

A Primer on the

PUBLIC
SCHOOL
STATE
APPROVAL
PROCESS



M A R C H - 2 0 0 1

INTRODUCTION

Public school districts across California, facing increasing enrollments and spurred by State efforts to reduce class size, need to build new schools and expand or renovate existing school facilities. The primary responsibility for these activities rests with the local school districts, who must analyze enrollment trends, assess their facilities needs, plan for new facilities, provide local financing, and carry out their own construction projects.

Nevertheless, public school construction projects must comply with many different State and Federal laws and regulations. Five State entities play major roles in approving and funding local school construction. These are:

- The Office of Public School Construction, within the Department of General Services.
- The School Facilities Planning Division of the California Department of Education.
- The Department of Toxic Substances Control, within the California Environmental Protection Agency.
- The Division of the State Architect, within the Department of General Services.
- The State Allocation Board.

Seven other State agencies operate approximately 40 programs that also may become involved under certain conditions.

This can make the process of building or remodeling a school extremely complex and time-consuming. For the first time, this entire process is summarized and described in one document. This primer is designed to walk you through all the steps that you - and every other school district in California seeking to construct or modify a school building - will have to complete, in a logical, understandable, and time-saving fashion.

GETTING STARTED: ELIGIBILITY FOR FUNDING

Your school district can save time in the school construction process even before it begins the formal approval process. It is usually helpful to determine at the outset your district's eligibility for State funds. Applications for eligibility for funding - which are separate from applications for funding (see Section IV, below) - may be filed at the same time as the funding application, after completion of all the other steps in this primer. But filing for an eligibility determination at the outset will help your district plan realistically for what it will be able to receive from the State in funding and will speed the funding process once everything else is in place by having completed one of the two necessary steps beforehand. The other step, the funding application process, is described below in Section IV.

A. State Funding Sources for Public School Construction

Proposition 1A, the "Class Size Reduction Kindergarten-University Public Education Facilities Bond Act Of 1998," provided \$6.7 billion for K-12 school construction projects. The Office of Public School Construction (OPSC) and the State Allocation Board (SAB) distribute these funds to eligible school districts through the School Facility Program (SFP) established by the Leroy F. Greene School Facilities Act of 1998.

Proposition 1A made \$3.35 billion of these funds available for allocation starting on November 4, 1998. Except for a small amount available for Class Size Reduction, these funds have been completely allocated. The remaining \$3.35 billion became available on July 1, 2000.

The SFP consists of two primary grant programs: new construction grants and modernization grants.

1. New Construction Grants

This program provides State funds for new school construction on a 50 percent State/50 percent local cost-sharing basis. Eligibility for State funds is based on a school district's need to house pupils and is determined by criteria set in State law. Funding levels are fixed on a per-unhoused-pupil basis. These new construction grant amounts are intended to provide the State share of all necessary project costs except site acquisition, utilities, off-site, and service site development. "Necessary costs" include:

- project design,
- construction,
- general site development,
- education technology,
- unconventional energy (such as solar heating),
- tests,
- inspections, and
- furniture/equipment.

The grant amounts are adjusted for inflation each year. School districts also may receive a separate site acquisition or design grant (financial hardship only). Financial hardship funding is available to a district unable to fund its share of the project cost.

2. Modernization Grants

The modernization grant program provides State funds on an 80 percent State/20 percent local cost-sharing basis for education-related improvements to existing school facilities. Modernization grant amounts are established in law for each pupil to be housed in the improved facilities. As with the new construction grant program, these grant amounts are intended to provide the State's share for necessary project costs and are adjusted each year for inflation. Projects eligible under this program may include work for installing or improving air conditioning, plumbing, lighting, and electrical systems. Hardship funding is available for a district unable to fund its share of the project cost.

B. Administration of the State Funding Programs

The SAB administers and allocates funds available to eligible school districts pursuant to Proposition 1A and the SFP. The OPSC serves as staff to the SAB. This office reviews school districts' funding applications to verify their eligibility and ability to comply with SAB requirements, prepares recommendations for the SAB's review and approval, assists school

districts with their applications, and assures that funds are disbursed in accordance with the decisions, regulations, and policies of the SAB.

The OPSC prepares SAB meeting agendas, which keep the board members, school districts, staff, and other interested parties apprised of all SAB actions. Approved agenda items are the underlying source documents which the State Controller's Office uses for releasing funds, and form the basis for districts to proceed with their projects. These agendas provide the "historical record" of all SAB decisions; school districts, facilities planners, architects, consultants, and others can and should use them to track the progress of specific projects or availability of funds.

C. The OPSC Application Process

Local funding is required to meet 50 percent of new construction costs, and 20 percent of modernization costs. For this reason, a school district must first determine whether it can obtain sufficient local funding so that its project is eligible for State funds. After a school district has determined its preliminary eligibility for State funds and received all the required approvals described in the remainder of this primer, it may file an application for State funding through the OPSC.

The SFP represents a significant change from prior State programs to assist school construction. Under the SFP, the State provides funding in the form of per-pupil grants. Supplemental grants for site development, site acquisition, and other project-specific costs are available in some circumstances. Basing the grants solely on the number of unhoused students, however, makes calculating the State's award to each district very simple - and therefore much quicker. In most cases, projects can be reviewed, the appropriate grants calculated, and SAB approval received within ninety days or less, regardless of project size.

To provide the information necessary for the OPSC to determine a school district's new construction eligibility, the district must file the following forms:

Form SAB 50-01: Enrollment Certification/Projection. The OPSC uses the information on this form to determine a district's initial eligibility for new construction grants. The district must provide enrollment information on this form for the current year and each of the three previous years.

Form SAB 50-02: Existing School Building Capacity. The OPSC uses this form to determine a district's existing school building capacity.

Form SAB 50-03: Eligibility Determination. This form consists solely of the reporting of projected enrollment (for new construction) or classroom space of the required age (for modernization), broken down by K-6, 7-8, and 9-12. The OPSC uses the information on this form to calculate the district's eligibility for new construction and modernization grants.

To determine Modernization eligibility the district need only file the *Form SAB 50-03: Eligibility Determination.*

The OPSC requires that the district perform prescribed calculations that demonstrate deficient classroom capacity. For new construction, existing capacity is compared to a five-year enrollment projection to determine the number of unhoused pupils; for modernization, existing site-specific enrollments are used for buildings over 25 years old or portable classrooms over 20 years old. (Your district also will need to demonstrate the availability of matching funds from local sources, although it may apply for financial hardship assistance if it is unable to achieve the required matching levels.)

Financial Hardship Assistance is available for districts that cannot provide all or part of their share of the project funding. Districts must have received approved financial hardship status prior to submitting their *Form SAB 50-04: Application for Funding*. To do so, your district must submit a letter to the OPSC Audit Unit stating why the district is requesting financial hardship status, and must include documentation that it levies the maximum developer fee allowed, evidence of local efforts to raise revenue in various defined areas such as debt level or bonding capacity, and specific evidence of financial inability to contribute the required matching amount.

The funding application process is described further in Section IV of this primer.

For more information, please contact:

Office of Public School Construction
1130 K Street, Suite 400
Sacramento, CA 95814
Phone: (916) 445-3160
Fax: (916) 445-5526
<http://www.opsc.dgs.ca.gov>

D. Funding Issues to Consider as You Proceed

Certain other eligibility requirements for funding depend on actions your district will take in choosing, designing, and constructing its project. It is important to understand these requirements ahead of time, so that your district's application for State funding ultimately is not delayed or rejected because of avoidable mistakes.

In particular, your district must obtain all professional services used on projects to be funded by the SFP through a competitive selection process. This includes the services of architects, civil and structural engineers, and construction managers. Unlike construction contractors - such as painters, site grading subcontractors, or general contractors - these professional services must be obtained through a qualifications-bid selection process rather than a competitive bid process. This requires a formal, qualifications-based selection procedure. Your district should seek legal counsel to ensure that it complies with the proper legal requirements for selecting any professional service provider- including Disabled Veterans Business Enterprise requirements, and all other elements of the Public Contract Code. It can also consult the Guidebook to the School Facility Program prepared by the OPSC, especially the section on "Selecting Professional Services" in Chapter 3: Project Development Activities.

When the district eventually applies for funding from the State, it will be required to certify that professional design and other services were selected using such a competitive process. If it cannot do so - or if, during an audit at project completion, the SAB determines that the competitive process was not used - the entire project will be ineligible for State funding, and any grant already made will be illegal.

For more information on hiring an architect, please contact:

American Institute of Architects, California Council
(916)448-9082
<http://www.aiacc.org/>

II. SITE SELECTION APPROVAL

Once your district has determined its need for new or modernized facilities and its preliminary eligibility for State funding, the district is ready to identify potential school sites and begin the construction approval process. Although it is theoretically possible that as many as 40 different State agencies or offices can be involved, most school construction projects require far fewer. But one agency is key to all proposed school construction projects: the California Department of Education's (CDE) School Facilities Planning Division (SFPD). If your district determines that it needs new school sites or additional land at existing sites refer to Section A, below. If your district is modernizing or adding new buildings to an existing site refer to Section B, below.

A. Site Rating and Selection

Under State law, the CDE, through the SFPD, must approve all new school sites and additions to school sites, when a school district requests State funds. Districts that do not request State funding must follow applicable laws and regulations governing site selection but do not need the SFPD site approval.

The SFPD recommends that districts identify potential sites using the criteria contained in "School Site Analysis and Development Guide, 2000" and "School Site Selection and Approval Guide, 2000" available at:
<http://www.cde.ca.gov/facilities/sfpdpublications.htm>.

Once your district has identified potential sites for a new facility, it initiates the construction process by contacting the SFPD. Each district must submit to the SFPD a minimum of three "approvable" sites for the location of a new school facility.

All potential sites are expected to provide safety and support learning. Considerations that factor into this determination include:

- The site's net usable acreage and projected enrollment must be consistent with the standards published in the CDE's document, "School Site Analysis and Development." If less than the recommended acreage is available, the district must explain how the students will be provided an adequate educational program, including physical education.
- All school buildings and play areas must be setback at least a minimum distance from power lines, ranging from 100 feet for lines of 133 kilo-Volts or less, to 350 feet for lines of 500 kilo-Volts or more.
- Sites normally must be at least 1,500 feet from a railroad track easement or high-pressure transmission line.
- The site cannot be adjacent to a road or freeway posing safety problems or generating sound levels that would adversely affect the educational program. Particular attention must be paid to student ingress and egress and crossing at or near heavily trafficked arteries.
- The site must not contain an earthquake fault or fault trace.
- It should not be within a flood or dam flood inundation area, unless the cost mitigating this impact is reasonable.
- It must not be located near an above-ground water or fuel storage tank posing a safety hazard.
- It should not be subject to liquefaction or landslide problems.
- The site should be roughly proportionate in dimensions to the projected layout of buildings, fields, and other facilities, so that the time required to reach classes is kept reasonable.
- It should be easily accessible by road and allow safe visibility at site entrances and exits.
- Existing and proposed zoning of surrounding properties should be compatible with school presence and pose no health or safety risks to students or staff.
- The site should be located within the proposed attendance area to encourage students to walk to school and to minimize the need for busing, except where used to promote diversity.
- It should promote joint use of parks, libraries, museums, and other public services.
- It should be conveniently located for fire and police protection, public transit, and trash disposal.
- Other considerations include a range of environmental factors such as light, wind, noise, aesthetics, and air pollution, as well as such potential complications as easements that might restrict access, the costs of bringing utility service to the site, site preparation and eminent domain costs, landscaping and maintenance expenses, and existence of protected wildlife habitat, wetlands, or environmentally sensitive vegetation.
- If a proposed site is on or within 2,000 feet of a significant hazardous waste disposal site, the district must contact the Department of Toxic Substances Control to determine whether the property should be considered a Hazardous Waste Property or Border Zone Property.

A SFPD representative will provide the district with the required forms for requesting review:

- School Facilities Planning Division Field Site Review (SFPD Form 4.0).
- School Site Approval Procedures (SFPD Form 4.01).
- School Site Report (SFPD Form 4.02).
- School Site Certification (SFPD Form 4.03).

The SFPD Consultant assigned to your district reviews each site and completes an "SFPD Field Site Review" (SFPD Form 4.0), documenting general observations about the proposed site, identifying areas of concern, or recommending further study, and providing information for the SFPD's subsequent activities.

If the SFPD consultant observes a problem, however, he or she may propose a set of actions to mitigate it. If the SFPD's suggested plan is not acceptable to the school district, it is often possible for the district and the SFPD consultant to negotiate a plan that is. If no mitigation is possible at a particular site - or if the school district declines to pursue any - then the district must agree not to use that particular site for school construction purposes.

Once the SFPD reviews all three (or more) sites that your district has submitted, it will identify the sites that meet the State's requirements, as well as the site that the SFPD has ranked the highest. **At this point, your school district chooses its preferred site.** In most cases, the district's preference coincides with the SFPD's highest-ranked site; on rare occasions when there are differences, the district and the SFPD will discuss and negotiate a resolution. Once the district selects its preferred site, the district initiates the required environmental site reviews.

For more information, please contact:

California Department of Education School Facilities Planning Division
660 J Street, Suite 350
Sacramento, CA 95814
Phone: (916) 322-2470
Fax: (916) 327-3954
<http://www.cde.ca.gov/facilities/>

B. Environmental Reviews

The SFPD encourages you to get three different environmental-related reviews underway before proceeding with the other elements that you must submit for final site approval, because these steps can be very time-consuming. These are:

- A **"Phase 1" Environmental Assessment.**
- The **California Environmental Quality Act (CEQA)** review process.
- Review by the **Caltrans Aeronautics Program** if your proposed site is within two miles of an airport runway.

1. Phase I Environmental Assessment

New legislation [AB 387 and SB 162 (Statutes of 1999)] requires that all new school sites be clean and safe from all toxic contaminants, eliminates the ability of districts to self-certify that they are in compliance, and initiates a **Phase 1 Environmental Assessment** to determine the likelihood of toxic contamination at the preferred school site **before** proceeding further with the site approval process. In instances of obvious environmental problems with a site, the SFPD may encourage your district to skip the Phase 1 assessment and move directly to a "Phase II" environmental assessment, which is more rigorous and likely would have been required anyway. (See "Preliminary Endangerment Assessment," subsection c, below.)

a. Starting the Environmental Assessment Process

The Phase 1 Environmental Assessment consists of a "paper" review of public records relating to past and current uses of the property at the proposed site. It includes consulting with State and local regulatory agencies, reviewing aerial photographs, and inspecting the site to ascertain whether a previous use of the property might have involved hazardous chemicals. Sites must meet the Department of Toxic Substances Control (DTSC) standards for "residential" use of land.

Generally, school districts hire a qualified environmental assessor - a Class II environmental assessor registered by the Office of Environmental Health Hazard Assessment or a hazardous substance contractor licensed by the Contractors' State License Board or other licensed professional including Professional Engineers, Registered Geologists, and Certified Engineering Geologists who are registered in California - to conduct the review in accordance with the standards of the American Society of Testing and Materials. Per California Education Code Section 17210(b), any person who conducts a Phase 1 Site Assessment must have at least two years experience. Any person who conducts a PEA must have at least

three years experience. Phase 1 and PEA reports submitted to the DTSC should contain documentation of the qualifications and experience of the environmental assessor who signs the documents.

Because of the often-time-consuming school construction approval process, your school district should submit the Phase 1 Environmental Site Assessment to the SFPD as soon as the work is completed. If the Phase 1 Assessment concludes that further investigation is not required, the district submits two copies of the Phase 1 report to the SFPD. The SFPD consultant assigned to your district's application reviews the submitted information and may request additional information or clarification. The SFPD staff then will transmit one copy of the Phase 1 to the DTSC within ten calendar days of receipt of the report and a \$1,500 check from the district to cover the DTSC review costs. The DTSC will refund the unused portion of these costs to the district; to date, the DTSC's review costs typically average slightly less than \$1,000 per case.

b. Review by the DTSC

The DTSC regulates hazardous waste and oversees the cleanup of hazardous substance release sites throughout California. The Department establishes standards for transport, treatment, storage, and disposal of hazardous waste. The DTSC also identifies and maintains a list of hazardous substance release sites and provides technical oversight for investigation and cleanup of those sites. The Education Code requires that the DTSC be involved in the preparation of and evaluation of the Environmental review documents including the Preliminary Endangerment Assessment.

The DTSC reviews a district's Phase 1 Environmental Assessment within 30 days. If districts submit amendments the 30-day review period commences with the resubmission. If there is no reason to believe that hazardous materials (including naturally occurring hazardous materials) are present on the property, the DTSC will approve the Phase 1 assessment. The DTSC sends a "No Action Letter" to the SFPD (with a copy to the school district) indicating that no further investigation is necessary. In that case, you can proceed to the CEQA process, Section II(B)(2) below.

If, however, the initial Phase 1 Assessment or the DTSC review concludes that further investigation is required and the district still wants to develop the site, it must enter into an agreement (Environmental Oversight Agreement) with the DTSC through the State's hazardous waste Voluntary Cleanup Program to oversee a **Preliminary Endangerment Assessment** (PEA).

c. Preliminary Endangerment Assessment

The PEA consists of a sampling and screening risk assessment to determine whether the hazardous materials pose a threat to children's health. Your district must contract with a qualified environmental assessor, described in Subsection a above, to prepare your PEA. The DTSC staff will assist the district and its assessor with planning the PEA.

The first step of the process is a scoping meeting to develop a work plan for the on-site investigation. Subsequent to the DTSC's approval of the work plan, the school district's consultants must conduct an investigation including sampling, to confirm whether there are hazardous materials present and to identify their concentration levels. If sampling indicates that hazardous materials are present, your district will have to conduct a screening risk assessment in accordance with the DTSC guidelines to determine whether there is a significant risk to public health or the environment. See the DTSC's "Requesting Preliminary Endangerment Assessment Guidance Manual" for more details. The PEA also may help the district identify the need for small or large-scale removal actions that may expedite final approval.

To obtain the DTSC's "Requesting Preliminary Endangerment Assessment Guidance Manual" or for more information, please contact:

Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806
Phone: (916) 324-1826
<http://www.dtsc.ca.gov>

To identify qualified environmental assessors, please go to: <http://rea.ca.gov/>.

d. PEA Submission to the DTSC

After completing the PEA, the district must submit it directly to the DTSC regional office for review and approval and make it available for public review for not less than 30 calendar days. The district also will be required to reimburse the DTSC directly for all of its PEA review/oversight costs through the Voluntary Cleanup Program agreement.

The DTSC must complete its review and respond within 60 calendar days of receipt of the PEA. The PEA may find that there are no hazardous materials present or that the levels present do not pose a significant risk to public health or the environment. If the DTSC concurs, it then issues a "No Further Action" letter to the SFPD, with a copy to the school district, stating that no further action is required. The SFPD then continues its review process (see Section II(D), below).

If the DTSC disapproves the PEA, it will inform your district and recommend actions necessary to obtain approval.

Or, the PEA itself may find hazardous materials present and conclude that they pose a significant risk to public health or the environment. If toxic problems are present, school districts are required to complete a PEA and sign-off from the DTSC before proceeding with site approval process. The DTSC may approve the PEA with a letter determining that "Further Action" is needed.

e. Response Action & Certification

If toxic problems exist and your school district still wishes to pursue acquisition of this site, then your district needs to enter into a Voluntary Cleanup Agreement with the DTSC before developing a Response Action - such as cleanup, removal or remediation - to address the problem.

To do this, the district first must obtain a Contingent Site Approval from the SFPD (if it is requesting State funding assistance). Neither the State nor most districts would like to see school districts spend a great deal of time and money cleaning up sites that ultimately would not be approved anyway. Contingent Site Approval will require your district to:

- Prepare a financial analysis that estimates the cost of the required response action;
- Assess the benefits that accrue from using the site as compared to alternative sites; and
- Obtain the approval of the SFPD that the site meets site selection standards, along with an evaluation of the suitability of the site in light of recommended alternative locations.

As of January 1, 2000, the SFPD uses a Contingent Site Approval letter to notify districts that sites meet selection standards (other than the DTSC approval). Once your district obtains a SFPD Contingent Site Approval, it may, if necessary, acquire the site and then implement the approved Response Action under the DTSC oversight. It also must notify the SFPD if there is a significant increase above the estimated cost of the Response Action.

Investigation and cleanup of suspected contamination requires one of the following steps:

- **Removal Action Workplan (RAW).** For small and relatively non-complex clean-ups costing less than \$1 million to implement, districts may prepare a draft RAW.
- **Remedial Action Plan (RAP).** For cleanups costing \$1 million or more to implement, the DTSC will require the school district to prepare a Remediation Investigation/Feasibility Study (RI/FS) leading to a draft of a more extensive RAP. As part of the RI/FS, your district will have to perform a complete study of the site to identify contaminants, levels of concentration, and the extent of contamination, including identification of contamination in all environmental media, including soil and ground water. Next, it must perform a human and ecological risk assessment to establish cleanup levels conforming to a residential standard. Finally, it must carry out a feasibility study to identify alternative means of mitigating the contamination so that it can select a method that will meet the cleanup objectives.

Both procedures necessitate hiring a consultant and will require the DTSC approval under a new agreement within the Voluntary Cleanup Program. The DTSC will determine when it is appropriate to use a RAW or a RAP. The RAW or RAP will identify cleanup options and goals. In addition, both RAWs and RAPs require districts to develop a public participation plan for the site.

f. Special Provisions: Financial Hardship and Environmental Hardship

Recent legislation allows districts to obtain financial assistance for site acquisition (but not for new construction plan approval) under two specific circumstances:

- **Environmental Hardship:** Your district may seek Environmental Hardship status for a separate funding allocation from the SAB before site acquisition and the SFPD Final plan approval, if the DTSC estimates that the necessary RAP will take at least six months to complete, and the SFPD has determined that the site is the best available alternative site. The SFPD will use its earlier relative ranking of alternative sites from the site review process and other information utilized in the required Contingent Site Approval process.
- **Financial Hardship:** Districts also may seek Financial Hardship status for a separate SAB site apportionment prior to site acquisition and the SFPD Final plan approval, if the SFPD has determined that the site is the best available alternative site.

For both types of applications, contact the OPSC.

For more information, please contact:

Office of Public School Construction
Department of General Services
1130 K Street, Suite 400
Sacramento, CA 95814
Phone: (916) 445-3160
Fax: (916) 445-5526
<http://www.opsc.dgs.ca.gov/>

g. Long-term Operation and Maintenance (O&M)

Cleanup of some sites, such as those with extensive groundwater contamination, may take years or even decades to achieve the goals specified in the RAP. In other cases, engineered systems - such as caps, conduits, berms, or barriers - may have to be put in place, and these must be maintained until they are no longer needed. The DTSC monitors these long-term operations to ensure that the site is being properly maintained and that systems are working as designed. Under AB 2644 (Statutes of 2000), a school district will not be required to take action in response to a release of hazardous materials to groundwater underlying the school site if the release occurred at a site other than the school site, and if other specified conditions are met. To protect the integrity of the response action, the same law requires the DTSC to notify the Division of the State Architect (DSA) whenever a response action has an impact on the design of a school. (For example, remediation may impact building construction if gas venting/extraction systems are required. The DSA will specify testing and inspection protocols for each school site.)

h. Site Certification

Once a district completes the remedial action and demonstrates to the DTSC's satisfaction that all RAP objectives have been met, the DTSC will certify the site. The DTSC notifies the SFPD, the DSA, and the OPSC when it certifies that all necessary Response Actions have been completed and cleanup goals are achieved at the site. Your district then may proceed with the SFPD final site/plan approval process (see Section D, below).

i. Interaction With CEQA

In preparing the draft Response Action, the district should consult with the DTSC staff about complying with the California Environmental Quality Act - described in the next subsection - including requirements to analyze potential impacts of the Response Action and to obtain public review and input. School districts may fulfill CEQA requirements relative to their Response Action in any one of the following ways:

- Incorporate the draft Response Action into the project description as part of the district's Negative Declaration or Environmental Impact Report (EIR), see below, which is then noticed, circulated, and adopted in accordance with the requirements of the Public Resource Code.

- Prepare, notice, circulate, and adopt a supplement or addendum, if the Negative Declaration or EIR already has been filed, to cover the Response Action.
- Request that the DTSC act as lead agency and complete its own CEQA process on the Response Action.
- Obtain the DTSC concurrence that the proposed RAW is categorically exempt under CEQA guidelines.

The DTSC will approve the district's Response Action after it completes the CEQA process.

For more information, please contact:

Department of Toxic Substances Control
 Site Mitigation Program
 301 Capitol Mall
 P.O. Box 806
 Sacramento, CA 95812-0806
 Phone: (916) 324-1826
http://www.dtsc.ca.gov/site_mit/

2. CEQA: Environmental Quality Act Assessments

CEQA is a wide-ranging statute designed to develop and maintain a high-quality environment now and in the future. CEQA specifically aims to improve the environmental impacts of California's public agencies - including schools - by identifying *significant* environmental effects of their actions and either avoiding or mitigating them where feasible.

CEQA applies to "projects" proposed to be undertaken or requiring approval by State and local government agencies. "Projects" are activities with the potential to have a physical impact on the environment. This would include most school construction projects.

The school district is the "lead agency" under CEQA for all school construction projects. That means that the district determines if the planned activities constitute a "project" under CEQA and whether the project is exempt from CEQA for any reason. The district also must determine whether, as will usually be the case, it must perform what is called an "Initial Study" to identify the environmental impacts of the project and determine whether the impacts are considered "significant" under State law. While there is no ironclad definition of what is significant, the State CEQA Guidelines, administered by the Governor's Office of Planning and Research (OPR), provide criteria for making this determination.

In particular, the district **must** find that the project may have a significant effect on the environment if it:

- Might substantially degrade the quality of the environment;
- Might substantially reduce the habitat of any fish or wildlife species;
- Might cause a fish or wildlife population to drop below self-sustaining levels;
- Might threaten to eliminate a plant or animal community;
- Might reduce the numbers of an endangered, rare, or threatened species;
- Might restrict the range of an endangered, rare, or threatened species;
- Could have considerable incremental environmental effects when viewed in connection with the effects of other projects, past, present, and future; or
- Will cause substantial adverse effects on human beings, directly or indirectly.

Based on its findings as to significance, the district must prepare one of the following environmental review documents and give public notice of its availability:

- A **Negative Declaration** if it finds no significant impacts.
- A **Mitigated Negative Declaration** if it finds significant impacts but revises the project to avoid or mitigate those significant impacts.
- An **Environmental Impact Report (EIR)** if it finds significant impacts. The purpose of an EIR is to provide State and local agencies and the general public with detailed information on any potentially significant environmental effects, and to list ways in which these may be minimized, as well as indicating alternatives to the proposed project.

Your district may refer to, or download, the *State Clearinghouse Handbook* for more information about the environmental document review process, as well as obtain copies of various CEQA forms at: <http://www.opr.ca.gov/>.

These forms can then be printed and mailed to the State Clearinghouse. An online, downloadable version of the CEQA Initial Study *Checklist* can be found at the Association of Environmental Professionals (AEP) Website. There are no forms for Negative Declarations and EIR's, which are tailored to each situation, but your district can obtain assistance and guidance in construction these documents from the State Clearinghouse and Planning Unit (SCH) within OPR.

The State Clearinghouse is the central point of contact for the distribution of a Negative Declaration or EIR under CEQA. School districts contact the State Clearinghouse at the OPR to submit their CEQA documents. The OPR then distributes the school construction project's environmental documents to those State agencies that the OPR believes need to be consulted, because of the concerns implicated by the particular project, for review and comment. These agencies will contact your district if there is a problem. They perform an initial study to identify the environmental impacts of the proposed project and determine whether these are significant (normally within 30 days for a Negative Declaration and 45 days for an EIR). If so, your district must find ways to respond to these concerns or face litigation over its failure adequately to do so.

For more information; please contact:

OPR State Clearinghouse
 1400 Tenth Street, Room 222
 Sacramento, CA 95814
 Phone: (916) 445-0613
 Fax: (916) 323-3018
 E-mail: state.clearinghouse@opr.ca.gov
<http://www.opr.ca.gov/>

OPR Mailing Address:
 P.O. Box 3044
 Sacramento, CA 95812-3044

CEQA statutes and guidelines that guide a school in its role as a lead agency can be found at: <http://www.ceres.ca.gov>

Agencies that conduct a CEQA review of your proposed construction will contact you if there is a problem. But, generally, these are the kinds of issues that may arise:

a. Caltrans District Transportation Planning Division

The California Department of Transportation (Caltrans) Planning Division's Intergovernmental Review/CEQA branch determines whether:

- your proposal is likely to have an impact on the State transportation system, any of its facilities, or local traffic, or pedestrian circulation;
- construction or other activity will affect Caltrans rights of way or utility easements;
- the proposal is consistent with the division's transportation plans for your region; and
- there is potential for noise impacts from existing transportation systems.

Your district should consult with Caltrans regarding major local arterials and public transit within five miles of the proposed school, and freeways, highways, and rail transit service within ten miles.

For more information, please contact:

California Department of Transportation
Office of Advanced System Planning
1120 N Street
Sacramento, CA 95814
Phone: (916) 653-1551
<http://www.dot.ca.gov>

For addresses and phone numbers of Caltrans' district offices, access the map at: <http://www.dot.ca.gov/mail.htm>.

b. California Highway Patrol (CHP), Office of Special Projects

Local CHP field commands sometimes will respond when they identify issues raised by construction or expansion of a school facility. For instance, when the Auburn Union School District in Placer County proposed construction of the Douglas Ranch Elementary School, the CHP noted that the proposed bus stop/pupil loading sites required traffic to stop and remain stopped until the completion of bus operations. Without mitigation, this would have had a significant negative impact on traffic during the morning and afternoon hours, particularly on Olive Ranch Road. When the CHP identifies significant issues such as this, the CHP staff will work with your district to resolve potential concerns.

For more information, please contact:

California Highway Patrol
Office of Special Projects
2555 First Avenue
Sacramento, CA 95818-0001
Phone: (916) 657-7222
<http://www.chp.ca.gov>

c. Air Resources Board

Local and regional air districts are responsible for reviewing environmental impact documents. Air districts also regulate emissions from stationary sources such as boilers, steam generators, and diesel-fueled engines through a system of permits, inspections, monitoring, and related compliance activities. Each air district determines which emission sources and levels must be regulated to ensure attainment and maintenance of health-based State and Federal ambient air quality standards.

For more information, please contact:

Air Resources Board California Environmental Protection Agency
1001 "I" Street
P.O. Box 2815
Sacramento, CA 95814
Phone: (916) 322-2990
<http://www.arb.ca.gov>

d. Cal/EPA Office of Environmental Health Hazard Assessment

The Office of Environmental Health Hazard Assessment (OEHHA) advises and assists regulatory agencies in assessing health risks that may exist at potential school sites. The OEHHA also is developing guidelines for the protection of children from air pollution and air toxics, as required by recently-signed legislation; many of these same toxic chemicals may be found on school sites. In addition, the OEHHA is developing long-term guidelines for health-risk assessments that focus specifically on school children. The OEHHA also will provide assistance in an upcoming study of environmental conditions in portable classrooms to be conducted by the Air Resources Board and the Department of Health Services. Your school district can hire an environmental assessor registered with the OEHHA to conduct the required environmental assessments of proposed school construction projects.

During CEQA consideration of a potential school site, the OEHHA assists in evaluating health risks to children at the site from one or more of the following:

- nearby industrial facilities that emit toxic air contaminants;
- pesticide drift from neighboring agricultural areas;
- hazardous substances in the soil and/or groundwater; and
- naturally occurring hazards such as asbestos or radon in the soil.

For more information, please contact:

Office of Environmental Health Hazard Assessment
California Environmental Protection Agency
1001 "I" Street
Sacramento, CA 95814
External Affairs: (916) 445-6903
Executive Office: (916) 324-7572
<http://www.oehha.ca.gov>

Additional information on the Registered Environmental Assessor Program can be found on its home page at:
<http://rea.ca.gov/>

e. Santa Monica Mountains Conservancy

The Santa Monica Mountains Conservancy acquires land for open space, park, recreation, and conservation purposes within the greater Los Angeles-Ventura Counties metropolitan area (including the Santa Monica Mountains, Santa Susana Mountains, Verdugo Mountains, San Rafael Hills, the Rim of the Valley Trail Corridor, and the Los Angeles River Parkway and tributaries). The Conservancy also implements and maintains the Santa Monica Mountains Comprehensive Plan. The Mountains Conservancy could interact with a public school project in three ways: (1) commenting in the CEQA process or otherwise regarding the impacts of a school siting or construction decision; (2) pursuing, as a conservation site, a site desired for a school; or (3) assisting in co-locating park, recreation, or outdoor education programs at a school site. For instance, the Los Angeles Unified School District (LAUSD) co-located park and outdoor education facilities at its Walnut Park Elementary School, and invited the Conservancy to participate. In another instance, the Conservancy opposed a LAUSD proposal in the early 1980's to site a middle school complex in Temescal Canyon. The LAUSD subsequently sold the site to the Conservancy.

For more information, please contact:

Santa Monica Mountains Conservancy
Los Angeles River Center and Gardens
570 West Avenue Twenty-Six, Suite 100
Los Angeles, CA 90065
Phone: (323) 221-8900, Ext. 101
Fax: (323) 221-9001
<http://www.smmc.ca.gov>

f. Department of Parks and Recreation, Office of Historic Preservation

The Office of Historic Preservation (OHP) may comment on a public school construction project if asked to do so because the project raises concerns about potential historical resources, may affect an historical resource of regional or statewide significance, or may raise issues about historical resources that the OHP could help to clarify. The Department of Parks and Recreation and the OHP encourage school districts to contact local organizations with an interest in historical resources (including buildings and archeological properties) as early in the CEQA process as possible. In addition, school districts should consult with the OHP whenever issues pertaining to the consideration of historical resources in the CEQA process may arise.

For more information, please contact:

Department of Parks and Recreation
Office of Historic Preservation
P.O. Box 942896
Sacramento, CA 94296-0001
Phone: (916) 653-6624
<http://ohp.parks.ca.gov>

Advisory Council on Historic Preservation: <http://www.achp.gov>.

g. Department of Fish and Game

Most often, school construction does not affect species listed as endangered or protected, since schools are usually built in, or adjacent to, urbanized areas. If the final construction design might affect any State-listed endangered or threatened species of plant or animal, the district must apply for an Incidental Take Permit under the Fish and Game Code. This permit allows the project to proceed, as well as to avoid or fully mitigate any impact to the listed species. If school construction potentially could affect a lake or stream, the district must apply for a Streambed Alteration Agreement. The Department of Fish and Game will work with a district to help locate construction so as to avoid impacts on protected species and their habitat.

For more information, please contact:

Department of Fish Game
State Headquarters
Resources Building
1416 Ninth Street, 12th Floor
Sacramento, CA 95814
Phone: (916) 653-7664
Fax: (916) 653-1856
<http://www.dfg.ca.gov/dfghome.html>

Locations of threatened and endangered species can be obtained through the Natural Diversity Database by calling (916) 322-2493 or (916) 324-3812.

h. Department of Conservation, Division of Oil, Gas, & Geothermal Resources

The Department of Conservation's Division of Oil, Gas, and Geothermal Resources regulates, inspects, and issues permits for the drilling, maintenance, production, and plugging of oil, gas, and geothermal wells and reviews building plans to determine if wells in construction areas (including those plugged previously) are plugged according to modern standards. The Division interacts with school districts during the planning, design, and construction phases of a school construction project. The Division will perform a site review and will research well records for any potential school site, and will issue an opinion after that review is complete. The Division also offers technical information and publications on meeting well safety requirements, as well as the location of abandoned wells and recommendations for re-abandonment or avoidance.

For more information, please contact:

Department of Conservation
Division of Oil, Gas, & Geothermal Resources
801 K Street, MS 20-20
Sacramento, CA 95814
Phone: (916) 323-1777
Fax: (916) 323-0424
<http://www.consrv.ca.gov/dog/index.htm>

i. Department of Conservation, Division of Mines and Geology

At sites where geologic or earthquake hazards are a consideration, the Division of Mines and Geology (DMG) provides recommendations and information for safe school sites and building design. In some cases, the Division has found a school district's environmental document inadequate, completely missing the presence of serious, sometimes well-known, seismic hazards. The Division corrected these oversights and provided the school districts with seismic design parameters and general literature for designing safe public schools.

The DMG also serves under contract as an advisor to the Division of the State Architect (DSA) in geology and seismology. The DMG reviews only those consulting, engineering, geology, and geotechnical reports forwarded by the DSA. [For DSA review of a proposed school construction project, see below, Section III(C)].

For more information, please contact:

Department of Conservation
Division of Mines and Geology
801 K Street, MS 12-31
Sacramento, CA 95814
Phone: (916) 323-8553
<http://www.consrv.ca.gov/dmg/index.htm>

j. CEQA Process: One Final Note

Finally, school districts should begin the environmental evaluation of proposed projects as soon as possible since the preparation and review of the environmental document may take several months. Your district can obtain more information on how to proceed from the CDE's School Facilities Planning Division (refer to Section II(A), above).

3. The Caltrans Aeronautics Program

This is the third and final environmental review your district may need to consider. The CDE is required to provide the Caltrans Aeronautics Program with written notice when any proposed school site is within two miles of any point on an airport runway, or potential runway included in an airport master plan. State funds cannot be allocated unless the Caltrans Aeronautics Program finds the site acceptable. The Aeronautics Program evaluates the proposed project for any safety hazard that may result. Even when none is found, however, the agency often recommends design changes to provide desirable protection against potentially disruptive aircraft noise.

For more information, please contact:

Department of Transportation
Caltrans Aeronautics Program
1120 N Street, Room 3300
Sacramento, CA 95814
Phone: (916) 654-5470
<http://www.dot.ca.gov/hq/planning/aeronaut/>

C. Other Agencies You May Want to Contact

There are numerous other agencies and departments that your district may want or need to contact, depending on the particular circumstances of its project. In some cases, these agencies may have a special expertise that may be of help to your district. In other cases, the agencies may have responsibility for a special problem or location that involves your proposed school project.

Probably the easiest way of determining whom you should or must contact is to ask the following questions. Following each question is an identification of the agency involved, a brief discussion of how it will help your district's project, and the means of contacting it for more detailed information.

1. Would you like to view approved model school designs?

The **State Allocation Board** and the **Office of Public School Construction** maintain model school designs. The DSA has approved plans for these designs. By studying these, your district may gain some insight into how best to design and construct its new school - or save a great deal of time in the approval process by adopting one of these designs as its own.

For more information, please visit the OPSC web site at: <http://www.opsc.dgs.ca.gov>.

2. Do You Want Ideas on or Funding for Energy Efficiency?

The "**Bright Schools Program**" of the California Energy Commission (CEC) helps school districts identify ways to reduce energy use. Whether your district plans to build a new school or modernize an existing one, the CEC often can provide moneysaving ideas and services that will reduce the school's energy costs. From design consultation to energy audits and feasibility studies to assisting with contractor selection and even financing assistance and loans, Bright Schools can be a real help. The program helped the Live Oak Unified School District, for example, reduce its energy use by 20 percent and save \$56,000 in energy costs annually. Similarly, schools in the Beverly Hills Unified School District and the San Pasqual Union School District are shaving 102 percent off their annual energy expenses. For best results, your district should contact Bright Schools during the early planning stages of its project.

In addition, the CEC and the DSA can refer you to other resources such as the "Savings By Design" program sponsored by investor-owned utilities or the Collaborative for High Performance Schools (CHIPS).

For more information, CEC's web please visit the site at: <http://www.energy.ca.gov/efficiency/brightschoools>.

3. Are You Interested in Receiving Advice on, and Possible Funding for, Waste Management Strategies or Use of Recycled Materials in Construction?

The **California Integrated Waste Management Board** (CIWMB) offers expertise in "green building" design, construction, and operation as part of its materials reuse and recycling mission. The CIWMB can provide help and information regarding:

- demolition at a site where buildings already exist;
- positioning buildings to take advantage of a site's features which can yield considerable resource efficiencies and savings;
- efficient use of building construction materials;
- efficient landscaping that generates minimal debris which can be managed onsite; or
- incorporating high quality, low emission, recycled content products into new construction and operations.

School districts proposing to construct or operate certain solid waste management facilities, such as green waste composting, materials recovery, or landfill, must obtain permit approval from their local environmental enforcement agency and the CIWMB.

For more information, please visit the CIWMB web site at: <http://www.ciwmb.ca.gov/>.

4. Are You Building on or Near a Waste Disposal Site?

If your district plans to build within 1,000 feet of an abandoned waste disposal site, you should contact the **California Integrated Waste Management Board** of the Cal/EPA during your pre-construction planning. No school can be built on or near solid waste dumps unless biological and toxin clean-up occurs. The CIWMB will investigate and address such potential problems as landfill gas migration, hazardous heavy metal residues and slope stability.

For more information, please visit the CIWMB web site at: <http://www.ciwmb.ca.gov/>.

5. Are Pesticides Used in Your Vicinity?

If your school district is located in an agricultural community where pesticide use is common, you may wish to contact the **Department of Pesticide Regulation (DPR)** in the California Environmental Protection Agency (Cal/EPA). The Department can help assess pesticide exposure, evaluate the extent of pesticide residue in soil or groundwater, and give you guidance regarding the establishment of "buffer zones" around your proposed school project. Needless to say, such advice can be invaluable before your district begins construction.

For more information, please visit the DPR web site at: <http://www.cdpr.ca.gov/>.

6. Are You Building in an Agriculturally Protected Area?

The **Division of Land Resource Protection** within the California Resources Agency's Department of Conservation is responsible for administering the California Land Conservation Act (more popularly known as the "Williamson Act"). Under the Act, it is State policy to avoid locating any public improvement projects (including schools) within protected agricultural preserves. The Division provides school districts with Williamson Act maps, and assists districts in finding alternative sites for school construction. **If your district is contemplating building in (or your project will affect) a Williamson Act agricultural preserve, it is your responsibility to notify the Division during the planning and site acquisition phase.**

For more information, please visit the Division's web site at: <http://www.consrv.ca.gov/>.

7. Do You Have Questions Concerning Construction Wage Rates?

By law, any public works project - including school construction - must pay what are known as "prevailing wage rates." Generally, the "prevailing wage" is the union-scale wage paid in a particular local area. The **Division of Labor Statistics and Research** in the Department of Industrial Relations determines and publishes these rates and will provide them to school districts upon request. Please see Section V below for further information on the school construction phase.

For more information, please visit the DLSR web site at: http://www.dir.ca.gov/DLSR/statistics_research.html.

8. Do You Need Information on Workplace Safety Standards or Need a Variance?

The **Occupational Safety & Health Standards Board** of the Department of Industrial Relations can provide information on safety standards that is relevant to school construction and is the only agency in California authorized to amend or repeal such standards. Any school district seeking a variance from applicable standards must submit an application and demonstrate at an administrative hearing that the school's proposed method of varying from a particular health or safety requirement provides equal or superior safety. The Board will provide school districts with the information they need to apply for variances.

For more information, please visit the Board's web site at: <http://www.dir.ca.gov/dir/os&h/oshsb/oshsb.html>.

9. Is Construction the Result of a Declared Disaster?

If your district's construction project is the result of an event that either the State of California or the Federal government has officially declared a "disaster," you should contact the **Governor's Office Of Emergency Services (OES)**.

Your first stop will be in the **Public Assistance Section**. After your school district submits an application, the Public Assistance Section staff will determine how much damage your district sustained and will make repair or replacement estimates. They will submit these to the OES for approval and, thereafter, may even remain in the construction approval process acting as your advocate with State and Federal agencies. Public Assistance Section personnel helped the San Francisco Unified School District, for example, secure over \$4.3 million in Federal funds following the Loma Prieta earthquake, and the Placer Hills Unified School District received almost \$18,000 to repair damage that occurred as the result of severe winter storms in 1995.

If the disaster that befell your school was a presidentially-declared disaster, another office within the OES may help, as well. The **Hazard Mitigation Section** will suggest and help secure funding for construction or retrofittings that will reduce the risk of future damage to your school in the event of another disaster. After the Northridge earthquake, for instance, the

Los Angeles Unified School District received a grant to replace and retrofit ceilings and lights, while the Castaic Union School District received money to defray the costs of physically relocating some school facilities. Other school districts prone to flooding or with chronic drainage problems similarly have received grants to help limit damage in the future.

For more information, please visit the OES web site at: <http://www.oes.ca.gov/>.

10. Will Your Project Affect Historic Landmarks or Resources?

The **Office of Historic Preservation** within the California Resources Agency's Department of Parks and Recreation will become involved in the school construction process under any of three conditions:

- If the CEQA review process reveals that there will be impact on historic resources (see Section II(B)(2), above);
- If your project involves a qualified "historic school building" (see Section II(B)(2), above); or
- If your district wishes to use Federal funds or needs a Federal license to proceed with construction and the Federal agency determines that your project could affect historic properties.

Because any adverse impact on historic properties must be addressed (and mitigated or eliminated, if possible), it is important for school districts to consult with the Office early in the project planning and site acquisition phase.

For more information, please visit the Office's web site at: <http://ohp.parks.ca.gov/>.

11. Is Indoor Air Quality a Problem?

The Department of Health Service's **Indoor Air Quality Program (IAQP)**, while having no formal involvement in the school construction process, can provide guidance and technical information to school project designers - or to school officials themselves - on how to improve indoor air quality. For example, the IAQP has consulted with school board members of the Beverly Hills Unified School District on exposure and testing for formaldehyde in portable classrooms and with the Oakland Unified School District on how to mitigate mold contamination. The **Air Resources Board** at Cal/EPA also has expertise in indoor air quality and will provide advice to school project designers and builders concerning the selection of building materials, equipment, and furnishings in new or modernized school buildings.

For more information, please visit the IAQ web site at: <http://www.cal-iaq.org/> or the Air Resources Board web site at: <http://www.arb.ca.gov/homepage.htm>.

12. Is Outdoor Air Quality a Problem in Your Area?

Although it has no direct regulatory authority over the siting of schools, the **Air Resources Board** of the Cal/EPA can be contacted for advice in the planning phase of your project if air quality is an issue. The Board can often tell you the status of air pollution control efforts in your area since it monitors and oversees such efforts through local Air Quality Management Councils around the state.

For more information, please visit the ARB web site at: <http://www.arb.ca.gov/homepage.htm>.

13. Are You Concerned About Lead-Related Construction or Drinking Water Problems?

If your district is undertaking a modernization project where exposure to lead is a possibility - or if there is reason to believe that the school's drinking water should be tested for lead - your district should contact the Department of Health Service's (DHS) **Childhood Lead Poisoning Prevention Branch**. Although the Department has no oversight responsibilities for school construction, it has collaborated with and offered advice to a number of school districts around the state when there was reason to believe lead poisoning was a possible or potential problem.

For more information, school construction professionals and school officials should visit the DHS web site at: <http://www.dhs.ca.gov/childlead>.

14. Is Your School Project Located in a Coastal Zone?

Every school construction project in the coastal zone must have a "coastal zone development permit" from the **California Coastal Commission**. These permits certify that the proposed project is consistent with the policy mandates of the California Coastal Act. Although school districts typically are referred to the Commission whenever necessary by their local governments, it is very important that districts coordinate with the Commission early in the site selection and project design phases of their proposals.

For more information, please visit the Commission web site at: <http://www.coastal.ca.gov/web/>.

15. Is Your Proposed School Located in the Delta?

Although involvement in school construction projects by the **Delta Protection Commission** is extremely rare, it is theoretically possible if local government action is required for the approval of a school construction project in the Delta, which takes in parts of Contra Costa, Sacramento, San Joaquin, Solano, Stanislaus, and Yolo Counties. Local government actions must be consistent with the Commission's comprehensive Plan for protecting and enhancing existing land uses in the Delta including agriculture, wildlife habitat, and recreation.

For more information, please visit the Commission's web site at: <http://www.delta.ca.gov>.

16. Does Your Project Disturb a Fish or Wildlife Habitat?

As discussed earlier in Section II(B)(2)(g), if your proposed project could potentially affect any officially designated endangered species of fish or wildlife - or if it could affect a lake or a stream - your district will want to contact the **Department of Fish and Game** within the California Resources Agency early in the planning and site selection process. If the final construction design affects any endangered species, you will need an "Incidental Take Permit." The Bakersfield School District, for example, worked with the Department to avoid impacting the San Joaquin kit fox, while West Hills Community College received help in avoiding negative impacts to local wetlands.

For more information, please visit the Department's web site at: <http://www.dfg.ca.gov>.

Locations of threatened or endangered species can be obtained by calling: (916) 322-2493 or (916) 324-3812.

17. Are You Worried About Earthquakes or Other Geologic Hazards?

As described above in Section II(B)(2)(i), the **Division of Mines and Geology** within the California Resources Agency's Department of Conservation provides recommendations and information in support of safe school sites and building design, especially with respect to seismic and other geological hazards. Although the Division typically gets involved with the school construction process only when asked to do so by another State agency (generally triggered by a problem in your project's Environmental Impact Report), school districts may contact the Division for assistance directly, either before they purchase a school site or in the design phase of their projects.

For more information, please visit the Department's web site at: <http://www.consrv.ca.gov>.

18. Will Your Construction Affect the Shores or Waters of San Francisco Bay or Suisun Marsh?

If your project will involve development, extraction of materials from, or any substantial change in use of the San Francisco Bay, its immediate shoreline, or the Suisun Marsh area of Solano County, you must secure a permit from the **San Francisco Bay Conservation and Development Commission**. In fact, most school construction projects within the Commission's jurisdiction (including even playground improvements) will require a permit, so school districts are encouraged to contact the Commission early in the planning and design stages.

For more information, please visit the Commission's website at: <http://www.bcdc.ca.gov/>.

19. Will Your School be Located Near a Dam?

If so, your district will probably want to know about the structural integrity and safety of those dams, whether your proposed site is in a dam failure inundation area, the likely severity of a dam failure, and the impact a dam failure would have on student safety. The Division of Safety of Dams in the California Resources Agency's Department of Water Resources has this information and will share it with your district upon request.

For more information, please visit the Division's website at: <http://damsafety.water.ca.gov/>.

20. Is Your School Constructing Its Own Water System?

Although relatively few schools choose to operate their own water systems, the Department of Health Service's **Drinking Water Program** would issue a water system permit, provide regulatory oversight, and be involved in all phases of the project if yours does. Typically, the school district would initiate contact with the Program, but the Program's actual interaction would occur with the engineering firm the school had hired to construct the water system.

For more information, please visit the Program's website at:
<http://www.dhs.ca.gov/ps/ddwem/technical/dwp/dwpindex.htm>.

21. Do You Intend to Discharge Waters or Waste?

22. Will Your Project Disturb Five or More Acres of Land?

If the answer to either question is "yes," the school district must contact one of the **Regional Water Quality Control Boards**. In the case of a proposed discharge the Regional Boards act as regulators, issue required Federal permits, and may require clean-up of soil and/or groundwater.

If your school's project will disturb five or more acres of land, the district must obtain a storm water permit and comply with a Storm Water Pollution Prevention Plan, which the Water Board will approve and monitor.

For more information on regional water control boards, please visit: <http://www.swrcb.ca.gov/rwgqcb/index.html>, or the appropriate regional board. For additional information about the State Water Resources Board, please visit: <http://www.swrcb.ca.gov>.

D. Filing the Site Approval Request

Finally, your district is ready to assemble the 13 elements of an "Approval Request" for its preferred site.

The first four of these are easy:

- A school district map;
- A map of the proposed site;
- Five copies of the legal description of the site; and
- A copy of the report of the local planning commission.

The remaining nine elements often require the help of outside consultants (your district's architect and/or civil engineer will normally recommend, or help the district locate, appropriate consultants). They are:

- Written findings by a qualified consultant as to whether there are hazardous waste, air emission, or other potential environmental problems nearby.
- A copy of the Phase 1 Preliminary Endangerment Assessment (PEA). If a Phase II PEA is required, a detailed site appraisal must be provided.
- A copy of the final CEQA Environmental Impact Report or certified Negative Declaration.
- A copy or summary of a Geological Hazards Report prepared by a qualified consultant for your district and submitted to the Division of the State Architect.
- A signed copy of the SFPD School Site Report (Form SFPD 4.02).
- A signed copy of the SFPD School Site Certification (Form SFPD 4.03).

- A schematic site utilization plan, usually prepared by your district's architect to show generally how the contemplated school facilities would utilize the proposed site.
- A description of all unused school sites within the district.
- Documentation justifying the size of the site (which may include the District Facility Master Plan, a Developer Fee Justification Study, or a five-year plan (SFPD Form 575) documenting enrollment projections, needed schools, and site sizes).

The SFPD consultant assigned to your school reviews the package to ensure that it is complete. In addition, the SFPD will consider Final Site Approval only when it has received the final adopted CEQA documents [see Section II(B)(2)], the DTSC certification that any required Response Action has been completed [see Section II(B)(1)], and all other information required on Form SFPD 4.01 ("School Site Approval Procedures," see Section II(A), above) for contingent site approval, if applicable.

If the SFPD determines that a site is unacceptable and there is no possible mitigation (or if your school district is not willing or able to perform the required mitigation activities), the district may not seek to purchase or build on that site.

When the SFPD signs off on the package, it will send your district a site approval letter. This site approval is valid for five years.

III. CONSTRUCTION PLAN REVIEW AND APPROVAL

In addition to approval for its specific site, a school district must obtain the SFPD review and approval of all plans for new school construction or modernization on State funded K-12 projects. (If a project is self-funded, i.e., the district is not requesting State funds, the district may choose not to use the SFPD for plan review but must follow all laws and regulations.)

The time required for plan review varies with the size and complexity of the project. Review of a simple modernization project may require one day, while a large new construction project may require several weeks.

A. Environmental Assessment

The State wants to ensure that construction, no less than site selection, will not result in dangers from hazardous materials. The procedure for doing so is the same as described in the section on site approvals (see Section II(B), above). This means that before accepting construction bids or beginning construction, and before the SFPD will issue a Final Plan approval for new construction, your district must contract with a qualified environmental assessor to conduct a Phase 1 Environmental Assessment of the proposed site - unless it has done so already or the project involves only minor additions, or modernization to comply with the Americans with Disabilities Act or other handicapped access requirements.

The specific exceptions are as follows:

There was a previous Phase 1 Environmental Assessment or Preliminary Endangerment Assessment. New Phase 1 work will not be required if, within the last five years, the site of the proposed new construction project has had:

- A Phase 1 Assessment or a PEA prepared for which the DTSC has issued a "No Action" or "No Further Action" letter, or certified that all Response Actions have been completed, or
- The SFPD issued a final site or plan approval letter that included a SFPD review of a Phase 1 indicating that the site was safe, and conditions have not changed which would affect the DTSC determination or the SFPD approval.

The project involves only minor additions. Minor additions at existing sites that are eligible for a Statutory or Categorical Exemption under CEQA and CEQA Guidelines are not subject to Phase 1 studies and the DTSC determinations. Your district must submit a signed SFPD Form 4.07B and indicate that the new construction project is a categorical/statutory exemption under CEQA.

This is a modernization project. Modernization projects including replacement areas and/or new areas required by the Americans with Disabilities Act or by State handicap access requirements, do not require a Phase 1 or environmental assessment or the DTSC determination for the SFPD final plan approval.

Your district may submit its Phase 1 Environmental Assessment before submitting the rest of the documents required for final approval of construction plans. In fact, the SFPD encourages submittal of Phase 1 Assessments as soon as possible, although the agency will provide preliminary plan reviews without a Phase 1.

B. The SFPD Review of Project Plans

The SFPD's plan review focuses on aspects of the facility related to educational program delivery staff and student safety, classroom size, parking, security, adequacy of the number of toilets, and recreational space.

A school district must submit educational specifications - either SFPD Form 4.07 for growth projects, or SFPD Form 4.08 for modernization projects - along with preliminary plans for the project:

- Form SFPD 4.07, the "Summary of Educational Specifications Components," describes the facility design in general terms and provides information on how much space has been allocated for classrooms and other spaces and their location in the facility.
- Form SFPD 4.08, the "Summary of Modernization Specifications," provides the scope of work for the project as well as any significant changes in room size or purpose.

The SFPD encourages school districts to submit preliminary drawings for review before the working drawings are prepared. This may help expose problems or issues early in the design process and allow resolution with less time, cost, and effort. The SFPD reviews preliminary plans and makes comments and suggestions to the district and the architect.

After the SFPD approves the preliminary plans, districts then submit final plans to the SFPD. These plans incorporate suggestions made by the SFPD and are the same plans submitted to the Division of the State Architect for review. (See Section C, below.) Upon successful completion of the review process, the SFPD will send your district a Plan Approval Letter (Form SFPD 4.09) that is valid for two years.

C. Review by the Division of the State Architect

Review by the Division of the State Architect (DSA) ensures that all plans, specifications, and actual construction comply with California's building codes. The DSA also develops and maintains accessibility standards pursuant to the Americans with Disabilities Act. The DSA reviews a school's working drawings to ensure that the proposed structures meet code requirements for seismic, fire and life safety, as well as accessibility. The local Fire Marshal certifies compliance with fire flow and fire access requirements to DSA. To save time, a district or its architect may submit a project's working drawings concurrently to the SFPD and the DSA for review.

The DSA's school project review process includes the following steps:

1. Preliminary Conference

This optional conference is intended to help resolve questions of code interpretation and special project design or site conditions. The Preliminary Conference is especially beneficial to architects and engineers when submitting their first project, and on complicated projects.

2. Submittal

Your school district's architect must submit specific forms, fees, calculations, drawings, reports, and certifications to the DSA. These include:

- Three sets of completed plans and specifications.
- A geologic hazards report or letter.
- A soil report or letter.

- A copy of the test and inspection list.
- A letter from your district's local fire authority approving fire department access, with a personal signature of the appropriate local fire official on a print of the plot plan sheet.
- A request for a waiver of durability requirements for relocatable building projects.
- A completed Structural and Access Compliance Application (Form ORS 1 available from DSA).
- One copy of structural calculations.
- Signed energy compliance forms from an appropriate design professional certifying compliance with California Energy Commission requirements for nonresidential building energy efficiency. For information call (800) 772-3300.
- Two sets of fees are required, one for the DSA's review of Access Compliance and the other for its assessment of Structural & Fire Life Safety. Both of these fees are set on a sliding scale that varies with overall expected project cost. The combined minimum fee is \$450.

All architects and engineers listed on submitted documents must be currently registered in California. The Division's school construction review is totally funded by the fees the division charges for these reviews.

3. Submittal Review

The submittal package must be complete before the DSA puts the project in line for review. Reviews are handled on a first-come, first-served basis. When submittals are incomplete, the DSA notifies the school district and architect of the missing documents.

When the submittal package is received at the DSA, the Division staff completes a preliminary review to verify that:

- The correct fee was paid.
- The design professionals are qualified.
- The submittal package is complete.
- All drawings, calculations, and specifications are complete.
- The correct seismic factor was used.
- The proposed structural system is viable.

The DSA notifies the school district and architect when the submittal is complete.

4. Plan Review

The DSA conducts concurrent reviews of project plans for structural safety, fire and life safety, and access compliance. During each review, corrections are marked in color on the proposed plans. After the reviews are complete, the DSA returns the drawings and specifications to the architect. The DSA will notify your district when each discipline (structural, fire & life safety, and accessibility) returns the corrected plans and specifications.

5. Architect and Engineer Corrections

The architects and engineers responsible for your district's project then make corrections suggested by the DSA to the tracings and specifications. Notations by the school district or architect providing justification for not making suggested changes, or responses to the DSA comments, may be made in pencil next to the comment in order to save time during the backcheck.

6. Backcheck

The backcheck begins with a face-to-face meeting between the DSA and the architect and engineers after all required corrections to drawing tracings and specification originals have been made. The purpose of the backcheck meeting is to review the architect's corrections and discuss any issues raised during the correction process. Backchecks are usually completed in one day. Sometimes, however, they require more extended study of the changes discussed at the face-to-face meeting. If so, the DSA notifies the district and its architect when this backcheck is complete.

7. Approval of Drawings and Specifications

The DSA then stamps the plans and specifications for identification. The architect then submits one set of stamped plans and specifications to the DSA, its files, and then the DSA provides your district with written approval of the project drawings and specifications.

For more information, please contact:

Department of General Services
Division of the State Architect
1130 K Street, Suite 101
Sacramento, CA 95814
Phone: (916) 445-8100
Fax: (916) 445-3521
<http://www.dsa.dgs.ca.gov/>

IV. OBTAINING FUNDING

A. The Funding Application Process

Normally, a school district already will have obtained approval of its eligibility for funding prior to this point (see Section I). If not, it may submit the eligibility application concurrently with the funding application. To file an application for funding, your district will need to submit the following to the OPSC:

- Form SAB 50-04: *Application for Funding*. This is a form setting out the basic information needed to process and approve the appropriate funding.
- The Division of the State Architect project plans and specifications.
- Certification of compliance with all applicable laws, specifically:
 - The professional services requirements discussed in Section I(D), above.
 - Establishment of a Restricted Maintenance Account. To ensure that a State-funded project is kept in good repair, all school districts with average daily attendance above 1,200 (unified), 900 (elementary), or 300 (high school) must establish and maintain a restricted account within their general funds for the exclusive purpose of ongoing and major maintenance. This fund must amount to an annual encumbrance of at least three percent of the district's general fund. Smaller districts may certify that they require less maintenance or a smaller annual deposit.
- Cost estimates or a certification from the district's architect that project costs amount to at least 60 percent of the total available funding (from both State and local sources).
- Appraisal, escrow closing statement, and site approval letter from the CDE, if the application includes site purchase.
- Final approval for all the steps in this primer. State law prohibits apportioning funds to any district that has not obtained written approval that its site selection and building plans comply with State standards. School districts obtain this approval from the CDE School Facilities Planning Division in the form of a Plan Approval Letter (SFPD Form 4.09; see Section III(B), above).

B. Eligible Funding Situations

A district may request funding for the following:

- A New Construction Grant.
 - **Basic funding** is available according to the number of unhoused students affected, by grade level. The per-pupil grant amounts are:

Elementary School	\$ 5,640
Middle School	\$ 5,965
High School	\$ 7,809
Special Day Class-Severe	\$17,976
Special Day Class-Non-Severe	\$12,022

 - **Supplemental funding** is available in the following categories. Contact the OPSC for details as to whether your district is eligible:
 - Special Education**
 - Multilevel Construction**
 - Site acquisition**
 - Site development**
 - Geographic Location:** locations that are remote or difficult to access, or which lack a pool of contractors.
 - Small Size Projects**
 - New School Projects** to fund core facilities other than classrooms.
 - Urban Locations, Impacted Sites, or Areas With Security Issues** where the useable site acreage is less than 75 percent of the site size recommended by the California Department of Education.
 - Project Assistance**

- A Modernization Grant.
 - **Basic funding** is available according to the number of unhoused students affected, by grade level. The per-pupil grant amounts are:

Elementary School	\$2,436
Middle School	\$2,577
High School	\$3,374
Special Day Class-Severe	\$7,763
Special Day Class-Non-Severe	\$5,193

 - **Supplemental funding** is available in the following categories (check with the OPSC for details as to whether your district is eligible):
 - Special Education**
 - Multilevel Construction**
 - Site acquisition**
 - Site development**
 - Geographic Location:** locations that are remote or difficult to access, or which lack a pool of contractors.
 - Small Size Projects**
 - New School Projects** to fund core facilities other than classrooms.
 - Urban Locations, Impacted Sites, or Areas With Security Issues** where the useable site acreage is less than 75 percent of the site size recommended by the California Department of Education.
 - Handicap Access, Fire Code Compliance, and Elevators** for handicap access.
 - Project Assistance**

- **Financial Hardship Assistance** is available for districts that cannot provide all or part of their share of the project funding. Districts must have received approved financial hardship status prior to submitting their Application for Funding (see Section I(C), above). Qualifying districts may receive a separate apportionment for:
 - **site acquisition** on a new construction project.
 - **design costs** on a new construction project or modernization project.

- A **Facility Hardship Grant** where facilities are needed to relieve a threat to the health and safety of pupils, rather than enrollment growth. These are limited to the most severe instances of need that cannot be remedied through normal new construction or modernization funding.

C. Funding Application Review

When the OPSC receives the funding application package, staff members schedule a site visit, review the plans, and examine other documentation. If required information is missing, the OPSC sends a letter to the school district giving the district 15 calendar days to respond with the required information. If the district does not respond within 15 days, the application may be returned unprocessed.

After the OPSC has determined that an application is complete, staff will assign a date to the application, putting it in line for further OPSC processing. A large school construction project may involve many eligibility calculations to ascertain the proper State-funding amount. The OPSC must verify information provided in the application package and ancillary documents, and review the school district's calculations to determine funding amounts.

D. The Allocation Process

After the OPSC completes its review of an application, it schedules the project for approval at a State Allocation Board (SAB) meeting. The OPSC processes applications in the order they are completed and the SAB allocates funds on a first-come, first-served basis. If there is no discussion or disagreement, the Board may vote immediately to approve or disapprove the request.

The SFP law provides that when available funding reaches certain minimum levels, new construction projects awaiting funding shall be prioritized or ranked using a priority point system, and that funding shall be made based on this prioritization. When this occurs the Board will rank and fund new construction projects on a quarterly basis. New construction projects that are not funded will be placed on an unfunded list and will be resubmitted to compete with new applications accepted for the next funding quarter.

E. Post-Application Requirements

Your school district must submit a Form SAB 50-05: *Fund Release Authorization*, before the OPSC can release funds to the districts' county treasurer. If the district does not submit the fund release form within 18 months of the SAB approval date, the entire grant will be automatically rescinded.

The school district also must submit a Form SAB 50-06: *Expenditure Report*, one year from the date funds were released, and then once each year for the duration of the project. This form reports all project expenditures to the OPSC, which is required to perform a financial audit of the project within two years of the completion of the project.

Your district also is required to submit a progress report within 18 months of the date funds were released. If the OPSC determines that substantial progress is not being made, or if the district does not submit a progress report, the OPSC can recommend that the SAB revoke the unused portion of the funding. The OPSC must give the district 60 days to comply before taking such action.

For more information, please contact:

Department of General Services
Office of Public School Construction
1130 K Street, 4th Floor
Sacramento, CA 95814
Phone: (916) 445-3160
Fax: (916) 445-5526
<http://www.opsc.dgs.ca.gov>

V. THE CONSTRUCTION PROCESS

Your district now is ready actually to begin construction. But this does not end State oversight: Not only must State money be accounted for, but State building, labor, environmental, and other standards must continue to be met.

A. State Architect Construction Requirements

1. Before Construction May Begin

Your district may not award contracts for project construction until the DSA approves all drawings and specifications and provides written approval of the application. If the district makes any changes to the drawings or specifications between the times the DSA stamps the drawings and when the district awards the contract, the architect or engineer of record must initiate an addendum and the DSA must approve the changes.

The district must submit a Contract Information Sheet (Form SSS 102) and an Inspector's Qualification Form (Form SSS 5) to the DSA at least ten days before beginning construction.

The DSA also must approve the project inspector (also known as the inspector of record who must pass DSA administered inspector examinations) hired by the school district, who must be present at the construction site to maintain a personal knowledge of the ongoing work and to verify that construction conforms to approved documents. The project inspector also must inspect all work before it is covered or closed in by other construction work.

During construction, a variety of specialized laboratory tests may be required. These include tests of structural materials incorporated into the project, such as for concrete foundations, steel beams and columns, and masonry walls. Specialized inspections of structural materials, such as the welding of structural steel members or the compaction of fill soils supporting building foundations, may also need to be performed. Laboratories performing these tests must be approved by the DSA through the laboratory evaluation and acceptance (LEA) program. The laboratory must send any resulting test reports to the project inspector, the school district's architect/engineer, and the DSA.

The DSA also will assign a field engineer to visit the construction site several times so as to maintain an understanding of the project's progress. The field engineer first visits the site at the beginning of construction, and then every three to four weeks during construction. The field engineer also visits the construction site when problems occur, and upon completion of the project. Under new legislation, the DSA has the authority to issue stop work orders if the field engineer finds that the construction is not in accord with the approved plans or for other serious problems with the construction itself.

2. Project Closure

The DSA can close projects either by issuing the "Final Certification of Construction" or by closing the project without compliance. The difference is significant:

Without certification, the State will not assume liability for the facility. The district's school board members remain liable in any construction-related litigation. Your district should make every effort to complete the certification process.

The DSA grants a "Final Certificate of Construction" when:

- All construction is completed and verified.
- All required documentation is received and verified by the DSA.
- The required fee, adjusted for final construction costs including change orders, is received by the DSA.
- The "Notice of Completion" is received by the DSA.

The "Final Certification of Construction" certifies that construction complies with requirements of the Field Act, which was enacted in 1933 to establish "reasonable minimum standards for the design and construction of new school buildings " and provide for a rigorous inspection process "to ensure that the work of construction has been performed in accordance with the approved plans and specifications, for the protection of life and property." The "Final Certification of Construction" releases the school district's board members from any direct liability connected with construction of the school facility. This certification also indicates project closure and the end of the DSA's responsibilities.

The DSA also may close a project without issuing a "Final Certification of Construction." There are **several reasons why the DSA may not certify completion:**

- If required fees are not paid to the DSA.
- If the project's documentation is incomplete.
- If the DSA's inspection discovers problems with the construction that are not adequately addressed.

If a project is closed without compliance, the school district may pay a nominal fee to have the DSA reopen the project. When the outstanding issues have been resolved, the DSA will issue the "Final Certification of Construction" under the Field Act and the State will assume liability for the facility.

B. Labor Standards and Safety Regulation

The Department of Industrial Relations (DIR) is concerned with wages and working conditions, and has seven different subdivisions and boards that could potentially become involved, usually during the construction phase of school projects. Virtually all of DIR's involvement comes in ensuring that the "prevailing wage" (generally the local union-scale wage) is paid to construction workers, enforcing occupational safety and health laws and regulations, and adjudicating health and safety-related grievances and disputes that arise at the construction site.

1. Occupational Safety and Health

The **Division of Occupational Safety and Health (Cal/OSHA)** has primary jurisdiction over the safety and health of workers engaged in any construction project in the State, including public works projects. The Cal/OSHA also conducts on-site inspections of approximately 1,000 construction sites per quarter each year, some of which are school construction sites. Citations can be issued to employer-contractors for violations of the Construction Safety Orders found in Title 8 of the California Code of Regulations. The most common citations issued are related to excavation, scaffolding, electrical safety, fall protection, and other safety violations. The Cal/OSHA's jurisdiction involves employer-contractor relationships, not the school district that owns the property; unless the school district has its own employees engaged in the construction of a new school, the Cal/OSHA probably would not interact with your school district.

The Cal/OSHA can cite school districts for violations, however, if their employees are exposed to unsafe or unhealthful working conditions. Examples of unsafe and unhealthful conditions that could lead to citations by the Cal/OSHA include the absence of an Injury and Illness Protection Program or a Hazard Communication Program, lack of asbestos warnings, absence of ventilation hoods in laboratories, lack of emergency eyewash/shower stations in photography labs, exposure to chemicals in laboratories, and various housekeeping violations in maintenance shops. The greatest impact on school districts is the steps necessary to abate the problem and the costs associated with doing so.

Regulations governing construction permits are available through any of the 22 Cal/OSHA district offices or the Cal/OSHA web site, as are Cal/OSHA procedures and forms.

For more information, please contact:

Cal/OSHA
455 Golden Gate Avenue, 10th Floor
San Francisco, CA 94102
Phone: (415) 703-5100
Fax: (415) 703-5135
<http://www.dir.ca.gov/DOSH>

The **Occupational Safety & Health Appeals Board** hears employer appeals from citations issued by the Cal/OSHA alleging unsafe and unhealthful working conditions of California workers. If any contractor, subcontractor, or school district wants to appeal any citations issued by the Cal/OSHA, it has 15 working days from receipt of the citations to appeal to the Appeals Board. An appeal can be initiated by telephone, fax, mail, or hand delivery. If an appeal is timely, it will be docketed and set for a pre-hearing conference by telephone. If the issue is not settled then, the appeal will be set for an administrative hearing. The time it takes from docketing of an appeal to the setting of an administrative hearing is approximately six months.

Appeals from school districts typically do not impede school construction projects, but rather address exposure of school employees to unsafe and unhealthful conditions. Penalties assessed against a school district are deposited with the Workplace Health and Safety Revolving Fund. A school district may apply for a refund of its assessed penalties with interest, if all conditions cited have been abated and if they have not been cited for a serious citation at the same school within two years of the date of the original violation. Funds not applied for by a school district within two years and six months of the time of the original violation are expended to assist schools in establishing effective occupational injury and illness programs.

For more information, please contact:

Occupational Safety & Health Appeals Board
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
Phone: (916) 274-5751
Prehearings: (916) 274-5791
Fax: (916) 274-5785
<http://www.dir.ca.gov/oshab/oshab.html>

2. Labor Standards Enforcement

The **Division of Labor Standards Enforcement (DLSE)** enforces labor laws relating to contractors and employers in general. The DLSE enforces the employer obligation to provide Worker's Compensation Insurance for its employees, to comply with all child labor obligations and restrictions, and to issue deduction statements with the payment of wages. For contractors, the DLSE enforces the contractor's obligations to have a valid State contractor's license and to comply with the State's public work statutes and regulations. The most frequent allegation made to the DLSE is that a contractor is not paying workers the correct prevailing wage for the work performed.

The DLSE must advise school districts of all complaints filed against contractors or subcontractors engaged in any school construction project. Most of these interactions are initiated by the DLSE.

When the DLSE advises school districts of complaints filed against any contractors or subcontractors engaged in the project, it must gather specific documentation relating to the construction project. The documentation that the DLSE typically requests includes the first advertised bid date, the contract, the labor and materials bonds posted by the contractor, and (as needed) the site inspector's daily reports and certified payrolls provided to the school district by the contractor(s) or subcontractor(s) under investigation.

In addition, the DLSE needs to be periodically advised of the project's status and anticipated completion date. The DLSE requests that school districts keep it informed of the project status as it nears completion so that it may meet its statute of limitations deadlines that commence with the completion of the project.

Should the DLSE determine, after an investigation, that wages and/or penalties are due because of a contractor's violation of the prevailing wage statutes, the DLSE will serve a Notice to Withhold Wages and Penalties Due on the school district. The Notice directs the school district to retain a specific amount of funds from the contractor until the wage and penalty obligations are adjudicated.

The DLSE also may defend school districts in actions by a contractor for failure to make payments required by the contract due to an alleged failure on the part of the contractor to pay the prevailing wage. The DLSE provides this defense at no cost to the school district.

For more information, please contact:

Division of Labor Standards Enforcement
455 Golden Gate Avenue, 9th Floor
San Francisco, CA 94102
Phone: (415) 703-4810
Fax: (415) 703-4807
<http://www.dir.ca.gov/DLSE/>

3. Workers' Compensation Self-Insurance

The **Office of Self-Insurance Plans (OSIP)** licenses large employers for self-insurance of worker's compensation liabilities. Self-insurers could be any supplier, construction company, or independent contractor. Many California school districts themselves are self-insured.

If a school district awards a contract to a self-insured employer, it must seek proof that the contractor was legally self-insured, in the form of certification by the OSIP. The school district may seek a certification from the OSIP or can obtain such proof of certification directly from the contractor. The school district may make such a request to the OSIP by fax or e-mail. In addition, the school district may wish to confirm that it is self-insured itself.

For more information, please contact:

Office of Self Insurance Plans
2265 Watt Avenue, Suite 1
Sacramento, CA 95825
Phone: (916) 483-3392
<http://www.dir.ca.gov/sip/generalinfo.htm>

4. Apprenticeship Standards

The **Division of Apprenticeship Standards** administers California apprenticeship law and enforces apprenticeship standards for wages, hours, working conditions, and the specific skills required for State certification as a journeyman in an apprenticeable occupation. Many apprenticeable occupations are in the construction field. School construction projects are public works jobs, which require the inclusion of apprentices.

Any school district whose public works contract is projected to cost more than \$30,000 and/or require more than 20 working days must submit a form to the Division within five days of the award. The district also must notify the Division of any discrepancy in the ratio of apprentices to journeymen within five days of a finding of discrepancy.

For more information, please contact:

Division of Apprenticeship Standards
455 Golden Gate Avenue, 8th Floor
San Francisco, CA 94102
Phone: (415) 703-4920
<http://www.dir.ca.gov/das/>

C. **Environmental and Other Requirements**

1. Toxic Substances

If previously unidentified contamination is discovered during construction, the district is required to promptly notify the Department of Toxic Substances Control (DTSC) and stop construction until the DTSC determines it is safe to proceed. The district may not occupy a school building following construction until the DTSC has certified completion of all response actions, except for operation and maintenance activities.

For more information, please contact:

Department of Toxic Substances Control
Sharon Fair, Branch Chief
School Property Evaluation and Cleanup Division
1011 No. Grandview Avenue
Glendale, CA 91201

Phone: (818) 551-2821
Fax: (818) 551-2832
E-mail: sfair@dtsc.ca.gov
<http://www.dtsc.ca.gov>

2. Caltrans Inspections

The local Caltrans District Transportation Planning Division also may inspect and approve work during the construction and completion phases.

For more information, please contact:

California Department of Transportation
Transportation Planning Program
1120 N Street
Sacramento, CA 95814
Phone: (916) 654-5266
<http://www.dot.ca.gov/mail.htm>

3. State Fire Inspections

In addition, the **State Fire Marshal** enforces fire safety regulations in areas outside incorporated cities and districts providing their own fire protection services. A school district or the Division of State Architect can request the State Fire Marshal to conduct a joint final construction inspection.

For more information, please contact:

Office of the State Fire Marshal
1131 S Street
P.O. Box 944246
Sacramento, CA 94244-2460
Phone: (916) 445-8550
Fax: (916) 445-8509
<http://www.fire.ca.gov/FireMarshal/FireMarshal.asp>

4. Uncovering Native American Remains and Objects

The **Native American Heritage Commission** also would become involved in your project if Native American human remains and grave goods are encountered during the construction phase or if your construction process unearths any other Native American cultural resources. If a school district identifies any Native American cultural resources, it should contact the Commission regarding development of mitigation measures. If any human remains are discovered, your county coroner should also be contacted. To date, no Native American human remains have been found during school construction projects.

For more information, please contact:

Native American Heritage Commission
915 Capitol Mall, Room 364
Sacramento, CA 95814
Phone: (916) 653-4082
Fax: (916) 657-5390
<http://www.nahc.ca.gov/>

5. Other State Entity Involvement During Construction

Finally, depending on your district's circumstances and where it wishes to build a school, it may be necessary for other State departments and agencies to become involved. The 20 suggested earlier in Section II that you consider contacting early on may need to be contacted later as developments occur in the actual construction process.

VI. CONCLUSION

This primer was developed to provide your school district with a general overview of the public school construction process in California. For more detailed information about the requirements of each of the State entities involved in this process, please contact them directly.

The Davis Administration is committed to assisting local school districts and streamlining the State's role in the public school construction process. If you have suggestions on how to streamline the public school construction process or to improve this guidebook, please forward them to:

State and Consumer Services Agency
Attention: David Osborne
915 Capitol Mall, Suite 200
Sacramento, CA 95814