

**Health and Safe Schools Plan (OAR 581-022-2223) Stakeholder Meeting
July 25, 2015
Meeting Notes**

PARTICIPANTS

Emily Nazarov	ODE	Michael Elliott	ODE
Lori Sattenspiel	OSBA	Pierre Dehaze	Reynolds SD
Gary Peterson	OAESD	Ayanna Glover	Reynolds SD
Karl Granlund	Beaverton SD	Joe Crelier	Portland SD
Kevin Montague	Dallas SD	Eric Shawn	Catlin Gable
Phil Wentz	Tigard Tualatin SD	Rich Wehring	MESD
David Kruse	North Clackamas SD	Don Hicks	MESD
Joel Smallwood	Salem Keizer SD	Gail Hoskins	Oregon City SD
Kari Salis	OHA	Isabelle Barbour	OHA
Tony Anderson	OHA	Vonnie Good	Salem Keiser SD
Otto Schell	Oregon PTA	Morgan Allen	COSA
Randy Miller	Lake Oswego SD	Regelada Lombardi	OSSOA
Rod Walker	Oregon Child Development Coalition		

MEETING NOTES

Framing for the stakeholder group work

- Review the charge from the Governor
- The State Board of Education heard a first read of the rules in June
 - Support the work
 - Urged ODE to move more quickly
 - Concern about cost to districts
- Rulemaking process and timeline.
 - June 21 – first read to State Board
 - July 25 – stakeholder group
 - August 2 – public hearing
 - August 17 – adoption vote by the State Board
- Comments ODE has received thus far:
 - Need clarification on when a charter is in a district owned building
 - Ambiguity of the indoor air quality piece
 - No control over outdoor air quality
 - October 1 is too fast in terms of having the plan submitted
 - Need to be more specific on the guidelines that govern (specific date adopted)
 - Cost to districts will be high and needs to be part of the discussion

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- Update on funding –legislature might provide money. ODE’s understanding is that reimbursement would be for cost of testing drinking water for lead.

What buildings are covered by the rule

The current version of the rule says “all buildings owned, leased, or otherwise used as a school building” – is this the right way to catch all the buildings?

Comments from the group:

- Does this cover early learning programs operated by school districts?
- What is the impact on charter schools? For example, a charter school leasing a building from someone else would be responsible for their own plan. A Kairos type school would be responsible for their own plan and PPS would be too.
- Need to better define school building. What does “otherwise used” mean?
- One idea is to define buildings by saying depends on the amount of time kids are in the building. So if kids are there more than 1 hour the rule applies.
- What about these unique situations:
 - Hospitals with students in them
 - JDEP and YCEP
 - CTE centers
 - Internship sites
 - Summer feeding sites
- Suggestion = just say “owned or leased”
- Should it be limited to buildings where kids are located because primary risk is to kids?

Updating the plan

- General agreement that plan should be updated once per year, not each time a new building comes into use

Timeline for submitting plan to ODE

The current version of the rule requires district submit their Health and Safe Schools Plan by October 1, 2016.

Comments from the group:

- October 1 is too fast

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- A more realistic deadline is ODE releases the model plan January 2017 and districts submit their plans to ODE on July 1, 2017 – July 1 is the start of the fiscal year
- Radon legislation was passed in 2015 and plans are due September 1, 2016. It took over a year and a half to develop the plan and have districts submit.
- For Integrated Pest Management, the timeline was one year to develop the model plan
- Recommendation from the group is to move board adoption to September to allow more time for comment from the field and to be really thoughtful in developing the rule
- Additional information is available now that was not available when the Governor directed ODE to adopt rules:
 - Very few cases of elevated lead levels and so far those have been attributed to home environment and not school
 - Most schools are in the process of testing for lead in water this summer

Lead in Drinking Water

The current version of the rule requires a plan to test and reduce exposure in accordance with EPA guidance.

Comments from Group:

- Districts need some technical guidance from PHA in addition to the 3Ts. The EPA guidance is not layperson friendly
- Communications from ODE should say “reduce exposure” not “shut off the tap” because there are many mitigation options and shutting off the water is not possible in some situations (example, in the school nurse’s office)

The group discussed the specific issue of how often districts should retest. Public water systems are required to test for lead every three years. OHA staff shared that there is no research or data that says districts should retest every X number years. Reasons to retest would be a change in the public water supply, repairs or renovations to school buildings, or nearby construction that could shake something loose in the pipes.

Comments from group:

- The cost of testing is very high so we need to balance the cost with the need to retest
- Examples of cost for testing: PPS will spend almost \$1 million; Salem Keizer will spend almost \$350K.
- Tying the need to retest to an event like nearby construction or change to public water supply is difficult for budgeting

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- One idea is to require testing of a limited number of sites or a percentage of sites in each facility. If the results show an increase in lead levels compared to previous year's results, then the district would need to test all sites in that facility.
- One concern with the idea of testing a percentage of sites is that some districts will have pressure from community to test all sites. Any requirement that is not consistent and covering all possible sites won't work.
- One idea from ODE staff was to tie the retesting timeline to what is a reasonable amount of time for districts to spend that amount of money. Response from group was this would not work for various reasons such as most small districts do not have opportunity to set aside reserves for maintenance, so something like lead testing would just come out of that year's annual budget.
- One suggestion = wait to set the date for retesting until we have data. Problem with this solution, according to OHA, is we will not have data until schools retest.
- One idea from ODE = can we say retest in five years and then we have the data needed to say whether lead levels change in that amount of time? Response from the group is that is essentially asking schools to participate in research and schools do not have resources to do that.
- Group generally agreed that 5 years makes sense in terms of frequency for retesting.
- Requiring all districts to retest again in five years will create another lab capacity issue
- For new construction, should there be a window of time before schools are required to test?

Lead Paint

The current version of the rule says reduce exposure according to EPA guidelines. The EPA's Renovation, Repair and Painting rule requires that child care and school professionals follow specific procedures when renovating or repairing facilities. That only applies to renovations. And the rule only applies to school if children ages 6 or under are present in the building.

The Cadillac version of lead paint management would be to conduct a lead assessment and create an inventory of where lead paint exists in each facility. This is incredibly expensive.

Lead in paint poses a great risk to children than lead in water.

ODE proposal: Follow RRP for all schools (regardless of age of children) and keep an inventory of any known lead affected areas and what is being done to manage

Comments from the group:

- RRP compliance is expensive

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- Stick to current regulations which say RRP applies only if children under 6 are present
- OHA shared that while risk of lead is greatest for young children, lead exposure is a risk for all children

Air Quality

The Rule says districts must have a plan to improve indoor air quality in accordance with EPA guidelines. Main concern is there are no solid requirements. The EPA has a tools for schools kit that requires districts to build a team and work together to develop an indoor air quality improvement plan.

ODE suggestion: Amend the rule to say districts must annually complete an indoor air checklist and have a plan to reduce idling by buses outside school buildings.

The group reviewed the facilities checklist developed for the SB 447 work.

The group also discussed the idea of a process where students or staff can raise indoor air quality concerns. Salem Keizer and Beaverton have policies/procedures like this. Salem gets approximately 10 reports each year; Beaverton gets approximately 20 reports per year.

Comments from Group:

- Items 15-17 on the check list are expensive
- Not sure the SB 447 checklist is the right list – it is a good list for long range planning but may not be right for this purpose
- Districts would need technical advice and training to use the SB 447 checklist
- Districts have a wide range of facilities with a wide range of circumstances. Checklist needs to work for all types of buildings.
- Generally the group likes the idea of a checklist and a plan to reduce busses idling
- Small district perspective = this is one more checklist for a small staff
- A user friendly checklist could go to teachers as well, and you could have teachers run through the checklist for their individual classrooms. Spreads workload throughout staff.
- Schools already have safety committees – could this work fit in with their work?
- Pottery supplies (silica) could be addressed through the checklist

Annual Notification

The current version of the rule requires annual reporting to local school board; staff and students; community and ODE. The goal is to not lose the information – we want public to

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know. One concerns I how do we balance this goal with the need to make information available as soon as possible?

Suggestion from ODE = revise the rule to say (1) plan for communicating results as soon as possible and making information available to community; and (2) annual statement to everyone affected that we have this plan, here is where you can find information and how we communicate information, here is a summary of the results received during the year, and a summary of the things we fixed and what is on tap for the next round of repairs.

Comments from group:

- General agreement that these elements should be included in the annual statement:
 - Here is where the plan is located
 - You can access results for tests conducted during the year here
 - The person responsible for this plan is ____.
- General agreement that the annual notification should not include a list of all repairs undertaken. That is way too much information for people – not useful to them – and too much work for the district to compile and present in that format. General feeling is that if people want to know the specifics – like whether the faucet in classroom A was replaced – they can ask the school for that information. Also, the 3Ts require follow up tests after mitigation so those results would be available and people could see that the situation was addressed.
- One possible compromise could be a high level summary of major mitigation efforts. The Annual asbestos report already requires this.

Costs

Comments from the group:

- Approximate Testing costs (for lead in drinking water)
 - PPS – almost \$1 million
 - Salem – \$350k for lab fees to test for lead and copper.
 - Beaverton – \$250k for lab fees, consultant, and retesting
 - Dallas School District – \$10k for lab fees
 - MESD -- \$5k for lab fees
 - Reynolds – \$75k for lab fees
- Air Quality consultant costs approximately \$1,800 per classroom (8 hours of work)
- Additional costs – custodial staff is working extra flush system to prepare for testing and gathering samples; preparing schools to open has been delayed while testing is conducted
- Once all testing is done, need a commitment from the state to help with mitigation costs

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- Dallas and Beaverton have both requested quotes for replacing pipes; David Douglas replaced some pipes in 2011
- PPS has spent almost \$500k for environmental contractor and has 3 FTE for environmental health and safety

Additional Comments

- It is important for State Board to have information on technical aspects of this rule – such as the risks posed by lead in water and paint – before adopting.
- Districts need good clear 1 pagers on each of the topics addressed in the plan