

LOS ANGELES UNIFIED SCHOOL DISTRICT

SCHOOL CONSTRUCTION BOND CITIZENS' OVERSIGHT COMMITTEE

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Thomas A. Rubin

Oversight Committee Consultant

Gary C. Anderson

Director

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Administrator

Citizens' Bond Oversight Committee

Regular Meeting

333 S. Beaudry Avenue

Los Angeles, CA 90017

Wednesday February 20, 2008

Committee Members Present:

S. Folsom; D. Crippens; E. Bar-El; C. Espinosa; C. Bergson; T. McCauley;
A. Medina; V. Tanzmann; B. Valles

Committee Members Absent:

C. Rice; D. Jenkins; L. Levitan; B. Valles

Agenda Item 1. Call to Order

Mr. Folsom called the meeting to order at 10:10 a.m.

Agenda Item 2. Chair's Remarks

Mr. Folsom acknowledged Ms. Rice's contribution to education and in her work with Laura Chick on the comprehensive gang reduction strategy. Mr. Folsom noted that the big challenge to public education is gang violence and the public perception of the phenomenon.

Agenda Item 3. Monthly Program Status Report – Existing Facilities

Presenter: Bruce Kendall, Deputy Chief Executive, Existing Facilities

Mr. Kendall provided a snapshot of the overall program. The overall bond program is 59 percent complete with an additional 12 percent in construction and 15 percent in design.

Mr. Kendall discussed the BB program. The program is approximately 91 percent complete and 7 percent in construction. Mr. Kendall discussed the Measure K program. The program is approximately 47 percent complete and 22 percent in construction. Mr. Kendall discussed the project preparation section of Measure Y.

Mr. Kendall noted that he has a goal of \$550 million of construction starts for this fiscal year. There is a focused effort to meet the goal.

Bond Oversight Committee

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Mr. Kendall discussed athletic fields. There are a total of 58 high schools of which 55 have an athletic field. Of the 55, 5 have completed synthetic turf fields, 2 are in planning. Six sites have synthetic track surfaces completed, and 6 additional sites are in planning.

Mr. Kendall discussed the ribbon cutting at Belmont High School. The project was valued at \$31.7 million.

Mr. Medina asked Mr. Kendall to summarize the lessons learned from the BB Program. Mr. Kendall responded that better defined project scopes allow for better cost estimates. Mr. Medina asked about the acoustical aspect of air conditioning in portable classrooms. Mr. Kendall responded that specifications have been adapted for learning requirements. He added that the solution set are more extensive and allow for lower dBA levels in these classrooms.

Ms. Bar-El asked how a classroom is categorized as not having air conditioning. She asked if a classroom that has an air conditioning unit but can't be turned on due to the noise level would be classified as not having air conditioning. Mr. Kendall responded that they are looking at structures that are not air conditioned at all or was air conditioned on a temporary or unsatisfactory level. He added that recently a project was presented that addressed repairs for a number of facilities. If the air conditioning system was not adequate, an air conditioning unit would be installed that the teachers can use during hot periods. Ms. Bar-El requested clarification that there are air conditioning units in existence that would be classified as inadequate even if they technically worked. Mr. Kendall responded that he cannot say that they are not out there. Mr. Kendall added that he will look into her concern and address it when the projects are brought back.

Ms. Bar-El asked again about school community input on A&I projects. She asked if there was any system being developed to include school community input. Mr. Kendall responded that he has reiterated to the local districts that they work with the schools. He added that it has been made very clear that parental involvement is very important to the selection of these projects. Mr. Kendall noted he is seeing that there is involvement on the projects. Ms. Bar-El asked Mr. Kendall how he knew the sign off was accurate. She asked if there was a place for sign off by someone that represents the school community. Mr. Kendall responded that there is a sign off by the local district superintendent that ascertains that there has been school level involvement. He noted there are certification forms in each project folder.

Mr. Espinosa discussed joint use activity between LAUSD and the City of Los Angeles.

Referring to the slide that mentioned three high schools did not have athletic fields, Mr. Folsom asked for an explanation. Mr. Kendall responded that the reason why they don't have athletic fields could go back to the historical development of the schools. Mr. Folsom requested an informative on Maywood on what recreational facilities they are using.

Mr. Bergson noted that the BOC approved a joint use lighting project at Palisades HS. He added that this was the second set of lights for the school. Mr. Bergson reiterated that when lighting projects are considered that the entire district be looked.

Agenda Item 4. Monthly Program Status Report – New Construction

Presenter: Fred Smith, Acting Deputy Chief Executive, New Construction

Mr. Smith reported that as of February 1, 2008 there were 132 new school projects. Sixty-nine are complete, 9 are pending preferred site, 11 pending CEQA approval, 19 pending construction contract award, and 24 under construction.

Mr. Smith discussed trends in construction costs and bid prices. Bids secured in 2006 and early 2007 were above the trend line indicating a greater than anticipated escalation.

Mr. Smith announced upcoming groundbreaking ceremonies. He announced that John Leichthy MS recently received two awards.

Agenda Item 5. Consent Calendar

Mr. Folsom introduced the Consent Calendar consisting of the January 16, 2008 BOC Minutes and BOC Quarterly Report (October-December 2007).

There was a Motion, Second, and vote.

Aye: 9
Nay: 0
Abstain: 0
Absent: 4

The Consent Calendar Passed Unanimously.

Agenda Item 6. Existing Facilities SEP Amendment – A&I and Board Member Funded Projects
Presenter: Bruce Kendall, Deputy Chief Executive, Existing Facilities

Resolution 2008-09

The amendment is for projects in Local Districts 1, 2, 3, 4, 5, 6, and 7 totaling approximately \$1.8 million. Mr. Kendall noted that these projects will help facilitate the implementation of the facilities strategic execution plan and will not adversely affect the ability to successfully complete the plan therefore the proposed amendment does not need to be accompanied by analysis of the impact of the amendment on the prospects of achieving the plans objectives.

Mr. Espinosa asked about sanitary buildings. He noted that in the past the City Attorney was working with the District to address sanitary building issues. Mr. Espinosa requested a report on the number of sanitary buildings that have been reconstructed or improved. Mr. Kendall responded that the issue involved the availability of restrooms. He added that the sanitary buildings are placed where there is a distance requirement. He noted a school may have sufficient fixtures but are not where they are needed. In other cases they are inadequate around athletic fields. Mr. Espinosa requested clarification that this item is not a renovation item. Mr. Kendall responded that these projects are additions to meet requirements. Mr. Espinosa asked if any renovation projects are being done at school sites. Mr. Kendall responded approximately \$10 million in restroom renovations are done each year. He added the program is ongoing.

Ms. Bar-El inquired about the marquee project at Sylmar HS. She noted the cost of the marquee project seemed high and asked for an explanation. She also asked for clarification on the requirements for use of the Alteration & Improvement Funds. Mr. Kendall responded that the Alteration & Improvement Funds are provided to the local districts and his group has been working with the local districts to define what their priorities are. He noted schools provide input to the local district superintendents. Mr. Kendall added that the Alteration and Improvement Funds were set up to provide local districts with funding to perform improvements to their school that they might not of had done. Mr. Kendall noted that the marquee is expensive but is not unusual because of the type of foundation that has to be put in. Electrical controls are required and when a marquee is over a certain size there is a requirement to provide a path of travel to the marquee.

Mr. Crippens suggested discussing the sign off process at the next BOC Executive Committee meeting.

There was Motion, Second, and vote.

Aye: 7
Nay: 0
Abstain: 2
Absent: 4

Resolution 2008-09 Passed

Agenda Item 13. Lobbying

Presenter: Yea-Lan Chiang, Ethics Officer
Lorena Padilla-Melendez, Director, Community Outreach
Terry Dillon, Director, Facilities Contracts

Ms. Chiang presented the District's Lobbying Disclosure Program. She discussed the background of the program, the nuts and bolts of the program, and a case study.

Ms. Padilla-Melendez presented what the Community Outreach Department is doing to increase awareness of lobbying rules and restrictions at community meetings.

Mr. Dillon discussed the Ethics Policy within the Facilities Contracts Branch.

Mr. Folsom asked Mr. Rubin to comment on the lobbying efforts. Mr. Rubin stated the lobbying issue came up at a community meeting where it became rather obvious that there were some activities that looked like paid lobbying. It was determined that there was a need for action. Community Outreach has responded and incorporated a good program to get the lobbying information out. Regarding Procurement, Mr. Rubin stated they have been complying with the District's procedures and regulations and continue to advance what needs to be done there. Mr. Rubin noted there is a concern with the low number of lobbyists that are registered. He added that there is a need to get the word out to people. Mr. Rubin stated Facilities is doing what needs to be done and the Ethics Office has a very good program. He added that the next step needs to be taken and that is to make sure that people are complying.

Agenda Item 7. Existing Facilities SEP Amendment – Modified Consent Decree Projects

Presenter: Bruce Kendall, Deputy Chief Executive, Existing Facilities

Resolution 2008-10

This amendment recommends adding 8 Modified Consent On-Demand Accessibility Projects totaling \$929,699 and canceling 2 Modified Consent On-Demand Accessibility Projects totaling \$240,440.

Mr. Kendall noted that these projects will help facilitate the implementation of the facilities strategic execution plan and will not adversely affect the ability to successfully complete the plan therefore the proposed amendment does not need to be accompanied by analysis of the impact of the amendment on the prospects of achieving the plans objectives.

There was a Motion, Second, and vote.

Aye: 8

Nay: 0

Abstain: 0

Absent: 5

Resolution 2008-10 Passed Unanimously

Agenda Item 8. Existing Facilities SEP Amendment – International Studies Learning Center at Southeast MS

Presenter: Bruce Kendall, Deputy Chief Executive, Existing Facilities

Resolution 2008-11

This amendment recommends a project to install refurbished DSA certified portable buildings for use by the International Studies Learning Center at Southeast HS. The portable buildings will be removed from the relocation of the ISLC program in 2012. The project is valued at \$1.8 million and is funded by local district Alteration & Improvement funds.

Martin Galindo, Local District Superintendent, spoke to the need of the project from an educational standpoint.

There was a Motion, Second, and vote.

Aye: 8

Nay: 0

Abstain: 0

Absent: 5

Resolution 2008-11 Passed Unanimously

Agenda Item 9. New Construction SEP Amendment – F&E Portable Classrooms – Charter Schools

Presenter: Fred Smith, Acting Deputy Chief Executive, New Construction

Resolution 2008-12

In September 2007 the District issued two separate requests to all charter schools for furniture and equipment and portable classrooms. The eligibility criteria were developed in accordance with the Charter School Facilities Expansion policy and in consultation with representatives from the charter school community.

Applications were due in November 2007 and in January 2008 letters were sent to applicants advising them of results. Applicants were given the opportunities to correct any errors in fact.

There is currently \$80 million remaining in the charter bond account. This amendment is for approximately \$15 million worth of furniture and equipment and approximately \$2.5 million for portables. After this award there will be approximately \$62.5 million charter bond funds remaining.

Mr. Espinosa asked how eligibility was determined. Mr. Smith responded that the criteria were adopted by the Board in the Charter School Facilities Expansion Policy in consultation with the charter community and California Charter Schools Association. Mr. Espinosa asked if any charter has contested ineligibility and asked how they were notified. Mr. Smith responded that the charters were notified by letter.

Public Comment: Louis Pugliese; Mr. Pugliese is on the board of Our Community Charter School. He spoke about the misapplication of imprecise data that has been used to disqualify otherwise high performing charter schools for portable classrooms. He explained that small schools under 100 students do not have the advantage of being able to qualify under a rank called Similar Schools Rank. He added the District has taken it upon them to use State Rank or Similar Schools Rank to qualify or disqualify schools. Small schools are at a disadvantage because they can only qualify on one. In the case of Our Community Charter School they received a State Rank of 4 yet the API increased 55 points. Mr. Pugliese asked why a school like that would be disqualified. He responded that the state does not assign a Similar Schools Rank to schools that are under 100 students. The state rank that is reported by the Department of Education comes with an admonishment that the rank for the schools is statistically uncertain. Mr. Pugliese stated the District decided to use this ranking to disqualify Our Community Charter School. Mr. Pugliese respectfully asked that Our Community Charter be included in the recommendations for the facilities and that greater care is taken by the District to use sound and scientific situations to all public schools.

Public Comment: John Allen: Mr. Allen stated that the Measure R process was transparent and does work. He noted that of the 27 schools approved for furniture and equipment 25 are secondary schools. The two elementary schools are actually span schools. No elementary schools were approved. Schools that were ineligible included 9 secondary schools and 9 elementary schools. Mr. Allen noted there was no balance on the list of approved schools. Mr. Allen reported that of the 27 schools approved his school's API was higher than 25 of them and his school did not. He asked what could be done differently. He suggested using other measures such as AB 1137. He added there is something wrong in the criteria if secondary schools are waived that heavily. Mr. Allen requested Crescendo Prep South and Central be considered for Measure R. In the future Mr. Allen requested the BOC look at the criteria that is set so there is more equity.

Public Comment: Rebecca Rodriguez; Ms. Rodriguez is the Executive Director of Montague Charter Academy. She distributed a document showing the academic gains from her school. She reported since 1999 the school has improved a total of 297 points. The school has consistently ranked 5 in the Similar Schools Ranking. Ms. Rodriguez stated she was here to appeal the decision of the denial of 27 classrooms. She stated the goal is to improve the learning environment for the students and the additional classrooms and restrooms would provide support for the students.

Public Comment: Caprice Young; Ms. Young is the President of the California Charter Schools Association. Ms. Young noted that the District should put money into schools that have longevity. She added that the criteria did not work well for

small schools. She looks forward to working with the District to revise the criteria so that the strong performing schools are going to be successful at receiving facilities.

Jose Cole-Gutierrez, Executive Director-Charter Schools Division addressed the BOC. Mr. Cole-Gutierrez explained that he has worked closely with the Ethics Office to assure compliance. He explained that he was given clearance by the Ethics Office to engage in this item.

Mr. Folsom asked if the criteria were acceptable to him and the charters and well publicized. Mr. Cole-Gutierrez responded that the process to try and be as open as possible. He added that there were areas of agreement and disagreement. At the time the process was as open as possible. Mr. Cole-Gutierrez stated that some of the discussion leans toward what is a quality charter school. He added that all comments made today will be taken into consideration to make sure everything will be as fair as possible. Mr. Folsom asked if there was a conscious effort to make sure elementary schools couldn't qualify. Ms. Gagan responded that the charters had a chance to revisit after the evaluations were done and there are two elementary schools that are successful applicants.

Mr. Espinosa asked when the next round would occur and if criteria would be revised. Mr. Cole-Gutierrez responded that the effort would be collaborative and that a timeline has yet to be set. He added that discussions will occur immediately upon approval of the current project.

Ms. Bar-El asked if a charter school would have to comply with the Field Act if they received bond money. Ms. Gagan also responded that the design requirement follows the funding. State bond dollars imply Field Act requirements. Local bond dollars do not necessarily imply Field Act. The charter bond dollars in the projects are being spent on property owned by the charter schools and are not required to comply with the Field Act. They are likely to be DSA compliant portables installed to the local agency's requirements. Ms. Bar-El asked what would happen to the facilities if the charter school no longer needs them. Ms. Gagan responded that the first option is to find another charter to take possession of the assets.

There was a Motion, Second, and vote.

Aye: 7
Nay: 0
Abstain: 1
Absent: 5

Resolution 2008-12 Passed

Agenda Item 11. Charter School Settlement **Presenter: Kevin Reed, General Counsel**

Mr. Reed reported on the settlement of two cases that were pending against the District. The cases were challenging the District's Proposition 39 compliance.

Mr. Reed stated the District has had a policy in place since 2004 which implemented requirements by the state statute and the regulations adopted by the state board. The way the policies were being carried out in the District was that the vast majority of charter schools who requested facilities were not offered facilities but places on a waiting list or contingent offers. That is the genesis of what brought about the litigation.

Mr. Reed pointed out that the District has done an enormous amount in support of charter school facilities. He noted there are approximately 16-18 charters occupying facilities provided by the District. There have been novel partnerships with charter schools. Based on the settlement the District will comply with Proposition 39. Mr. Reed went on to describe the settlement.

Ms. Young stated the charter school community is committed to working the District to serve all of the students of Los Angeles.

Ms. Bar-El asked if early childhood education programs were at risk because that space would have to be given to charters. Mr. Reed responded that both existing early childhood programs to continue to operate in District facilities and to the extent funding will become available these facilities would be expanded.

Mr. Folsom asked if the BOC has a role in the settlement. He asked if the settlement modifies both the Existing Facilities and New Construction Strategic Execution Plans. Mr. Folsom expressed concern about traveling teachers. He also asked if the settlement could become precedent setting. Mr. Reed responded that he hoped the settlement did have some precedential value because the agreement is vitally import to the mission that the District has engage in since BB passed, which is neighborhood operation on traditional calendars. Mr. Reed stated he asked to have this item agendized for the BOC as soon as a Board up or down approval was near. He added that the BOC has a critical role in the implementation of the settlement. Mr. Reed stated the settlement does not modify the existing strategic execution plans.

Ms. Young wanted to make sure everyone understood the commitment of the charter school movement is to end overcrowding within the District.

Agenda Item 10. New Construction SEP Update

Presenter: Fred Smith, Acting Deputy Chief Executive, New Construction

Resolution 2008-13

Mr. Smith presented the annual update to the New Construction Strategic Execution Plan. This is an update of all defined and funded projects. It includes all SEP amendments and constitutes a snapshot in time with regard to scope, schedule, and budget.

There was a Motion, Second, and vote.

Aye: 7

Nay: 0

Abstain: 0

Absent: 5

Resolution 2008-13 Passed Unanimously

Agenda Item 12. School Bus Purchase SEP Update

Presenter: Enrique Boull't, Director, Transportation Branch

Mr. Boull't provided an update on the School Bus Purchase Strategic Execution Plan. The SEP was adopted by the BOC on June 21, 2006. Mr. Boull't indicated that 306 buses would be purchased. They include: 90 Medium lift Type C diesel; 66 Mini transit Type D CNG; 50 Medium Type C propane; and 100 Medium Type A2 gasoline.

Regarding the 638 buses that need to be replaced, Mr. Medina asked if these buses were used for involuntary busing of students. Mr. Boull't responded affirmatively. Mr. Boull't added that as schools open the number of buses in operation has been reduced. The reduction is primarily through contract service and does not have a direct impact on the District's fleet. Mr. Medina asked if a large fleet would be needed after 2012 when involuntary busing would be eliminated. Mr. Boull't responded that analysis has been done. Serving special needs students is mandated so reduced busing will not occur. The numbers for the magnet program are projected to increase slightly over the next five years. Involuntary busing students is declining but is projected to level out over the next few years. There has been an increase based on public school choice. Mr. Medina asked how much money is expected to be received from the AQMD for the purchase of new buses. Mr. Boull't responded that the District receives a percentage based on the overall Southern California distribution. Mr. Boull't added that during the next round the District may be the only organization to qualify.

Ms. Bar-El asked how many of the bad buses continue to be on the road. She also asked if they have made a conversion to another type of fuel to reduce emissions. Mr. Boull't responded that there are over 600 buses that would qualify for bus replacement. He added that particulate traps can only be used on buses 1994 and newer. There are many buses that cannot be outfitted with particulate traps. The fuel has been changed to low sulfur diesel fuel and has contributed greatly

to reductions in particulate matter. Depending on the source the reduction in emissions ranges from 50-70 percent. Ms. Bar-El asked if bio-diesel was being considered. Mr. Boull't responded that they have recently completed a study. He added they will try and pilot an 80/20 bio-diesel project.

Mr. Folsom asked how many buses have been replaced since the resolution was adopted. Mr. Palmer responded approximately 50 buses have been replaced since the bond was passed. He added that there will be another 40 being replaced later this year. When the Measure Y replacement occurs it will be 300 new buses in and 300 old buses out.

Mr. Rubin stated the program is moving in the right direction. He added that the program is aggressive in going after local funding but until there is major state funding it is going to take a long time to get rid of the last diesels. Mr. Rubin stated that the District was moving towards the small learning community model. He questioned whether the District would be responsible for transportation if a student chose to attend a small learning community away from their home school.

Mr. Folsom suggested Mr. Rubin contact the Office of School Redesign to discuss the potential impact of small learning communities on the transportation of students.

Mr. Folsom adjourned the meeting at 1:06 p.m.

Minutes of February 20, 2008 Approved per Bond Oversight Committee on February 20, 2008

[David Crippens](#)

David Crippens, Secretary