



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 10.1

Meeting Date: January 8, 2015

Subject: Emergency Repair Program Overview/Process Update

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: _____)
- Conference/Action
- Action
- Public Hearing

Department: Facilities Support Services

Recommendation: N/A

Background/Rationale:

The *Eliezer Williams, et al., vs. State of California, et al. (Williams)* case was filed as a class action in 2000 in the San Francisco County Superior Court. The plaintiffs included nearly 100 San Francisco County students, who filed suit against the State of California and state education agencies, including the California Department of Education (CDE). The basis of the lawsuit was that the agencies failed to provide public school students with equal access to instructional materials, safe and decent school facilities, and qualified teachers.

The case was settled in 2004, resulting in the State allocating \$138 million in additional funding for standards-aligned instructional materials for schools in the first and second ranks (known as deciles) determined through the 2003 Academic Performance Index (API) Base. The settlement included another \$50 million for implementation costs and other oversight-related activities for schools in deciles one through three (2003 API Base). These two amounts were included in the State budget signed in July 2004 by Governor Schwarzenegger. Another \$800 million (\$100 million per year) would be provided for critical repair of facilities also known as Emergency Repair Program (ERP) in future years for schools in deciles one through three (2003 and later 2006 API Base).

The Emergency Repair Program was designed to provide grant and/or reimbursement funding to Local Educational Agencies (LEAs) for the cost of repairing or replacing existing building systems or structural components that are broken or not functioning properly and that pose a health and safety threat to students and staff at eligible school sites. Funds were to be made available annually through the Budget Act and the program would operate until \$800 million was allocated.

As of November 25, 2014, the State Allocation Board apportioned \$525.9 million for funded projects statewide and the remaining \$274.1million will be apportioned under a future budget.

Financial Considerations:

Approximately \$60.4 million is to be received by Sacramento City USD for project applications submitted under the Emergency Repair Program. Sacramento City USD ranked 4th in the State in total funds received. Only Santa Ana Unified, Moreno Valley Unified, and Compton Unified will receive more ERP funds. Unlike other State School Facilities Programs that require a minimum 40 -50% match by the district, **ERP projects are 100% fully funded by the State.**

Documents Attached:

1. Executive Summary

Estimated Time of Presentation: 10 minute presentation

Submitted by: José L. Banda, Superintendent

Cathy Allen, Assistant Superintendent
Facilities Support Services

Approved by: José L. Banda

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I. OVERVIEW / HISTORY

The *Eliezer Williams, et al., vs. State of California, et al. (Williams)* case was filed as a class action in 2000 in the San Francisco County Superior Court. The plaintiffs included nearly 100 San Francisco County students, who filed suit against the State of California and state education agencies, including the California Department of Education (CDE). The basis of the lawsuit was that the agencies failed to provide public school students with equal access to instructional materials, safe and decent school facilities, and qualified teachers.

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As of November 25, 2014, the State Allocation Board apportioned \$525.9 million for funded projects statewide and the remaining \$274.1 million is anticipated to be apportioned under a future budget.

II. DRIVING GOVERNANCE

Senate Bill (SB) 6
Senate Bill (SB) 550
Assembly Bill (AB) 1550
Assembly Bill (AB) 2727
Assembly Bill (AB) 3001

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III. BUDGET

Approximately \$60.4 million is to be received by Sacramento City USD for project applications submitted under the Emergency Repair Program. Sacramento City USD has been ranked 4th in the State in total funds allocated. Only Santa Ana Unified, Moreno Valley Unified, and Compton Unified will have been allocated more ERP funds. Unlike other State School Facilities Programs that require a minimum 40 -50% match by the district, **ERP projects are 100% fully funded by the State.**

IV. GOALS, OBJECTIVES, AND MEASURES

The new legislations sought to accomplish the following:

- Create a School Facilities Needs Assessment program;
- Provide financial assistance to repair specific health and safety issues at schools in deciles one through three (2003 and later 2006 API Base) through a new \$800 million School Facilities Emergency Repairs Account. Acceptable project scopes included:
 - Communications Systems
 - Electrical
 - Fire Detection/Alarm and/or Sprinkler Systems
 - Flooring Systems
 - Gas
 - Hazardous Materials
 - Heating Ventilation and Air Conditioning
 - Paving
 - Pest/Vermin Infestation
 - Plumbing
 - Roofing;
- Require each district to implement a facilities inspection system.

V. MAJOR INITIATIVES

School Facilities Needs Assessment

District facilities were assessed using the prescribed State forms. Assessments included basic facility information, a facility inventory, useful life of major building systems, five-year costs to maintain functionality and necessary repairs.

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Application Submittal for Emergency Repair Program Funding

Like most facility programs, the Emergency Repair Program was funded on a first come first served basis, time was of the essence. A concerted effort was mounted to maximize ERP funding for Sacramento City Unified School District. Each “Williams” school was re-inspected to identify health and safety issues that fell within the parameters of the ERP program. Completed applications with cost estimates and photographic evidence were submitted to the Office of Public School Construction.

VI. RESULTS

As many as 43 Sacramento City schools, including charters have and could receive funding for identified health and safety issues through the ERP program. As a result, our schools will have healthier and safer learning environments for students, staff, and the community.

VII. LESSONS LEARNED/NEXT STEPS

The Emergency Repair Program has some unique regulations. Under the State Facilities New Construction and Modernization Programs districts have some latitude to revise the scope of work without jeopardizing funding. The ERP program is very specific and scope driven; any change in scope could cause the District to forfeit ALL funding for the project, EVEN FUNDS ALREADY EXPENSED. We continue to work closely with OPSC and the Division of the State Architect (DSA) to address concerns of cost escalation. Most of our ERP projects were submitted by the summer of 2008. Construction material and labor costs have increased over this period. It was not anticipated that funding for these projects would lag so far behind the actual construction. Another unique requirement is timing. OPSC approved projects that do not need DSA review have 15-months to complete and projects requiring DSA review have 21-months to complete from the time of apportionment. Other school facilities program timelines are much more liberal and start the timing from award of funds by the State. It is imperative that all our ERP projects be completed within the program timelines. Failure to complete the projects on time will cause the District to forfeit ALL funding for the project, EVEN FUNDS ALREADY EXPENSED. Because of these unique program requirements and specific advice by OPSC staff our projects are not bundled into large multi-scope projects.

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Facilities Support Services is preparing the recently apportioned projects for bid award. These projects will start appearing on Board agendas very soon. Staff is evaluating each project and assessing the timeline, complexity and school schedules. Some projects will be able to start prior to the end of the 2014/2015 school year while others will need to wait for school to end in June 2015.