

Introduced by Senator Hayden

February 22, 2000

An act to add Sections 17214 and 17214.3 to the Education Code, relating to environmental safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 1631, as introduced, Hayden. Environmental safety standards: schoolsites.

Existing law requires the governing board of a school district, before commencing the acquisition of real property for a new schoolsite or an addition to an existing schoolsite, to evaluate the property at a public hearing using the site selection standards established by the State Department of Education. Existing law requires the State Department of Education to provide school districts information relating to the impact or potential impact upon any schoolsite of hazardous substances, solid waste, safety, and hazardous air emissions.

This bill would require the California Environmental Protection Agency (CEPA) in consultation with the State Department of Health Services (DHS) to consider ways to develop standards and guidelines for protecting children's health at all schoolsites, and would require these standards and guidelines to govern the initial assessment process, preliminary endangerment assessment, and any site mitigation. The bill would also require CEPA and DHS to make recommendations for changes to standards for classrooms and school buildings. The bill would require the State Department of Education to incorporate all standards

adopted pursuant to those provisions into the schoolsite selection process.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17214 is added to the Education
2 Code, to read:

3 17214. (a) The California Environmental Protection
4 Agency, in consultation with the State Department of
5 Health Services, shall consider ways to develop standards
6 and guidelines for protecting children’s health at all
7 schoolsites. These guidelines and standards shall govern
8 the initial assessment process, preliminary
9 endangerment assessment as defined in Section 25319.5
10 of the Health and Safety Code, and any site mitigation,
11 and shall make recommendations for changes to
12 standards for classrooms and school buildings. The
13 standards and guidelines shall specifically address the
14 impact of toxic exposure, including site-based and
15 ambient exposures, on the health and learning abilities of
16 children.

17 (b) The State Department of Education shall
18 incorporate any standards adopted pursuant to
19 subdivision (a) into all schoolsite selection processes.

20 (c) Until standards and guidelines are implemented
21 pursuant to subdivision (a), the Department of Toxic
22 Substances Control shall follow interim standards and



1 guidelines that may be based on the Department of Toxic
2 Substances Control's current methodologies consistent
3 with residential standards and the toxicity criteria
4 exposure parameters and procedures of Section 25356.1.5
5 of the Health and Safety Code. These interim standards
6 and guidelines shall take into account toxic hazards from
7 adjacent or nearby sites, potential impacts on children's
8 learning abilities and unique developmental factors
9 applicable to children, including, but not limited to,
10 school children's special sensitivities to chemical
11 exposure that adversely impacts on their physical growth,
12 neurological growth, and organ development. Nothing in
13 this section shall limit the authority of the Department of
14 Toxic Substances Control to ensure that any response
15 actions taken pursuant to this section are consistent with
16 Section 25356.1.5 of the Health and Safety Code and to
17 consider the actions that are necessary to protect
18 children's health.

19 SEC. 2. Section 17214.3 is added to the Education
20 Code, to read:

21 17214.3. (a) As used in this chapter, "learning
22 abilities" are those physiological and neurological
23 processes, including motor skills, thought processes and
24 memory, needed for a child to effectively concentrate
25 and, thus, to learn. Adverse effects on learning abilities
26 from pollution may be manifest as headaches, asthma,
27 allergies, and respiratory illness, which cause diminished
28 attention and concentration or excessive school absences.

29 (b) As used in this chapter, "hazardous materials" has
30 the same meaning as set forth in subdivision (d) of
31 Section 25260 of the Health and Safety Code.

32 SEC. 3. It is the intent of the Legislature that the
33 state-mandated local program costs imposed by this act
34 are only those increased costs that a school district will
35 incur as a result of this act.

36 SEC. 4. Notwithstanding Section 17610 of the
37 Government Code, if the Commission on State Mandates
38 determines that this act contains costs mandated by the
39 state, reimbursement to local agencies and school
40 districts for those costs shall be made pursuant to Part 7



1 (commencing with Section 17500) of Division 4 of Title
2 2 of the Government Code. If the statewide cost of the
3 claim for reimbursement does not exceed one million
4 dollars (\$1,000,000), reimbursement shall be made from
5 the State Mandates Claims Fund.

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