

AMENDED IN ASSEMBLY MARCH 27, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 80**

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**Introduced by Assembly Member Havice**  
**(Coauthors: Assembly Members Chavez, Diaz, Firebaugh, Negrete**  
**McLeod, Robert Pacheco, and Strom-Martin)**

January 4, 2001

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An act to add Article 4.5 (commencing with Section 32246) to Chapter 2 of Part 19 of the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 80, as amended, Havice. School safety: lead.

Under the Lead-Safe Schools Protection Act, the State Department of Health Services is required to survey schools for the purpose of developing risk factors to predict lead contamination in public schools. Existing law requires the department to work with the State Department of Education to develop guidelines to ensure that lead hazards are minimized in the course of school repair and maintenance programs and abatement procedures.

This bill would, *subject to funding being made available in the annual Budget Act*, require a school district *maintaining kindergarten or any of grades 1 to 6, inclusive*, to require its district level maintenance supervisors to participate in training offered by the State Department of Health Services through ~~the its~~ California Lead-Safe Schools ~~Program~~ *Project* after which the district level maintenance supervisors would be required to train certain school district maintenance employees in procedures and methods based on the training received through the

California Lead-Safe Schools ~~Program~~ Project. These training program requirements would impose a state-mandated local program.

*The bill would, subject to funding being made available in the annual Budget Act, require the State Department of Education to establish the position of an ombudsperson within the department to field calls from school districts and direct them to the appropriate department or agency to deal with lead contamination and other environmental hazards on schoolsites.*

*The bill would, subject to funding being made available in the annual Budget Act, require the State Department of Education to allocate funds to each school district maintaining kindergarten or any of grades 1 to 6, inclusive, for the purpose of testing for the presence of lead in drinking water on schoolsites.*

*The bill would state the intent of the Legislature that funding for purposes of implementing this act be appropriated in the annual Budget Act.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains *certain* costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 4.5 (commencing with Section 32246)  
2 is added to Chapter 2 of Part 19 of the Education Code, to read:

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4 Article 4.5. Lead Safety

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6 32246. (a) Each school district *maintaining kindergarten or*  
7 *any of grades 1 to 6, inclusive*, shall require its district level  
8 maintenance supervisors to participate in training offered by the



1 State Department of Health Services through ~~the its~~ California  
2 Lead-Safe Schools ~~Program~~ Project.

3 (b) After participating in training pursuant to subdivision (a),  
4 district level maintenance supervisors shall train school district  
5 maintenance employees whose worksites are facilities used as  
6 public elementary schools, public preschools, and public day care  
7 facilities in procedures and methods based on the training offered  
8 by the State Department of Health Services through ~~the its~~  
9 California Lead-Safe Schools ~~Program~~ Project.

10 (c) This section applies to school districts whose supervisors  
11 and employees have not received the training required pursuant to  
12 this section within the four years immediately preceding the  
13 effective date of this section.

14 (d) *The requirements imposed by this section are only*  
15 *applicable if funding is specifically made available for that*  
16 *purpose in the annual Budget Act.*

17 32247. *Subject to funding being made specifically available*  
18 *in the annual Budget Act, the State Department of Education shall*  
19 *establish the position of an ombudsperson within the department*  
20 *to field calls from school districts and direct them to the*  
21 *appropriate department or agency to deal with lead contamination*  
22 *and other environmental hazards on schoolsites.*

23 32248. *Subject to funding being made specifically available*  
24 *in the annual Budget Act, the State Department of Education shall*  
25 *allocate funds to each school district maintaining kindergarten or*  
26 *any of grades 1 to 6, inclusive, for the purpose of testing for the*  
27 *presence of lead in drinking water on schoolsites.*

28 SEC. 2. *It is the intent of the Legislature that funding for*  
29 *purposes of implementing this act be appropriated in the annual*  
30 *Budget Act.*

31 SEC. 3. Notwithstanding Section 17610 of the Government  
32 Code, if the Commission on State Mandates determines that this  
33 act contains costs mandated by the state *in addition to the expenses*  
34 *otherwise provided for by the state, as specified in Section 2 of this*  
35 *act*, reimbursement to local agencies and school districts for those  
36 costs shall be made pursuant to Part 7 (commencing with Section  
37 17500) of Division 4 of Title 2 of the Government Code. If the  
38 statewide cost of the claim for reimbursement does not exceed one

- 1 million dollars (\$1,000,000), reimbursement shall be made from
- 2 the State Mandates Claims Fund.

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