



Green Schools Menu of Options for State Legislators

State legislators have powerful opportunities to promote healthy, high-performing schools through legislative activities and innovative community partnerships. At the 2009 Green Schools State Legislative Summit, leading state lawmakers discussed a range of ideas to include in USGBC's menu of legislative options for green schools. These options have since been updated to include recent legislative action reflecting current national priorities, including more in-depth financing models, as well as opportunities to green existing buildings, promote children's health and encourage environmental literacy. The ideas in this resource are organized into the three pillars of a green school:

- Reduced environmental impact & costs
- Improved occupant health & wellness
- Effective environmental & sustainability education

Many of the bills listed below are comprehensive in nature and intended to have benefits beyond the pillar to which they have been assigned. Finally, since this resource was first created, it has existed as a living document. We welcome all feedback.

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Acknowledgements

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Disclaimer

PLEASE NOTE: This guide is provided as a research and reference tool. The legal issues involved in the advocacy matters discussed in this guide are complex. This guide and the information available through it do not, and are not intended to, constitute legal advice. Should you require legal advice, you should consult your own attorney.

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I. Reduced Environmental Impact and Costs

A. Reduced or eliminated greenhouse gas emissions

- ***Requirements for Green School Construction***

Legislation requiring new school construction projects to be green demonstrates a commitment to fiscal responsibility, promotes green jobs, and encourages healthy, high-performance facilities for students and teachers. When a green school is certified by a rating system with third party verification, such as LEED, taxpayers, parents, and students can be certain the building has been constructed for maximum efficiency to reduce operating costs, and designed with occupant health in mind. Green schools can also act as catalysts for community change, inspiring nearby residents and businesses to adopt their own green measures.

There are currently 13 states including the District of Columbia that have adopted green school policies for new construction: Arizona, Connecticut, Colorado, Florida, Hawaii, Illinois, Kentucky, Maryland, New Jersey, Ohio, Rhode Island, Washington, and Washington, D.C.

Example: Illinois HB312

On July 13, 2009 HB0312 was approved, reappropriating construction and modernization funding for Illinois schools, consistent with the provisions from Public Act#95-0416. On August 24, 2007, the Illinois State Senate amended the School Construction Law ([Public Act #95-0416](#)) with the governor's approval, directing the Capital Development Board to only issue grants to school projects with LEED for Schools or comparable rating system certification, or to projects that meet the standards set forth by the Capital Development Board's Green Building Advisory Committee.

For more information: <http://ilga.gov/legislation/96/HB/PDF/09600HB0312sam002.pdf>

Example: Maryland SB208

On April 24, 2008, Governor O'Malley signed the [High Performance Building Act](#) into law, requiring all new public construction and major renovation projects of 7,500 sq ft or greater, and intended for occupation, to earn LEED Silver certification or two Green Globes. The High Performance Building Act further requires that MD public schools using state funds earn LEED Silver certification or two Green Globes. The High Performance Building Act further adds that "the State will pay half of any extra costs" incurred in building green public schools.

For more information: <http://mlis.state.md.us/2008rs/bills/sb/sb0208t.pdf>

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Example: Hawaii [HB2175](#)

On June 26, 2006, Governor Lingle signed HB2175, thus requiring each state agency to design and construct buildings to meet the LEED Silver certified level, or a comparable standard. The law applies to all new state-owned construction of 5,000 square feet or greater, including K-12 public schools.

For more examples: <http://www.usgbc.org/DisplayPage.aspx?CMSPageID=1852#K-12>

- **Using an energy audit or emissions inventory + reduction plan**

Legislation requiring the use of energy audits or emissions reduction plans give school districts a statistical foundation upon which they can base retrofitting projects or other green plans for their respective schools buildings. Audits provide benchmark numbers to compare to a building's current energy performance, and the subsequent reduction plan provides a plausible roadmap for the district to achieve.

Furthermore, state legislators can promote the greening of existing facilities by passing legislation requiring all facilities to benchmark with Energy Star™ Portfolio Manager. Portfolio Manager is a free online tool that allows building owners to track and assess energy and water consumption, performance and cost information for individual buildings and building portfolios. Energy Star is also the required benchmarking platform for validating building performance in the LEED for Existing Buildings: Operations and Maintenance rating system.

Example: Nebraska [LB522](#)

Nebraska LB522, the "High Performance Green Schools Transparency Act," would require each school district to generate and maintain an up-to-date ENERGY STAR efficiency rating on each of the district's school and administration buildings using the Environmental Protection Agency's free online tool, Portfolio Manager. The State Department of Education would publish and maintain the results on their web site.

More information:

<http://nebraskalegislature.gov/FloorDocs/102/PDF/Intro/LB522.pdf>

Example: Indiana [SB586](#)

SB 586 was introduced by on Senator Charbonneau on January 15, 2013. This bill would require that all state public works projects be designed, constructed, operated, and maintained to achieve maximum energy efficiency to the extent that this goal can be accomplished on a cost effective basis considering construction and operating costs over the life cycle of the building or structure. The bill was signed into law on May 11, 2013.

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- **Cost-effective energy efficiency improvements & conservation measures**

Improving the energy efficiency of new or existing school buildings does not have to be expensive. In fact, with more than 132,000 schools in the U.S., the greatest opportunity for state legislators to promote green schools is to encourage existing schools to go green. Lawmakers can stipulate operational changes or encourage training that can provide simple, cost effective ways to reduce energy consumption and save money.

Providing training for optimizing operations:

Example: California [SB590](#)

Senator De León introduced SB590 on February 22, 2013. This bill would establish the Classified School Employee Staff Development and Training Program which includes learning about school facility maintenance and operations: new research and best practices in the operations and maintenance of school facilities, including green technology and energy efficiency that help reduces the use and the costs of energy at school sites. The bill was referred to the Committee on Education on June 17, 2013. The bill passed the Senate on June 18, 2013.

Enable Legislation for performance contracting (PC):

Performance contracting can provide funding for significant renovations and retrofits while mitigating up-front costs. Because states manage their liability and financial risk on an aggregate level, some states don't allow public entities, including schools, to engage in contracts that are long-term, prohibiting entrance to performance contracts. A state that passes legislation allowing schools to enter performance contracts may set a time maximum for the contract, and may also involve a pre-approval process of contractors from the state department of energy.

Green Performance Contracting: Green Performance Contracting (Green PC) is based on the same project delivery method as traditional performance contracting, but enhances the processes by utilizing the LEED for Existing Buildings: Operations & Maintenance rating system as criteria for a comprehensive green project. For more information about Green PC, and the paid-from-savings approach, consult USGBC's *Paid-from-Savings Guide to Green Existing Buildings* (<http://www.centerforgreenschools.org/paidfromsavings>)

For information about states allowing performance contracting for public entities, visit: <http://www.dsireusa.org/>

DSIRE is the most comprehensive source of information on incentives and policies that support renewables and energy efficiency in the United States. Established in 1995, DSIRE is operated by the N.C. Clean Energy Technology Center at N.C. State University and is funded by the U.S. Department of Energy.

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Example: Maine [LD1264](#)

“An Act To Improve the Energy Efficiency of Public Buildings and Create Jobs” intends to improve the energy efficiency and usage of distributed renewable technology in state-funded construction. Among other provisions, it would give school administrative units increased flexibility in contracting with energy service companies for energy efficiency and load management improvements. Flexibility measures would include increasing the time a unit would be permitted to enter into such contracts from 15 years to 20 years and raising the \$2 million statutory contract ceiling if all risk that the project’s costs will exceed its benefits is not borne by the unit.

Example: Minnesota [HF270](#)

Representative Hausman introduced HF270 on January 31, 2013. This bill establishes the school energy conservation revolving loan program to provide financial assistance to school districts to make energy improvements in school buildings that reduce statewide greenhouse gas emissions and improve indoor air quality in schools. On May 17, 2013, the bill was not passed as amended with a 76-56 vote. A three-fifths majority (81) was needed to pass the bonding bill.

- **Renewable portfolio standards, on-site renewable energy and/or purchase of green power**

State legislators can push for renewable energy standards and the generation of on-site renewable energy by touting cost savings associated with the preservation of energy, the reliability and accessibility of the source, and the provision of loans/grants to offset the initial costs. The use of renewable energy sourced at the school building itself, such as solar or geothermal power, can promote significant energy efficiency and cost cutting benefits for both the school and the district.

Example: Hawaii [HB 1509](#)

Representative Chris Lee championed Hawaii HB 1509 which was signed into law on June 10, 2015. This act requires the University of Hawaii system to be net zero with respect to energy use by 2035, and is one of four new laws related to Hawaii’s goal of a 100% renewable energy portfolio by 2040. As the text states, “The purpose of this Act is to maximize student tuition savings by establishing long-term commitments to reduce energy use at the University of Hawaii and by encouraging the use of innovative means of energy-savings financing to reduce taxpayer costs for capital improvement and energy efficiency projects.”

More information: http://www.capitol.hawaii.gov/session2015/bills/HB1509_CD1_.pdf

Example: New Jersey [AB2313](#)

Assemblymember Brown introduced AB2313 on June 13, 2013. This bill provides priority status to a solar electric power generation system that is installed on the property of a State entity, school district, county, county agency, county authority, municipality,

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municipal agency, or municipal authority and that is expected or intended to provide energy savings to that public entity, over a solar electric power generation system that is installed on private property, provided the applicable electric public utility has already determined that the public entity's solar electric power generation system is eligible for net metering and has received Board of Public Utilities approval to be connected to the electric distribution system. The bill was referred to the Committee on Telecommunications and Utilities on June 13, 2013.

Example: [Colorado Renewable Energy and Energy Efficiency for Schools Loan Program Act \(HB09-1312\)](#)

This legislation brings together the Treasurer's office, the Governor's Energy Office, the Legislature, schools and local businesses to create a program that provides school districts with low interest loans for renewable energy. As the legislation states, "By producing their own energy with renewable energy sources, some school districts have reduced their energy costs while promoting energy independence and environmental responsibility and have provided students with an opportunity to understand this burgeoning technology." The loans can be used to install solar panels or wind turbines on site, or can be used to convert diesel-powered school buses to battery or hybrid-electric power.

B. Reduced solid and hazardous waste production

- **Increased recycling, composting and reduced consumption**

Recycling and reduced consumption continue to be two simple and proven ways to reduce the production of solid and hazardous waste. Students can participate in school-organized activities, families participate in community recycling programs, and together the schools and districts work together to reduce waste. State legislators can introduce bills that mandate the creation of recycling programs for school districts or large communities, with funding incentives to offset costs. [Green Apple Day of Service](#) can be an effective platform for student and community engagement on this topic (see [Georgia HR704](#)).

Example: [Hawaii HCR 220](#)

Representative Chris Lee introduced HI [HCR 220](#) to help Hawaii achieve its goal of reducing their solid waste stream by 70% prior to disposal and reduce taxpayer dollars spent to clean up non-biodegradable and non-compostable food service product litter every year. This resolution was inspired by the [University of Hawaii at Manoa](#)'s campus-wide policies to eliminate the use of plastic and polystyrene foam products in their food service products on campus and intends to replicate this action across the state while simultaneously expanding composting programs.

More information: http://www.capitol.hawaii.gov/session2015/bills/HCR220_.pdf

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Example: Illinois [HR353](#)

Representative Wheeler introduced HR353 on May 15, 2013. This bill recognizes the 2013 Dream Machine Recycle Rally. The resolution was adopted on May 16, 2013.

Example: Massachusetts [HB745](#)

Representative Koczera introduced HB745 on January 22, 2013. This bill would reinstate the Clean Environment Fund to reduce waste and protect the environment in the Commonwealth. The bill was referred to the committee on Environment, Natural Resources and Agriculture on January 22, 2013.

- **Improved management, reduction, or elimination of hazardous waste; expanded use of alternative transportation**

Example: North Carolina [HB960](#)

Representative Elmore introduced HB960 on April 17, 2013. This bill requires local boards of education to account for several environmental factors, including policies addressing pesticide use and cleaning materials and the environmental education of its students. The bill was referred to the Committee on Education on April 18, 2013.

Example: Michigan [HB4232](#)

Representative Ananich introduced HB4232 on February 12, 2013. This bill would amend 2008 PA 295, the "Clean, renewable, and efficient energy act," to authorize funds to school districts for weatherizing, upgrading, and retrofitting elementary and secondary schools to improve energy efficiency, decrease fuel costs, increase use of alternative fuels, or decrease emissions of air pollutants. These funds would also be used to retrofit school buses to operate on compressed natural gas or other alternative fuels or to operate with high-efficiency types of engines such as hybrid electric engines. The bill was referred to the Committee on Energy and Technology on February 12, 2013.

II. Improved Occupant Health and Wellness

A. Integrated school environmental health program; operations and facility-wide management

- **Green cleaning:**
Adopting a green cleaning policy can improve the indoor environmental quality for students, teachers, and staff, reducing instances of asthma and other illnesses that are a major cause of absenteeism. A green cleaning policy outlines the purchase and use of sustainable cleaning chemicals, best practices for mixing concentrates, the purchase and

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use of janitorial equipment, and assessment of cleaning performance. The impact of a green cleaning policy can include safe operations for custodial staff, a safe and healthy indoor environment for building occupants, and environmentally responsible purchasing and disposal of cleaning products and materials. Green cleaning supplies do not need to cost more money than conventional cleaning supplies. In 2015, USGBC completed an in-depth analysis of school green cleaning policies across several states, called “Perspectives on Implementation and Effectiveness of School Green Cleaning Laws,” which is [available online](#).

Example: Illinois [Public Act 095 - 0084](#)

This bill requires the Illinois Green Government Coordinating Council (IGGCC), in consultation with other agencies, to establish and amend on an annual basis guidelines and specifications for environmentally-sensitive cleaning and maintenance products for use in school facilities. All elementary and secondary public and non-public schools shall establish a green cleaning policy and exclusively purchase and use environmentally-sensitive cleaning products pursuant to the guidelines and specifications. Schools may deplete their existing cleaning and maintenance supply stocks and implement the new requirements in the procurement cycle for the following school year.

- **Indoor Air Quality Management Program**

Improving indoor air quality can enhance the well-being of staff, teachers, and students and increase attendance rates, performance, and productivity. Legislation could require the development and implementation of an ongoing indoor air quality management program, based on the EPA’s Building Education and Assessment Model (I-BEAM), a free tool to manage indoor air quality in buildings.

For more information: <http://www.epa.gov/iaq/largebldgs/i-beam/index.html>

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- **Integrated Pest Management Practices**

Pests can be harmful to school buildings and affect occupant health. Many of the pesticides used to deter pests are also unhealthy to building occupants. An integrated pest management plan is intended to protect students, teachers, and staff by reducing the application of harmful pesticides. Legislation could require the adoption of an integrated pest management plan based on the specifications outlined in the LEED for

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Existing Buildings: Operations and Maintenance rating system. Integrated pest management plans can be more effective than conventional pest control methods since they treat underlying causes of pest problems, and are frequently less expensive since they reduce pesticide application.

More information about integrated pest management best practices can be found at www.ipminstitute.org

- **High standards of nutrition, fitness, and quantity of quality outdoor time**

Example: The Washington, D.C. Healthy Schools Act of 2010

The DC Healthy Schools Act of 2010 aims to improve the overall health and wellness of the public and charter school students in the District of Columbia, in addition to improving school learning conditions and building performance. The act includes nutrition guidelines for school meals, promotes increased physical activity and encourages new school and major renovation construction to aspire beyond the already required LEED Silver certification and achieve LEED Gold. The act also requires public disclosure about school nutrition, environmental testing, and health programs.

For more information: <http://dccouncil.us/images/00001/20100510112429.pdf>

III. Effective Environment and Sustainability Education

- **Use of the environment and sustainability to develop STEM content knowledge** and thinking skills to prepare graduates for the 21st century technology-driven economy.
- **Requiring that schools produce environmentally literate graduates** by instituting a graduation requirement can be a powerful and effective tool for advancing environmental literacy.

Example: [The Maryland State Department of Education](#)

Maryland established the nation's first environmental literacy graduation requirement. The Department requires local school systems to provide in public schools a comprehensive, multi-disciplinary environmental education program infused within current curricular offerings and aligned with the Maryland Environmental Literacy Curriculum to all enrolled students. Each local school system can design its own program, which will be reviewed by MSDE every 5 years.

Example: [Washington](#)

In 1990, the State Board of Education created a rule defining environmental education as part of Basic Education and mandating its instruction in public school at all grade levels in all subject matters ([WAC 392-410-115](#)). These standards describe what all

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students should know and be able to do in the area of Environmental and Sustainability Education. Consistent with the intent of the law governing environmental education in Washington, the WA Department of Education has created K-12 Integrated Environmental and Sustainability Learning Standards which are intended to be integrated into core content areas and across all grade levels and also align with the state's Indian Education curriculum.

- **Development of civic engagement knowledge and skills**, and students' application of these to address sustainability and environmental issues in their community.

Example: Georgia [HR704](#)

Representatives Drenner, Henson, Kaiser, and Stovall introduced HR704 on March 12, 2013. This is a resolution encouraging state-wide participation in [Green Apple Day of Service](#). The resolution was adopted the same day.

Example: New York [AB264](#)

Assembly Member Kavanagh introduced AB264 on January 9, 2013. This bill would require the department of education to establish an education for environmental sustainability program to teach children the importance of conserving and protecting our environment. The bill was referred to the Committee on Education on January 9, 2013. See companion bill, **New York** SB 1351 (referred to the Committee on Environmental Conservation on January 9, 2013).

Example: Hawaii [SB952](#)

Senators Nishihara, Baker, Ige, Keith-Agaran, Ruderman, Solomon, and Wakai introduced SB952 on January 18, 2013. This bill appropriates funds to implement and operate the 4-H program at the University of Hawaii to educate and support youth in agriculture careers as a means to promote community resilience and sustainability. The bill was referred to the Ways & Means Committee on February 13, 2013.