

**B-Engrossed**  
**Senate Bill 1062**

Ordered by the Senate July 3  
Including Senate Amendments dated June 6 and July 3

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.

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.

Authorizes 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.

Requires Oregon Health Authority to adopt mandatory guidelines regarding testing for, and reducing exposure to, lead in water used for drinking or food preparation for inclusion in Healthy and Safe Schools Plans.

**Appropriates moneys from General Fund to Department of Education for 2017-2019 biennium to carry out provisions of Act.**

**Declares emergency, effective July 1, 2017.**

**A BILL FOR AN ACT**

1  
2 Relating to environmental conditions in school facilities; creating new provisions; amending ORS  
3 326.125 and 327.008; and declaring an emergency.

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

5 **SECTION 1. (1) A school district, education service district or public charter school shall**  
6 **develop and adopt a plan, to be known as the Healthy and Safe Schools Plan, for the district**  
7 **or school. The plan must address environmental conditions at the facilities owned or leased**  
8 **by the district or school where students or staff are present on a regular basis. The De-**  
9 **partment of Education, in consultation with the Oregon Health Authority, the Department**

**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 of Environmental Quality and other interested stakeholders, shall develop and adopt a model  
2 plan to provide guidance to the districts and schools in developing and adopting plans under  
3 this section.

4 (2) A school district, education service district or public charter school shall provide a  
5 copy of a plan developed and adopted under this section to the Department of Education. The  
6 district or school shall annually review the plan. If the information contained in a plan has  
7 changed since the preceding annual review due to the acquisition or remodeling of a facility,  
8 the termination of regular use of the facility by students and staff or a modification in the  
9 method, location, scope, frequency or other aspects of addressing environmental conditions,  
10 the district or school shall revise the plan as necessary to address the change in information  
11 and provide a copy of the revised plan to the department.

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

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

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

19 (c) Provisions regarding testing for, and reducing exposure to, elevated levels of lead in  
20 water used for drinking or food preparation as required under guidelines adopted by the au-  
21 thority.

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

25 (e) Provisions consistent with federal law regarding testing for, and reducing exposure  
26 to, asbestos.

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

29 (g) Provisions for carrying out integrated pest management as provided under ORS  
30 634.700 to 634.750.

31 (h) Provisions for installing carbon monoxide detection devices in proximity to fuel  
32 burning appliances that emit carbon monoxide, if installation is required under the state  
33 building code.

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

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

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

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

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

5       **(7) The department, in consultation with the authority, representatives of school dis-**  
6 **tricts, education service districts and public charter schools and other interested**  
7 **stakeholders, shall make opportunities for professional development available to district and**  
8 **school staff regarding plan requirements under this section and the provision of information**  
9 **as required under section 2 of this 2017 Act.**

10       **SECTION 2. (1)(a) A school district, education service district or public charter school**  
11 **shall make the results of any testing conducted under a plan described in section 1 of this**  
12 **2017 Act available to the public no later than 10 business days after receiving the test results.**  
13 **As used in this paragraph, “business day” means a day that is not a Saturday, a legal holiday**  
14 **under ORS 187.010 or 187.020 or a day on which the administrative headquarters for the dis-**  
15 **trict or school is closed.**

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

17       **(A) If the district or school maintains a public website, by posting the test results on the**  
18 **website;**

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

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

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

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

27       **(b) The parents of minor students; and**

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

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

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

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

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

37       **(d) Information about how to obtain the results of any testing conducted under the plan;**  
38 **and**

39       **(e) A summary of major exposure reduction activities conducted under the plan since the**  
40 **preceding annual statement.**

41       **(4) If a school district, education service district or public charter school maintains a**  
42 **publicly available website, the district or school shall post the annual statement described in**  
43 **subsection (3) of this section on the website. The district or school shall make the annual**  
44 **statement available in printed form at the administrative headquarters for the district or**  
45 **school.**

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

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

7       **(2) Moneys in the fund are continuously appropriated to the Department of Education for**  
8 **the purpose of providing financial assistance to school districts, education service districts**  
9 **and public charter schools in carrying out the adoption, administration and enforcement of**  
10 **plans described in section 1 of this 2017 Act, including but not limited to the conducting of**  
11 **testing and exposure reduction activities.**

12       **SECTION 4.** ORS 326.125 is amended to read:

13       326.125. For the purpose of assisting school districts with capital costs, the Office of School  
14 Facilities is established within the Department of Education. The office shall be responsible for:

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

21       (2) Providing technical assistance and establishing and maintaining standards for facilities as-  
22 sessments and long-range facilities plans for school districts.

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

25       (4) Providing grants to school districts for the cost of technical assistance for the purposes de-  
26 scribed in subsection (2) of this section. The State Board of Education may establish by rule re-  
27 quirements for a school district to receive a grant under this subsection. Grants for a school district  
28 under this subsection may not exceed:

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

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

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

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

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

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

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

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

40       **SECTION 5.** ORS 327.008 is amended to read:

41       327.008. (1)(a) There is established a State School Fund in the General Fund.

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

45       (c) The State School Fund shall consist of moneys appropriated by the Legislative Assembly,

1 moneys transferred from the Education Stability Fund and moneys received as provided in paragraph  
2 (b) of this subsection.

3 (d) The State School Fund is continuously appropriated to the Department of Education for the  
4 purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348, 336.575,  
5 336.580, 336.635, 343.243, 343.533, 343.941 and 343.961 and sections 1 to 3, chapter 735, Oregon Laws  
6 2013.

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

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

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

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

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

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

25 (8) The total amount of the State School Fund that is distributed as facility grants may not ex-  
26 ceed [~~\$9~~] **\$7** million in any biennium. If the total amount to be distributed as facility grants exceeds  
27 this limitation, the Department of Education shall prorate the amount of funds available for facility  
28 grants among those school districts that qualified for a facility grant. If the total amount to be dis-  
29 tributed as facility grants does not exceed this limitation, any remaining amounts shall be expended  
30 for expenses incurred by the Office of School Facilities as provided in ORS 326.125 (1).

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

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

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

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

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

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

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

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

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

7 (13) Each biennium, the Department of Education shall transfer \$12.5 million from the State  
8 School Fund to the Statewide English Language Learner Program Account established under ORS  
9 327.344.

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

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

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

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

23 **(18) Each biennium, the Department of Education shall transfer \$2 million from the State**  
24 **School Fund for deposit to the Healthy School Facilities Fund established under section 3 of**  
25 **this 2017 Act. Notwithstanding section 3 of this 2017 Act, the department may expend moneys**  
26 **received in the Healthy School Facilities Fund under this subsection only as grants for costs**  
27 **associated with testing for elevated levels of lead in water used for drinking or food prepa-**  
28 **ration.**

29 **SECTION 6.** ORS 327.008, as amended by section 7, chapter 735, Oregon Laws 2013, section 7,  
30 chapter 81, Oregon Laws 2014, section 2, chapter 68, Oregon Laws 2015, section 38, chapter 245,  
31 Oregon Laws 2015, section 2, chapter 555, Oregon Laws 2015, section 11, chapter 604, Oregon Laws  
32 2015, section 2, chapter 644, Oregon Laws 2015, and section 8, chapter 783, Oregon Laws 2015, is  
33 amended to read:

34 327.008. (1)(a) There is established a State School Fund in the General Fund.

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

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

41 (d) The State School Fund is continuously appropriated to the Department of Education for the  
42 purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348, 336.575,  
43 336.580, 336.635, 343.243, 343.533, 343.941 and 343.961.

44 (2) There shall be apportioned from the State School Fund to each school district a State School  
45 Fund grant, consisting of the positive amount equal to a general purpose grant and a facility grant

1 and a transportation grant and a high cost disabilities grant minus local revenue, computed as pro-  
2 vided in ORS 327.011 and 327.013.

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

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

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

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

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

17 (8) The total amount of the State School Fund that is distributed as facility grants may not ex-  
18 ceed [~~\$9~~] **\$7** million in any biennium. If the total amount to be distributed as facility grants exceeds  
19 this limitation, the Department of Education shall prorate the amount of funds available for facility  
20 grants among those school districts that qualified for a facility grant. If the total amount to be dis-  
21 tributed as facility grants does not exceed this limitation, any remaining amounts shall be expended  
22 for expenses incurred by the Office of School Facilities as provided in ORS 326.125 (1).

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

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

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

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

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

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

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

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

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

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

1 327.344.

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

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

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

12 (17) **Each biennium, the Department of Education shall transfer \$2 million from the State**  
13 **School Fund for deposit to the Healthy School Facilities Fund established under section 3 of**  
14 **this 2017 Act. Notwithstanding section 3 of this 2017 Act, the department may expend moneys**  
15 **received in the Healthy School Facilities Fund under this subsection only as grants for costs**  
16 **associated with testing for elevated levels of lead in water used for drinking or food prepa-**  
17 **ration.**

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

21 **(2) Each school district, education service district and public charter school shall adopt**  
22 **a plan meeting the requirements of section 1 of this 2017 Act no later than July 1, 2019. A**  
23 **plan must include an implementation schedule.**

24 **SECTION 8. The amendments to ORS 327.008 by sections 5 and 6 of this 2017 Act apply**  
25 **to biennia beginning on or after July 1, 2019.**

26 **SECTION 9. The Oregon Health Authority, in consultation with the Department of Edu-**  
27 **cation, representatives of school districts, education service districts and public charter**  
28 **schools and other interested stakeholders, shall adopt mandatory guidelines no later than**  
29 **January 1, 2019, for use by school districts, education service districts and public charter**  
30 **schools in testing for, and reducing exposure to, elevated levels of lead in water used for**  
31 **drinking or food preparation under plans described in section 1 of this 2017 Act.**

32 **SECTION 10. In addition to and not in lieu of any other appropriation, there is appro-**  
33 **priated to the Department of Education, for the biennium beginning July 1, 2017, out of the**  
34 **General Fund, the amount of \$111,577, which may be expended for carrying out sections 1,**  
35 **2, 7 and 9 of this 2017 Act.**

36 **SECTION 11. This 2017 Act being necessary for the immediate preservation of the public**  
37 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**  
38 **July 1, 2017.**