

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE BILL DRH40390-MV-158A

Short Title: NC Green Schools.

(Public)

Sponsors: Representatives Hawkins, Harrison, Autry, and Fisher (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE NORTH CAROLINA GREEN SCHOOLS ACT OF 2019.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** This act may be cited as the "North Carolina Green Schools Act of
5 2019."

6 **SECTION 2.(a)** Chapter 115C of the General Statutes is amended by adding a new
7 Article to read:

8 "Article 37A.

9 "Green Schools.

10 **"§ 115C-532.1. Legislative findings.**

11 The General Assembly finds the following:

- 12 (1) Children are vulnerable to and may be severely affected by exposure to
13 chemicals, hazardous waste, and other environmental hazards.
14 (2) The United States Environmental Protection Agency estimates that human
15 exposure to indoor air pollutants can be two to five times, and up to 100 times,
16 higher than outdoor exposure levels.
17 (3) Children, teachers, janitors, and other staff members spend a significant
18 amount of time inside school buildings and are continuously exposed to
19 chemicals from cleaners, waxes, deodorizers, and other maintenance products.

20 **"§ 115C-532.2. Use of green cleaning supplies and biodegradable food service products.**

21 (a) When it is economically feasible, all elementary and secondary public schools,
22 including charter schools established pursuant to G.S. 115C-218.5, and all elementary and
23 secondary nonpublic schools with 50 or more students shall establish policies pursuant to the
24 guidelines and specifications established under G.S. 115C-532.3 as follows:

- 25 (1) A green cleaning policy to exclusively purchase and use environmentally
26 sensitive cleaning products.
27 (2) A green food service policy to exclusively purchase and use biodegradable
28 single-use food service products, if single-use food service products are
29 purchased and used. For the purposes of this section, single-use food service
30 products include plates, cups, cup lids, bowls, trays, utensils, straws, and
31 hinged or lidded containers. Biodegradable single-use food service products
32 shall not include products made from expanded polystyrene or
33 non-biodegradable plastics.

34 (b) If adopting a green cleaning policy or a green food service policy under this section
35 is not economically feasible, a public school shall provide, until such time that it is economically
36 feasible, annual written notification to the Department of Public Instruction on a form provided



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1 by the Department that the development and implementation of a green cleaning policy or a green
2 food service policy is not economically feasible.

3 (c) For purposes of this section, adopting a green cleaning policy or a green food service
4 policy is not economically feasible if adopting the policy would result in an increase in the
5 cleaning costs or school food service costs of the school.

6 **"§ 115C-532.3. Green cleaning supply and biodegradable food service product guidelines**
7 **and specifications.**

8 The Department of Health and Human Services, the Department of Public Instruction, the
9 State Board of Education, and a panel of interested stakeholders, including cleaning product and
10 food service product industry representatives, nongovernmental organizations, and others, shall
11 establish and amend on an annual basis guidelines and specifications for healthy and
12 environmentally sensitive cleaning and maintenance products and for biodegradable single-use
13 food service products for use in school facilities. The Department of Public Instruction shall
14 provide multiple avenues by which cleaning products and single-use food service products may
15 be determined to be environmentally sensitive under the guidelines. Guidelines and
16 specifications may include implementation practices, including inspection. The completed
17 guidelines and specifications must be posted on the Department of Public Instruction's Internet
18 Web site.

19 **"§ 115C-532.4. Dissemination to schools.**

20 (a) Upon the completion of the guidelines and specifications under G.S. 115C-532.3, the
21 Department of Public Instruction shall provide each local board of education, charter school, and
22 through the Department of Administration, Division of Nonpublic Education, each elementary
23 or secondary nonpublic school with 50 or more students in this State with the guidelines and
24 specifications. Each local board of education shall immediately disseminate the guidelines and
25 specifications to every public school in its jurisdiction. Local boards of education, the
26 Department of Public Instruction, and the Division of Nonpublic Education shall provide ongoing
27 assistance to schools to carry out the requirements of this Article.

28 (b) In the event that the guidelines and specifications under G.S. 115C-532.3 are updated
29 by the Department of Public Instruction, the Department shall provide the updates to the Division
30 of Nonpublic Education, each local board of education, and each charter school for immediate
31 dissemination. Additionally, the Department of Public Instruction shall post all updated materials
32 on its Internet Web site.

33 **"§ 115C-532.5. Rules.**

34 The State Board of Education shall adopt rules as necessary to implement this Article."

35 **SECTION 2.(b)** G.S. 115C-218.75 is amended by adding a new subsection to read:

36 "(a1) Healthy and Environmentally Sensitive Cleaning and Food Service Products. – A
37 charter school shall be subject to the requirements of Article 37A of this Chapter."

38 **SECTION 2.(c)** Part 4 of Article 39 of Chapter 115C of the General Statutes is
39 amended by adding a new section to read:

40 **"§ 115C-566.5. Healthy and environmentally sensitive cleaning and food service products.**

41 When it is economically feasible, a nonpublic school with 50 or more students is encouraged
42 to adopt a green cleaning and a green food service policy consistent with Article 37A of this
43 Chapter. The Department of Administration, Division of Nonpublic Education, shall disseminate
44 the guidelines and specifications for healthy and environmentally sensitive cleaning and food
45 service products for use in school facilities in accordance with G.S. 115C-532.4."

46 **SECTION 2.(d)** Notwithstanding Article 37A of Chapter 115C of the General
47 Statutes, as enacted by Section 2(a) of this act, a school may deplete its existing cleaning and
48 food service supply stocks and implement the new requirements under Article 37A of Chapter
49 115C of the General Statutes, as enacted by Section 2(a) of this act, in the procurement cycle for
50 the following school year.

1 **SECTION 2.(e)** Notwithstanding G.S. 115C-532.3, as enacted by Section 2(a) of
2 this act, the Department of Public Instruction shall establish initial guidelines and specifications
3 after a review and evaluation of existing research that shall be completed no later than 180 days
4 after the effective date of this act.

5 **SECTION 2.(f)** No State funds shall be appropriated and no State funds are required
6 to implement Article 37A of Chapter 115C of the General Statutes, as enacted by Section 2(a) of
7 this act.

8 **SECTION 3.(a)** G.S. 115C-521(c) reads as rewritten:

9 "(c) The building of all new school buildings and the repairing of all old school buildings
10 shall be under the control and direction of, and by contract with, the board of education for which
11 the building and repairing is done. If a board of education is considering building a new school
12 building to replace an existing school building, the board shall not invest any construction money
13 in the new building unless it submits to the State Superintendent and the State Superintendent
14 submits to the North Carolina Historical Commission an analysis that compares the costs and
15 feasibility of building the new building and of renovating the existing building and that clearly
16 indicates the desirability of building the new building. No board of education shall invest any
17 money in any new building until it has (i) developed plans based upon a consideration of the
18 State Board's facilities guidelines, (ii) submitted these plans to the State Board for its review and
19 comments, and (iii) reviewed the plans based upon a consideration of the comments it receives
20 from the State Board. No local board of education shall contract for more money than is made
21 available for the erection of a new building. However, this subsection shall not be construed so
22 as to prevent boards of education from investing any money in buildings that are being
23 constructed pursuant to a continuing contract of construction as provided for in
24 G.S. 115C-441(c). All contracts for buildings shall be in writing and all buildings shall be
25 inspected, received, and approved by the local superintendent and the architect before full
26 payment is made therefor. Nothing in this subsection shall prohibit boards of education from
27 repairing and altering buildings with the help of janitors and other regular employees of the board.

28 In the design and construction of new school buildings and in the renovation of existing
29 school buildings that are required to be designed by an architect or engineer under G.S. 133-1.1,
30 the local board of education shall participate in the planning and review process of the Energy
31 Guidelines for School Design and Construction that are developed and maintained by the
32 Department of Public Instruction and shall adopt local energy-use goals for building design and
33 operation pursuant to G.S. 115C-524.5 that take into account local conditions in an effort to
34 reduce the impact of operation costs on local and State budgets. In the design and construction
35 of new school facilities and in the repair and renovation of existing school facilities, the local
36 board of education shall consider the placement and design of windows to use the climate of
37 North Carolina for both light and ventilation in case of power shortages. A local board shall also
38 consider the installation of solar energy systems in the school facilities whenever practicable.

39 In the case of any school buildings erected, repaired, or equipped with any money loaned or
40 granted by the State to any local school administrative unit, no board of education shall invest
41 any money until it has (i) developed plans based upon a consideration of the State Board's
42 facilities guidelines, (ii) submitted these plans to the State Board for its review and comments,
43 and (iii) reviewed the plans based upon a consideration of the comments it receives from the
44 State Board."

45 **SECTION 3.(b)** Article 37 of Chapter 115C of the General Statutes is amended by
46 adding a new section to read:

47 "**§ 115C-524.5. Energy efficiency and renewable energy standards.**

48 (a) Purpose. – The purpose of this section is to establish a database of information
49 concerning energy and water usage by public schools, to use the database for the purpose of
50 establishing goals to reduce overall energy and water usage by public schools, and to provide a

1 mechanism for loans to local school administrative units for projects that will increase energy
2 and water efficiencies.

3 (b) Database. – On or before January 31 of each year, local school administrative units
4 and charter schools established pursuant to G.S. 115C-218.5 shall report to the Department of
5 Public Instruction the amount of energy and water used at each building during the previous
6 calendar year. Entities required to report under this subsection shall measure and report usage
7 using a management portfolio tool created by the United States Environmental Protection
8 Agency and the United States Department of Energy and, if available, bearing the international
9 Energy Star service mark.

10 (c) Publication. – On or before March 1 of each year, the Department of Public
11 Instruction shall collate and publish the data reported pursuant to subsection (b) of this section,
12 categorizing the information in at least the following ways: (i) local school administrative unit in
13 which the building is located, (ii) age of building, (iii) grade or grades served by the building,
14 and (iv) size of the building. The publication shall, for each building, also provide the year of
15 construction, any year in which a major renovation was completed, and any year in which an
16 energy audit was performed.

17 (d) Benchmarks. – Local school administrative units shall use the publication required in
18 subsection (c) of this section in the following ways:

19 (1) Using the most recent two years of published data, to establish energy and
20 water efficiency improvement goals for facility operations and maintenance.

21 (2) Using the goals set forth in subdivision (1) of this subsection, to set minimum
22 efficiency requirements for all new construction and major renovations
23 performed on school facilities.

24 (e) Financing. – To the extent permitted by federal law, a county that has established a
25 revolving loan fund pursuant to G.S. 153A-455 may use the fund to provide loans to local school
26 administrative units for qualifying uses. Applications for a loan shall be made on a form
27 developed by the Department of Public Instruction in conjunction with the counties that have
28 established the revolving loan fund. The Department of Public Instruction shall work with local
29 school administrative units in applying for a loan from the revolving loan fund. For purposes of
30 this section, "qualifying uses" includes acquisitions for new construction and major renovation
31 projects that meet federal programmatic requirements and the minimum benchmark requirements
32 of section (d) of this section, energy modeling fees, performance contracting, infrastructure
33 supporting electric or hybrid-electric buses, and buses powered by electricity or compressed
34 natural gas."

35 **SECTION 3.(c)** Article 14A of Chapter 115C of the General Statutes is amended by
36 adding a new section to read:

37 **"§ 115C-218.36. Report on school building energy and water usage.**

38 Each charter school shall submit an annual report on energy and water usage of a school
39 building to the Department of Public Instruction pursuant to G.S. 115C-524.5."

40 **SECTION 4.** This act is effective when it becomes law and applies beginning with
41 the 2019-2020 school year.