



March 16, 2017

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
Via Email: commentletters@waterboards.ca.gov

Comment Letter – Drinking Water for School Grant Program Funding Guidelines

The Educational Facility Solutions Group is a unit within the San Diego County Office of Education. Our unit serves all of the 43 K-12 public school districts in San Diego, specializing in the smallest, most disadvantaged districts in our County.

Generally, it is recommended that this program be greatly simplified, aligned with the codes, regulations and constraints that K-12 Public Schools work under in the State of California, and should eliminate complexities and barriers to quickly moving funds to the LEAs who have identified impaired water quality as the first priority.

Following are comments on both the DRAFT GUIDELINES as well as the FUNDING APPLICATION.

General Comments – Guidelines

1. DAC: It was noted that while the various boundaries often cover areas where our students live, they also often exclude the locations of our schools that serve students living in those areas. This may reflect the way the data that determined these areas was gathered, since school grounds have no residents. It is suggested that the SWCRB should at a minimum base school project eligibility on the percentage of students at a given school who reside in a Disadvantaged Community and not a school's address. Even more logical to the K-12 public school community, and simpler, would be to use Free and Reduced Lunch Program eligibility, since that data is easily at hand for any school districts with students living in such communities, and is verifiable (auditable) on third-party, publicly-accessible databases like CDE's Dataquest. See Attachment 1. The higher the percentage of Free and Reduced Price Meals indicates a school or district in a higher poverty area.
2. Is there a date by which the funds must be spent? Please provide more information about the intended project timelines, if any, and the expected expiration of the program.
3. Will there be any audits? If yes, will there be a physical post-installation audit, or a fiscal audit?
4. If there are audits, what are the record requirements and report requirements for the audit?



5. It is imperative that a copy of the proposed GRANT AGREEMENT is posted PRIOR to the Public Hearing. The DROPS program Grant Agreement process was problematic and extremely time consuming (nearly 2 years from notice of Grant to an acceptable Grant Agreement. If a timeline such as that occurs, price changes and escalation then necessitates either an increase in grant, or a reduction in scope for a project that old to proceed. It is our understanding that this is a material aspect of this grant and ability for the public to comment on this document is imperative.
6. Nine months for funding is too long. In order for the funds to start flowing sooner on a health and safety issue, perhaps the funding can go in prioritized "Rounds". In order to do this, the criteria needs to be tightened, (at least for the first round or 2), into something that the applicants can rely on, and not be so open to interpretation by staff.

It is recommended that Round 1 be a 3 month application period, be only open to those whose Free/Reduced Meals rate is 80% or more and be first come, first served with priority to Contamination/Health. If all those are funded, then first come, first served for impaired access during this round.

Rounds 2 and 3 can ratchet down as appropriate, perhaps to 70%, and open the application period to begin during the end of Round 1. The First in Line model mimics the grant program used by the Office of Public School Construction, to great success, after trying other models which opened them up to lobbying and pressure to allow exceptions.

7. Within a given concern, such as Impaired Access, the Board should pre-state their priorities for funding. If determination for selection of grant remains nebulous such as "number of students addressed", then the largest districts will be likely to get the funding, while districts who simply do not have as many students to serve would not rank as highly. Perhaps the percentage of district students who have impaired access would place small districts in a fair position compared to larger ones. I.e. a district of 2,500 students whose project will address 500 students, or 20% of their student population may rate better than a district whose total student body is 5,000 and whose project addresses 500 students, or 10% of their student body.

Even this makes it sound as if some students are not as worthy as others simply based on student body size. It is a slippery slope and too open to preferences unless a rubric is developed for ranking that is fair, reliable and makes putting in an application worth the effort because the applicant can pre-assess their likelihood of success. There was a lack of applications for DROPS, and one of the issues was the complexity of the application process coupled with the unknown factors in the determination of grant recipients. In cases like this, as districts are understaffed, the smallest, disadvantaged districts opt to leave valuable funds unapplied for.

8. Turn-around time: The Guidelines should set turn-around times from the day a request for clarification goes to the Applicant. For instance, clarifications and supporting documents shall be provided within 15 working days of Division request, or within a given amount of days as stated in the request. Perhaps also add something to the effect that if the LEA doesn't provide timely responses, their Application may be placed at the bottom of the list for processing. We are looking for something that would cause the LEA's to be timely and not hold back funding from other LEA's who are ready to go.
9. Summer Work Periods: The SWRCB should be aware that schools generally do construction work during summer periods. This is particularly true for work that shuts off drinking water systems or access point. In order to line up for summer work, and project must be bid by March/April for a May board action and June notice-to-proceed. In order to prepare for that, funding would need to be approved in January or earlier to allow for design and bid documents to be developed based on the grant. This program should do all it can to align with the school district's constraints and the various

rounds of funding and decisions are made, as K-12 public schools generally are not open to construction year-round as other municipal entities may be.

Specific Page Reference Comments – Guidelines

10. Page 3, Paragraph E – Minimum and Maximum Grant Amounts: Eligible Applicant: Please provide a definition. Should an eligible applicant be a privately operated Preschool located on a public school site, it is highly doubtful that the entity would have a project large enough to meet the \$25k minimum. Perhaps add a bit more encouragement for small entities to approach the school district upon whose property they are operating to work together to apply for these funds, in addition to the note about smaller districts approaching their County Office. Districts could also choose to join with other Districts in a group for this purpose.
11. Page 3, Paragraph E – Minimum and Maximum Grant Amounts: Will the definition of LEA be as per the existing codes? In other words, could an LEA be a County Office of Education, stand alone?
12. Page 3, Paragraph E – Minimum and Maximum Grant Amounts: Eligible Entities: Please provide a definition and describe how this is different than an Eligible Applicant. If not different, pick one term and be consistent.
13. Page 3, Section III. Funding Prioritization, paragraph A – Small Disadvantaged Communities: The underlined statement that, “All proposals received within the first 9 months will have higher priority than those received subsequently is very confusing. What, precisely, is the intent? No matter how bad an application is, it will retain the highest priority over subsequent applications? Please reword and clarify.
14. Page 3, Section III. Funding Prioritization, paragraph A – Small Disadvantaged Communities: What is the intent of the sentence, “At least fifty percent (50%) of funds **will** be provided for projects that benefit schools in municipalities with a population that meets the definition of a small DAC.”? Is this more like a statement of intent, in that it is the intent of this program to do this, or is it that it must do it? If this is a mandate of the grant, then so state. The difference is that “will” indicates that 50% of the funds are going to be set aside and not be used for other than small DACS, vs the alternative of using as much effort as possible to provide opportunities for small DACS to apply, but should a certain amount of time go by without applicants, then those funds could all be available to standard size DACS, or other applicants.
15. Page 4, Section III. Funding Prioritization, paragraph B – Project Effectiveness: The term “high effectiveness” is used twice in this paragraph, but lacks definition. What is the definition of high effectiveness that will be used to judge the applications?
16. Page 4, Section III. Funding Prioritization, paragraph B – Project Effectiveness: The idea that the Division can modify an LEA’s project is not acceptable. It should be stated that the Division reserves the right to recommend revision and resubmission of a project based on what the Division deems to be of higher effectiveness or a reduced cost, or to deny funding to any project that doesn’t meet the requirements for funding. It should not be allowed to unilaterally alter the approach or content of the project. The District/LEA is the sole party who should decide how their project gets done, and the Division is the sole party who decides if it is fundable or not. Thus, the Division will be in control of the project via withholding funds until the project is acceptable, but not as stated in the Draft. Please avoid mixing these roles.
17. Page 4, Section III. Funding Prioritization, paragraph C – Prioritization: The paragraph begins with a statement, “If funding requests exceed available funding...”. This would indicate that no prioritization will be used as long as the requests fall within available funding. If this is not the case, and prioritization will be used in any case, then please reword.

18. Page 4, Section III. Funding Prioritization, paragraph B – Prioritization: How will the “risk of adverse health impacts” be judged? Number of students? Level of contamination? Others? Please define and provide specifics so that the LEA can make an informed decision to apply. Perhaps also reference Section VI-A here to direct applicants to the answer.
19. Page 4, Section III. Funding Prioritization, paragraph B – Prioritization: Number of students experiencing impaired access – Please see comments in Page 2, item 7 herein, as this may inadvertently give larger districts or sites an unintended advantage.
20. Page 4, Section IV. Technical Assistance: The term “water system” is not clear. The entity who could provide assistance would be a water system “provider”, such as a water district, local water authority, or other entity”. Perhaps this should be added to the definitions as well.
21. Page 4, Section V. Requests for Funding: This states that grants will be awarded on a continuous basis. Would this be true only after the first 9 months? Is the intent that there is “continuous filing” without deadlines? Wouldn’t they have to be held and grouped and prioritized in order to be funded as a group? Is the intent that the program will continue until funds are exhausted? What happens if a funded project doesn’t proceed in a timely manner? What happens if a funded project is cancelled by the LEA? Do those funds revert back and get reallocated in the next wave? Is there a program end date by which all funds must be expended? Do individual projects have a maximum timeline allowed for execution of the work? This statement also seems to duplicate the statement in paragraph A, 3rd paragraph, 1st sentence.
22. Page 5, Section V. Requests for Funding: Last sentence of paragraph A, as underlined is confusing. If the application period is 9 months, and it is not first in, first out, but is prioritized/ranked against one another, then prioritization could not occur until the 9 month application period is closed, and neither the order of applications nor speed of submittal would matter.
23. Page 5, Section V. Requests for Funding, paragraph C: The proposal review process as outlined is open to interpretations, not transparent, potentially open to lobbying, and a very long process. This may discourage applications because the likelihood of funding is not easily perceived and understood.
24. Page 5, Section V. Requests for Funding, paragraph C item 4 mentions “feasible alternatives”. We see no place in any document where alternatives are requested, discussed or defined.
25. Page 5, Section V. Requests for Funding, paragraph D – Who will be assigned to review for eligibility, and if the LEA disagrees with a denial, what is the appeal process?

General Comments – Funding Application

26. Median Household Income, community population, and determination therefore doesn’t seem to apply to a K-12 Public School District. The water system being improved is not a community system. It is a system internal to the LEA. Therefore, perhaps these questions, if they are deemed necessary at all, can relate specifically to the District or School for which the application is being submitted. Please see earlier comment about the standard use of Free/Reduced Meals as an acceptable standard used for Federal grants and other purposes as a statement of the condition of the surrounding community condition. Otherwise, this causes the LEA to either hire someone to obtain this information, or to research information on the internet by someone who may not have the expertise to parse the data, as a standard municipality would.

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Specific Page Reference Comments – Funding Application

27. Funding Application Page 4 Project Description, Item E: It is not appropriate for every LEA to “contact DSA” on every proposed project. There are ways to answer this question without unnecessarily contacting DSA staff. Please reword final question similar to the following: “Have you made a determination that DSA review is or is not required? What is the basis of this determination? (i.e. Contacted DSA, Exemption reference, other method)”

Sincerely,

Joanne Branch

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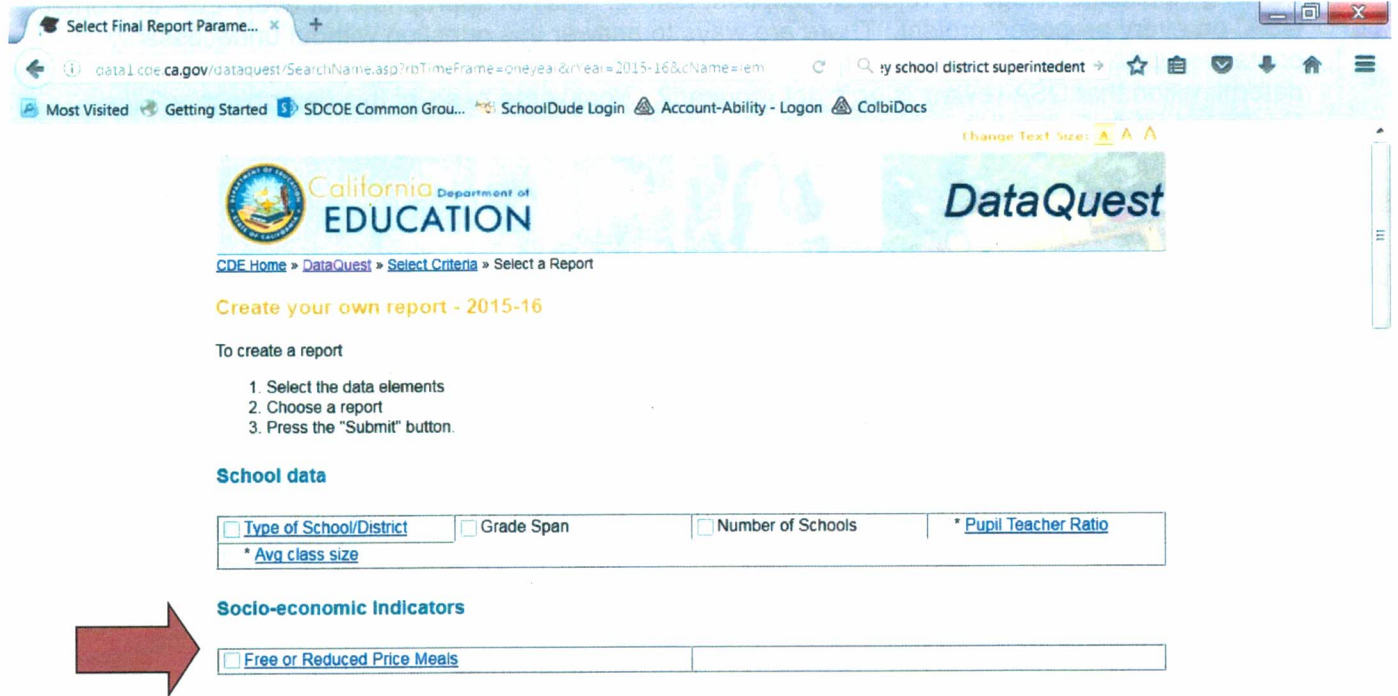
Joanne M. Branch
School Facility Planning Coordinator

c: William A. Dos Santos, Senior Director
Ian Padilla, C.A.S.H.
FACJPA Stormwater Advisory Committee Members

Attachments:

Attachment 1 – Free and Reduced Meals – DataQuest website screenprints

Attachment 1: Screen prints from California Department of Education – DataQuest online public information website.



Sample output after selecting Free or Reduced Price Meals. Percentages indicate the percentage of students at a given school, as well as district-wide, whose economic situation warrants free or reduced price food during the school day. As an example, this information is used by E-Rate Federal Grant programs as a Socio-Economic indicator of worthiness for their technology funding program.

The screenshot shows the 'District Summary Data' page for the year 2015-16. The page includes the California Department of Education logo and the following text: 'Data Reporting Office', 'Prepared: 3/13/2017 4:29:10 PM', and a dropdown menu for selecting another year. The main content is a table titled 'Selected District Level Data - 3768205--Lemon Grove for the year 2015-16'. The table has four columns: 'School', 'CDS Code', 'Free or Reduced Price Meals', and 'Enrollment Used for Meals'. The data is as follows:

School	CDS Code	Free or Reduced Price Meals	Enrollment Used for Meals
Non-public non-sectarian schools	3768205000001	1 (20.0%)	5
Lemon Grove Academy for the Sciences and Humanite	37682056038608	917 (78.6%)	1,166
Monterey Heights Elementary	37682056038624	342 (73.9%)	463
Mt. Vernon Elementary	37682056038632	448 (73.2%)	612
San Altos Elementary	37682056038657	289 (69.8%)	414
San Miquel Elementary	37682056038665	461 (85.2%)	541
Vista La Mesa Academy	37682056038673	503 (79.8%)	630
District Total:		2,961 (77.3%)	3,831
County Total:		259,517 (51.4%)	504,603
State Totals:		3,665,445 (58.9%)	6,227,268