



## Board of Education Report

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**File #:** Rep-325-18/19, **Version:** 1

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### **Amendment to the Facilities Services Division Strategic Execution Plan to Approve \$15 Million for Phase III of the Drinking Water Quality Program**

**April 23, 2019**

#### **Facilities Services Division**

#### **Action Proposed:**

Staff proposes that the Board of Education (Board) approve an amendment to the Facilities Services Division Strategic Execution Plan (FSD-SEP) to approve \$15 million for Phase III of the Drinking Water Quality Program. Staff further proposes that the Board authorize the (Interim) Chief/Deputy Procurement Officer and/or the Chief Facilities Executive and/or their designee(s) to execute all instruments necessary, as legally permissible, to implement the next phase of the program, including budget modifications and the purchase of equipment and materials.

Staff's proposal consists of (1) sampling all active drinking water fountains at all school sites, and (2) upgrading drinking water fountains to bring lead levels to below five parts per billion (ppb), and installing water bottle filling stations at select school sites.

#### **Background:**

On January 1, 2018, the State's new lead testing law (California Assembly Bill 746 adding Section 116277 to the Health and Safety Code) went into effect, which requires all K-12 schools, preschools and child day care facilities located on public school property to perform lead sampling of drinking water by July 1, 2019. The law was written to address school districts that, unlike L.A. Unified, have not conducted testing, and establishes 15 ppb as the threshold for requiring schools to shut down and repair water outlets. The U.S. Environmental Protective Agency's (EPA) has also updated its guidelines to recommend that school and child care facilities implement programs for reducing lead in drinking water to lowest levels possible as part of their overall plans for maintaining healthy learning environments. The District moreover anticipates that upcoming State legislation will further lower the lead in drinking water standard to five ppb.

In anticipation of the change to State required standards, and in keeping with the District's proactive approach to providing quality drinking water for our students, Phase III of the Drinking Water Quality Program will begin by sampling drinking water outlets at all school sites to revalidate the testing that was initiated in 2008. This will ensure that updated test results are available for all drinking water outlets in the District. Based on findings, sites will be identified for remediation work to bring the required fountains below five ppb and for installation of water bottle filling stations. As the initial \$15 million allocation represents a portion of the funding required for this effort, staff's approach will be to start with schools serving the youngest students and most sensitive receptors, e.g., Early Education Centers, Special Education Schools and as many Elementary Schools as funding permits.

The Facilities Services Division will continue to work collaboratively with the Office of Environmental Health and Safety (OEHS) on this effort.

### ***Drinking Water Quality Program Overview***

For over 30 years, the District has implemented stringent practices to ensure that drinking water at our schools meet or exceed regulatory guidance. The District was among the first in the country to conduct testing of drinking water fixtures, implement a daily flushing program in schools and adopt a lead in drinking water standard of 15 ppb, which at the time, was 25% lower than the EPA's guidelines.

Beginning in 1988, the District conducted representative testing of drinking water fixtures and confirmed that the flushing of fixtures reduces lead levels to EPA thresholds in almost all instances. In the cases where flushing did not reduce the lead levels below EPA thresholds, the fixtures were taken out of service.

#### ***Phase I***

In 2008, the District initiated comprehensive testing of drinking water fountains at all schools. Each fixture was sampled twice: at an initial draw and at a second draw after flushing for 30 seconds. At that time, drinking water fountains that exceeded the District's action level of 15 ppb of lead on the second draw were shut off until corrective actions to reduce lead levels were implemented.

In 2009, the Board approved \$12.5 million in Bond Program funds for Phase I of the Drinking Water Quality Program to mitigate lead in water to 15 ppb at schools with the youngest students (Board Report No. 49 - 09/10). The Phase I projects focused on the installation of filters at each drinking water fountain at all Early Education Centers and approximately 20% of Elementary School sites. In total, 203 schools were mitigated with this phase.

#### ***Phase II***

In 2015, the Board of Education approved \$19.8 million for Phase II of the program to mitigate the effects of lead in water at the school sites not completed in Phase I (Board Report No. 017-15/16). Work was completed for all District K-12 schools at the end of 2018. In total, 863 schools were mitigated during this phase and are now exempt from the flushing requirement. Additional sites (e.g., administrative sites where children visit occasionally) were subsequently added to the program; these sites are expected to be mitigated and off flushing by the second quarter of 2019 which represents the completion of Phase II.

#### **Expected Outcomes:**

If the Board of Education approves staff's proposal, all school sites will be surveyed to ensure that there is an updated sample record for every drinking water fountain on campus. Early Education Centers, Special Education Schools, and the highest priority Elementary Schools will receive upgrades to drinking water fountains and bottle filling stations, as the \$15 million funding allocation permits.

#### **Board Options and Consequences:**

Approval of this proposal will authorize staff to proceed with the expenditure of Bond Program funds for Phase III of the Drinking Water Quality Program. If the proposed action is not approved, staff would not be authorized to proceed with lead mitigation efforts that include sampling all active drinking water fountains, performing outlet upgrades to bring fountains below 5 ppb, and installing water bottle filling stations.

#### **Policy Implications:**

Staff's proposal is consistent with the District's commitment to address unmet school facilities needs and provide students with a safe and healthy learning environment.

**Budget Impact:**

If this item is approved, \$15 million in Bond Program funds earmarked specifically for critical school repair and safety improvements to school building components will be allocated to undertake lead mitigation efforts and water bottle filling station installations as part of Phase III of the Drinking Water Quality Program.

**Student Impact:**

Continuing our efforts to ensure our drinking water practices protect the health of students and staff is a vital component to the District's ability to provide safe and healthy school environments.

**Issues and Analysis:**

The District anticipates that upcoming State legislation will modify the action level from the current standard of 15 ppb to 5 ppb. This next phase of the Drinking Water Quality Program will permit staff to continue efforts to ensure that drinking water at our schools meet or exceed regulatory guidance and State standards. Staff currently anticipates that approximately \$60 million would be needed to execute the scope of work that would be necessary at all school sites, thus Phase III of the program will be implemented in stages. This stage, (Phase III - Part A) will begin with sampling all active drinking water outlets at all school sites. Work will then proceed as follows at Early Education Centers and Special Education Schools: as test results are received, fixtures with lead levels of 5 ppb and above will be removed (if they are not required by code) and the remaining fixtures will be mitigated. In addition, water bottle filling-stations will be installed in accordance with District standards. The next group of schools will include Elementary Schools which will be prioritized by the highest number of fixtures that exceed 5 ppb of lead in water.

Testing is anticipated to begin in the second quarter of 2019, and construction at the select school sites will be completed by the fourth quarter of 2020.

Staff will return to the Board and Bond Citizens' Oversight Committee (BOC) for authorization to complete Phase III scope of work at the remaining schools, if and when additional funding is identified in the future.

**Bond Oversight Committee Recommendations:**

This item was considered by BOC at its meeting on April 11, 2019. Staff has concluded that this proposed FSD-SEP amendment will help facilitate implementation of the FSD-SEP, and therefore, it will not adversely affect the District's ability to successfully complete the FSD-SEP.

**Attachments:**

BOC Resolution

**Informatives:**

None.

**Submitted:**

4/5/19

**RESPECTFULLY SUBMITTED,**



AUSTIN BEUTNER  
Superintendent

**APPROVED BY:**



MARK HOVATTER  
Chief Facilities Executive  
Facilities Services Division

**REVIEWED BY:**



DAVID HOLMQUIST  
General Counsel

**PRESENTED BY:**




ROBERT LAUGHTON  
Director of Maintenance & Operations  
Facilities Services Division

 Approved as to form.

**REVIEWED BY:**



CHERYL SIMPSON  
Director, Budget Services and Financial Planning

 Approved as to budget impact statement.

LOS ANGELES UNIFIED SCHOOL DISTRICT

SCHOOL CONSTRUCTION BOND CITIZENS' OVERSIGHT COMMITTEE

**Rachel Greene, Chair**

Tenth District PTSA

**Bevin Ashenmiller, Vice-Chair**

LAUSD Student Parent

**Susan Linschoten, Secretary**

L.A. Co. Auditor-Controller's Office

**Araceli Sandoval-Gonzalez, Executive**

**Committee**

Early Education Coalition

**Karen Krygier, Executive Committee**

L.A. City Controller's Office

**Jeffrey Fischbach**

CA Tax Reform Assn.

**Greg Good**

L.A. City Mayor's Office

**Michael Keeley**

CA Charter School Association

**Kate Mergen**

Assoc. General Contractors of CA

**Ron Miller**

L.A. Co. Federation of Labor AFL-CIO

**Scott Pansky**

L.A. Area Chamber of Commerce

**Dolores Sobalvarro**

AARP

**Douglas Teiger**

American Institute of Architects

**Celia Ayala (Alternate)**

Early Education Coalition

**Arlene Barrera (Alternate)**

L.A. Co. Auditor-Controller's Office

**Jose Zambrano (Alternate)**

Tenth District PTSA

**(Vacant)**

LAUSD Student Parent

**(Vacant)**

31<sup>st</sup> District PTSA

**Joseph P. Buchman – Legal Counsel**

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Government Financial Strategies

**Timothy Popejoy**

Bond Oversight Administrator

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Asst. Administrative Analyst

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RESOLUTION 2019-8

BOARD REPORT NO. 325-18/19

**AMENDMENT TO THE FACILITIES SERVICES DIVISION STRATEGIC EXECUTION  
PLAN TO APPROVE \$15 MILLION FOR PHASE III OF THE DRINKING WATER  
QUALITY PROGRAM**

WHEREAS, District Staff proposes that the Board of Education approve an amendment to the Facilities Services Division (FSD) Strategic Execution Plan (SEP) to approve \$15 million for Phase III of the Drinking Water Quality Program (the "Program") as described in Board Report 325-18/19 attached hereto; and authorize the (Interim) Chief/Deputy Procurement Officer and/or the Chief Facilities Executive, and/or his designee(s), to execute all instruments necessary to implement the next phase of the program, including budget modifications and the purchase of equipment and materials; and

WHEREAS, District Staff's proposal consists of sampling all active drinking water fountains at all school sites, and upgrading drinking water fountains to bring lead levels to below five parts per billion (ppb), and installing water bottle filling stations at select school sites; and

WHEREAS In 2009, the Board of Education ("Board") approved \$12.5 million for Phase I of the Program to mitigate lead in water to 15 ppb at schools with the youngest students; and in 2015, the Board approved \$19.8 million for Phase II to mitigate lead in water at school sites not completed in the prior phase; and whereby work was completed for all District K-12 schools at the end of 2018, thus exempting schools from the daily flushing requirement; and

WHEREAS, The U.S. Environmental Protective Agency has updated its guidelines to recommend that school and child care facilities implement programs for reducing lead in drinking water *to lowest levels possible* as part of their overall plans for maintaining healthy learning environments; and the District moreover anticipates that upcoming State legislation will lower the lead in drinking water standard from 15 ppb to five ppb; and

WHEREAS, Phase III of the Drinking Water Quality Program will permit staff to continue efforts to ensure that drinking water at schools meet or exceed regulatory guidance and State standards; and

**RESOLUTION 2019-8**

**AMENDMENT TO THE FACILITIES SERVICES DIVISION STRATEGIC EXECUTION PLAN TO APPROVE \$15 MILLION FOR PHASE III OF THE DRINKING WATER QUALITY PROGRAM**

WHEREAS, Phase III will begin by surveying all schools sites to ensure there is an updated sample record for every drinking water fountain on campus; and based on test findings, sites will be identified for lead mitigation efforts to bring the required fountains below five ppb and install water bottle filling stations, starting with schools that serve the youngest students, e.g., Early Education Centers, Special Education Schools and as many Elementary Schools as the initial \$15 million funding allocation permits; and

WHEREAS, District Staff will return to the Bond Citizens' Oversight Committee and the Board of Education for authorization to complete Phase III at the remaining schools, if and when additional funding is identified in the future; and

WHEREAS, the Program is consistent with the District's commitment to address unmet school facilities needs and provide students with a safe and healthy learning environment; and

WHEREAS, the Board's approval of this proposal will authorize District Staff to proceed with the expenditure of Bond Program funds to undertake lead mitigation efforts and water bottle filling station installations as part of Phase III of the Drinking Water Quality Program; and

WHEREAS, District Staff has concluded that the proposed SEP amendment will facilitate implementation of the FSD SEP, and therefore, it will not adversely affect the District's ability to successfully complete the FSD SEP.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The School Construction Citizens' Bond Oversight Committee recommends that the Board of Education adopt an amendment to the Facilities Services Division (FSD) Strategic Execution Plan (SEP) to approve \$15 million for Phase III of the Drinking Water Quality Program as described in Board Report 325-18/19 attached hereto in the form it was presented to the BOC and is incorporated herein by reference.
2. This resolution shall be transmitted to the Los Angeles Unified School District Board of Education and posted on the Oversight Committee's website.

**RESOLUTION 2019-8**

**AMENDMENT TO THE FACILITIES SERVICES DIVISION STRATEGIC EXECUTION PLAN TO APPROVE \$15 MILLION FOR PHASE III OF THE DRINKING WATER QUALITY PROGRAM**

3. The District is directed to track the above recommendation and to report on the adoption, rejection, or pending status of the recommendations as provided in section 6.2 of the Charter and Memorandum of Understanding between the Oversight Committee and the District.

ADOPTED on April 11, 2019, by the following vote:

AYES: 8

ABSTENTIONS: 0

NAYS: 0

ABSENCES: 4



Rachel Greene  
Chair



Bevin Ashenmiller  
Vice-Chair