

AMENDED IN ASSEMBLY APRIL 30, 2001

AMENDED IN ASSEMBLY MARCH 27, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 80

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

January 4, 2001

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 its California Lead-Safe Schools 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 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:

3

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 12, inclusive, shall require its district level

1 maintenance supervisors to participate in training offered by the
2 State Department of Health Services through its California
3 Lead-Safe Schools Project.

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

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

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

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

24 32248. Subject to funding being made specifically available
25 in the annual Budget Act, the State Department of Education shall
26 allocate funds to each school district maintaining kindergarten or
27 any of grades 1 to 6 12, inclusive, for the purpose of testing for the
28 presence of lead in drinking water on schoolsites. *Available*
29 *funding shall be allocated as a flat amount per school or school*
30 *district.*

31 SEC. 2. It is the intent of the Legislature that funding for
32 purposes of implementing this act be appropriated in the annual
33 Budget Act.

34 SEC. 3. Notwithstanding Section 17610 of the Government
35 Code, if the Commission on State Mandates determines that this
36 act contains costs mandated by the state in addition to the expenses
37 otherwise provided for by the state, as specified in Section 2 of this
38 act, reimbursement to local agencies and school districts for those
39 costs shall be made pursuant to Part 7 (commencing with Section
40 17500) of Division 4 of Title 2 of the Government Code. If the

- 1 statewide cost of the claim for reimbursement does not exceed one
- 2 million dollars (\$1,000,000), reimbursement shall be made from
- 3 the State Mandates Claims Fund.

