

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-

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

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I. OVERVIEW / HISTORY

The *Eliezer Williams, et al., vs. State of California, et al. (Williams)* was filed as a class action in 2000 in the San Francisco Co. Sa. 3.8dation in 2nd state education agencies, including the basis of the lawsuit was that the agencies failed to provide public schools 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 funding for standards-aligned instructional materials for schools in the first three deciles (known as deciles) determined through the 2003 Academic Performance Index (API) Base. The settlement included another \$50 million for implementation of other oversight-related activities for schools in deciles one through three (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) was provided for critical repair of facilities also known as Emergency Repair Program for future years for schools in deciles one through three (2003 and later 2006).

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 properly maintained and that pose a health and safety threat to students and staff at school sites. Funds were to be made available annually through the Budget Act. The program would operate until \$800 million was allocated.

As of November 25, 2014, the State Allocation Board apportioned \$525 million to 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

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III. BUDGET

Approximately \$0.4 million is to be received by Sacramento City USD project applications submitted under the Emergency Repair Program. Sacramento City USD has

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Application Submittal for Emergency Repair Program Funding

Like most facility programs, the Emergency Repair Program 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 inspected to identify health and safety issues that fell within the parameters of the ERP program. Completed applications with estimates and photographic evidence were submitted to the Office of Public School Construction.

VI. RESULTS

As many as 43 Sacramento City schools, including those that 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. Unlike 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 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 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 soon. Staff is evaluating each project and assessing the timeline, complexity and school schedules. Some project