeting all of the following is eligible to submit a Form SAB 61-03:

- (1) The school was identified on the list published by the CDE pursuant to EC Section 17592.72.
- (2) The school was newly constructed prior to January 1, 2000.

(b) Commencing with the 2007/08 Fiscal Year and for subsequent fiscal years, an LEA that has a school site that is identified by the CDE pursuant to EC Section 17592.72 is eligible to submit a Form SAB 61-03.

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Section 17592.73, Education Code. Reference: Section 17592.72, Education Code.

### HISTORY

1. New section filed 5-31-2005 as an emergency; operative 5-31-2005 (Register 2005, No. 22). A Certificate of Compliance must be transmitted to OAL by 9-28-2005 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 5-31-2005 order transmitted to OAL 9-23-2005 and filed 11-7-2005 (Register 2005, No. 45).
3. Amendment filed 7-2-2007 as an emergency; operative 7-2-2007 (Register

2007, No. 27). A Certificate of Compliance must be transmitted to OAL by 12-31-2007 or emergency language will be repealed by operation of law on the following day.

2 CCR s 1859.321, 2 CA ADC s 1859.321  
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2 CA ADC § 1859.322

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2 CCR s 1859.322

Cal. Admin. Code tit. 2, s 1859.322

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 ARTICLE 3. EMERGENCY REPAIR PROGRAM

This database is current through 11/23/07, Register 2007, No. 47  
 s 1859.322. Emergency Repair Program Project Funding Order.

The Board shall make apportionments on a monthly basis for Grants in the order of receipt of an Accepted Application and for Grant Adjustments in the order of receipt of a complete Form SAB 61-04, as follows:

(a) If sufficient funding is available to provide funding to all applications presented that month, all applications will receive an Apportionment of the eligible costs.

(b) If funding is insufficient in any given month:

(1) Grants will be provided to each application on a prorated basis with the balance placed on the Unfunded List, unless the proration will result in funding less than 25 percent of the eligible project costs. The proration shall be determined by dividing the total funds available by the total eligible costs of all applications Ready for Apportionment. All Grant Adjustments will be placed on the Unfunded List.

(2) If the proration, as determined in (1) above, will be less than 25 percent of the eligible project costs, the Board shall provide Grant funding at 100 percent of the eligible project costs of the Grants based on date order received until funds are no longer available and the remaining Grant applications shall be placed on the Unfunded List. All Grant Adjustments will be placed on the Unfunded List.

(3) The Board will continue to accept and process applications for the purpose of developing an Unfunded List based on the order of receipt of the Accepted Applications.

When funds become available, projects on the Unfunded List will be apportioned in the order of date received. From available funds, Grants will be funded first and Grant Adjustments will be

funded second. After an Apportionment has been made by the Board, funds will be released automatically by the OPSC. If local funds have been expended, the Apportionment must be used by the LEA to reimburse the special reserve fund and the original source of funds used to make the LEA expenditures for the ERP project.

Once all ERP funds have been depleted, any applications that have received a prorated Apportionment, a Grant, or a Grant Adjustment will be deemed a full and final Apportionment any applications remaining fully unfunded on the Unfunded List will be returned to the LEA, and the Unfunded List shall be dissolved.

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Section 17592.73, Education Code. Reference: Sections 17592.71 and 17592.72, Education Code.

#### HISTORY

1. New section filed 5-31-2005 as an emergency; operative 5-31-2005 (Register 2005, No. 22). A Certificate of Compliance must be transmitted to OAL by 9-28-2005 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 5-31-2005 order transmitted to OAL 9-23-2005 and filed 11-7-2005 (Register 2005, No. 45).
3. Amendment of section and Note filed 7-2-2007 as an emergency; operative 7-2-2007 (Register 2007, No. 27). A Certificate of Compliance must be transmitted to OAL by 12-31-2007 or emergency language will be repealed by operation of law on the following day.

2 CCR s 1859.322, **+2 CA ADC s 1859.322+**  
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This database is current through 10/05/07, Register 2007, No. 40  
 s 1859.323. Eligible Project Costs.

Funding will be provided to meet the LEA share of the repair costs of Emergency Facilities Needs as defined in Education Code Section 17592.72(c)(1). To be eligible for funding consideration, the total project cost request on the Form SAB 61-03 must be \$5000 or higher unless the LEA can justify its request for a lesser amount. Funding of eligible projects costs shall be limited to the minimum work required on existing structural components or building systems to mitigate the health and safety hazard, plus application documentation preparation and submittal costs, if any, as permissible under Regulation Section 1859.323.2 (j).

Replacement of existing structural components or building systems is permissible provided the project is in compliance with provisions of Section 1859.323.1.

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Section 17592.73, Education Code. Reference: Section 17592.72, Education Code.

### HISTORY

1. New section filed 5-31-2005 as an emergency; operative 5-31-2005 (Register 2005, No. 22). A Certificate of Compliance must be transmitted to OAL by 9-28-2005 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 5-31-2005 order transmitted to OAL 9-23-2005 and filed 11-7-2005 (Register 2005, No. 45).
3. Amendment of first paragraph filed 7-2-2007 as an emergency; operative 7-2-2007 (Register 2007, No. 27). A Certificate of Compliance must be transmitted to OAL by 12-31-2007 or emergency language will be repealed by operation of law on the following day.

2 CCR s 1859.323, 2 CA ADC s 1859.323  
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This database is current through 10/05/07, Register 2007, No. 40  
 s 1859.323.1. Replacement Projects.

Funding of eligible replacement costs shall be provided only if it is more cost-effective to replace rather than repair a structural component or building system that poses a health or safety threat to pupils or staff while at school. For purposes of this section, it is more cost-effective to replace a structural component or building system when the estimated cost of an eligible repair is at least 75 percent of the cost of replacement. If the cost to repair the component or system is less than 75 percent of the current replacement cost and the district elects to replace the component or system, then Grant funding shall be equal to the estimated cost of repair. Projects that use this option are not eligible for an increase to the Grant at the time of Grant Adjustment pursuant to Section 1859.324.1.

If the request is for replacement components or systems, a cost comparison must be prepared. The cost comparison shall consist of a repair cost estimate and a Like-Kind Material/System replacement cost estimate provided by qualified individual(s) or firm(s).

Replacement of a structural component or building system shall be limited to the use of a Like-Kind Material/System except when the work in the project proposes to use an alternative building material or system which is requested by the LEA. The cost comparison must also include the estimated cost of replacement using an alternative building material or system. If replacement with an alternate material/system is more costly than replacement with a Like-Kind Material/System, the LEA will receive funding for the alternate material/system in an amount not to exceed the cost of replacement with a Like-Kind Material/System. If it is determined that the only possible replacement is with the alternate material/system, the LEA will receive funding for the actual cost of replacement with the alternate material/system.

If the request is for replacement components or systems that included structural deficiencies, the cost comparison must also include a report from a licensed design professional identifying the minimum work necessary to obtain Division of the State Architect's approval.

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Section 17592.73, Education Code. Reference: Section 17592.72, Education Code.

## HISTORY

1. New section filed 5-31-2005 as an emergency; operative 5-31-2005 (Register 2005, No. 22). A Certificate of Compliance must be transmitted to OAL by 9-28-2005 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 5-31-2005 order transmitted to OAL 9-23-2005 and filed 11-7-2005 (Register 2005, No. 45).
3. Amendment filed 7-2-2007 as an emergency; operative 7-2-2007 (Register 2007, No. 27). A Certificate of Compliance must be transmitted to OAL by 12-31-2007 or emergency language will be repealed by operation of law on the following day.

2 CCR s 1859.323.1, 2 CA ADC s 1859.323.1  
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2 CA ADC s 1859.323.1

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ARTICLE 3. EMERGENCY REPAIR PROGRAM

This database is current through 10/05/07, Register 2007, No. 40  
s 1859.323.2. Ineligible Expenditures.

An Emergency Repair Program Grant may not be used for any of the following:

- (a) New square footage, components, or building systems that did not previously exist.
- (b) Nonessential Repairs.
- (c) Cosmetic Repairs.
- (d) Land acquisition.
- (e) Furniture and equipment.
- (f) Salaries of LEA employees except when permitted pursuant to Public Contract Code Section 20114.
- (g) Costs covered under warranty or by insurance.
- (h) Costs normally borne by others including, but not limited to, public utility companies.
- (i) Costs to repair or replace facilities with structural damage if the project meets the facility hardship or rehabilitation criteria set forth in School Facility Program Regulation Sections 1859.82 and 1859.83(e).
- (j) Application documentation preparation and submittal costs that exceed two percent of the total project cost or \$5,000, whichever is less. The total project cost shall be calculated by adding all other eligible costs and re-calculated upon the grant adjustment determination pursuant to Section 1859.324.1.

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Section 17592.73, Education Code. Reference: Section 17592.72, Education Code.

## HISTORY

1. New section filed 5-31-2005 as an emergency; operative 5-31-2005 (Register 2005, No. 22). A Certificate of Compliance must be transmitted to OAL by 9-28-2005 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 5-31-2005 order transmitted to OAL 9-23-2005 and filed 11-7-2005 (Register 2005, No. 45).
3. New subsection (j) filed 7-2-2007 as an emergency; operative 7-2-2007 (Register 2007, No. 27). A Certificate of Compliance must be transmitted to OAL by 12-31-2007 or emergency language will be repealed by operation of law on the following day.

2 CCR s 1859.323.2, 2 CA ADC s 1859.323.2  
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This database is current through 11/23/07, Register 2007, No. 47

s 1859.324. Funding.

An Emergency Repair Program Grant shall be used to fund the LEA's eligible costs, as defined by Sections 1859.323 and 1859.323.1 as follows:

(a) For schools ranked in deciles one to three, inclusive, based on the 2003 Academic Performance Index that meet requirements defined by Section 1859.321(a) and all of the following provisions:

(1) If contracts for services or work were signed for the project, contracts must have been entered into on or after September 29, 2004.

(2) Funds must have been Expended on or after September 29, 2004.

(3) Accepted Applications on or before June 30, 2007. If these ERP regulations are not in effect by March 31, 2007, LEAs may submit applications for 90 days following the effective date of the regulations.

(b) For schools ranked in deciles one to three, inclusive, based on the 2006 Academic Performance Index that meet requirements defined by 1859.321(b) and all of the following provisions:

(1) If contracts for services or work were signed for the project, contracts must have been entered into on or after July 1, 2005.

(2) Funds must have been Expended on or after July 1, 2005.

(3) Accepted Applications on or before June 30, 2010.

(c) For schools ranked in deciles one to three, inclusive, based on the 2009 Academic Performance Index that meet requirements defined by 1859.321(b) and all of the following provisions:

(1) If contracts for services or work were signed for the project, contracts must have been entered into on or after July 1, 2008.

(2) Funds must have been Expended on or after July 1, 2008.

(3) Accepted Applications on or before June 30, 2013.

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Section 17592.73, Education Code. Reference: Section 17592.72, Education Code.

HISTORY

1. New section filed 5-31-2005 as an emergency; operative 5-31-2005 (Register 2005, No. 22). A Certificate of Compliance must be transmitted to OAL by 9-28-2005 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 5-31-2005 order transmitted to OAL 9-23-2005 and filed 11-7-2005 (Register 2005, No. 45).

3. Amendment of section heading and section filed 7-2-2007 as an emergency; operative 7-2-2007 (Register 2007, No. 27). A Certificate of Compliance must be transmitted to OAL by 12-31-2007 or emergency language will be repealed by operation of law on the following day.

2 CCR s 1859.324, **+2 CA ADC s 1859.324+**  
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This database is current through 10/05/07, Register 2007, No. 40  
 s 1859.324.1. Grant Adjustments.

After review of a Form SAB 61-04, projects that require a Grant Adjustment will be presented to the Board for approval based upon one of the following review determinations:

(a) If the expenditures are less than the Grant, the Grant will be deemed the full and final apportionment for the project and the OPSC shall recommend to the Board that the Apportionment be reduced by the amount of savings realized by the LEA. The savings, which include any interest earned on the Grant funds, either declared by the LEA or determined by the OPSC, must be returned to the State. Upon the approval of the recommendation by the Board, the LEA must submit a warrant for any amount identified as being owed within 60 days of the Board's action. If the LEA fails to make the required payment within 60 days, the OPSC shall notify the Controller and the LEA in writing, and the Controller shall deduct an amount equal to the amount received by the LEA under this subdivision from the LEA's next principal apportionment or apportionments of state funds to the LEA, other than basic aid apportionments required by Section 6 of Article IX of the California Constitution. Any amounts obtained pursuant to this Section shall be deposited into the School Facilities Emergency Repair Account and will be made available for the funding of future ERP Grants and Grant Adjustments.

(b) If the expenditures are greater than the Grant apportionment, provided the additional expenditures are associated with the project's original scope, the OPSC shall recommend to the Board that the Apportionment be increased. The Grant Adjustment will be deemed as the full and final apportionment for the project.

(c) If the expenditures are equal to the Grant, no further Board action is necessary. The Grant will be deemed as the full and final apportionment for the project.

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Section 17592.73, Education Code. Reference: Sections 17592.72 and 17592.73, Education Code.

HISTORY

1. New section filed 7-2-2007 as an emergency; operative 7-2-2007 (Register 2007, No. 27). A Certificate of Compliance must be transmitted to OAL by 12-31-2007 or emergency language will be repealed by operation of law on the following day.

2 CCR s 1859.324.1, 2 CA ADC s 1859.324.1  
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2 CA ADC s 1859.324.1

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This database is current through 10/05/07, Register 2007, No. 40  
 s 1859.326. Expenditures and Audit.

The projects shall be subject to audit to ensure that the expenditures incurred by the LEA were made in accordance with the provisions of Sections 1859.323, 1859.323.1, 1859.323.2, 1859.324, 1859.327, and 1859.328.

After a full and final Apportionment has been made pursuant to Regulation Section 1859.324.1, should the OPSC notify the LEA of an impending ERP audit of the expenditures reported on the Form SAB 61-04, an audit by the OPSC shall commence within six months. Once the audit has commenced, the OPSC shall complete the audit within six months of the notification unless additional information requested from the LEA has not been received.

Should the OPSC conduct an audit of the expenditures and information provided by the LEA, which may include certifications, for the project and make a finding that some or all of the expenditures were not made in accordance with the provisions of EC Section 17592.72(c) and Regulation Sections 1859.323 through 1859.329 inclusive, the OPSC shall recommend to the Board that the apportionment be adjusted based on the audit findings. Upon adoption of the audit findings by the Board, the LEA must submit a warrant for any amount identified as being owed within 60 days of the Board's action. If this does not occur, the OPSC shall initiate collection procedures as delineated in 1859.324.1(a).

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Section 17592.73, Education Code. Reference: Sections 17592.72 and 17592.73, Education Code.

### HISTORY

1. New section filed 5-31-2005 as an emergency; operative 5-31-2005 (Register 2005, No. 22). A Certificate of Compliance must be transmitted to OAL by 9-28-2005 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 5-31-2005 order transmitted to OAL 9-23-2005

and filed 11-7-2005 (Register 2005, No. 45).

3. Amendment of section heading and section filed 7-2-2007 as an emergency; operative 7-2-2007 (Register 2007, No. 27). A Certificate of Compliance must be transmitted to OAL by 12-31-2007 or emergency language will be repealed by operation of law on the following day.

2 CCR s 1859.326, 2 CA ADC s 1859.326  
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This database is current through 10/05/07, Register 2007, No. 40  
 s 1859.328. Supplement, Not Supplant, Emergency Repair Program Grant Funds.

Emergency Repair Program Grant funds must be used to supplement, not supplant funds already available for routine, deferred, planned and scheduled maintenance, or emergency repairs of school facilities. In accordance with these requirements, the LEA must comply with all of the following at the time the Accepted Application and the Form SAB 61-04 are submitted to the OPSC:

(a) Deposit the funding level required for the current fiscal year pursuant to EC Section 17070.75 in the Routine Restricted Maintenance Account, if participating in the SFP.

(b) If participating in the DMP, the district:

(1) For applications submitted prior to January 1, 2006, has deposited an amount equal to the State's matching share of the maximum basic grant, calculated pursuant to EC Section 17584, for the latest available determination; and

(2) For applications submitted on or after January 1, 2006, has deposited an amount equal to the maximum basic grant, calculated pursuant to EC Section 17584, for the latest available determination; and

(3) Will deposit an amount equal to the maximum basic grant, calculated pursuant to EC Section 17584, for the next scheduled determination.

(4) Shall not transfer excess local funds in accordance with EC Section 17583 from the deposits made as specified in (2) and (3), above.

(c) If either (a) or (b) are not applicable, the district must budget for the current fiscal year an amount not less than the average maintenance budget for the three previous fiscal years.

(d) In an effort to ensure that each of its schools is maintained in good repair, the LEA shall expend or

encumber by issuing a purchase order or entering into a legal contract or document, or dedicate funds from the sources listed in subsections (a) through (c), above, to correct problems identified in the facilities inspection system required pursuant to EC Section 17070.75(e), which may include items listed in the DMP five-year plan, or the Interim Evaluation Instrument that do not qualify for funding as described in EC Section 17592.72(c)(1). For those projects eligible for ERP funding, the LEA may seek funding at any time provided that the LEA has or will meet the above requirements.

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Section 17592.73, Education Code. Reference: Sections 17592.72 and 17592.73, Education Code.

#### HISTORY

1. New section filed 5-31-2005 as an emergency; operative 5-31-2005 (Register 2005, No. 22). A Certificate of Compliance must be transmitted to OAL by 9-28-2005 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 5-31-2005 order transmitted to OAL 9-23-2005 and filed 11-7-2005 (Register 2005, No. 45).
3. Amendment of first paragraph and subsection (d) filed 7-2-2007 as an emergency; operative 7-2-2007 (Register 2007, No. 27). A Certificate of Compliance must be transmitted to OAL by 12-31-2007 or emergency language will be repealed by operation of law on the following day.

2 CCR s 1859.328, 2 CA ADC s 1859.328  
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2 CA ADC § 1859.329

2 CCR s 1859.329

Cal. Admin. Code tit. 2, s 1859.329

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS  
 TITLE 2. ADMINISTRATION  
 DIVISION 2. FINANCIAL OPERATIONS  
 CHAPTER 3. DEPARTMENT OF GENERAL SERVICES  
 SUBCHAPTER 4. OFFICE OF PUBLIC SCHOOL CONSTRUCTION  
 SUBGROUP 3.5. REGULATIONS RELATING TO SURPLUS SCHOOL PROPERTY; USE OF  
 PROCEEDS  
 SUBGROUP 5.7. SCHOOL FACILITIES NEEDS ASSESSMENT AND EMERGENCY REPAIR  
 PROGRAM

ARTICLE 3. EMERGENCY REPAIR PROGRAM

This database is current through 10/05/07, Register 2007, No. 40  
 s 1859.329. Withdrawal and Amendment of Applications.

In the event an LEA has omitted costs from the Form SAB 61-03 at the time of submittal and the project has not received a Grant Apportionment from the Board, the LEA may withdraw its application and resubmit a revised Form SAB 61-03. The resubmitted application shall receive a new processing date by the OPSC. If the Board has already provided a Grant Apportionment for the project, the LEA may request the additional cost on the Form SAB 61-04. Additional expenditures must be associated with the project's original scope. If the Board has already provided a Grant Adjustment for the project, the LEA will not be able to receive additional funding for the project and the Apportionment provided by the Board will be considered full and final.

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Section 17592.73, Education Code. Reference: Sections 17592.72 and 17592.73, Education Code.

### HISTORY

1. New section filed 5-31-2005 as an emergency; operative 5-31-2005 (Register 2005, No. 22). A Certificate of Compliance must be transmitted to OAL by 9-28-2005 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 5-31-2005 order transmitted to OAL 9-23-2005 and filed 11-7-2005 (Register 2005, No. 45).
3. Amendment filed 7-2-2007 as an emergency; operative 7-2-2007 (Register 2007, No. 27). A Certificate of Compliance must be transmitted to OAL by 12-31-2007 or emergency language will be repealed by operation of law on the following day.

2 CCR s 1859.329, 2 CA ADC s 1859.329  
1CAC

2 CA ADC s 1859.329

END OF DOCUMENT

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## Welcome to the online source for the California Code of Regulations

2 CA ADC § 1859.330

2 CCR s 1859.330

Cal. Admin. Code tit. 2, s 1859.330

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS  
 TITLE 2. ADMINISTRATION  
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 PROGRAM

ARTICLE 3. EMERGENCY REPAIR PROGRAM

This database is current through 10/05/07, Register 2007, No. 40  
 s 1859.330. Time Limit on Grant Apportionment.

The LEAs that receive ERP Grants shall comply with all of the following provisions:

(a) When the Division of the State Architect's review and approval is not required, within 12 months of the Grant apportionment the LEA shall:

- (1) Complete the emergency repair or replacement; and
- (2) Submit the Form SAB 61-04 to the OPSC.

(b) When the Division of the State Architect's review and approval is required, within 18 months of the Grant apportionment the LEA shall:

- (1) Complete the emergency repair or replacement; and
- (2) Submit the Form SAB 61-04 to the OPSC.

If the LEA does not meet the Time Limit on Grant Apportionment, the Apportionment will be rescinded without further Board action. Within 60 days of the OPSC notification, the LEA must submit to the State a warrant for the amount of the Apportionment and any interest earned on State funds. If this does not occur, the OPSC shall initiate collection procedures as delineated in 1859.324.1(a). Any rescinded funds returned to the State will be made available for the funding of future ERP Grants and Grant Adjustments. The LEA may re-file Form SAB 61-03 to request a Grant for the rescinded projects provided it meets the provisions of Section 1859.324 at the time of re-filing.

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Sections 17592.72 and 17592.73, Education Code. Reference: Section 17592.72, Education Code.

HISTORY

1. New section filed 7-2-2007 as an emergency; operative 7-2-2007 (Register 2007, No. 27). A Certificate of Compliance must be transmitted to OAL by 12-31-2007 or emergency language will be repealed by operation of law on the following day.

2 CCR s 1859.330, 2 CA ADC s 1859.330  
1CAC

2 CA ADC s 1859.330

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**THOMSON**  
  
**WEST**

Test Claim of San Diego County Office of Education and Sweetwater Union High School District  
WILLIAMS CASE IMPLEMENTATION II

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## EMERGENCY REPAIR PROGRAM

# Application Submittal Requirements Checklist

June 2007

The following items are necessary for the application package to be deemed *complete* by the Office of Public School Construction

- Grant Request, Form SAB 61-03**  
Parts A, B, and C completed.
- Expenditure Report, Form SAB 61-04**  
Parts A, B, and C completed.  
Must submit in conjunction with Form SAB 61-03 if the request is for reimbursement.
- Documentation to substantiate the health and safety threat.**  
The list below contains examples of health and safety threat documentation. Provide one or more of the following, as appropriate:
  - Signed Copy of the Interim Evaluation Instrument (IEI) identifying the project as a health and safety threat
  - Copies of complaints made by parents, students, or staff referencing the problem
  - Inspection report by qualified individual(s) or firms(s)
  - Work orders that identify the health and safety hazard and the work done to mitigate the hazard
  - Photos showing the condition of the project prior to the repair work being performed
  - Other forms of documentation that substantiate the health and safety threat.
- Cost Estimate**  
Prepared by a qualified individual or firm. Must be as detailed as possible and account for all funding requested.
- For Force Account Labor Projects, Local Educational Agencies (LEAs) must submit a Work Order(s) or Other Document(s) containing the following information:**
  - Hourly Wages
  - Number of Hours Spent on the Project
  - Employee Name(s)The LEA may utilize the Force Account Labor worksheet located on the OPSC website.

The LEA must retain the following documents, as appropriate, on file should the OPSC request them at the time of audit:

- Construction Contract(s) and supporting documentation (if applicable)**  
See Public Contract Code Section 20111(b)
- Schedule of Values (if applicable)**
- Cost Comparison pursuant to ERP Regulations Section 1859.323.1 (if applicable)**  
Required for replacement projects. The comparison must contain all of the following:
  - Estimated cost to repair the system/component
  - Estimated cost to replace the system/component with a like-kind material/system
  - If the LEA used an alternative material/system: Estimate cost to replace the system/component with an alternative building material/systemIf the system/component is unable to be repaired and replacement is the only repair possible, the LEA must retain written documentation from a qualified individual or firm to substantiate this.
- DSA Approved Plans/Specifications (if applicable)**
- Purchase Order(s) and/or Purchase Agreement(s) (if applicable)**
- Architect Agreement(s) and Schedule of Fees (if applicable)**
- Qualification Appraisal documents (pursuant to Government Code 4526)**
- Copy of Vendor Invoices (if applicable)**
- Copy of Warrant(s) or Payment Voucher(s) (if applicable)**

Local Educational Agencies (LEAs) are encouraged to consider the utilization of "environmentally preferable purchasing" (EPP) for all their projects, including those projects seeking funding under the Emergency Repair Program (ERP). EPP is the procurement or acquisition of goods and services that have a lesser or reduced effect on human health and the environment when compared with competing goods or services that serve the same purpose. It provides an opportunity to improve the overall health and safety conditions at school facilities. Though the ERP is intended to provide funding for the minimal work necessary for the mitigation of health and safety risks, this objective can often be met with the utilization of EPP. More information about EPP products and sources can be found on the Green California Web site at [www.green.ca.gov/EPP](http://www.green.ca.gov/EPP).

### GENERAL INFORMATION AND REQUIRED DOCUMENTATION

The LEA shall use this form to apply for funding of Emergency Facilities Needs repairs under the Emergency Repair Program (ERP) at eligible schools sites as defined by Section 1859.321. An LEA must submit the following documentation with this form for each project requested on this application:

1. **Documentation:** Provide documentation that sufficiently substantiates the health and safety threat, which must include one or more of the following, as appropriate:
  - Signed copy of the Interim Evaluation Instrument (IEI) identifying the project as a health and safety threat
  - Copies of complaints made by parents, students, or staff referencing the problem
  - Inspection report by qualified individual(s) or firm(s)
  - Work orders that identify the health and safety threat
  - Photos showing the condition of the project prior to the repair work being performed
  - Other forms of documentation that substantiate the health and safety threat
2. **Cost Estimate:** All estimates must be as detailed as possible and no lump sum estimates will be accepted. Furthermore, the estimates must have been prepared by qualified individuals or firms. For force account labor projects, LEAs may provide an estimate by submitting a completed Force Account Labor Worksheet, which is available on the OPSC Web site.

The LEA must retain the following documents on file should the OPSC request them at the time of audit (see Part C. Certifications):

1. DSA Approved Plans and Specifications, if required
2. For Replacement Projects (pursuant to Regulation Section 1859.323-1), LEAs must retain a cost comparison on file which must include all of the following:
  - Estimate to Repair the system/component
  - Estimate to Replace the system/component with a Like-Kind Material/System
  - For alternative building material/system replacement projects, the LEA must additionally retain an Estimate to Replace the system/component with an alternative building material/system

All estimates must be as detailed as possible and no lump sum estimates will be accepted. Furthermore, the estimates must have been prepared by qualified individuals or firms but are not required to be prepared by the same person(s).

### SPECIFIC INSTRUCTIONS

#### Part A. Project Information

The LEA must complete one Project Detail box for each Type of Project that will be/has been repaired or replaced.

- **DSA Approval:** If any of the work indicated in any of the Project Detail boxes requires DSA approval, the LEA must check "Yes." Otherwise the LEA must check "No."
- **Type of Project:** Choose project type indicating the type of building system or structural component the project is addressing. The LEA may indicate only one building system or structural component per Project Detail box completed. Multiple Project Detail boxes may be completed. Use additional sheets if necessary.
- **Project(s) Cost:** Provide the total eligible cost based on the LEA's estimate(s) and/or actual cost(s).
- **Statement of Health and Safety Condition:** Provide a concise statement of the condition(s) and how it posed/poses a threat to the health and safety of the students and staff at the school site.
- **Type of Health/Safety Document(s) Attached:** Check the box(es) that identifies the type of health/safety document(s) enclosed with the LEA's application submittal.

#### Part B. Total Grant Request

Provide the Total Grant Request based on the combined total of the LEA's estimate(s) and/or actual cost(s) for all Types of Projects requested on this application. If the Total Grant Request is less than \$5,000.00, the LEA must justify its request in the space provided.

#### Part C. Certifications

The LEA representative must complete this section.

STATE OF CALIFORNIA  
**GRANT REQUEST**  
EMERGENCY REPAIR PROGRAM  
SAB 61-03 (REV 01/07)

LOCAL EDUCATIONAL AGENCY (LEA)	APPLICATION NUMBER (OPSC USE ONLY) <b>61/</b>
SCHOOL NAME	FIVE-DIGIT DISTRICT CODE (SEE CALIFORNIA PUBLIC SCHOOL DIRECTORY)
COUNTY	SEVEN-DIGIT SITE CODE (SEE CALIFORNIA PUBLIC SCHOOL DIRECTORY)

**PROJECT TYPES:**

- Communication Systems
- Electrical
- Fire Detection/Alarm and/or Sprinkler System
- Flooring Systems
- Gas
- Hazardous Materials
- HVAC
- Pest/Vermin Infestation
- Plumbing
- Roofing
- Structural Damage
- Wall Systems
- Windows/Doors/Gates
- Other
- Paving

**A. PROJECT DETAIL (Complete one box for each type of project at this site. Use additional sheets if necessary.):**

Will any of the work in the project(s) contained in this Grant Request require DSA approval?  Yes  No

1. Type of Project (choose one from Project Types above): \_\_\_\_\_  
 Project(s) Cost:  Estimate  Actual (check all that apply) \$ \_\_\_\_\_  
 Statement of Health and Safety Condition: \_\_\_\_\_  
 Type of Health/Safety Document(s) Attached:  Photo  IEI  Complaint  Work Order  Inspection Report  Other \_\_\_\_\_
  
2. Type of Project (choose one from Project Types above): \_\_\_\_\_  
 Project(s) Cost:  Estimate  Actual (check all that apply) \$ \_\_\_\_\_  
 Statement of Health and Safety Condition: \_\_\_\_\_  
 Type of Health/Safety Document(s) Attached:  Photo  IEI  Complaint  Work Order  Inspection Report  Other \_\_\_\_\_
  
3. Type of Project (choose one from Project Types above): \_\_\_\_\_  
 Project(s) Cost:  Estimate  Actual (check all that apply) \$ \_\_\_\_\_  
 Statement of Health and Safety Condition: \_\_\_\_\_  
 Type of Health/Safety Document(s) Attached:  Photo  IEI  Complaint  Work Order  Inspection Report  Other \_\_\_\_\_
  
4. Type of Project (choose one from Project Types above): \_\_\_\_\_  
 Project(s) Cost:  Estimate  Actual (check all that apply) \$ \_\_\_\_\_  
 Statement of Health and Safety Condition: \_\_\_\_\_  
 Type of Health/Safety Document(s) Attached:  Photo  IEI  Complaint  Work Order  Inspection Report  Other \_\_\_\_\_

**B. TOTAL GRANT REQUEST:** \$ \_\_\_\_\_  
 If the Total Grant Request is less than \$5,000.00, the LEA must justify this request in the space below.

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**C. CERTIFICATIONS**

I certify, as the LEA Representative, that the information reported on this form is true and correct and that:

- I am designated as an authorized representative by the governing board of the LEA as of \_\_\_\_\_, and,
- The repairs in this project were/are necessary to mitigate conditions that pose(d) a threat to the health and safety of pupils or staff while at school; and,
- The LEA has/will complied/comply with all laws pertaining to the repair of its school facilities;
- The LEA has/will complied/comply with the Public Contract Code; and,
- The LEA has satisfied the supplement, not supplant requirement as defined in Section 1859.328; and,
- The contracts for services or work in this project were not entered into prior to the date specified in Section 1859.324; and,
- The LEA understands that some or all of the funding for the project may be returned to the State as a result of an audit finding pursuant to Regulation Section 1859.326 and 1859.327;
- The LEA will/complied with Regulation Section 1859.323.2(h) when making repairs to leased facilities; and
- The LEA has on file all cost estimates required for replacement projects as stipulated in the General Information and Required Documentation section on this form and will make these documents available in the event the OPSC requests them for purposes of audit; and,
- The LEA will/has obtain/obtained the Division of State Architect's approval of the plans and specifications, if required, which will be/are on file at the LEA office for OPSC review; and
- The LEA will/has retain/retained on file all appropriate support documentation for this project. For the list of necessary documents please refer to the General Information and Required Documentation section of the Form SAB 61-04.
- This form is an exact duplicate (verbatim) of the form provided by the Office of Public School Construction. In the event a conflict should exist, then the language in the OPSC form will prevail.

I certify under penalty of perjury under the laws of the State of California that the statements in this application and supporting documents are true and correct.

NAME OF LEA REPRESENTATIVE (PRINTED OR TYPED)		TITLE	
SIGNATURE OF LEA REPRESENTATIVE		DATE	
ADDRESS		CITY	STATE ZIP
TELEPHONE NUMBER		E-MAIL ADDRESS	

**GENERAL INFORMATION AND REQUIRED DOCUMENTATION**

A Local Educational Agency (LEA) may use this form to report expenditures under the Emergency Repair Program (ERP) that support the Grant previously received. The LEA must retain the following documents, as appropriate, on file should the OPSC request them at the time of audit:

- Construction Contract(s) and supporting documentation (pursuant to Public Contract Code (PCC) Section 20111(b))
- Schedule of Values
- DSA Approved Plans and Specifications and any change orders
- Cost comparison pursuant to Regulations Section 1859.323.1
- Purchase Order(s) and/or Purchase Agreement(s)
- Architect Agreement(s) and Schedule of Fees
- Qualification Appraisal documents (pursuant to Government Code 4526)
- Copy of Vendor Invoices
- Copy of Warrant(s) or Payment Voucher(s)
- For Force Account Labor Projects (pursuant to PCC Section 2014(a)), the OPSC Force Account Labor Worksheet or other documentation that contains the following information:
  - *Employee name(s)*
  - *Number of hours each employee spent on project*
  - *Hourly wages*

**SPECIFIC INSTRUCTIONS**

**Part A. Project Detail**

The LEA must complete one Project Detail line for each corresponding Project Detail box that was previously reported on the Form SAB 61-03. LEAs may print additional copies of page 2 as necessary to complete expenditure information.

- **Type of Project:** Choose project type indicating the type of building system or structural component for which the LEA previously requested funding on the Form SAB 61-03. The LEA may indicate only one building system or structural component per line. The numbered lines must correspond with the numbered Project Detail boxes on the Form SAB 61-03.

- **Project(s) Cost:** Provide a breakdown of the total eligible cost based on the LEA's actual cost(s).

**Part B. Total Expenditure Amount**

Provide the total expenditures based on the combined Total Project Cost(s) as reported in the Project Details box(es).

**Part C. Certifications**

The LEA representative must complete this section.



STATE OF CALIFORNIA  
**EXPENDITURE REPORT**  
**EMERGENCY REPAIR PROGRAM**

SAB 61-04 (NEW 01/07)

**B. TOTAL EXPENDITURE AMOUNT (Combined Project Detail Totals):** \$ \_\_\_\_\_

**C. CERTIFICATIONS**

I certify, as the LEA Representative, that the information reported on this form is true and correct and that:

- I am designated as an authorized representative by the governing board of the LEA as of \_\_\_\_\_, and, for purposes of audit; and,
- The LEA has on file all appropriate support documentation as stipulated in the General Information and Required Documentation section on this form and will make these documents available in the event the OPSC requests them
- The repairs in this project were necessary to mitigate conditions that posed a threat to the health and safety of pupils or staff while at school; and,
- The expenditures reported are within the original scope of the work identified in the Grant Request for this project; and,
- The LEA has complied with all laws pertaining to the repair of its school facilities; and,
- The LEA has complied with the Public Contract Code; and,
- The LEA has satisfied the supplement, not supplant requirement as defined in Section 1859.328; and,
- The expenditures for this project did not duplicate expenditures included in a School Facility Program, Deferred Maintenance Program or ERP project; and,
- The construction activities for this project(s) are completed; and,
- The LEA has complied with Regulation Section 1859.323.1 when replacing systems or components and has obtained a cost comparison which is on file at the LEA office for OPSC review; and,
- The LEA has complied with Regulation Section 1859.323.2(h) when making repairs to leased facilities; and,
- The contracts for services or work in this project were not entered into prior to the date specified in Section 1859.324; and,
- The LEA understands that expenditures occurring after the submittal of this Expenditure Report are ineligible for reimbursement; and,
- Unless the project is determined to require a Grant Adjustment pursuant to ERP regulations Section 1859.324.1, that the grant amount previously provided by the Board shall be deemed a full and final apportionment, and that all Grant Adjustments are full and final; and,
- The LEA understands that some or all of the funding for the project may be returned to the State as a result of an audit pursuant to Regulation Sections 1859.326 and 1859.327; and,
- The LEA has obtained the Division of State Architect's approval of the plans and specifications, if required, which are on file at the LEA office for OPSC review; and
- This form is an exact duplicate (verbatim) of the form provided by the Office of Public School Construction. In the event a conflict should exist, then the language in the OPSC form will prevail.

I certify under penalty of perjury under the laws of the State of California that the statements in this application and supporting documents are true and correct.

NAME OF LEA REPRESENTATIVE (PRINTED OR TYPED)	TITLE
SIGNATURE OF LEA REPRESENTATIVE	DATE
ADDRESS	CITY
TELEPHONE NUMBER	STATE
E-MAIL ADDRESS	ZIP



Department of General Services  
Office of Public School Construction

## ONLINE SCHOOL FACILITIES NEEDS ASSESSMENT SUBMITTAL PROGRAM

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Welcome to the homepage of the Office of Public School Construction's Online School Facilities Needs Assessment, which is designed to meet the requirements of Senate Bill 6 (Alpert) Chapter 899, Statutes of 2004. To begin, please enter your five-digit district code and your Project Tracking Number password below.

Please Log In.

District Code	<input type="text"/>
Password	<input type="password"/>
<input type="button" value="Submit"/>	<input type="button" value="Reset"/>

Need password help? [Email OPSC](#)

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## GENERAL INFORMATION

The Facility Inspection Tool (FIT) has been developed by the Office of Public School Construction to determine if a school facility is in "good repair" as defined by Education Code (EC) Section 17002(d)(1) and to rate the facility pursuant to EC Section 17002(d)(2). The tool is designed to identify areas of a school site that are in need of repair based upon a visual inspection of the site. In addition, the EC specifies the tool should not be used to require capital enhancements beyond the standards to which the facility was designed and constructed.

Good repair is defined to mean that the facility is maintained in a manner that ensures that it is clean, safe, and functional. As part of the school accountability report card, school districts and county offices of education are required to make specified assessments of school conditions including the safety, cleanliness, and adequacy of school facilities and needed maintenance to ensure good repair. In addition, beginning with the 2005/2006 fiscal year, school districts and county offices of education must certify that a facility inspection system has been established to ensure that each of its facilities is maintained in good repair in order to participate in the School Facility Program and the Deferred Maintenance Program. This tool is intended to assist school districts and county offices of education in that determination.

County superintendents are required to annually visit the schools in the county of his or her office as determined by EC Section 1240. Further, EC Section 1240(c)(2)(f), states the priority objective of the visits made shall be to determine the status of the condition of a facility that poses an emergency or urgent threat to the health or safety of pupils or staff as defined in district policy, or as defined by EC Section 7592.72(c) and the accuracy of data reported on the school accountability report card with the respect to the safety, cleanliness, and adequacy of school facilities, including good repair as required by EC Sections 17014, 17032.5, 17070.75, and 17089. This tool is also intended to assist county offices of education in performing these functions.

The EC also allows individual entities to adopt a local evaluation instrument to be used in lieu of the FIT provided the local instrument meets the criteria specified in EC Section 17002(d) and as implemented in the FIT. Any evaluation instrument adopted by the local educational agency for purpose of determining whether a school facility is maintained in good repair may include any number of additional items but must minimally include the criteria and rating scheme contained in the FIT.

## USER INSTRUCTIONS

The FIT is comprised of three parts as follows:

**Part I, Good Repair Standard** outlines the school facility systems and components, as specified in EC Section 17002(d)(1), that should be considered in the inspection of a school facility to ensure it is maintained in a manner that assures it is clean, safe and functional. Each of the 15 sections in the Good Repair Standard provides a description of a minimum standard of good repair for various school facility categories. Each section also provides examples of clean, safe and functional conditions. The list of examples is not exhaustive. If an evaluator notes a condition that is not mentioned in the examples but constitutes a deficiency, the evaluator can note such deficiency in the applicable category as "other."

Some of the conditions cited in the Good Repair Standard represent items that are critical to the health and safety of pupils and staff. Any deficiencies in these items require immediate attention and, if left unmitigated, could cause severe and immediate injury, illness or death of the occupants. They constitute extreme deficiencies and indicate that the particular building system evaluated failed to meet the standard of good repair at that school site. These critical conditions are identified with underlined text followed by an (X) on the Good Repair Standard. If the underlined statement is not true, then there is an extreme deficiency (to be marked as an "X" on the Evaluation Detail) resulting in a "poor" rating for the applicable category. It is important to note that the list of extreme deficiencies noted in the Good Repair Standard is not exhaustive. Any other deficiency not included in the criteria but meeting the definition above can be noted by the evaluator and generate a poor rating.

**Part II, Evaluation Detail** is a site inspection template to be used to evaluate the areas of a school on a category by category basis. The design of the inspection template allows for the determination of the scope of conditions across campus. In evaluating each area or space, the user should review each of the 15 categories identified in the Good Repair Standard and make a determination of whether a particular area is in good repair. Once the determination is made, it should be recorded on the Evaluation Detail, as follows:

✓	<b>No Deficiency - Good Repair:</b> Insert a check mark if all statements in the Good Repair Standard are true, and there is no indication of a deficiency in the specific category.
D	<b>Deficiency:</b> Mark "D" if one or more statement(s) in the Good Repair Standard for the specific category is not true, or if there is other clear evidence of the need for repair.
X	<b>Extreme Deficiency:</b> Indicate "X" if the area has a deficiency that is considered an "Extreme Deficiency" in the Good Repair Standard or there is a condition that qualifies as an extreme deficiency but is not noted in the Good Repair Standard.
NA	<b>Not Applicable:</b> If the Good Repair Standard category (building system or component) does not exist in the area evaluated, mark "NA".

## FACILITY INSPECTION TOOL SCHOOL FACILITY CONDITIONS EVALUATION

(NEW 06/07)

Below are suggested methods for evaluating various systems and areas:

- Gas (Section 1) and Sewer (Section 12) are major building systems that may span the entire school campus but may not be evident as applicable building systems in each classroom or common areas. However, because a deficiency in either of these systems could become evident and present a health and safety threat anywhere on campus, the user should not mark "NA" and should instead include an evaluation of these systems in each building space.
- Roofs (Section 13) can be easily evaluated for stand alone areas, such as portable classrooms. For permanent buildings containing several areas to be evaluated, roofs should be considered as parts of individual areas in order to accurately account for a scope of any roofing deficiency. For example, a 10 classroom building contains damaged gutters on one side of the building, spanning across five classrooms. Therefore, an evaluator should mark five classrooms as deficient in the roof category (Section 13) and the other five classrooms as in good repair, assuming there are no other visible deficiencies related to roofing.
- Overall Cleanliness (Section 15), is intended to be used to evaluate the cleanliness of each space. For example, a user should note a deficiency due to dirty surfaces in Section 15, rather than Interior Surfaces (Section 4). At the same time, the user should note such deficiency *only* in Section 15 in order to avoid accounting for such deficiency twice, i.e. in two sections.
- The tool is designed to evaluate stand-alone restrooms as separate areas. However, restrooms contained within other spaces, such as a kindergarten classroom or a library, can be evaluated as part of that area under Section 11. If the area evaluated does not contain a restroom, Section 11 should be marked "NA."
- Drinking fountains can exist within individual classrooms or areas, right outside of classrooms or restrooms or other areas, or as stand alone fixtures on playgrounds and sports fields. If a drinking fountain or a set of fountains is located inside a building or immediately outside the area being evaluated, it should be included in the evaluation of that area under Section 10. If a fountain is located on the school grounds, it should be evaluated as part of that outside space. If there is no drinking fountain in the area evaluated, Section 10 should be marked "NA."
- Playgrounds/School Grounds (Section 14), should be evaluated as separate areas by dividing a campus into sections with defined borders. In this case, several sections of the good repair criteria would not apply to the evaluation, as they do not exist outside of physical building areas, such as Structural Damage (Section 6) and Fire Safety (Section 7), for example.

Part III includes the Category Totals and Ranking, the Overall Rating, and a section for Comments and Rating Explanation.

Once the inspector completes the site inspection, he or she must total the number of areas evaluated. The inspector must also count all of the spaces deemed in good repair, deficient, extremely deficient, or not applicable under each of the 15 sections. Next, the evaluator must determine the condition of each category by taking the ratio of the number of areas deemed in good repair to the number of areas being evaluated (after subtracting non-applicable spaces from the total number of areas evaluated). If any of the 15 categories received a rating of extreme deficiency, the ratio (i.e., the percentage of good repair) for that section should default to zero.

Next, the overall school site score is determined by computing the average percentage rating of the 15 categories (i.e., the total of all percentages divided by 15). Finally, the rater should determine the overall School Rating by applying the Percentage Range in the table provided in Part III to the average percentage calculated and taking into consideration the Rating Description provided in the same table.

\*Although the FIT is designed to evaluate each school site within a reasonable range of facility conditions, it is possible that an evaluator may identify critical facility conditions that result in an Overall School Rating that does not reflect the urgency and severity of those deficiencies and/or does not match the rating's Description in Part III. In such instances, the evaluator may reduce the resulting school score by one or more grade categories and describe the reasons for the reduction in the space provided for Comments and Rating Explanation.

When completing Part III of the FIT, the instructor should note the date and time of the inspection as well as weather conditions and any other pertinent inspection information in the specific areas provided and utilize the Comments and Rating Explanation Section if needed.

**PART I: GOOD REPAIR STANDARD**

(X): if undefined statement is not true, then this is an extreme deficiency (marked as an "X") on the Evaluation Detail resulting in a "poor" rating for the applicable category.

**1. Gas Leaks**

*Gas systems and pipes appear safe, functional, and free of leaks. Examples include but are not limited to the following:*

- a. There is no odor that would indicate a gas leak. (X)
- b. Gas pipes are not broken and appear to be in good working order. (X)
- c. Other:

**2. Mechanical Systems**

*Heating, ventilation, and air conditioning systems (HVAC) as applicable are functional and unobstructed. Examples include but are not limited to the following:*

- a. The HVAC system is operable. (X)
- b. The facilities are ventilated (via mechanical or natural ventilation).
- c. The ventilation units are unobstructed and vents and grills are without evidence of excessive dirt or dust.
- d. There appears to be an adequate air supply to all classrooms, work spaces, and facilities (i.e. no strong odor is present, air is not stuffy).
- e. Interior temperatures appear to be maintained within normally accepted ranges.
- f. The ventilation units are not generating any excessive noise or vibrations.
- g. Other:

**3. Windows/Doors/Gates/Fences (Interior and exterior)**

*Conditions that pose a safety and/or security risk are not evident. Examples include but are not limited to the following:*

- a. There is no exposed broken glass accessible to pupils and staff. (X)
- b. Exterior doors and gates are functioning and do not pose a security risk. (X)
- c. Windows are intact and free of cracks.
- d. Windows are functional and open, close, and lock as designed, unless there is a valid reason they should not function as designed.
- e. Doors are intact.
- f. Doors are functional and open, close, and lock as designed, unless there is a valid reason they should not function as designed.
- g. Gates and fences appear to be functional.
- h. Gates and fences are intact and free of holes and other conditions that could present a safety hazard to pupils, staff, or others.
- i. Other:

**4. Interior Surfaces (Floors, Ceilings, Walls, and Window Casings)**

*Interior surfaces appear to be clean, safe, and functional. Examples include but are not limited to the following:*

- a. Walls are free of hazards from tears and holes.
- b. Flooring is free of hazards from torn carpeting, missing floor tiles, holes.
- c. Ceiling is free of hazards from missing ceiling tiles and holes.
- d. There is no evidence of water damage (e.g. no condensation, dampness, staining, warping, peeling, mineral deposits, etc.)
- e. Other:

**5. Hazardous Materials (Interior and Exterior)**

*There does not appear to be evidence of hazardous materials that may pose a threat to pupils or staff. Examples include but are not limited to the following:*

- a. Hazardous chemicals, chemical waste, and flammable materials are stored properly (e.g. locked and labeled properly). (X)
- b. Paint is not peeling, chipping, or cracking.
- c. There does not appear to be damaged tiles or other circumstances that may indicate asbestos exposure.
- d. Surfaces (including floors, ceilings, walls, window casings, HVAC grills) appear to be free of mildew, mold odor and visible mold.
- e. Other:

**6. Structural Damage**

*There does not appear to be structural damage that has created or could create hazardous or uninhabitable conditions. Examples include but are not limited to the following:*

- a. Severe cracks are not evident. (X)
- b. Ceilings & floors are not sloping or sagging beyond their intended design. (X)
- c. Posts, beams, supports for portable classrooms, ramps, and other structural building members appear to be intact, secure and functional as designed. (X)
- d. There is no visible evidence of severe cracks, dry rot, mold, or damage that undermines the structural components. (X)
- e. Other:

**7. Fire Safety**

*The fire equipment and emergency systems appear to be functioning properly. Examples include but are not limited to the following:*

- a. The fire sprinklers appear to be in working order (e.g., there are no missing or damaged sprinkler heads). (X)
- b. Emergency alarms appear to be functional. (X)
- c. Emergency exit signs function as designed, exits are unobstructed. (X)
- d. Fire extinguishers are current and placed in all required areas.
- e. Fire alarms pull stations are clearly visible.
- f. Other:

**8. Electrical (Interior and Exterior)**

1. There is no evidence that any portion of the school has a power failure. (X)
2. Electrical systems, components, and equipment appear to be working properly. Examples include but are not limited to the following:
  - a. There are no exposed electrical wires. Electrical equipment is properly covered and secured from pupil access. (X)
  - b. Outlets, access panels, switch plates, junction boxes and fixtures are properly covered and secured from pupil access.
  - c. Other
3. Lighting appears to be adequate and working properly, including exterior lights. Examples include but are not limited to the following:
  - a. Lighting appears to be adequate.
  - b. Lighting is not flickering.
  - c. There is no unusual hum or noise from the light fixtures.
  - d. Other

**9. Pest/Vermin Infestation**

*Pest or vermin infestation are not evident. Examples include but are not limited to the following:*

- a. There is no evidence of a major pest or vermin infestation. (X)
- b. There are no holes in the walls, floors, or ceilings.
- c. Rodent droppings or insect skins are not evident.
- d. Odor caused by a pest or vermin infestation is not evident.
- e. There are no live rodents observed.
- f. Other

**10. Drinking Fountains (Inside and Outside)**

*Drinking fountains appear to be accessible and functioning as intended. Examples include but are not limited to the following:*

- a. Drinking fountains are accessible.
- b. Water pressure is adequate.
- c. A leak is not evident.
- d. There is no moss, mold, or excessive staining on the fixtures.
- e. The water is clear and without unusual taste or odor.
- f. Other

**11. Restrooms**

*Restrooms in the vicinity of the area being evaluated appear to be accessible during school hours, clean, functional and in compliance with SB 892 (EC Section 35292.5). The following are examples of compliance with SB 892:*

- a. Restrooms are maintained and cleaned regularly.
- b. Restrooms are fully operational.
- c. Restrooms are stocked with toilet paper, soap, and paper towels.
- d. Restrooms are open during school hours.
- e. Other

**12. Sewer**

*Sewer line stoppage is not evident. Examples include but are not limited to the following:*

- a. There are no obvious signs of flooding caused by sewer line back-up in the facilities or on the school grounds. (X)
- b. The sanitary system controls odors as designed.
- c. Other

**13. Roofs (observed from the ground, inside/outside the building)**

*Roof systems appear to be functioning properly. Examples include but are not limited to the following:*

- a. Roofs, gutters, roof drains, and down spouts are free of visible damage.
- b. Roofs, gutters, roof drains, and down spouts are intact.
- c. Other:

**14. Playground/School Grounds**

*The playground equipment and school grounds in the vicinity of the area being evaluated appear to be clean, safe, and functional. Examples include but are not limited to the following:*

- a. Significant cracks, trip hazards, holes and deterioration are not found.
- b. Open "S" hooks, protruding bolt ends, and sharp points/edges are not found in the playground equipment.
- c. Seating, tables, and equipment are functional and free of significant cracks.
- d. There are no signs of drainage problems, such as flooded areas, eroded soil, water damage to asphalt, or clogged storm drain inlets.
- e. Other

**15. Overall Cleanliness**

*School grounds, buildings, common areas, and individual rooms appear to have been cleaned regularly. Examples include but are not limited to the following:*

- a. Area(s) evaluated is free of accumulated refuse, dirt, and grime.
- b. Area(s) evaluated is free of unabated graffiti.
- c. Restrooms, drinking fountains, and food preparation or serving areas appear to have been cleaned each day that school is in session.
- d. Other:

**PART II: EVALUATION DETAIL**      Date of Inspection: \_\_\_\_\_      School Name: \_\_\_\_\_      Page \_\_\_\_\_ of \_\_\_\_\_

SECTION 1	SECTION 2	SECTION 3	SECTION 4	SECTION 5	SECTION 6	SECTION 7	SECTION 8	SECTION 9	SECTION 10	SECTION 11	SECTION 12	SECTION 13	SECTION 14	SECTION 15
GAS LEAKS	MECH/HVAC	WINDOWS/DOORS/GATES/FENCES	INTERIOR SURFACES	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	FIRE SAFETY	ELECTRICAL	PEST/VERMIN INFESTATION	DRINKING FOUNTAINS	RESTROOMS	SEWER	ROOFS	PLAYGROUND/SCHOOL GROUNDS	OVERALL CLEANLINESS
COMMENTS:														
COMMENTS:														
COMMENTS:														
COMMENTS:														
COMMENTS:														
COMMENTS:														
COMMENTS:														

SCHOOL DISTRICT/COUNTY OFFICE OF EDUCATION	COUNTY	
SCHOOL SITE	SCHOOL TYPE (GRADE LEVELS)	NUMBER OF CLASSROOMS ON SITE
INSPECTOR'S NAME	INSPECTOR'S TITLE	NAME OF DISTRICT REPRESENTATIVE ACCOMPANYING THE INSPECTOR(S) (IF APPLICABLE)
TIME OF INSPECTION	WEATHER CONDITION AT TIME OF INSPECTION	

**PART III: CATEGORY TOTALS AND RANKING**

TOTAL NUMBER OF AREAS EVALUATED	CATEGORY TOTALS	SECTION 1	SECTION 2	SECTION 3	SECTION 4	SECTION 5	SECTION 6	SECTION 7	SECTION 8	SECTION 9	SECTION 10	SECTION 11	SECTION 12	SECTION 13	SECTION 14	SECTION 15
		GAS LEAKS	MECH/HVAC	WINDOWS/DOORS/GATES/FENCES	INTERIOR SURFACES	HAZARDOUS MATERIALS	STRUCTURAL DAMAGE	FIRE SAFETY	ELECTRICAL	PEST/VERMIN INFESTATION	DRINKING FOUNTAINS	RESTROOMS	SEWER	ROOFS	PLAYGROUND/SCHOOL GROUNDS	OVERALL CLEANLINESS
↓	Number of ✓'s:															
	Number of D's:															
	Number of X's:															
	Number of NA's:															
	Percent of System in Good Repair (Number of ✓'s divided by Total Areas - NA's)															
	Rank (Circle One)	GOOD FAIR POOR	GOOD FAIR POOR	GOOD FAIR POOR	GOOD FAIR POOR	GOOD FAIR POOR	GOOD FAIR POOR	GOOD FAIR POOR	GOOD FAIR POOR	GOOD FAIR POOR	GOOD FAIR POOR	GOOD FAIR POOR	GOOD FAIR POOR	GOOD FAIR POOR	GOOD FAIR POOR	

Note: An extreme deficiency in any section automatically results in a "poor" ranking for that category and a zero for "Percent of System in Good Repair."

**OVERALL RATING:** DETERMINE AVERAGE PERCENTAGE OF 15 CATEGORIES ABOVE → SCHOOL RATING\* →

\*For School Rating, apply the Percentage Range below to the average percentage determined above, taking into account the rating Description below.

PERCENTAGE	DESCRIPTION	RATING
98%–100%	The school meets most or all standards of good repair. Deficiencies noted, if any, are not significant and/or impact a very small area of the school.	Exemplary
85%–97.99%	The school is maintained in good repair with a number of non-critical deficiencies noted. These deficiencies are isolated, and/or resulting from minor wear and tear, and/or in the process of being mitigated.	Good
67%–84.99%	The school is not in good repair. Some deficiencies noted are critical and/or widespread. Repairs and/or additional maintenance are necessary in several areas of the school site.	Fair
0%–66.99%	The school facilities are in poor condition. Deficiencies of various degrees have been noted throughout the site. Major repairs and maintenance are necessary throughout campus.	Poor

**COMMENTS AND RATING EXPLANATION:**

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