



## Board of Education Report

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**File #:** Rep-179-22/23, **Version:** 1

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### **Update Phase III of the Drinking Water Quality Program and Amend the Facilities Services Division Strategic Execution Plan to Incorporate Therein**

**March 27, 2023**

**Facilities Services Division**

#### **Action Proposed:**

Update and approve \$33 million to Phase III of the Drinking Water Quality Program (Program) to install water bottle filling stations and upgrade drinking water fountains to bring lead levels to below five parts per billion (ppb) at Special Education Centers and Elementary School sites and amend the Facilities Services Division (Facilities) Strategic Execution Plan (SEP) to incorporate therein. The total budget for the Program is \$48 million.

Authorize the Chief Procurement Officer and/or the Chief Facilities Executive and/or their designee(s) to execute all instruments necessary, as legally permissible, to implement the Program, including budget modifications and the purchase of equipment and materials.

#### **Background:**

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

#### **Phase III (In Progress)**

In anticipation of the change to State required standards, and in keeping with the District's proactive approach to providing quality drinking water for our students, on April 23, 2019, the Board of Education (Board) approved an initial \$15 million to begin Phase III of the Program. Phase III of the Program completed sampling of drinking water outlets at all school sites to revalidate the testing that was initiated in 2008. Based on the findings, sites were identified for remediation work to bring the required fountains below five ppb and for installation of water bottle filling stations. As the initial \$15 million funding allocation represents a portion of the funding required for this effort, staff began with schools serving the youngest students and most sensitive receptors, e.g., Early Education Centers, Special Education Centers and as many Elementary Schools as funding permitted. Remediation work and installation of water bottle filling stations has been completed at all 92 Early Education Centers, eight Special Education Centers and 83 Elementary Schools. The update and approval of additional funding to Phase III of the Program will allow the completion of remediation work and installation of water bottle filling stations at all Special Education Centers and Elementary Schools, which is anticipated to be complete in the fourth quarter of 2026. It is estimated that a total of 615 water bottle filling

stations will be installed at the remaining sites under Phase III.

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

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

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

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

### ***Phase I***

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

In 2009, the Board approved \$12.5 million in Bond Program funds for Phase I of the Drinking Water Quality Program to mitigate lead in water to 15 ppb at schools with the youngest students. The Phase I projects focused on the installation of filters at each drinking water fountain at all Early Education Centers and approximately 20% of Elementary School sites. In total, 203 schools were mitigated with this phase.

### ***Phase II***

In 2015, the Board approved \$19.8 million for Phase II of the Program to mitigate the effects of lead in water at the school sites not completed in Phase I. Work was completed for all District K-12 schools at the end of 2018. In total, 863 schools were mitigated during this phase and are now exempt from the flushing requirement. Additional sites (e.g., administrative sites where children visit occasionally) were subsequently added to the Program and were mitigated and placed off flushing in 2019 which represented the completion of Phase II.

Staff anticipates returning to the Board to define and request approval of Phase IV of the Program to provide remediation work and installation of water bottle filling stations at all Middle and High Schools.

### **Bond Oversight Committee Recommendations:**

This item was considered by the School Construction Bond Citizens' Oversight Committee (BOC) at its meeting on February 23, 2023. Staff has concluded that this proposed Facilities SEP amendment is in alignment with BOC recommendations and will facilitate Los Angeles Unified's ability to successfully implement the Facilities SEP.

### **Expected Outcomes:**

Adopt the proposed amendment to the Facilities SEP to incorporate this update and approve \$33 million to Phase III of the Program to support the District's effort to improve student health, safety, and educational quality. Approval will authorize staff to complete remediation work to bring the required drinking water fountains below five ppb and installation of water bottle filling stations at all Special Education Centers and Elementary Schools.

**Board Options and Consequences:**

Adoption of the proposed action will authorize staff to proceed with the expenditure of Bond Program funds to continue Phase III of the Program in accordance with the provisions set forth in Los Angeles Unified local bond measures K, R, Y, Q, and RR. If the proposed action is not approved, the additional Bond Program funds will not be expended, and staff's efforts to provide outlet upgrades and install water bottle filling stations will end after the initial \$15 million funding allocation is exhausted.

**Policy Implications:**

The proposal is consistent with Los Angeles Unified's commitment to address unmet school facilities needs and provide students with a safe and healthy learning environment.

**Budget Impact:**

The initial approval of Phase III of the Program provided a funding allocation of \$15 million. With this update, an additional \$33 million will be allocated to the Program for an overall combined budget of \$48 million. The Program will be funded with Bond Program funds earmarked specifically for critical replacements and upgrades of school building/site systems and components.

**Student Impact:**

Approval of this update enables the District to continue our ongoing efforts to undertake facilities improvements that help ensure students attending the school are provided with a safe school environment that promotes teaching and learning.

**Equity Impact:**

Phase III of the Program will complete the sampling of active drinking water fountains at all school sites, remediation work and installation of water bottle filling stations at all Early Education Centers, Special Education Centers, and Elementary Schools. A future Phase IV of the Program, if approved by the Board, will implement remediation work and installation of water bottle filling stations at all Middle and High Schools.

**Issues and Analysis:**

The District anticipates that upcoming State legislation will modify the action level from the current standard of 15 ppb to 5 ppb. Phase III of the Program will permit staff to continue efforts to ensure that drinking water at our schools meet or exceed regulatory guidance and State standards. Phase III will conclude upon completion of remediation work and installation of water bottle filling stations at all Special Education Centers and Elementary School sites. It is anticipated that Phase III will be complete in the fourth quarter of 2026. Staff anticipates returning to the Board to define and request approval of Phase IV of the Program to complete the work at Middle and High Schools.

The initial \$15 million funding allocation for Phase III has allowed for the completion of 1) sampling of all active drinking water fountains at all school sites and 2) remediation work to bring lead levels to below five ppb and installation of water bottle filling stations at all 92 Early Education Centers. In addition, remediation work and installation of water bottle filling stations have been completed at eight Special Education Centers and 83 Elementary Schools. It is estimated that a total of 615 water bottle filling stations will be installed at the remaining Special Education Centers and Elementary School sites under Phase III of the Program.

**Attachments:**

Attachment A - BOC Resolution

Previously adopted Board reports referenced in the Background section:

- Adopted April 23, 2019: [Board Report No. 325-18/19](https://drive.google.com/file/d/11dC3_E85ZQoFw4T8puL1McKzSxE5RVqT/view?usp=sharing)  
<[https://drive.google.com/file/d/11dC3\\_E85ZQoFw4T8puL1McKzSxE5RVqT/view?usp=sharing](https://drive.google.com/file/d/11dC3_E85ZQoFw4T8puL1McKzSxE5RVqT/view?usp=sharing)>
- Adopted August 25, 2009: [Board Report No. 49 - 09/10](https://drive.google.com/file/d/1qAs4eIv_zKguccmq-sDwlxcsW_tjrVat/view?usp=sharing)  
<[https://drive.google.com/file/d/1qAs4eIv\\_zKguccmq-sDwlxcsW\\_tjrVat/view?usp=sharing](https://drive.google.com/file/d/1qAs4eIv_zKguccmq-sDwlxcsW_tjrVat/view?usp=sharing)>
- Adopted September 01, 2015: [Board Report No. 017-15/16](https://drive.google.com/file/d/12bHb0APK0KbD1x8IeZIXwGfVPJtJL5Sg/view?usp=sharing)  
<<https://drive.google.com/file/d/12bHb0APK0KbD1x8IeZIXwGfVPJtJL5Sg/view?usp=sharing>>

**Informatives:**

None

**Submitted:**

02/15/23

**RESPECTFULLY SUBMITTED,**

  
ALBERTO M. CARVALHO  
Superintendent

**APPROVED BY:**

  
PEDRO SALCIDO  
Deputy Superintendent, Business Services and Operations

**REVIEWED BY:**


  
DEVORA NAVERA REED  
General Counsel

☒ Approved as to form.

**APPROVED BY:**

  
MARK HOVATTER  
Chief Facilities Executive  
Facilities Services Division

**REVIEWED BY:**

  
TONY ATIENZA  
Director, Budget Services and Financial Planning

☒ Approved as to budget impact statement.

**PRESENTED BY:**

  
INDIA R. GRIFFIN  
Director of Facilities Maintenance and Operations

## LOS ANGELES UNIFIED SCHOOL DISTRICT

## SCHOOL CONSTRUCTION BOND CITIZENS' OVERSIGHT COMMITTEE

**Margaret Fuentes, Chair**

LAUSD Student Parent

**D. Michael Hamner, Vice-Chair**

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**Jennifer McDowell, Secretary**

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**Scott Pansky, Executive Committee**

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**Neelura Bell**

CA Charter School Association

**Jeffrey Fischbach**

CA Tax Reform Assn.

**Chris Hannan**

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

**Hyepin Im**

L.A. City Controller's Office

**Brian Mello**

Assoc. General Contractors of CA

**Dr. Clarence Monteclaro**

Tenth District PTSA

**William O. Ross, IV**31<sup>st</sup> District PTSA**Samantha Rowles**

LAUSD Student Parent

**Araceli Sandoval-Gonzalez**

Early Education Coalition

**Dolores Sobalvarro**

AARP

**Celia Ayala (Alternate)**

Early Education Coalition

**Chad Boggio (Alternate)**

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## RESOLUTION 2023-02

## BOARD REPORT NO. 179-22/23

**RECOMMENDING BOARD APPROVAL TO UPDATE PHASE III OF THE DRINKING  
WATER QUALITY PROGRAM AND AMEND THE FACILITIES SERVICES DIVISION  
STRATEGIC EXECUTION PLAN TO INCORPORATE THEREIN**

WHEREAS, District Staff proposes that the Board of Education (Board) update and approve \$33 million to Phase III of the Drinking Water Quality Program (Program) to install water bottle filling stations and upgrade drinking water fountains to bring lead levels to below five parts per billion (ppb) at Special Education Centers and Elementary School sites, as described in Board Report 179-22/23 attached hereto, amend the Facilities Services Division (Facilities) Strategic Execution Plan (SEP) to incorporate therein, and authorize the Chief Procurement Officer and/or the Chief Facilities Executive, and/or their designee(s), to execute all instruments necessary to implement the Program; and

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

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

WHEREAS, In 2019, the Board approved an initial \$15 million to begin Phase III of the Program to continue efforts to ensure that drinking water at schools meet or exceed regulatory guidance and State standards; and

**RESOLUTION 2023-02****RECOMMENDING BOARD APPROVAL TO UPDATE PHASE III OF THE DRINKING WATER QUALITY PROGRAM AND AMEND THE FACILITIES SERVICES DIVISION STRATEGIC EXECUTION PLAN TO INCORPORATE THEREIN**

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

WHEREAS, The initial funding allowed staff to complete remediation work and water bottle filling station installation at all Early Education Centers and begin the same at Special Education Centers and Elementary Schools; and

WHEREAS, The proposal includes an increase of the Program funding allocation by \$33 million bringing the Phase III Program budget to \$48 million to complete remediation work and installation of water bottle filling stations at the remaining Special Education Centers and Elementary Schools, which will complete Phase III of the Program; and

WHEREAS, District Staff will return to the Bond Citizens' Oversight Committee (BOC) and the Board to define and request approval for Phase IV of the Program to complete remediation work and installation of water bottle filling stations at Middle and High Schools; and

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

WHEREAS, the Board's approval of the proposal will authorize District Staff to proceed with the expenditure of Bond Program funds to complete Phase III of the Program; and

WHEREAS, District Staff has concluded this proposed Facilities SEP amendment will facilitate Los Angeles Unified's ability to successfully complete the Facilities SEP.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The School Construction Citizens' Bond Oversight Committee recommends that the Board adopt an amendment to the Facilities SEP to update and approve \$33 million to Phase III of the Program with a total budget of \$48 million, as described in Board Report 179-22/23, a copy of which is attached hereto in the form it was presented to the BOC and is incorporated herein by reference.
2. This resolution shall be transmitted to the Los Angeles Unified School District Board of Education and posted on the Oversight Committee's website.
3. The District is directed to track the above recommendation and to report on the adoption, rejection, or pending status of the recommendations as provided in section 6.2 of the Charter and Memorandum of Understanding between the Oversight Committee and the District.

**RESOLUTION 2023-02**

**RECOMMENDING BOARD APPROVAL TO UPDATE PHASE III OF THE DRINKING WATER QUALITY PROGRAM AND AMEND THE FACILITIES SERVICES DIVISION STRATEGIC EXECUTION PLAN TO INCORPORATE THEREIN**

ADOPTED on February 23, 2023, by the following vote:

AYES: 11

ABSTENTIONS: 0

NAYS: 0

ABSENCES: 4

*/Margaret Fuentes/*

Margaret Fuentes  
Chair

*/Michael Hamner/*

D. Michael Hamner  
Vice-Chair