

Date of Hearing: April 11, 2018

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 2453 (Eduardo Garcia) – As Amended March 15, 2018

[Note: This bill is doubled referred to the Assembly Natural Resources Committee and will be heard as it relates to issues under its jurisdiction.]

SUBJECT: Air pollution: schools

SUMMARY: Authorizes a modernization apportionment from state school facility bond funds to be used for air filtration systems. Authorizes schools located in disadvantaged communities as defined by the California Air Resources Board to work with and seek funding from air quality management districts. Specifically, **this bill:**

- 1) Specifies that a modernization apportionment may be used to limit pupil exposure to harmful air pollutants by updating air filtration systems.
- 2) Authorizes schools located in communities with facilities identified pursuant to Section 44391.2 of the Health and Safety Code to work with air quality management districts to identify school sites for air quality adaptation efforts.
- 3) Authorizes schools located near a facility designated by an air quality management district as a high priority category to be eligible for a grant as part of a community emissions reduction program, adopted pursuant to Section 44391.2 of the Health and Safety Code, to implement air quality mitigation efforts, including, but not limited to, either of the following:
 - a) Air filter upgrades or installations.
 - b) Vegetation buffer planting.

EXISTING LAW:

- 1) Requires, under the Leroy F. Greene School Facilities Act of 1998, the State Allocation Board (SAB) to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. (Education Code (EC) Section 17070.10)
- 2) Provides that a school district is eligible to receive an apportionment for the modernization of a permanent school building that is more than 25 years old or a portable classroom that is at least 20 years old. A school district is eligible to receive an additional apportionment for modernization of a permanent school building every 25 years after the date of the previous apportionment or a portable classroom every 20 years after the previous apportionment. (EC Section 17073.15)
- 3) Specifies that a modernization apportionment may be used for an improvement to extend the useful life of, or to enhance the physical environment of, the school. The improvement may

only include the cost of design, engineering, testing, inspection, plan checking, construction management, demolition, construction, the replacement of portable classrooms, necessary utility costs, utility connection and other fees, the purchase and installation of air-conditioning equipment and insulation materials and related costs, furniture and equipment, including telecommunication equipment to increase school security, fire safety improvements, playground safety improvements, the identification, assessment, or abatement of hazardous asbestos, seismic safety improvements, and the upgrading of electrical systems or the wiring or cabling of classrooms in order to accommodate educational technology. A modernization grant may not be used for costs associated with acquisition and development of real property or for routine maintenance and repair. (EC Section 17074.25)

- 4) Specifies that a modernization apportionment may also be used for the cost of designs and materials that promote the efficient use of energy and water, the maximum use of natural lighting and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and other characteristics of high-performance schools. (EC Section 17074.25)

FISCAL EFFECT: Unknown

COMMENTS: The construction and modernization of public kindergarten through grade 12 (K-12) facilities are funded by a combination of state and local general obligation bonds, developer's fees and local assessments such as Mello Roos community facilities districts. California voters have approved \$42.4 billion in state general obligation bonds since 1998 for the School Facility Program (SFP), including \$7 billion for K-12 and \$2 billion for California Community Colleges facilities approved by voters in November 2016 through Proposition 51.

The SFP provides a per-pupil grant for the construction of new schools that requires a 50% local match. Modernization funds are provided for the rehabilitation of permanent buildings that are at least 25 years old and portable buildings that are at least 20 years old and require a 40% local match. Among other things, modernization funds can be used for efficiency and environmental improvement projects, including improving indoor air quality.

To be eligible for state school facility bond funds, school districts must receive approval from the California Department of Education for a review of the site selection and to ensure that the facility will meet the education plan of the school; the Division of State Architect, to ensure structural safety, including seismic safety; and the Office of Public School Construction (OPSC), for funding eligibility. Existing law also prescribes parameters for siting of a school, including limiting a school from being located on land that was previously a hazardous waste disposal site, that contains pipelines that carry hazardous substances, or that is near a freeway and other busy traffic corridors and railyards that have the potential to expose students and school staff to hazardous air emissions.

This bill expands the use of modernization funds to include air filtration systems. The 2006 state school facility bond, Proposition 1D, included \$100 million to encourage school districts to incorporate high performance strategies in the design of school facilities. Those funds are exhausted; however, language was incorporated in the funding of modernization projects to include "cost of designs and materials that promote the efficient use of energy and water, the maximum use of natural lighting and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching

and learning, and other characteristics of high-performance schools.” According to the OPSC, which administers the SFP, an air filtration system is an authorized use of modernization funds pursuant to this provision.

Proposition 51, approved by voters in November 2016, provides \$3 billion for modernization projects. The initiative specifies that the funds are to be used for the purposes of the SFP as it read on January 1, 2015. While this bill is consistent with the SFP, it is unclear whether the provisions governing the SFP can be modified. To clarify that the proposed use of funds in this bill is consistent with the purposes of the SFP, **staff recommends** an amendment specifying that the provision in the bill authorizing modernization funds to be used for an air filtration system is declarative of existing law.

The author states, “Children of color and low-income children are more likely to be attending a school with high exposure to pollution. There are currently no statewide programs designed to reduce exposure to air pollutants at existing school sites. In addition to school siting guidance to reduce pollution exposure (SB 352, Escutia, 2003), studies have examined the effectiveness of interventions for existing schools sited near a major source of pollution. The United States Environmental Protection Agency has identified several best practices, including indoor air filtration and vegetative barriers, and the South Coast Air Quality Management District has studied specific air filters to determine the best available technologies for reducing air pollutants in classrooms.”

REGISTERED SUPPORT / OPPOSITION:

Support

Environmental Defense Fund
Comite Civico Del Valle, Inc.

Opposition

None on file

Analysis Prepared by: Sophia Kwong Kim / ED. / (916) 319-2087