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Lead testing and safety plans rise to Oregon schools' forefront

By GORDON OLIVER

This year's school opening is like no other before in Oregon: For the first time, officials find themselves reassuring parents that their children won't be exposed to dangerous lead levels by drinking from school water fountains.

It's a widespread worry that school districts could not have anticipated even a year ago. But the fallout from a third-party investigation of Portland Public Schools' (PPS) lead testing and mitigation efforts has made this a hot-button issue in districts across the state. Now, not only parents but also Oregon's governor and state legislators want assurances that drinking school water doesn't pose a health risk to students and staff.

The intense public scrutiny doesn't surprise those already in the trenches of testing for lead in school water systems.

"These kinds of issues hit a nerve," said Joe Crelier, PPS' risk management director. "It's not a mundane issue. It's the safety of our kids."

Crelier should know. He's managing the district's response to a controversy that led to the resignation of Superintendent Carole Smith and triggered a call from Gov. Kate Brown, who faces election in November, for statewide action.

In April, Brown directed the Oregon Department of Education (ODE) and Oregon Health Authority to examine existing practices and recommend new ways to reduce potential health risks from lead in school water sources. Brown's directive led to a clear sense of urgency for the two agencies to develop a comprehensive statewide approach, including input from school stakeholders such as OSBA.

On Aug. 17, the Oregon State Board of Education unanimously approved a new administrative rule requiring all school districts to adopt a Healthy and Safe Schools Plan. The new plans will wrap in other safety concerns as well, some already on the books and some new. Public school districts, charter schools and education service districts must submit preliminary draft plans to reduce exposure to lead paint and test for lead in water in those buildings they own or lease to others. As previously required, they must also test for radon and implement best practices for pest management.

One of the plan's key elements is a highly specific public disclosure mandate of lead-testing results. Under the new rules, school entities must make all test results available to the public within five business days of receiving them. They must post the results and explanations on their websites and disseminate them to their email contact lists.

The state Board of Education gave districts until Oct. 1 to submit a preliminary plan and until Jan. 1, 2017, to submit a final plan. The January final deadline was an 11th-hour response to complaints from schools, already hard at work on testing and mitigation in the short-staffed summer months, that an October deadline was unrealistic. But even the new date feels rushed to many time-strapped districts, particularly since the state won't issue a model plan to guide districts until Sept. 15.

"It's still a bit of a push, and districts are trying to get ready for kids to get back to school," said Lori Sattenspiel,



OSBA legislative services specialist. She'd like to see the deadline pushed back to the end of 2017.

OSBA has been working with schools, particularly small districts that lack staff and resources for planning and facilities management, to work through the new public and political expectations over lead contamination. The association is concerned about cost issues and the potential that the state could broaden reporting requirements or the scope of safety issues.

"We all recognize the need to protect the health of students and staff," Sattenspiel said. "But there are big implications for testing and remediation costs, and we need to work together with the governor, legislators and education partners to resolve that."

Lead testing widespread

Getting just this far has already been costly. Minutes of a July 25 stakeholder meeting show approximate lead testing costs for some school districts: Portland, \$1 million; Salem, \$350,000; Beaverton, \$250,000; Reynolds, \$75,000; and Dallas, \$10,000. School districts expect as-yet untallied costs for replacing plumbing, providing bottled water, overtime for custodial staff conducting the tests, and environmental consultants.

Salem-Keizer School District Superintendent Christy Perry said the state Board of Education action provides a good response to an emerging issue. But she added: "The reality is that this is an unfunded mandate. Legislating more things for us to do in the absence of funding comes at the cost of classrooms and kids."

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Closed drinking fountains are becoming a familiar sight in Oregon schools.

Some common questions about lead exposure

How does lead get into drinking water?

Lead can enter drinking water when pipes that contain lead corrode, especially where the water has high acidity or low mineral content. The most common problem is with brass or chrome-plated brass faucets and fixtures with lead solder.

How does lead affect children?

Young children, infants and fetuses are particularly vulnerable to lead because the physical and behavioral effects of lead occur at lower exposure levels in children than in adults. In children, low levels of exposure have been linked to damage to the central and peripheral nervous system, learning disabilities, shorter stature, impaired hearing and impaired formation and function of blood cells.

Is there a safe level of lead in blood?

The U.S. Environmental Protection Agency (EPA) has set non-enforceable health goals, called maximum contaminant level goals, at zero because lead can be harmful to human health even at low exposure levels as it accumulates in the body over time.

The Centers for Disease Control and Prevention recommend that public health actions be initiated when the level of lead in a child's blood is 5 micrograms per deciliter or more.

What's the acceptable level of lead in school water systems?

The EPA recommends that school water fountains and other outlets be taken out of service if lead levels exceed 20 parts per billion (ppb) on first-draw water samples. Municipal water systems face more stringent "action levels" of 15 ppb.

Source

U.S. Environmental Protection Agency:
www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water



Covering the costs

ODE officials and education stakeholders are hopeful that the Legislature’s Emergency Board will reimburse districts for some or all of their lead-testing costs.

Nothing is certain on that point, however, and school officials have plenty of reason to worry about just how they will pay for mitigation efforts out of their cash-strapped budgets. Oregon is one of a minority of states without a statewide capital fund to help pay for school improvements. The Oregon Legislature last year approved \$125 million in one-time bonding for building improvements under Senate Bill 447, but it’s scarcely a dent in the expected need.

“The whole scope of the need in Portland Public Schools is kind of unknown,” said Crelier, the district’s risk management leader. “Going forward, the cost is so big that it’s going to span multiple budget cycles, multiple bond cycles.”

Salem-Keizer may have to cut plans to use remaining money in a bond measure for a seismic upgrade project if it finds lead issues it needs to address.

“Seismic is important too,” said Perry, the school superintendent. “Lead fixes may come at the cost of a seismic structure upgrade.”

Perhaps the biggest wild card is whether the Legislature will wade into the issue. Some fear that a new law could add layers of costs and regulatory hurdles to schools, especially if the Legislature broadens the scope of safety issues.

Witty, the Baker City superintendent, says the cumulative effect of state reporting mandates weighs heavily on small districts.

“At a point, it becomes very difficult to meet reporting costs and still try to serve kids,” he said. “When it comes to safety, of course we want to deal with it.”

State Sen. Michael Dembrow, D-Portland, said he would like to extend a state requirement for radon testing in schools, adopted last year, to other toxins including lead in water and paint; asbestos; and mold.

“Frankly, the public is looking for us to take action,” Dembrow said.

State Rep. Alissa Keny-Guyer, D-Portland, said the PPS lead-testing experience points to a need for standardized guidelines that legislation could provide.

“Some may see (legislation) as a mandate,” she said. “I see that we would have clear directives and ideally could offer the resources that are needed.”

Keny-Guyer holds out hope that Measure 97, the corporate tax on the November ballot, would provide funding for carrying out school safety improvements.

State Rep. Cliff Bentz, an Ontario Republican and a former school board member, said he was among many to learn that school districts did not routinely test their water systems for lead. There is no legal requirement to do so.

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Many schools are well beyond planning and deep into testing the safety of their water sources. An OSBA survey in early August found that 88 percent of the 104 schools that responded were already testing their drinking water for high lead concentrations. Several others said they had plans for tests in the fall.

“I see districts being motivated to not be the ones that didn’t test,” Sattenspiel said.

The Baker City School District is among the many that didn’t wait for a state mandate before taking action.

“On lead, we obviously want to know,” said Superintendent Mark Witty. “It wasn’t (something) to wonder about until it hit the papers. We want to know and get it done early on.”

While the new rule doesn’t require school districts to fix the problems they uncover, the implication is obvious: After the PPS experience, schools wouldn’t knowingly ignore lead concentrations that exceed federal standards.

Sean Dyer, director of facilities and maintenance for the rural North Marion School District north of Salem, said it’s too early for him to consider the potential costs of mitigating potentially high lead levels in his district’s three schools.

“If we come across a problem, it’s not an option,” he said. “We fix it. The safety of our students is number one.”

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If school districts say they don't have money for testing, "I say go back and look at your budgets, because nothing is more important," he said.

Preston Mann, communications director for the Oregon House Republican Caucus, said parents are clearly concerned about potential contaminants in schools.

"There is little doubt that the Legislature will take meaningful action in the 2017 session to make sure our children are protected from harmful toxins in the classroom," Mann said via email. "While questions about cost are inevitable and real, we are optimistic that Republicans and Democrats will be able to come together behind a bipartisan solution that works for students, teachers and administrators."

In spite of the intense public scrutiny, there's no conclusive evidence linking lead in school water supplies to any individual cases of negative health effects.

PPS has offered to screen students and staff who have concerns about school-related lead contamination. So far, out of nearly 1,500 tests, screening results have been at or above the public health action level for eight children and six adults, the district reports. Follow-up studies of two students concluded that the source of their contamination was in the home, and so far none of the other cases has been linked to school water sources.

Crelier sees some silver linings coming out of the PPS experience.

"The obvious one is that the hazards will be removed," he said. That can be done simply in some cases – switching to bottled water instead of water faucets in schools – or it can require difficult and costly fixes such as reconstructing school plumbing systems. Crelier also said he believes the public has become more aware of a need to address the problem. "We are all coming together and working together," he said.

Key dates in the Healthy and Safe Schools Plan

- **Sept. 15** – Deadline for Oregon Department of Education to develop a model plan
- **Oct. 1** – Public school entities (districts, charter schools and education service districts) must develop a preliminary plan for all owned or leased buildings regularly used by students or staff. Updates are required annually or when buildings are acquired, built or leased.
- **Jan. 1** – Final plans due to state

More information

- Oregon Department of Education's Healthy and Safe Schools Plan:
www.ode.state.or.us/superintendent/priorities/1.-attachment-1---healthy-and-safe-schools-plan-oar-58-022-2223-8-15-16-final.pdf
- Oregon Health Authority's Healthy School Facilities website:
<http://public.health.oregon.gov/HealthyEnvironments/HealthyNeighborhoods/HealthySchoolFacilities/Pages/index.aspx>

Technical guidance to school districts

- U.S. Environmental Protection Agency's 3Ts for Reducing Lead in Drinking Water in Schools:
www.epa.gov/sites/production/files/2015-09/documents/toolkit_leadschools_guide_3ts_leadschools.pdf