

107TH CONGRESS
1ST SESSION

S. 968

To establish the Healthy and High Performance Schools Program in the
Department of Education and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 25, 2001

Mrs. CLINTON introduced the following bill; which was read twice and referred
to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish the Healthy and High Performance Schools
Program in the Department of Education and for other
purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Healthy and High Per-
5 formance Schools Act of 2001”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds the following:

8 (1) American kindergarten through grade 12
9 schools spend over \$6,000,000,000 annually on en-

1 ergy costs, which is more than is spent on books and
2 computers combined.

3 (2) Approximately 25,000,000 students are at-
4 tending schools with at least 1 unsatisfactory envi-
5 ronmental condition.

6 (3) Educators teach and students learn best in
7 an environment that is comfortable, healthy, natu-
8 rally lit where possible, and in good repair, and stud-
9 ies have indicated that student achievement is great-
10 er and attendance higher when those conditions are
11 met.

12 (4) Over half of our Nation's kindergarten
13 through grade 12 schools are more than 40 years
14 old and in need of renovation to reach such standard
15 of efficiency and comfort, and 6,000 new schools will
16 be required over the next 10 years to accommodate
17 the growing number of students.

18 (5) Inadequate ventilation in school buildings,
19 poor lighting and acoustical quality, and uncomfort-
20 able temperatures can cause poor health and dimin-
21 ish students' capacity to concentrate and excel.

22 (6) Inefficient use of water, either in consump-
23 tion or from poorly maintained systems, is prevalent
24 in older schools.

1 (7) Using a whole building approach in the de-
2 sign of new schools and the renovation of existing
3 schools (considering how materials, systems, and
4 products connect and overlap and also how a school
5 is integrated on its site and within the surrounding
6 community) will result in healthy and high perform-
7 ance school buildings.

8 (8) Adoption of whole building concepts has
9 been shown to result in dramatic improvements in
10 student and teacher performance.

11 (9) Adopting a whole building approach usually
12 results in a lower life cycle cost for the school build-
13 ing than for a conventionally designed and built
14 building.

15 (10) Systematic use of energy conservation in
16 school construction and renovation projects can save
17 at least one quarter of current energy costs, leaving
18 more money for teachers and educational materials.

19 (11) The use of renewable energy sources such
20 as daylighting, solar, wind, geothermal, hydropower,
21 and biomass power in a building already designed to
22 be energy-efficient can help meet the building's en-
23 ergy needs without added emissions.

24 (12) Using environmentally preferable products
25 and providing for adequate supplies of fresh air will

1 improve indoor air quality and provide healthful
2 school buildings.

3 (13) Most school districts do not have the
4 knowledge of cutting-edge design and technologies to
5 integrate optimum efficiency and environmentally
6 healthy designs into new school construction or into
7 school renovations.

8 (b) PURPOSE.—It is the purpose of this Act to assist
9 local educational agencies in the production of high per-
10 formance elementary school and secondary school build-
11 ings that are healthful, productive, energy-efficient, and
12 environmentally sound.

13 **SEC. 3. PROGRAM ESTABLISHMENT AND ADMINISTRATION.**

14 (a) PROGRAM.—There is established in the Depart-
15 ment of Education the High Performance Schools Pro-
16 gram (in this Act referred to as the “Program”).

17 (b) GRANTS.—The Secretary, in consultation with
18 the Secretary of Energy and the Administrator of the En-
19 vironmental Protection Agency, may, through the Pro-
20 gram, award grants to State educational agencies to per-
21 mit such State educational agencies to carry out sub-
22 section (c).

23 (c) STATE USE OF FUNDS.—

24 (1) SUBGRANTS.—

1 (A) IN GENERAL.—A State educational
2 agency receiving a grant under this Act shall
3 use the grant funds made available under sec-
4 tion 4(a)(1) to award subgrants to local edu-
5 cational agencies to permit such local edu-
6 cational agencies to carry out the activities de-
7 scribed in subsection (d).

8 (B) LIMITATION.—A State educational
9 agency shall award subgrants under subpara-
10 graph (A) to local educational agencies that
11 have made a commitment to use the subgrant
12 funds to develop healthy, high performance
13 school buildings in accordance with the plan de-
14 veloped and approved pursuant to subparagraph
15 (C)(i).

16 (C) IMPLEMENTATION.—

17 (i) PLANS.—A State educational
18 agency shall award subgrants under para-
19 graph (1) only to local educational agencies
20 that, in consultation with the State edu-
21 cational agency and State offices with re-
22 sponsibilities relating to energy and health,
23 have developed plans that the State edu-
24 cational agency determines to be feasible
25 and appropriate in order to achieve the

1 purposes for which such subgrants are
2 made.

3 (ii) SUPPLEMENTING GRANT
4 FUNDS.—The State educational agency
5 shall encourage qualifying local educational
6 agencies to supplement their subgrant
7 funds with funds from other sources in the
8 implementation of their plans.

9 (2) ADMINISTRATION.—A State educational
10 agency receiving a grant under this Act shall use the
11 grant funds made available under section 4(a)(2)—

12 (A) to evaluate compliance by local edu-
13 cational agencies with the requirements of this
14 Act;

15 (B) to distribute information and materials
16 to clearly define and promote the development
17 of healthy, high performance school buildings
18 for both new and existing facilities;

19 (C) to organize and conduct programs for
20 school board members, school district personnel,
21 architects, engineers, and others to advance the
22 concepts of healthy, high performance school
23 buildings;

1 (D) to obtain technical services and assist-
 2 ance in planning and designing high perform-
 3 ance school buildings; and

4 (E) to collect and monitor information per-
 5 taining to the high performance school building
 6 projects funded under this Act.

7 (3) PROMOTION.—Subject to section 4(a), a
 8 State educational agency receiving a grant under
 9 this Act may use grant funds for promotional and
 10 marketing activities, including facilitating private
 11 and public financing, working with school adminis-
 12 trations, students, and communities, and coordi-
 13 nating public benefit programs.

14 (d) LOCAL USE OF FUNDS.—

15 (1) IN GENERAL.—A local educational agency
 16 receiving a subgrant under subsection (c)(1) shall
 17 use such subgrant funds for new school building
 18 projects and renovation projects that—

19 (A) achieve energy-efficiency performance
 20 that reduces energy use to at least 30 percent
 21 below that of a school constructed in compli-
 22 ance with standards prescribed in Chapter 8 of
 23 the 2000 International Energy Conservation
 24 Code, or a similar State code intended to
 25 achieve substantially equivalent results; and

1 (B) achieve environmentally healthy
 2 schools in compliance with Federal and State
 3 codes intended to achieve healthy and safe
 4 school environments.

5 (2) EXISTING BUILDINGS.—A local educational
 6 agency receiving a subgrant under subsection (c)(1)
 7 for renovation of existing school buildings shall use
 8 such subgrant funds to achieve energy efficiency per-
 9 formance that reduces energy use below the school’s
 10 baseline consumption, assuming a 3-year, weather-
 11 normalized average for calculating such baseline and
 12 to help bring schools into compliance with health
 13 and safety standards.

14 **SEC. 4. ALLOCATION OF FUNDS.**

15 (a) IN GENERAL.—A State receiving a grant under
 16 this Act shall use—

17 (1) not less than 70 percent of such grant
 18 funds to carry out section 3(c)(1); and

19 (2) not less than 15 percent of such grant
 20 funds to carry out section 3(c)(2).

21 (b) RESERVATION.—The Secretary may reserve an
 22 amount not to exceed \$300,000 per year from amounts
 23 appropriated under section 6 to assist State educational
 24 agencies in coordinating and implementing the Program.
 25 Such funds may be used to develop reference materials

1 to further define the principles and criteria to achieve
2 healthy, high performance school buildings.

3 **SEC. 5. REPORT TO CONGRESS.**

4 (a) IN GENERAL.—The Secretary shall conduct a bi-
5 ennial review of State actions implementing this Act, and
6 shall report to Congress on the results of such reviews.

7 (b) REVIEWS.—In conducting such reviews, the Sec-
8 retary shall assess the effectiveness of the calculation pro-
9 cedures used by State educational agencies in establishing
10 eligibility of local educational agencies for subgrants under
11 this Act, and may assess other aspects of the Program
12 to determine whether the aspects have been effectively im-
13 plemented.

14 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

15 There are authorized to be appropriated to the Sec-
16 retary to carry out this Act—

17 (1) \$250,000,000 for each of fiscal years 2002
18 through 2005; and

19 (2) such sums as may be necessary for each of
20 fiscal years 2006 through 2011.

21 **SEC. 7. DEFINITIONS.**

22 In this Act:

23 (1) ELEMENTARY SCHOOL AND SECONDARY
24 SCHOOL.—The terms “elementary school” and “sec-
25 ondary school” have the same meanings given such

1 terms in section 14101 of the Elementary and Sec-
2 ondary Education Act of 1965 (20 U.S.C. 8801).

3 (2) HEALTHY, HIGH PERFORMANCE SCHOOL
4 BUILDING.—The term “healthy, high performance
5 school building” means a school building which, in
6 its design, construction, operation, and maintenance,
7 maximizes use of renewable energy and energy-effi-
8 cient practices, is cost-effective on a life cycle basis,
9 uses affordable, environmentally preferable, durable
10 materials, enhances indoor environmental quality,
11 protects and conserves water, and optimizes site po-
12 tential.

13 (3) LOCAL EDUCATIONAL AGENCY.—The term
14 “local educational agency” has the same meaning
15 given such term in section 14101 of the Elementary
16 and Secondary Education Act of 1965 (20 U.S.C.
17 8801).

18 (4) RENEWABLE ENERGY.—The term “renew-
19 able energy” means energy produced by solar, wind,
20 geothermal, hydroelectric, or biomass power.

21 (5) SECRETARY.—The term “Secretary” means
22 the Secretary of Education.

23 (6) STATE EDUCATIONAL AGENCY.—The term
24 “State educational agency” has the same meaning
25 given such term in section 14101 of the Elementary

1 and Secondary Education Act of 1965 (20 U.S.C.
2 8801).

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