



SALAM NOOR  
Deputy Superintendent of Public Instruction

BEFORE THE OREGON DEPARTMENT OF EDUCATION

RULE HEARING: OAR 581-022-2223, Healthy and Safe Schools Plan

HEARING OFFICER'S REPORT

The Department held a public hearing on August 2, 2016, to receive public comment on the proposed rule. Notice of hearing was published in a timely manner in the Secretary of State's bulletin and was sent to interested parties and persons who requested notice pursuant to ORS 183.335 (7). The hearing was held at the Department's offices in Salem, Oregon before Emily Nazarov, Hearing Officer.

Testimony:

**Joe Crelier, Director of Risk Management, Portland Public School District**

- PPS currently undertaking extensive health and safety work
- Would like to postpone rule adoption until at least September
  - Revised rules have not yet been circulated to the field for comment
  - Districts are still evaluating financial impact
  - Districts are working on radon plans
- Very rough estimate is this will cost 7 million per year
- Currently have 3 FTE working in environmental and safety and given experiences this year, this is not enough
- Rough estimate for costs
  - \$1 million for the testing
  - \$500K-700K for bottled drinking water for all schools next year
  - Significant cost to retain an environmental firm to help plan for lead free water in food prep areas where simply putting bottled water out does not solve the problem
  - Looking at past expenditures for general environmental health concerns, the three year average is \$1.6 million
  - Up to \$1 million for health care screenings to test for elevated levels of lead in blood
- Regarding lead screenings, the Multnomah County lead line has been overwhelmed. Requests for lead screenings have increased from dozens per year to hundreds



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- PPS will comment on the revised version of the rules
- Stakeholder meeting on July 25 was four hours and resulted in significant feedback from the field. That feedback should be taken in to account in developing this rule.

**Lori Sattenspiel, Oregon School Boards Association**

- Comments are focused on the proposed timeline for rule adoption and the October 1 deadline for districts to submit their plans.
- The October 1 deadline to submit plans to ODE is too short
- She has been involved with the radon work since 2015 and the districts are just now submitting plans
- By comparison, the timeline for this rule is too short
- We already have schools testing and reporting results
- Revised rules have not yet been circulated to the field for comment
- Some labs are backed up
- OSBA is putting out a survey this week that will be ready for the State Board to show numbers of schools that have begun testing
- The number one objection from business managers is “costs are going to kill us”
- OSBA supports the goal of the rule but wants more time to make sure approach is well thought out

**Morgan Allen: Confederation of School Administrators**

- Appreciated the July 25<sup>th</sup> stakeholder meeting
- The big takeaway is the October 1 deadline for districts to submit their plans is not possible
- It is important for districts to show progress. Perhaps a multistep process would be better. That would give more time to develop model plan but still ensure that districts are taking action to protect students.
- Most districts in Oregon are small districts and do not have full time facilities staff. Often it is an educator putting the reports together.
- COSA will comment on revised rule once it is circulated
- Asked for State Agencies to provide more lay person friendly information on environmental health concerns
- We know we have billions dollars of facilities needs across the state. It is a question of resources. We need to work as partners with the State in the long



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term to figure out how to pay for this and that is absent from this discussion so far.

Respectfully submitted this 4<sup>th</sup> day of August, 2016

Emily Nazarov  
Hearing Officer



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BEFORE THE OREGON DEPARTMENT OF EDUCATION

RULE HEARING: OAR 581-022-2223, Healthy and Safe Schools Plan

### HEARING OFFICER'S REPORT

The Department held a public hearing on August 11, 2016, to receive public comment on the proposed rule. Notice of hearing was published in a timely manner in the Secretary of State's bulletin and was sent to interested parties and persons who requested notice pursuant to ORS 183.335 (7). The hearing was held at the Department's offices in Salem, Oregon before Emily Nazarov, Hearing Officer.

Testimony:

#### **Morgan Allen, Confederation of School Administrators**

- Appreciate that rule greatly improved from earlier drafts and stakeholder input was received.
- There is still a lot of confusion in the field about what the 3T's actually means, so need something more of explanation. That may be in guidance or rule.
- Still hearing that labs are backed up.
- Re: the five day requirement to notify the public – please amend to say five business days
- Confusion about charter schools, particularly a district that sponsors a charter school, so clarification about leasing buildings to the charter and who is responsible for testing
- A lot of concern about different descriptions about the protocol labs are using, although it is OHA certified
- Tigard-Tualatin went through the protocol process already before it became an issue, so needs to be a lookback provision. Suggest in the last five years
- This is the first step, but long term needs to be mitigation and funding for mitigation for the health and safety of students and families. Many districts will not have the funds for this mitigation. Legislation needs to be discussing this at the next session.
- Need to have a line where to stop with the rules. This feels like a good point to start, but focus on the immediate problem of lead in the water now.



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BEFORE THE OREGON DEPARTMENT OF EDUCATION

RULE HEARING: OAR 581-024-0275, Facilities, Safety and Emergency Planning

HEARING OFFICER'S REPORT

The Department held a public hearing on August 2, 2016, to receive public comment on the proposed rule amendments. Notice of hearing was published in a timely manner in the Secretary of State's bulletin and was sent to interested parties and persons who requested notice pursuant to ORS 183.335 (7). The hearing was held at the Department's offices in Salem, Oregon before Emily Nazarov, Hearing Officer.

Testimony:

No public comment.

Respectfully submitted this 4<sup>th</sup> day of August, 2016

Emily Nazarov  
Hearing Officer