

# Sacramento Office of Education County

Public Comment  
Draft Phase II Small MS4 General Permit  
Deadline: 7/23/12 by 12 noon

MAILING: P.O. Box 269003, Sacramento, CA 95826-9003  
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David W. Gordon  
Superintendent

July 20, 2012

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Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

Re: Comments to the Second Draft Revised May 18, 2012 Small  
Municipal Separate Storm Sewer System (Small MS4) Storm Water  
General Permit

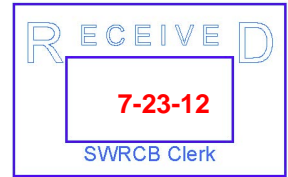
Dear Ms. Townsend:

The following are the Sacramento County Office of Education's (SCOE) comments on the proposed draft Small MS4 Storm Water General Permit.

SCOE respectfully requests that all county offices of education (COEs) be given the same exclusion from automatic designation for the Small MS4 permit that the State Water Resources Control Board (SWRCB) is intending to grant to K-12 school and community college districts. We believe the intent of the exclusion was to grant compliance relief to educational agencies that teach K-12 students in public schools that would be severely impacted by budget cuts. COEs perform the same mandated education function for K-12 students in public schools as school districts, and will be impacted in the same manner as school districts and community colleges.

COEs educate the most vulnerable student populations. In addition to regular and gifted students, COEs provide direct classroom instruction to children with severe disabilities and juvenile offenders. Our cost to instruct these special education students and juvenile offenders is dramatically higher than the cost to teach regular students.

We believe the omission of COEs from exclusion of automatic designation was a technical oversight by your staff as your staff agrees that COEs should be treated in the same manner as school districts. Many state agencies treat COEs as if they are school districts. For example, the Division of the State Architect, Office of Public School Construction, and California Department of Education treat COEs, for almost all educational and facility related purposes, exactly as a school district in implementing regulations.





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Additionally, many regulatory statutes include COEs within the meaning of the term "school districts." For example, Assembly Bill 169 (Chapter 95, Statutes 2011) of the Education Code Section 12000(c) reads in part, "...For purposes of this section and Section 12001, "school districts" include school districts, **county offices of education**, and other educational agencies or entities deemed eligible pursuant to state and federal law." Your staff will find this same statement included in over 80 other state regulations governing school districts operations and funding.

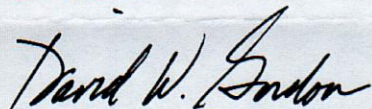
The substantial reductions in state funding over the last four years for K-12 school districts and community colleges, and possible mid-year 2011-12 budget reductions set to be triggered if either the Governor's Tax Initiative or Munger Tax Initiative are not passed, are also applicable to COEs. Moreover, student funding for COEs have historically been underfunded for special education.

Requiring the implementation of the Small MS4 permit would create a funding and legal dilemma for every COE. Every dollar spent to implement the Small MS4 permit would have to come from programs to educate and assist children or to meet compliance to other state and federal programs. There are no viable solutions when educational mandates and environmental mandates compete for dwindling funds, and when each mandate includes penalties or dramatic funding reductions if goals are not met.

SCOE is strongly committed to the protection of the natural environment and water quality. We truly believe we must work together. Your role is to protect the environment while our role is to prepare the young people who will live in it and sustain it. Students that do not succeed in K-12 schools generally will not reach their full potential as adults and can become a burden on society rather than a contributing member.

Again, we respectfully request that COEs be granted the same exclusion from automatic designation that SWRCB is planning to grant to K-12 school and community college districts.

Sincerely,



David W. Gordon  
Sacramento County Superintendent of Schools

DWG/TS/mr

cc: Charles R. Hoppin, Chair, State Water Resources Control Board  
Frances Spivy-Weber, Vice Chair, State Water Resources Control Board  
Tam M. Doduc, Member, State Water Resources Control Board  
Gerald Yarbrough, Manager, Business Advisory Services  
Los Angeles County Office of Education