



AUGUST 2023

UPCOMING EVENTS

**CASH/CSFRI Joint
Symposium:**

Research and Practice
Informed Design of Early
Childhood/Pre-
Kindergarten Learning
Spaces

August 3, 2023

Via Zoom

CASH Technical Training

Managing Construction

August 16 – 18, 2023

**CASH Fall Conference &
Pre-Conference**

Workshop

October 11-13, 2023

Hyatt Regency Newport

Beach

**45th Annual Conference
on School Facilities**

*February 28 – March 1,
2024*

*Sacramento SAFE Credit
Union Convention Center*

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UPDATE

State School Bond AB 247 Continues to Advance

Efforts to place a state school bond on the ballot in 2024 continue. AB 247 (Muratsuchi), which would place a \$14 billion TK-14 school bond on an unspecified 2024 ballot, was passed by the Senate Governance and Finance Committee on July 12 and is pending in the Senate Appropriations Committee. CASH actively supports this bill and is closely engaged in the stakeholder efforts to develop the details. A second bond, SB 28 (Glazer), is also continuing to move through the legislative process. SB 28 would put a \$15.5 billion K-University bond on the March 2024 ballot.

Final details, such as the dollar amount and which education segments will be included, will be subject to negotiation between the Legislature and Governor. We will know more about the planned election date in the coming weeks. If the bond is slated for the March ballot, it would need to be passed by the Legislature by September 14 and signed by the Governor by October 14. The Legislature and Governor are considering a few other bond measures, including the Governor's current priority, a \$4.68 billion behavioral health treatment bond planned for March 2024. The Governor has also indicated interest in a 2024 climate bond and a state school bond.

State Allocation Board to Hear Construction Cost Index Issue on August 23

The State Allocation Board (Board) is poised to take up an issue related to CASH litigation at its August 23 meeting. The question is whether to apply the Construction Cost Index (CCI) adjustment to 129 projects worth \$368 million. In 2012, the projects had been placed on the Unfunded List; they were processed by the Office of Public School Construction (OPSC) and approved by the Board, but were outside existing bond authority. After the passage of Proposition 51 in 2016, the projects received apportionments *without* the CCI index on September 6, 2017. CASH filed a lawsuit against this action; after a series of court decisions, the Appellate Court directed the Board to place the matter on its agenda and either affirm or modify the decision. OPSC distributed a preliminary report on July 14 and took public comment through August 1. CASH encourages any district who has been affected by this proceeding to engage through either written comments or public comment at the Board meeting to encourage providing the CCI adjustment to these projects.

Legislative Update

Legislature in Summer Recess Before End-of-Session Rush

Legislative policy committees had a busy week before the start of the Summer Recess on July 14. That date was also the deadline for policy committees to meet and report bills. The Legislature returns from Summer Recess and resumes its work on August 14. There will then be two weeks for bills to be approved by the Appropriations Committees prior to the September 1st fiscal deadline. September 14 is the End-of-Session and last day for each house to pass bills. Below is an update on a selection of priority bills.



CALIFORNIA'S
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SCHOOL HOUSINGSM

COUNTY OFFICE FACILITY PLANNERS
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SB 499 (Menjivar) – Extreme Heat Action Plan for K-12 Schools

CASH and other K-12 school organizations oppose SB 499 (Menjivar) because for school facilities and maintenance departments it would require duplication and conflict with existing state and federal requirements related to replacing surfaces and planting natural vegetation.

Specifically, SB 499 requires all school sites and child care facilities to develop an Extreme Heat Action Plan by January 2, 2025, and for the California Department of Education (CDE) in consultation with the California Department of Social Services to develop a template for an extreme heat action plan. Additionally, all school sites must begin implementation of the Extreme Heat Action Plan by January 1, 2027, subject to a budget appropriation for this purpose. When replacing or resurfacing all outdoor surfaces, schools must replace “low specific heat surfaces” (i.e., cement, asphalt, brick, pebbles, sand, aggregate, rubber, and synthetic turf) with “high specific heat surfaces”, such as cool pavement, natural grass, wood chips, shrubs, and trees.

These requirements contradict other state requirements related to sustainable schools such as the California Green Building Code, federal and state playground safety requirements, federal and state access compliance (ADA) standards, and the Model Water Efficient Landscape Ordinance (MWELO). The bill is overly prescriptive in authorizing or prohibiting building materials based solely on heat effects, without regard for other functionality, and would require schools to make significant budget adjustments to comply because the bill does not include a funding source.

CASH is requesting that you alert the Author, the Assembly Appropriations Committee members and corresponding staff of how this bill will impact your school facility and maintenance projects by submitting an opposition letter. See the CASH website news story, *Call to Action on SB 499*, for more information and a letter template to assist in making your voice heard.

AB 249 (Holden) – School Water Quality Standards

AB 249 (Holden) proposes to continue the AB 746 policy of local water agencies testing school potable water, but lowers the testing standard from the existing 15 parts per billion to 5 parts per billion and requires testing of more water outlets (following the existing child care facility standard). CASH and other school organizations have and will continue to work with the author, the sponsor and key stakeholders to narrow the bill and include funding to assist schools with the cost impact. The current State Budget includes \$25 billion for the State Water Board to assist schools with implementing the bill.

It's important to note that while the policy discussion continues, federal regulations are currently being developed that will include essentially the same requirements as AB 249. What happens with this bill on school water quality and the new more stringent 5 ppb standard is an important issue for school facilities and maintenance departments to be aware of.

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Water Board Draft MS4 Permit Includes K-14 Schools

The State Water Board is preparing a new MS4 stormwater permit and plans to designate schools for this purpose. As currently drafted, the MS4 permit includes a school-specific section that has significant new requirements for K-12 schools related to siting, inventory and monitoring, design, post-construction, maintenance and program evaluation, but does not include funding to address the significant cost impact. The school section also includes the elements of the Construction General Permit and new state Trash Permit requirements. Currently the school section language is very complex and CASH is working with Water Board staff, community college organizations and other key stakeholders to create a simpler program with less of a cost impact for schools.

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