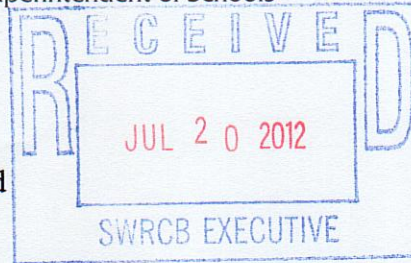


VENTURA COUNTY OFFICE OF EDUCATION

Stanley C. Mantooth, County Superintendent of Schools

July 13, 2012

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95812



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 Ventura County Office of Education would like to commend your staff for providing time and a genuine attitude of cooperation in listening to and providing alternative processes to all the regulations discussed at our Stakeholder meetings. While we Stakeholders did not receive all the revisions we discussed, we believe we were treated with respect with the vast majority of our concerns addressed.

However, there is one major request that is still outstanding. The Ventura County Office of Education is requesting that all county offices of education (COEs) be given the same exclusion from automatic designation for the Small MS4 storm water 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 student 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, COE 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 from 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 treats COEs, for almost all educational and facility related purposes, exactly as a school district in implementing regulations.

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

Ms. Townsend, Clerk to the Board, SWRCB

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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.

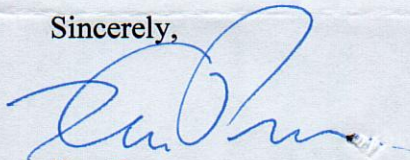
The substantial reductions in state funding over the last four years for K-12 school districts and community colleges, and possible mid year 2012-13 budget reductions set to be triggered if the Governor's Tax Initiative is not passed, are also applicable to COEs. Moreover, student funding for COEs have historically been under funded for special education.

Requiring the implementation of the Small MS4 permit would create a funding and legal dilemma for every county office. 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.

The Ventura County Office of Education 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 and 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 the SWRCB is planning to grant to K-12 school and community college districts. Questions regarding this letter should be made to Poul Hanson, Director Facilities, at (805) 383-1943.

Sincerely,



Ken Prosser
Deputy Superintendent

cc: Mr. Charles R. Hoppin, Chair, SWRCB
Ms. Frances Spivy-Weber, Vice Chair, SWRCB
Ms. Tam M. Doduc, Member, SWRCB
Mr. Roger Chang, Los Angeles County Office of Education