Bulletin #151

February 7, 2005

TO: Business Administrators
Los Angeles County School Districts

FROM: Gerald Yarbrough, Business Advisory Services Manager
Regionalized Business Services
Division of Business Advisory Services

SUBJECT: CLEAN RESTROOM COMPLAINT PROCESS

Senate Bill (SB) 892 (Chapter 909/Statutes 2003) added Education Code (EC) Section 35292.5, effective January 1, 2004. This code section requires that all public and private schools have a sufficient number of restrooms available for use, and that:

- Restrooms be maintained and cleaned regularly, and be fully operational, and stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.

- All restrooms are to remain open during school hours when pupils are not in classes, and a sufficient number of restrooms are to be kept open during school hours when pupils are in classes (except as required for pupil safety or as necessary to repair the facility).

In developing regulations to implement EC Section 35292.5, the Office of Public School Construction (OPSC) determined that not all school districts have a formal complaint process in place and that, for those that did, there was little consistency in their existing procedures. As a result, effective April 28, 2004, the OPSC implemented a standardized, easily accessible process for the general public to use to file a complaint regarding restroom maintenance.

The Restroom Maintenance Complaint Form requests information regarding the school district and school name, the physical location of the restroom, type of complaint
and complainant name, telephone number, and address. The complainant may mail or fax the complaint form to OPSC.

Upon receipt of a Restroom Maintenance Complaint Form, the OPSC will send a complaint notification to the school district superintendent and the school principal. The State School Facility Program’s district representative will also be notified of the complaint. OPSC staff will notify the complainant of the outcome of the complaint. The Restroom Maintenance Complaint Form is available to the general public on the OPSC web site (www.opsc.dgs.ca.gov).

If, after district receipt of the notice of violation, the restroom(s) remain in violation, the unresolved complaint will be presented as an informational item to the State Allocation Board (SAB), and will remain on the list until it is resolved. All unresolved complaints will be presented to the SAB to determine if the school district is in violation of EC Section 35292.5. School districts found to be in violation may be deemed ineligible for matching funds from the State Deferred Maintenance Program. The staff at OPSC will confer with the school district superintendent prior to the presentation of unresolved complaints to the SAB.

The SAB adopted these procedures in April 2004 and directed OPSC to begin the process for establishing these procedures in regulation with the Office of Administrative Law. OPSC anticipates that these regulations will be adopted in February or March 2005.

School districts are urged to develop compliance processes for maintenance of clean restrooms in order to maintain eligibility for matching Deferred Maintenance funds.

If you have any questions, please contact me at (562) 922-6122.

Approved:
Deborah L. Simons, Director
Division of Business Advisory Services

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