

School District Spending Balloons to \$4 Million

By Emily Sawicki / emily@malibutimes.com | Posted: Wednesday, January 21, 2015 1:00 pm

Malibu Unites, under its new name America Unites for Kids, has kicked off the new year by throwing renewed pressure on the school district in its fight to have materials they believe are loaded with polychlorinated biphenyls (PCBs) removed from Malibu High and Middle Schools.



In a statement published Jan. 14, America Unites for Kids shared financial documents obtained through the Freedom of Information Act that they claim show the Santa Monica-Malibu Unified School District spending around \$3.7 million over the past 13 months on lawyers, consultants and cleaning services without making any real progress toward PCB removal. As of the Jan. 15 School Board meeting, that number jumped to over \$4 million, since purchase orders for Environ, the consulting firm retained by the board, and Pillsbury, legal counsel retained for the PCB issue, were approved.

“Santa Monica-Malibu public schools officials have spent millions of dollars on lawyers and consultants to avoid following Federal law and fully testing and remediating contaminated facilities,” reads the statement.

To stakeholders such as Jennifer deNicola, who leads America Unites, spending is especially egregious because, according to her research, other schools have spent much less to have PCBs removed from their schools, without the need for additional testing and consultation.

“We can clean this up and test the entire school and get rid of the PCB caulking for under a million dollars,” said deNicola in an interview with *The Malibu Times*.

Instead of a quick cleanup, deNicola said, the district has been hemorrhaging money and accomplishing very little.

“Not one ounce of caulking has been removed,” deNicola said.

Specific questions regarding the spending and progress at the school addressed to chief financial officer for the school district Jan Maez and Superintendent Sandra Lyon were forwarded to district spokesperson Gail Pinsker, who replied with a vague statement.

“Our environmental consultants have served the district with a high level of transparency and within established budgets,” the statement reads. “They are working closely with the U.S. Environmental

Protection Agency to ensure that the studies and remediation being undertaken are appropriate, thorough, science-based and protective of the health of students and teachers.”

PCBs were first discovered in soil of the Malibu Middle School quad in 2009, which was not made public until October 2013, after several teachers expressed concern that cases of thyroid cancer among staff could have a causal link. PCBs were a common building material in the mid-20th century, but were later discovered to be hazardous.

Since 2013, many parents have complained that the school board’s handling of the situation has been inadequate, as the district has agreed to test air and wipe samples, but not building materials such as caulk, where PCBs are mostly found.

New school board member and Advocates for Malibu Public Schools president Craig Foster brought up procedural questions regarding the issuance of purchase orders during the Jan. 15 school board meeting.

According to statements made by Maez, the purchase orders approved by the board on Jan. 15 do not directly correspond to actual money spent, because they often allocate more to spend later.

“Do we know anything about whether that’s money about to be spent or money that has been spent under the contract?” Foster asked.

“I would say that it’s probably been spent in part, not in total,” Maez replied. “We try to anticipate the next several weeks or months for both of these so we’re trying to be a bit ahead of it. So I would say that’s the case in both of these.”

Though Maez and Lyon did not comment, some anticipated spending on legal counsel may come from fears of a lawsuit threatened by America Unites.

According to deNicola, the group has announced its second 60-day notice of intent to file a lawsuit against the district in six months, with the first notice timing out with no lawsuit filed. State law requires an announcement of future litigation followed by 60 days to allow for mediation with the idea that the suit may be found unnecessary.

This is not an empty threat, according to deNicola.

“We intend to file a lawsuit if the district does not test the caulking in all classrooms in buildings built before 1979 and remove all PCBs over 50 parts per million, in compliance with federal law, because students and staff have a right to be in a safe environment,” deNicola said.

When asked for a hard deadline for the lawsuit, deNicola said, “March 12, somewhere around that.”