STATE ALLOCATION BOARD
1130 K Street, Suite 400
Sacramento, CA 95814
http://www.dgs.ca.gov/opsc

IMPLEMENTATION COMMITTEE MINUTES

March 5, 2004

East End Complex
1500 Capitol Avenue
Rooms 72.149 B & 72.151A
Sacramento, CA

Members Present

Luisa Park, SAB
Lori Morgan, OPSC
Fred Yeager, CDE
Dave Doomey, CASH
Mark DeMan, LAUSD (Alternate for Beth Hamby)
Bill Cornelison, ACS
Dennis Dunston, CEFPI (a.m. only)
Constantine Baranoff, SSD
Dennis Bellet, DSA
Blake Johnson, DOF
Brian Wiese, AIA (a.m. only)
John Palmer, CASBO

Members Absent

Debra Pearson, SSDA
Gary Gibbs, CBIA
Jay Hansen, SBCTC

The meeting was called to order at 9:32 a.m. The minutes from the February 6, 2004 meeting were approved as written.

COMMITTEE CHAIR

In the absence of Bruce Hancock, Luisa Park, Executive Officer of the State Allocation Board (SAB) and Office of Public School Construction (OPSC), chaired the Implementation Committee meeting.

CLEAN SCHOOL RESTROOMS (Senate Bill (SB) 892 MURRAY)

SB 892 and the restroom complaint processes were originally presented to the Committee in February 6, 2004. This meeting addresses the following concerns raised by Committee members and attendees at that time.

Resolution at the Local Level
Staff reported that the complaint form instructions had been revised to include a statement that encourages complainants to resolve the issue at the local level, and that this recommendation could also be included on the OPSC Web site. Committee members requested that the written encouragement be phrased more strongly.

Committee members also requested that Part II of the Complaint form ask for dates and details on the complainant's attempts at local resolution.

Regarding the suggestion to integrate OPSC processes with local processes, staff discovered that not all school districts have a formal complaint mechanism in place, and found little consistency in existing processes. Staff clarified that the OPSC's role is to provide the public with a standardized, universally accessible process for complaint response.

There was discussion regarding proactive ways that districts are using to prevent and address restroom maintenance issues.

Anonymous Complaints
The question was raised previously as to whether the OPSC should accept and if the SAB would ultimately consider anonymous complaints. Though the complaint form requests the identification of the complainant, and does not encourage anonymous complaints, there may be some individuals who are reluctant to include their name on the complaint forms. Staff contended anonymity should not preclude a complaint from consideration because strong precedent has been set by state and local agencies with regard to the acceptance of anonymous complaints, and to invalidate complaints on the basis of anonymity diminishes an individual's lawful right to privacy and discourages the submittal of otherwise valid complaints. Staff pointed out that many of the complaints originate from school staff members. An attendee commented that the acceptance of anonymous complaints is more common in agencies where there are imminent safety issues.

Some Committee members and attendees maintained that anonymity could be used as a vehicle for frivolous complaints. Staff reminded the audience that each district maintains its right to respond to any complaints. Ultimately, the SAB will consider the weight of the evidence before making any determination.

Complaint Notification
Staff reported that, since the penalty for unresolved complaints is severe and affects the entire district, the complaint notification letter will continue to be directed to the District Superintendent. Per a suggestion from the previous meeting, a copy of the complaint notification will be forwarded to the SFP District Representative. The consensus at this meeting appeared to be that school's principal should be copied on the complaint notification as well.

Screening/Prevention of Frivolous Complaints
Staff pointed out various inherent filters in place to reduce frivolous complaints. The current process requires that the complaint form be submitted in writing, and the complaint form had been amended to include a complainant certification.

Additionally, to raise the complainant's awareness about the serious consequences associated with filing a complaint, and of the severity of the penalty imposed by law, the complaint form instructions now provide the information regarding the use and importance of the DM funds subject to withholding. It was suggested that this information be moved to the front of the complaint form. Staff will look into including this information on the OPSC Web site.

Deficiency Codes/Descriptions
Staff stated its rationale for using specific violation codes was to keep the complainant within the violation parameters defined in law. The codes also serve to simplify the complaint response and tracking processes.

Complainant Notification
In acknowledgement of a request from the previous meeting, staff will now notify the complainant as to the outcome of the complaint.

Prorating DM Funding
Staff reported legal counsel's opinion that there is nothing in SB 892 or current law that authorizes the Board to withhold only a portion of the DM apportionment.

Proposed Timeline for DM Funds Withholding
Staff proposed a revised timeline for the SAB determination of violations under SB 892. Unresolved complaints would be presented as informational items to the Board, and would remain on the list until they are resolved. All unresolved complaints would be presented at the August or September SAB meeting for the Board to determine whether the district is in violation of SB 892. The Chair stated the OPSC would confer with the district superintendent prior to the presentation to the August/September Board.

An exception would be made for complaints filed too late in the fiscal year to allow for SAB processing timelines and a reasonable opportunity for correction. These complaints, if unresolved, would go to the Board in August/September of the *following* year.

This item is tentatively scheduled for the March SAB meeting, and the processes will be reevaluated in approximately 9-12 months.

NEW CONSTRUCTION ADDITIONAL GRANT FOR REPLACED FACILITIES (AB 1631 Salinas)

AB 1631 resulted in changes to Education Code Section 17070.46. The changes removed the requirement that the school site be on a Multi-Track Year Round Education (MTYRE) schedule, and provided clarification on application requirements and the method for the determination of site acquisition costs savings. Staff presented proposed regulatory revisions to reflect the changes in EC 17070.46.

MTYRE
The MTYRE requirement will be removed in regulation and in related documents.

Multi-story Replacement Expenses
Staff described changes to the additional grant for replaced facilities for situations when the replacement building is multistory. A Committee member raised a question about the interpretation of the term demolished, and asked if a "demolished" portable could be relocated to another site and used as an eligible single-story building. The Chair clarified that demolished means that the building could no longer be used.

Site Acquisition Costs Savings
Staff presented the regulatory amendments regarding the site acquisition costs savings that are verified by a cost benefit analysis as indicated in the Committee item.

The current regulations stipulate that a conversion to multi-story must increase the pupil capacity by the greater of 20 percent or 200 pupils. This provision was based on the law, as originally written, which requires project pupil capacity to be maximized. Attendees expressed concern that the 200 minimum may cause overcrowding on some campuses. Attendees communicated that they were aware of several situations, which could benefit from building multistory projects, but these would not be possible since they would only increase capacity by approximately 100 pupils. Staff indicated that they would review the issue, factoring in the law's directive.

Proposed regulatory amendments to implement AB 1631 will be scheduled for the March 2004 SAB meeting.

CONTINUATION HIGH, COMMUNITY DAY, AND COUNTY COMMUNITY DAY

This topic was discussed at the April, May, July and August 2003 Committee meetings. At this meeting, staff presented proposed changes to the funding method of continuation high, community day, county community and county community day schools based on the current 27 pupil loading standard. The proposal did not address modification of the classroom loading standard for alternative education pupils.

Staff clarified that the methodology behind the proposed new school allowance had not been altered from the August 2003 version, but that grant amounts had been recalculated to reflect current SFP classroom loading standards. The funding allowance applies to new alternative education schools for all grade levels and was determined by using 27 pupils per classroom as the basis for the minimum essential facility requirements.

Both Committee members and attendees expressed their concern for the safety of the pupils and staff at alternative education schools, and the incongruity between the current loading standard and practical application. There was general agreement as to the necessity to implement the recommended changes to the funding model, but members requested that the adequacy of the proposed grants be re-assessed in approximately one year's time. The Committee also requested the issue of the loading standard continue to be evaluated and brought back to the Implementation Committee if the issue is not resolved legislatively. The Chair agreed to express the Committee's concerns to the SAB.

Proposed regulatory amendments will be scheduled for the March 2004 SAB meeting.

ADJOURNMENT AND NEXT MEETING

The meeting adjourned at 1:17 p.m. The next Implementation Committee meeting is scheduled for Thursday, April 1, 2004 at 9:30 a.m. and will be held at 1020 N Street (Legislative Office Building), Room 100, in Sacramento, California.