

Senate Bill 1062

Sponsored by Senators DEMBROW, MONNES ANDERSON, Representatives KENY-GUYER, BUEHLER; Senators GELSER, PROZANSKI, RILEY, TAYLOR, Representatives GREENLICK, HELM, HERNANDEZ, HOLVEY, HUFFMAN, LIVELY, MALSTROM, NOSSE, PILUSO, RAYFIELD, REARDON, SMITH DB, SMITH WARNER, SOLLMAN, VIAL

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Requires school districts, education service districts and public charter schools to adopt Healthy and Safe Schools Plan to address environmental conditions in facilities owned or leased by districts or schools where students or staff are present on regular basis. Requires districts and schools to provide Department of Education with copies of plans. Requires districts and schools to annually review plan and revise as necessary. Specifies minimum content for plan. Requires department to develop model plan as guidance for districts and schools.

Requires Oregon Health Authority to develop recommendations regarding practices for reducing environmental conditions that may present health concerns. Requires authority to develop information sheets concerning environmental conditions that may present health concerns.

Requires department to make opportunities for professional development available to district and school staff regarding plan requirements and information reporting.

Requires school districts, education service districts and public charter schools to make results of testing under plan available to public. Requires districts and schools to provide annual statement regarding plan. Specifies minimum content for statement. Specifies recipients of statement. Requires posting statement on website if website is available.

Establishes Healthy School Facilities Fund. Appropriates moneys from fund to department for purpose of financial assistance to school districts, education service districts and public charter schools in adoption, administration and enforcement of Healthy and Safe Schools Plans.

Expands types of assessment qualifying for Office of School Facilities hardship grants to include school district assessment for environmental hazards under plan.

Reduces total amount that may be biennially distributed from State School Fund as facility grants. Provides for biennial transfer from State School Fund to Healthy School Facilities Fund. Limits uses for transferred moneys. Makes reduction in total amount distributed as facility grants and transfer of State School Fund moneys to Healthy School Facilities Fund applicable for biennia beginning on or after July 1, 2019.

A BILL FOR AN ACT

Relating to environmental conditions in school facilities; creating new provisions; and amending ORS 326.125 and 327.008.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) A school district, education service district or public charter school shall develop and adopt a plan, to be known as the Healthy and Safe Schools Plan, for the district or school. The plan must address environmental conditions at the facilities owned or leased by the district or school where students or staff are present on a regular basis. The Department of Education, in consultation with the Oregon Health Authority, the Department of Environmental Quality and other interested stakeholders, shall develop and adopt a model plan to provide guidance to the districts and schools in developing and adopting plans under this section.

(2) A school district, education service district or public charter school shall provide a copy of a plan developed and adopted under this section to the Department of Education. The district or school shall annually review the plan. If the information contained in a plan has changed since the preceding annual review due to the acquisition or remodeling of a facility,

NOTE: Matter in boldfaced type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in boldfaced type.

1 the termination of regular use of the facility by students and staff or a modification in the
2 method, location, scope, frequency or other aspects of addressing environmental conditions,
3 the district or school shall revise the plan as necessary to address the change in information
4 and provide a copy of the revised plan to the department.

5 (3) A plan developed and adopted under this section must, at a minimum, include the
6 following:

7 (a) The identification of, and contact information for, a position within the adminis-
8 tration of the school district, education service district or public charter school having re-
9 sponsibility for maintaining and overseeing performance of the plan.

10 (b) A list of all facilities of the school district, education service district or public charter
11 school that are subject to the plan.

12 (c) Provisions regarding testing for, and reducing exposure to, elevated levels of lead in
13 water used for drinking or food preparation.

14 (d) Provisions consistent with the United States Environmental Protection Agency Ren-
15 ovation, Repair and Painting Rule set forth in 40 C.F.R. section 745 regarding testing for, and
16 reducing exposure to, lead-based paint.

17 (e) Provisions consistent with federal law and authority rules regarding testing for, and
18 reducing exposure to, asbestos.

19 (f) Provisions consistent with ORS 332.167 regarding testing for, and reducing exposure
20 to, elevated levels of radon.

21 (g) Provisions for carrying out integrated pest management as provided under ORS
22 634.700 to 634.750.

23 (h) Provisions for installing, in accordance with safety standards approved by the au-
24 thority, carbon monoxide detection devices in proximity to fuel burning appliances that emit
25 carbon monoxide.

26 (4) A plan described in subsection (3) of this section must provide for any laboratory
27 analysis on test samples to be carried out by a laboratory having a type and level of ac-
28 creditation recognized as appropriate by the authority.

29 (5) The authority, in consultation with the department, school districts, education service
30 districts, public charter schools and other interested stakeholders, shall provide districts and
31 schools with recommendations regarding evidence-based practices for the reduction of envi-
32 ronmental conditions not addressed in subsection (3) of this section that may present health
33 concerns if present in district or school facilities. The recommendations may include, but
34 need not be limited to, recommendations regarding:

35 (a) Methods for limiting or reducing exposure to high levels of diesel engine exhaust
36 gases; and

37 (b) Identification of mold, including but not limited to advice regarding how to recognize
38 the presence of mold.

39 (6) The authority shall develop information sheets for use by school districts, education
40 service districts and public charter schools to inform staff, students, parents of minor stu-
41 dents and other interested stakeholders about substances that may present health concerns
42 if present in district or school facilities.

43 (7) The department, in consultation with the authority, representatives of school dis-
44 tricts, education service districts and public charter schools and other interested
45 stakeholders, shall make opportunities for professional development available to district and

1 school staff regarding plan requirements under this section and the provision of information
2 as required under section 2 of this 2017 Act.

3 **SECTION 2.** (1)(a) A school district, education service district or public charter school
4 shall make the results of any testing conducted under a plan described in section 1 of this
5 2017 Act available to the public no later than 10 business days after receiving the test results.
6 As used in this paragraph, "business day" means a day that is not a Saturday, a legal holiday
7 under ORS 187.010 or 187.020 or a day on which the administrative headquarters for the dis-
8 trict or school is closed.

9 (b) The district or school shall make the test results available:

10 (A) If the district or school maintains a public website, by posting the test results on the
11 website;

12 (B) By sending electronic mail to staff, students and parents of minor students for whom
13 the district or school has electronic mail addresses on file; and

14 (C) By making the test results available in printed form at the administrative headquar-
15 ters for the district or school.

16 (2) A school district, education service district or public charter school shall provide an
17 annual statement regarding the plan developed and adopted by the district or school under
18 section 1 of this 2017 Act. The district or school shall provide the statement to:

19 (a) The governing body for the district or school;

20 (b) The parents of minor students; and

21 (c) Any students 18 years of age or older.

22 (3) The annual statement under subsection (2) of this section must include, but need not
23 be limited to, the following information:

24 (a) Identification of, and contact information for, the position within the administration
25 of the school district, education service district or public charter school having responsibility
26 for maintaining and overseeing performance of the plan;

27 (b) Information regarding where copies of the plan are available;

28 (c) A certification that the district or school is in compliance with any testing require-
29 ments under the plan;

30 (d) Information about how to obtain the results of any testing conducted under the plan;
31 and

32 (e) A summary of major exposure reduction activities conducted under the plan since the
33 preceding annual statement.

34 (4) If a school district, education service district or public charter school maintains a
35 publicly available website, the district or school shall post the annual statement described in
36 subsection (3) of this section on the website. The district or school shall make the annual
37 statement available in printed form at the administrative headquarters for the district or
38 school.

39 (5) The Department of Education shall adopt, in consultation with the Oregon Health
40 Authority, representatives of school districts, education service districts and public charter
41 schools and other interested stakeholders, rules for carrying out this section.

42 **SECTION 3.** (1) The Healthy School Facilities Fund is established in the State Treasury,
43 separate and distinct from the General Fund. Interest earned by the Healthy School Facili-
44 ties Fund shall be credited to the fund.

45 (2) Moneys in the fund are continuously appropriated to the Department of Education for

the purpose of providing financial assistance to school districts, education service districts and public charter schools in carrying out the adoption, administration and enforcement of plans described in section 1 of this 2017 Act, including but not limited to the conducting of testing and exposure reduction activities.

SECTION 4. ORS 326.125 is amended to read:

326.125. For the purpose of assisting school districts with capital costs, the Office of School Facilities is established within the Department of Education. The office shall be responsible for:

(1) Distributing hardship grants to school districts with facility needs. Grants awarded under this section may not exceed \$500,000 and shall be provided to school districts based on the order in which the Department of Education receives the completed applications for the grants. A school district may be eligible for a grant under this subsection if the school district meets requirements established by the State Board of Education by rule, including any requirements to provide matching funds.

(2) Providing technical assistance and establishing and maintaining standards for facilities assessments and long-range facilities plans for school districts.

(3) Administering a certification program for qualified providers of technical assistance for the purposes described in subsection (2) of this section.

(4) Providing grants to school districts for the cost of technical assistance for the purposes described in subsection (2) of this section. The State Board of Education may establish by rule requirements for a school district to receive a grant under this subsection. Grants for a school district under this subsection may not exceed:

(a) \$20,000 for a facilities assessment;

(b) \$25,000 for a long-range facilities plan; *[and]*

(c) \$25,000 for an assessment of school district facilities for potential environmental hazards under section 1 of this 2017 Act; and

[(c)] (d) \$25,000 for a seismic assessment or other specialized assessment.

(5) Maintaining the Oregon School Facilities Database. The database must include information that:

(a) Assists with analyzing, planning and prioritizing school capital improvement needs for school districts by providing district-to-district and school-to-school comparisons; and

(b) Is required by the State Board of Education by rule.

(6) Administering the grant program described in ORS 286A.801.

SECTION 5. ORS 327.008 is amended to read:

327.008. (1)(a) There is established a State School Fund in the General Fund.

(b) The Department of Education, on behalf of the State of Oregon, may solicit and accept gifts, grants, donations and other moneys from public and private sources for the State School Fund. Moneys received as provided in this paragraph shall be deposited into the State School Fund.

(c) The State School Fund shall consist of moneys appropriated by the Legislative Assembly, moneys transferred from the Education Stability Fund and moneys received as provided in paragraph (b) of this subsection.

(d) The State School Fund is continuously appropriated to the Department of Education for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348, 336.575, 336.580, 336.635, 343.243, 343.533, 343.941 and 343.961 and sections 1 to 3, chapter 735, Oregon Laws 2013.

(2) There shall be apportioned from the State School Fund to each school district a State School

1 Fund grant, consisting of the positive amount equal to a general purpose grant and a facility grant
 2 and a transportation grant and a high cost disabilities grant minus local revenue, computed as pro-
 3 vided in ORS 327.011 and 327.013.

4 (3) For the first school year after a public charter school ceases to operate because of dissol-
 5 ution or closure or because of termination or nonrenewal of a charter, there shall be apportioned
 6 from the State School Fund to each school district that had sponsored a public charter school that
 7 ceased to operate an amount equal to the school district's general purpose grant per extended
 8 ADMw multiplied by five percent of the ADM of the public charter school for the previous school
 9 year.

10 (4) There shall be apportioned from the State School Fund to each education service district a
 11 State School Fund grant as calculated under ORS 327.019.

12 (5) All figures used in the determination of the distribution of the State School Fund shall be
 13 estimates for the same year as the distribution occurs, unless otherwise specified.

14 (6) Numbers of students in average daily membership used in the distribution formula shall be
 15 the numbers as of June of the year of distribution.

16 (7) A school district may not use the portion of the State School Fund grant that is attributable
 17 to the facility grant for capital construction costs.

18 (8) The total amount of the State School Fund that is distributed as facility grants may not ex-
 19 ceed [§9] \$6.5 million in any biennium. If the total amount to be distributed as facility grants ex-
 20 ceeds this limitation, the Department of Education shall prorate the amount of funds available for
 21 facility grants among those school districts that qualified for a facility grant. If the total amount to
 22 be distributed as facility grants does not exceed this limitation, any remaining amounts shall be
 23 expended for expenses incurred by the Office of School Facilities as provided in ORS 326.125 (1).

24 (9) Each biennium, the Department of Education may expend from the State School Fund no
 25 more than \$6 million for expenses incurred by the Office of School Facilities under ORS 326.125 (2)
 26 to (6).

27 (10) Each fiscal year, the Department of Education shall transfer to the Pediatric Nursing Fa-
 28 cility Account established in ORS 327.022 the amount necessary to pay the costs of educational
 29 services provided to students admitted to pediatric nursing facilities as provided in ORS 343.941.

30 (11) Each fiscal year, the Department of Education shall transfer the amount of \$35 million from
 31 the State School Fund to the High Cost Disabilities Account established in ORS 327.348.

32 (12)(a) Each biennium, the Department of Education shall transfer \$33 million from the State
 33 School Fund to the Network of Quality Teaching and Learning Fund established under ORS 342.953.

34 (b) For the purpose of making the transfer under this subsection:

35 (A) The total amount available for all distributions from the State School Fund shall be reduced
 36 by \$5 million;

37 (B) The amount distributed to school districts from the State School Fund under this section and
 38 ORS 327.013 shall be reduced by \$14 million; and

39 (C) The amount distributed to education service districts from the State School Fund under this
 40 section and ORS 327.019 shall be reduced by \$14 million.

41 (c) For each biennium, the amounts identified in paragraph (b)(B) and (C) of this subsection shall
 42 be adjusted by the same percentage by which the amount appropriated to the State School Fund for
 43 that biennium is increased or decreased compared with the preceding biennium, as determined by
 44 the Department of Education after consultation with the Legislative Fiscal Officer.

45 (13) Each biennium, the Department of Education shall transfer \$12.5 million from the State

1 School Fund to the Statewide English Language Learner Program Account established under ORS
2 327.344.

3 (14) Each fiscal year, the Department of Education may expend up to \$550,000 from the State
4 School Fund for the contract described in ORS 329.488. The amount distributed to education service
5 districts from the State School Fund under this section and ORS 327.019 shall be reduced by the
6 amount expended by the department under this subsection.

7 (15) Each biennium, the Department of Education may expend up to \$350,000 from the State
8 School Fund to provide administration of and support for the development of talented and gifted
9 education under ORS 343.404.

10 (16) Each biennium, the Department of Education may expend up to \$150,000 from the State
11 School Fund for the administration of a program to increase the number of speech-language
12 pathologists and speech-language pathology assistants under ORS 348.394 to 348.406.

13 (17) Each fiscal year, the Department of Education shall transfer the amount of \$2.5 million from
14 the State School Fund to the Small School District Supplement Fund established in section 3, chap-
15 ter 735, Oregon Laws 2013.

16 (18) Each biennium, the Department of Education shall transfer \$2.5 million from the
17 State School Fund for deposit to the Healthy School Facilities Fund established under section
18 3 of this 2017 Act. Notwithstanding section 3 of this 2017 Act, the department may expend
19 moneys received in the Healthy School Facilities Fund under this subsection only as grants
20 for:

21 (a) Costs associated with testing for elevated levels of lead in water used for drinking or
22 food preparation; and

23 (b) Costs associated with installing carbon monoxide detection devices.

24 **SECTION 6.** ORS 327.008, as amended by section 7, chapter 735, Oregon Laws 2013, section 7,
25 chapter 81, Oregon Laws 2014, section 2, chapter 68, Oregon Laws 2015, section 38, chapter 245,
26 Oregon Laws 2015, section 2, chapter 555, Oregon Laws 2015, section 11, chapter 604, Oregon Laws
27 2015, section 2, chapter 644, Oregon Laws 2015, and section 8, chapter 783, Oregon Laws 2015, is
28 amended to read:

29 327.008. (1)(a) There is established a State School Fund in the General Fund.

30 (b) The Department of Education, on behalf of the State of Oregon, may solicit and accept gifts,
31 grants, donations and other moneys from public and private sources for the State School Fund.
32 Moneys received as provided in this paragraph shall be deposited into the State School Fund.

33 (c) The State School Fund shall consist of moneys appropriated by the Legislative Assembly,
34 moneys transferred from the Education Stability Fund and moneys received as provided in paragraph
35 (b) of this subsection.

36 (d) The State School Fund is continuously appropriated to the Department of Education for the
37 purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348, 336.575,
38 336.580, 336.635, 343.243, 343.533, 343.941 and 343.961.

39 (2) There shall be apportioned from the State School Fund to each school district a State School
40 Fund grant, consisting of the positive amount equal to a general purpose grant and a facility grant
41 and a transportation grant and a high cost disabilities grant minus local revenue, computed as pro-
42 vided in ORS 327.011 and 327.013.

43 (3) For the first school year after a public charter school ceases to operate because of dissol-
44 ution or closure or because of termination or nonrenewal of a charter, there shall be apportioned
45 from the State School Fund to each school district that had sponsored a public charter school that

1 ceased to operate an amount equal to the school district's general purpose grant per extended
2 ADMw multiplied by five percent of the ADM of the public charter school for the previous school
3 year.

4 (4) There shall be apportioned from the State School Fund to each education service district a
5 State School Fund grant as calculated under ORS 327.019.

6 (5) All figures used in the determination of the distribution of the State School Fund shall be
7 estimates for the same year as the distribution occurs, unless otherwise specified.

8 (6) Numbers of students in average daily membership used in the distribution formula shall be
9 the numbers as of June of the year of distribution.

10 (7) A school district may not use the portion of the State School Fund grant that is attributable
11 to the facility grant for capital construction costs.

12 (8) The total amount of the State School Fund that is distributed as facility grants may not ex-
13 ceed [\$9] \$6.5 million in any biennium. If the total amount to be distributed as facility grants ex-
14 ceeds this limitation, the Department of Education shall prorate the amount of funds available for
15 facility grants among those school districts that qualified for a facility grant. If the total amount to
16 be distributed as facility grants does not exceed this limitation, any remaining amounts shall be
17 expended for expenses incurred by the Office of School Facilities as provided in ORS 326.125 (1).

18 (9) Each biennium, the Department of Education may expend from the State School Fund no
19 more than \$6 million for expenses incurred by the Office of School Facilities under ORS 326.125 (2)
20 to (6).

21 (10) Each fiscal year, the Department of Education shall transfer to the Pediatric Nursing Fa-
22 cility Account established in ORS 327.022 the amount necessary to pay the costs of educational
23 services provided to students admitted to pediatric nursing facilities as provided in ORS 343.941.

24 (11) Each fiscal year, the Department of Education shall transfer the amount of \$35 million from
25 the State School Fund to the High Cost Disabilities Account established in ORS 327.348.

26 (12)(a) Each biennium, the Department of Education shall transfer \$33 million from the State
27 School Fund to the Network of Quality Teaching and Learning Fund established under ORS 342.953.

28 (b) For the purpose of making the transfer under this subsection:

29 (A) The total amount available for all distributions from the State School Fund shall be reduced
30 by \$5 million;

31 (B) The amount distributed to school districts from the State School Fund under this section and
32 ORS 327.013 shall be reduced by \$14 million; and

33 (C) The amount distributed to education service districts from the State School Fund under this
34 section and ORS 327.019 shall be reduced by \$14 million.

35 (c) For each biennium, the amounts identified in paragraph (b)(B) and (C) of this subsection shall
36 be adjusted by the same percentage by which the amount appropriated to the State School Fund for
37 that biennium is increased or decreased compared with the preceding biennium, as determined by
38 the Department of Education after consultation with the Legislative Fiscal Officer.

39 (13) Each biennium, the Department of Education shall transfer \$12.5 million from the State
40 School Fund to the Statewide English Language Learner Program Account established under ORS
41 327.344.

42 (14) Each fiscal year, the Department of Education may expend up to \$550,000 from the State
43 School Fund for the contract described in ORS 329.488. The amount distributed to education service
44 districts from the State School Fund under this section and ORS 327.019 shall be reduced by the
45 amount expended by the department under this subsection.

1 (15) Each biennium, the Department of Education may expend up to \$350,000 from the State
2 School Fund to provide administration of and support for the development of talented and gifted
3 education under ORS 343.404.

4 (16) Each biennium, the Department of Education may expend up to \$150,000 from the State
5 School Fund for the administration of a program to increase the number of speech-language
6 pathologists and speech-language pathology assistants under ORS 348.394 to 348.406.

7 (17) Each biennium, the Department of Education shall transfer \$2.5 million from the
8 State School Fund for deposit to the Healthy School Facilities Fund established under section
9 3 of this 2017 Act. Notwithstanding section 3 of this 2017 Act, the department may expend
10 moneys received in the Healthy School Facilities Fund under this subsection only as grants
11 for:

12 (a) Costs associated with testing for elevated levels of lead in water used for drinking or
13 food preparation; and

14 (b) Costs associated with installing carbon monoxide detection devices.

15 **SECTION 7.** (1) The Department of Education shall develop and adopt a model plan under
16 section 1 of this 2017 Act and make the plan available to school districts, education service
17 districts and public charter schools no later than January 1, 2019.

18 (2) Each school district, education service district and public charter school shall adopt
19 a plan meeting the requirements of section 1 of this 2017 Act no later than 180 days after the
20 department completes the adoption of a model plan under subsection (1) of this section. A
21 plan must include an implementation schedule.

22 **SECTION 8.** The amendments to ORS 326.125 and 327.008 by sections 4 to 6 of this 2017
23 Act apply to biennia beginning on or after July 1, 2019.

24