

October 24, 2016

Charles Margines  
Presiding Judge of the Superior Court  
700 Civic Center Drive West  
Santa Ana, CA 92701

**Subject – Tustin USD Response to Grand Jury Report (Dealing with Asbestos in Orange County Public Schools)**

The Tustin Unified School District received and reviewed the subject report and hereby submits its response to the twenty recommendations outlined by the Orange County Grand Jury:

R1. Each school district should request the Orange County Department of Education (OCDE) to devote, in the year following publication of this Grand Jury report, one or more of its monthly “all districts” meetings to discussion and advice on handling hazardous materials. Representatives from each school district should participate in these meetings, and discussions should cover, AHERA compliance, resources available for in-depth AHERA training, and contract management.

*Recommendation Implemented – TUSD has requested that this topic be agendized at least once per year at a monthly all district meeting. Further, TUSD will continue to train and test each of its Maintenance & Operations division employees on hazardous material, lead and asbestos via material provided by ASCIP.*

R.2 Each school district should within nine months of the publication of this Grand Jury report develop and document a communications plan for parents and other stakeholders and post the plan on its website. The plan should identify what information will be provided and by what means this communication will be accomplished. The plan should address how issues relating to hazardous materials will be communicated, and in what language, to ensure effective communication.

*Recommendation Implemented - TUSD posts its AHERA report and plan on the school district website as well as on each individual school site's respective webpage. Additional information on hazardous materials is shared and communicated with parents at the beginning of each school year via registration packet distribution.*

R.3 Each school district should within nine months of the publication of this Grand Jury report create and have a process in place to use and keep up-to-date their website communications with parents and stakeholders at that district.

*Recommendation Implemented – TUSD updates its Maintenance & Operations website at least once per month and/or sooner if deemed necessary.*

R.4 Each school district should develop and maintain a computerized database listing all district buildings and structures and post that information on its website. The database should contain the following for each building: date and types of construction, dates and costs of major repairs and modernization, numbers and sizes of classrooms, lists of other facilities including offices, lounges, gyms, cafeterias, laboratories, computers and other data processing equipment, and playground equipment.

*Recommendation will not be implemented in its entirety – TUSD lists buildings and school ages, along with all modernization and major repairs completed with bond funding; however it does not list classroom specifics including equipment in each space as it would make such susceptible to theft.*

R.5 Each school district should within nine months of the publication of this Grand Jury report create a comprehensive baseline plan for school facilities construction including new construction, retirement of schools or buildings at schools, modernization, hazardous materials abatement, and major repairs. Each effort should include estimated cost, planned funding source and status, and schedule for start and completion of work. This plan should be updated annually and posted on the district's website.

*Recommendation will not be implemented in its entirety – TUSD completed a districtwide Master Plan including the majority of the referenced information in 2002. In 2012 TUSD re-visited the original plan and developed a new Districtwide Facilities Needs Assessment report that also addressed the majority of the referenced information. Both reports were posted electronically and shared with the community, however, it would be cost prohibitive to perform this type of report on an annual basis.*

R.6 Each school district should within nine months of the publication of this Grand Jury report create a plan, identifying funding sources, to remove all asbestos from school and other facilities in their district within twenty years or sooner and report progress on this plan annually at its board meetings. If the removal of asbestos would include removal of other hazardous materials as part of the same effort, the plan should describe this.

*Recommendation requires further analysis – TUSD keeps and maintains a 5 year deferred maintenance plan but does not currently have a plan that addresses asbestos removal across every facility over a 20 year period. TUSD must confer with its consulting team to assess the complexity and funding necessary to perform such an action prior to determining its plan of action. Meetings with the team will occur by the end of the 2016 calendar year.*

R.7 Each district should within nine months of the publication of this Grand Jury report document and implement requirements to budget for and perform AHERA inspections every three years.

*Recommendation implemented – TUSD performs AHERA inspections bi-annually.*

R.8 Each district should within nine months of the publication of this Grand Jury report document and implement requirements to make available at the main office of each school in its district the AHERA reports applicable to that school.

*Recommendation implemented – TUSD has AHERA reports available at each respective District school and also has the same information posted on each individual school webpage.*

R.9 Each district should within nine months of publication of this Grand Jury report appoint an EPA-defined “Designated Person” at each school, and provide the EPA-required training for those persons.

*Recommendation implemented – TUSD head custodians or plant supervisors are trained and appointed as the designated person at their respective school sites. Additional training takes place at least once per year. The District also has individuals within the Maintenance & Operations division who receive advanced training and are available to support custodians/plant supervisors as necessary.*

R.10 Each district should within nine months of the publication of this Grand Jury report identify the hazardous materials training requirements for management, facilities (including maintenance contractors if they are used), and administrative personnel, and teaching staff in its district. Each district should maintain records on the training provided, including content, to whom it was provided, when it was provided, who provides it, qualifications of trainer(s).

*Recommendation requires further analysis – TUSD keeps and maintains training records for its entire Maintenance & Operations division, as well as school site custodians and plant supervisors. On average 175 individuals are trained to address hazardous materials; however, it must confer with its consulting team to assess the need, complexity and funding necessary to perform training districtwide. Meetings with the team will occur by the end of the 2016 calendar year.*

R.11 Each district should within nine months of the publication of this Grand Jury report document and implement requirements to schedule and complete any work involving hazardous materials for days when students and staff are not present in the affected areas.

*Recommendation implemented – TUSD implemented this practice many years ago.*

R.12 Each district should within nine months of the publication of this Grand Jury report document and implement requirements for district schools to contract separately for hazardous materials inspections, remediation/abatement of those materials, and the actual construction in areas requiring remediation.

*Recommendation implemented – TUSD implemented this practice many years ago.*

R.13 Each district should within nine months of the publication of this Grand Jury report document and implement requirements for district schools to include schedule performance requirements in every contract for repairs, modernization, and/or new construction. Intermediate schedule milestones should be defined in every contract for all work anticipated to take longer than one month to complete.

*Recommendation implemented – TUSD implemented this practice many years ago.*

R.14 Each district should within nine months of the publication of this Grand Jury report document and implement requirements for district schools to monitor contractor schedule performance. Such monitoring should be via personal staff walk-throughs of work in progress. Procedure should require every contractor to report monthly on that contractor's performance in meeting schedule milestones and report on the current estimated date of completion for all work.

*Recommendation implemented – TUSD implemented this practice many years ago. In most cases reporting/tracking is performed at least weekly.*

R.15 Each district with current plans for modernization and/or major repairs to school facilities which lack schedules for completion, which lack cost estimates, and/or which fail to identify funding sources should within nine months of the publication of this Grand Jury report update its plans to include these data.

*Recommendation implemented – All TUSD planned modernization and major repair work includes updated schedules, cost estimates, and funding sources.*

R.16 Each district should within nine months of the publication of this Grand Jury report share all site specific AHERA inspection data with all prospective bidders on repair, modernization, and/or new construction at that site.

*Recommendation implemented – TUSD implemented this practice many years ago.*

R.17 Each district should within nine months of the publication of this Grand Jury report document and implement requirements to maintain all current AHERA reports electronically with a backup at one remote location, and not rely exclusively on paper copies.

*Recommendation implemented – TUSD’s consultant provides AHERA reports in electronic format. In addition to the information being posted on school site webpages, the District maintains a flash drive of the electronic file at the Maintenance & Operations office.*

R.18 Each district should within nine months of the publication of this Grand Jury report document and implement requirements to make its AHERA reports available on that district’s website.

*Recommendation implemented – TUSD makes its AHERA reports available on the District and school site websites.*

R.19 Each district should within nine months of the publication of this Grand Jury report prepare written procedures for district charter schools clearly defining roles and responsibilities for facilities maintenance including the handling of hazardous materials. The procedures should address how district charter schools will pay for, achieve, and maintain AHERA compliance (e.g., AHERA inspections, identification and training of AHERA Designated Person(s), and availability of AHERA reports).


*Recommendation has not been implemented as TUSD currently has no charter schools – the recommendation will be re-visited if/when the District houses charter facilities.*

R.20 Each district should within nine months of the publication of this Grand Jury report prepare and implement written procedures defining roles and responsibilities for contracting for and monitoring performance of all construction activities at district charter schools.

*Recommendation has not been implemented as TUSD currently has no charter schools – the recommendation will be re-visited if/when the District houses charter facilities.*

If you have questions, or need further information, please don’t hesitate in contacting me at (714) 730-7515.

Sincerely,



David Miranda  
Sr. Director  
Maintenance, Operations & Facilities

cc: Greg Franklin, Ed.D., Superintendent  
Anthony Soria, Chief Financial Officer

**From:** Miranda, David [<mailto:dmiranda@tustin.k12.ca.us>]

**Sent:** Tuesday, January 24, 2017 3:38 PM

**To:** Grand Jury

**Subject:** Dealing with Asbestos in Orange County Public Schools - Tustin USD

The purpose of this email is to confirm that the Tustin Unified School District's response to the Grand Jury Report "Dealing with Asbestos in Orange County Public Schools" should be deemed a combined response on behalf of the District Board of Education and Superintendent.

Thank you

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