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August 10, 2004

Mr. Henry Reyes
School Safety Ad Hoc Committee
California Seismic Safety Commission
1755 Creekside Oaks Drive, #100
Sacramento, CA 95833

Dear Mr. Reyes,

Thank you for your willingness to meet with representatives of California's private school community regarding the draft "Seismic Safety in California's Schools" report issued in July, 2004. In preparation for our meeting on August 18, we respectfully draw your attention to the concerns enumerated below.

1. The opening paragraph of the report's "Introduction" section invites the comparison of a collapsed private school situated in Italy to the superior performance of public school buildings situated in San Luis Obispo county. What is the basis for drawing such a comparison? There are fourteen private schools located in San Luis Obispo County with enrollments in excess of fifty students. Why wasn't the structural integrity of their buildings compared to that of the public schools? (Just three months ago, the Commission issued a report titled "Findings and Recommendations from the San Simeon Earthquake of December 22, 2003." If private schools in San Luis Obispo County had suffered damage comparable to that displayed in the picture so prominently displayed on the first page of the current draft report, wouldn't such information have been available to members of the Committee?

2. The introductory section notes that the report's goal is "...an in-depth look at the earthquake policies for schools to provide a way for parents to judge if there is a significant difference in risk to their children from the results of earthquakes and the various choices they may have for schools (public, private or charter)..." The report's first recommendation, however, contains a prescription that pertains to private schools only. With respect to the issuance of seismic safety evaluation findings, the recommendation suggests: "This seismic safety evaluation could be required to be given to prospective parents when they apply to a private school."

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Why, we ask, shouldn't public schools be similarly required to provide prospective parents with such documentation? Considering the fact (detailed elsewhere in the report) that approximately 15% of the total number of California's public school buildings have been deemed potentially unsafe by the state's Division of the State Architect, why should the issuance of such information be withheld from parents?

3. Finding 1 notes that "The Private School Act states that it is 'the intent of the Legislature that children attending private schools be afforded life safety protection **similar** to that of children attending public schools'" (emphasis ours). It then proceeds to list "the most significant differences" between requirements currently applicable to private and public schools. The first two items (continuous versus periodic inspection during construction and more rigorous checking of designs and plans) reference differences in degree rather than differences in kind, and might, therefore, more readily be considered "similar" to life safety protection afforded children attending public schools, than "significantly different" there from.

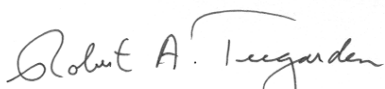
The third purported "significant difference" begins with the words, "Although the Private School Act called for **equivalent** seismic safety..." (emphasis ours). However, this is not what the Private School Act called for. The Private School Act employed the word "similar," rather than "equivalent." This is hardly a trivial distinction. We believe that a correct understanding of the distinction allows for references to the California Building Code and references to those sections of the state Education Code established by the Field Act to be regarded as "similar."

4. Finding 1 declares, "In summary, private schools are not required to be and therefore are not likely to be as safe as public schools of similar age." Elsewhere in the report, it is noted that "...no funds have been identified to enable school districts to undertake...rehabilitation, or even to undertake the evaluation of their suspect buildings" (Finding 2, p. 7). If requirements to which public schools are subject are not enforced, why should public school buildings be presumed to be safer *on the basis of requirements alone*?

5. What data was (or could be) employed to yield "apples to apples" comparisons of the structural performance of public and private schools in recent seismic events? If valid evidence conclusively demonstrates that private school structures subjected their occupants to significantly greater imperilment than was true of public school structures as a result of the same seismic events, we believe a more compelling case could be made for recommending changes to existing laws and procedures.

We look forward to meeting with you on August 18 to further discuss these issues.

Sincerely,



Robert A. Teegarden
President

Ron Reynolds
Executive Director