

Requested by Senator DEMBROW

**PROPOSED AMENDMENTS TO
SENATE BILL 1047**

1 On page 1 of the printed bill, line 2, after the second semicolon insert
2 “and”.

3 In line 3 after “326.125” delete the rest of the line and insert “and
4 327.008.”.

5 Delete lines 5 through 21 and delete pages 2 through 5 and insert:

6 **“SECTION 1. (1) A school district, education service district or**
7 **public charter school shall develop and adopt a plan, to be known as**
8 **the Healthy and Safe School Plan, for the district or school. The plan**
9 **shall address environmental conditions at the facilities owned or**
10 **leased by the district or school where students or staff are present on**
11 **a regular basis. The Department of Education, in consultation with**
12 **the Oregon Health Authority, the Department of Environmental**
13 **Quality and other interested stakeholders, shall develop and adopt a**
14 **model plan to provide guidance to the districts and schools in devel-**
15 **oping and adopting plans under this section.**

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

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

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

8 “(a) The identification of, and contact information for, a position
9 within the administration of the school district, education service
10 district or public charter school having responsibility for maintaining
11 and overseeing performance of the plan.

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

14 “(c) Provisions regarding testing for, and reducing exposure to, el-
15 evated levels of lead in water used for drinking or food preparation.

16 “(d) Provisions consistent with the United States Environmental
17 Protection Agency Renovation, Repair and Painting Rule set forth in
18 40 C.F.R. section 745 regarding testing for, and reducing exposure to,
19 lead-based paint.

20 “(e) Provisions consistent with federal law and Oregon Health Au-
21 thority rules regarding testing for, and reducing exposure to, asbestos.

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

24 “(g) Provisions for carrying out integrated pest management as
25 provided under ORS 634.700 to 634.750.

26 “(h) Provisions for installing, in accordance with safety standards
27 approved by the Oregon Health Authority, carbon monoxide detection
28 sensors in proximity to fuel burning appliances that emit carbon
29 monoxide.

30 “(4) A plan described in subsection (3) of this section must provide

1 for any laboratory analysis on test samples to be carried out by a
2 laboratory having a type and level of accreditation recognized as ap-
3 propriate by the Oregon Health Authority.

4 “(5) The Oregon Health Authority, in consultation with the De-
5 partment of Education, school districts, education service districts,
6 public charter schools and other interested stakeholders, shall provide
7 districts and schools with guidance on evidence-based practices for the
8 reduction of environmental conditions not addressed in subsection (3)
9 of this section that may present health concerns if present in district
10 or school facilities. The guidance may include, but need not be limited
11 to, guidance regarding:

12 “(a) Methods for limiting or reducing exposure to high levels of
13 diesel engine exhaust gases; and

14 “(b) Identification of mold, including but not limited to advice re-
15 garding how to recognize the presence of mold.

16 “(6) The Oregon Health Authority shall develop information sheets
17 for use by school districts, education service districts and public
18 charter schools to inform staff, students, parents of minor students
19 and other interested stakeholders about substances that may present
20 health concerns if present in district or school facilities.

21 “(7) The Department of Education, in consultation with the Oregon
22 Health Authority, representatives of school districts, education service
23 districts and public charter schools and other interested stakeholders,
24 shall make opportunities for professional development available to
25 district and school staff regarding plan requirements under this sec-
26 tion and the provision of information as required under section 2 of
27 this 2017 Act.

28 “SECTION 2. (1) A school district, education service district or
29 public charter school shall make the results of any testing conducted
30 under a plan described in section 1 of this 2017 Act available to the

1 public no later than 10 business days after receiving the test results.
2 As used in this subsection, “business days” means a day that is not a
3 Saturday, a legal holiday under ORS 187.010 or 187.020 or a day on
4 which the administrative headquarters for the district or school is
5 closed. The district or school shall make the test results available:

6 “(a) If the district or school maintains a public website, by posting
7 the test results on the website;

8 “(b) By sending electronic mail to staff, students and parents of
9 minor students for whom the district or school has electronic mail
10 addresses on file; and

11 “(c) By making the test results available in printed form at the
12 administrative headquarters for the district or school.

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

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

18 “(b) The parents of minor students; and

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

20 “(3) The annual statement under subsection (2) of this section shall
21 include, but need not be limited to, the following information:

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

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

27 “(c) A certification that the district or school is in compliance with
28 any testing requirements under the plan;

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

1 “(e) A summary of major exposure reduction activities conducted
2 under the plan since the preceding annual statement.

3 “(4) If a school district, education service district or public charter
4 school maintains a publicly available website, the district or school
5 shall post the annual statement described in subsection (3) of this
6 section on the website. The district or school shall make the annual
7 statement available in printed form at the administrative headquarters
8 for the district or school.

9 “(5) The Department of Education shall adopt, in consultation with
10 the Oregon Health Authority, representatives of school districts, edu-
11 cation service districts and public charter schools and other interested
12 stakeholders, rules for carrying out this section.

13 “SECTION 3. (1) The Healthy School Facilities Fund is established
14 in the State Treasury, separate and distinct from the General Fund.
15 Interest earned by the Healthy School Facilities Fund shall be credited
16 to the fund.

17 “(2) Moneys in the fund are continuously appropriated to the De-
18 partment of Education for the purpose of providing financial assist-
19 ance to school districts, education service districts and public charter
20 schools in carrying out the adoption, administration and enforcement
21 of plans described in section 1 of this 2017 Act, including but not lim-
22 ited to the conducting of testing and exposure reduction activities.

23 “SECTION 4. ORS 326.125 is amended to read:

24 “326.125. For the purpose of assisting school districts with capital costs,
25 the Office of School Facilities is established within the Department of Edu-
26 cation. The office shall be responsible for:

27 “(1) Distributing hardship grants to school districts with facility needs.
28 Grants awarded under this section may not exceed \$500,000 and shall be
29 provided to school districts based on the order in which the Department of
30 Education receives the completed applications for the grants. A school dis-

1 trict may be eligible for a grant under this subsection if the school district
2 meets requirements established by the State Board of Education by rule, in-
3 cluding any requirements to provide matching funds.

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

7 “(3) Administering a certification program for qualified providers of
8 technical assistance for the purposes described in subsection (2) of this sec-
9 tion.

10 “(4) Providing grants to school districts for the cost of technical assist-
11 ance for the purposes described in subsection (2) of this section. The State
12 Board of Education may establish by rule requirements for a school district
13 to receive a grant under this subsection. Grants for a school district under
14 this subsection may not exceed:

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

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

17 “(c) **\$25,000 for an assessment of school district facilities for poten-**
18 **tial environmental hazards under section 1 of this 2017 Act; and**

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

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

22 “(a) Assists with analyzing, planning and prioritizing school capital im-
23 provement needs for school districts by providing district-to-district and
24 school-to-school comparisons; and

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

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

27 “**SECTION 5.** ORS 327.008 is amended to read:

28 “327.008. (1)(a) There is established a State School Fund in the General
29 Fund.

30 “(b) The Department of Education, on behalf of the State of Oregon, may

1 solicit and accept gifts, grants, donations and other moneys from public and
2 private sources for the State School Fund. Moneys received as provided in
3 this paragraph shall be deposited into the State School Fund.

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

7 “(d) The State School Fund is continuously appropriated to the Depart-
8 ment of Education for the purposes of ORS 327.006 to 327.077, 327.095,
9 327.099, 327.101, 327.125, 327.137, 327.348, 336.575, 336.580, 336.635, 343.243,
10 343.533, 343.941 and 343.961 and sections 1 to 3, chapter 735, Oregon Laws
11 2013.

12 “(2) There shall be apportioned from the State School Fund to each school
13 district a State School Fund grant, consisting of the positive amount equal
14 to a general purpose grant and a facility grant and a transportation grant
15 and a high cost disabilities grant minus local revenue, computed as provided
16 in ORS 327.011 and 327.013.

17 “(3) For the first school year after a public charter school ceases to op-
18 erate because of dissolution or closure or because of termination or
19 nonrenewal of a charter, there shall be apportioned from the State School
20 Fund to each school district that had sponsored a public charter school that
21 ceased to operate an amount equal to the school district’s general purpose
22 grant per extended ADMw multiplied by five percent of the ADM of the
23 public charter school for the previous school year.

24 “(4) There shall be apportioned from the State School Fund to each edu-
25 cation service district a State School Fund grant as calculated under ORS
26 327.019.

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

30 “(6) Numbers of students in average daily membership used in the dis-

1 tribution formula shall be the numbers as of June of the year of distribution.

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

4 “(8) The total amount of the State School Fund that is distributed as fa-
5 cility grants may not exceed [~~\$9~~] **\$6.5** million in any biennium. If the total
6 amount to be distributed as facility grants exceeds this limitation, the De-
7 partment of Education shall prorate the amount of funds available for facil-
8 ity grants among those school districts that qualified for a facility grant. If
9 the total amount to be distributed as facility grants does not exceed this
10 limitation, any remaining amounts shall be expended for expenses incurred
11 by the Office of School Facilities as provided in ORS 326.125 (1).

12 “(9) Each biennium, the Department of Education may expend from the
13 State School Fund no more than \$6 million for expenses incurred by the Of-
14 fice of School Facilities under ORS 326.125 (2) to (6).

15 “(10) Each fiscal year, the Department of Education shall transfer to the
16 Pediatric Nursing Facility Account established in ORS 327.022 the amount
17 necessary to pay the costs of educational services provided to students ad-
18 mitted to pediatric nursing facilities as provided in ORS 343.941.

19 “(11) Each fiscal year, the Department of Education shall transfer the
20 amount of \$35 million from the State School Fund to the High Cost Disa-
21 bilities Account established in ORS 327.348.

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

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

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

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

30 “(C) The amount distributed to education service districts from the State

1 School Fund under this section and ORS 327.019 shall be reduced by \$14
2 million.

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

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

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

17 “(15) Each biennium, the Department of Education may expend up to
18 \$350,000 from the State School Fund to provide administration of and support
19 for the development of talented and gifted education under ORS 343.404.

20 “(16) Each biennium, the Department of Education may expend up to
21 \$150,000 from the State School Fund for the administration of a program to
22 increase the number of speech-language pathologists and speech-language
23 pathology assistants under ORS 348.394 to 348.406.

24 “(17) Each fiscal year, the Department of Education shall transfer the
25 amount of \$2.5 million from the State School Fund to the Small School Dis-
26 trict Supplement Fund established in section 3, chapter 735, Oregon Laws
27 2013.

28 **“(18) Each biennium, the Department of Education shall transfer**
29 **\$2.5 million from the State School Fund for deposit to the Healthy**
30 **School Facilities Fund established under section 3 of this 2017 Act.**

1 **Notwithstanding section 3 of this 2017 Act, the department may expend**
2 **moneys received in the Healthy School Facilities Fund under this**
3 **subsection only as grants for:**

4 **“(a) Testing for, and reducing exposure to, elevated levels of lead**
5 **in water used for drinking or food preparation;**

6 **“(b) Testing for, and reducing exposure to, lead-based paint; and**

7 **“(c) Installing carbon monoxide detection sensors.**

8 **“SECTION 6.** ORS 327.008, as amended by section 7, chapter 735, Oregon
9 Laws 2013, section 7, chapter 81, Oregon Laws 2014, section 2, chapter 68,
10 Oregon Laws 2015, section 38, chapter 245, Oregon Laws 2015, section 2,
11 chapter 555, Oregon Laws 2015, section 11, chapter 604, Oregon Laws 2015,
12 section 2, chapter 644, Oregon Laws 2015, and section 8, chapter 783, Oregon
13 Laws 2015, is amended to read:

14 “327.008. (1)(a) There is established a State School Fund in the General
15 Fund.

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

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

23 “(d) The State School Fund is continuously appropriated to the Depart-
24 ment of Education for the purposes of ORS 327.006 to 327.077, 327.095,
25 327.099, 327.101, 327.125, 327.137, 327.348, 336.575, 336.580, 336.635, 343.243,
26 343.533, 343.941 and 343.961.

27 “(2) There shall be apportioned from the State School Fund to each school
28 district a State School Fund grant, consisting of the positive amount equal
29 to a general purpose grant and a facility grant and a transportation grant
30 and a high cost disabilities grant minus local revenue, computed as provided

1 in ORS 327.011 and 327.013.

2 “(3) For the first school year after a public charter school ceases to op-
3 erate because of dissolution or closure or because of termination or
4 nonrenewal of a charter, there shall be apportioned from the State School
5 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
7 grant per extended ADMw multiplied by five percent of the ADM of the
8 public charter school for the previous school year.

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

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

15 “(6) Numbers of students in average daily membership used in the dis-
16 tribution formula shall be the numbers as of June of the year of distribution.

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

19 “(8) The total amount of the State School Fund that is distributed as fa-
20 cility grants may not exceed [~~\$9~~] **\$6.5** million in any biennium. If the total
21 amount to be distributed as facility grants exceeds this limitation, the De-
22 partment of Education shall prorate the amount of funds available for facil-
23 ity grants among those school districts that qualified for a facility grant. If
24 the total amount to be distributed as facility grants does not exceed this
25 limitation, any remaining amounts shall be expended for expenses incurred
26 by the Office of School Facilities as provided in ORS 326.125 (1).

27 “(9) Each biennium, the Department of Education may expend from the
28 State School Fund no more than \$6 million for expenses incurred by the Of-
29 fice of School Facilities under ORS 326.125 (2) to (6).

30 “(10) Each fiscal year, the Department of Education shall transfer to the

1 Pediatric Nursing Facility Account established in ORS 327.022 the amount
2 necessary to pay the costs of educational services provided to students ad-
3 mitted to pediatric nursing facilities as provided in ORS 343.941.

4 “(11) Each fiscal year, the Department of Education shall transfer the
5 amount of \$35 million from the State School Fund to the High Cost Disa-
6 bilities Account established in ORS 327.348.

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

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

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

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

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

18 “(c) For each biennium, the amounts identified in paragraph (b)(B) and
19 (C) of this subsection shall be adjusted by the same percentage by which the
20 amount appropriated to the State School Fund for that biennium is increased
21 or decreased compared with the preceding biennium, as determined by the
22 Department of Education after consultation with the Legislative Fiscal Of-
23 ficer.

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

27 “(14) Each fiscal year, the Department of Education may expend up to
28 \$550,000 from the State School Fund for the contract described in ORS
29 329.488. The amount distributed to education service districts from the State
30 School Fund under this section and ORS 327.019 shall be reduced by the

1 amount expended by the department under this subsection.

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

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

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

15 **“(a) Testing for, and reducing exposure to, elevated levels of lead
16 in water used for drinking or food preparation;**

17 **“(b) Testing for, and reducing exposure to, lead-based paint; and**

18 **“(c) Installing carbon monoxide detection sensors.**

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

23 **“(2) Each school district, education service district and public
24 charter school shall adopt a plan meeting the requirements of section
25 1 of this 2017 Act no later than 180 days after the department com-
26 pletes the adoption of a model plan under subsection (1) of this sec-
27 tion. A plan must include an implementation schedule.**

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

