



Vermont
Superintendents
Association



Vermont Association
of School Business
Officials (VASBO)

To: Members of the Senate Education Committee

From: Jeffrey Francis, Executive Director, Vermont Superintendents Association
Nicole Mace, Executive Director, Vermont School Boards Association
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Re: S. 279 - Radon Testing in Schools Draft 1.2

Date: February 20, 2018

On January 23, 2018, we sent a letter to members of the Senate Education Committee responding to S.279 as introduced. We are providing a copy of the letter with this testimony.

In general, we recommended that, if as a matter of law, the State of Vermont elects to conduct mandatory radon testing in schools, the obligations and related costs for the testing and remediation should be borne by the State and not charged to local school districts.

Our reason for requesting that the State take responsibility for this new requirement primarily centers on the costs of money and time associated with the testing requirement and our reservations about adding this new obligation to school officials.

Following are specific comments on S. 279 draft 1.2.

Sec 1 - 18 VSA 1791 - Definitions

Line 10 and 11. "School" is not specifically defined in 16 VSA Section 11. There are references to schools incorporated within other definitions, namely "public school" (16 VSA 11(7)) and "independent school" (16 VSA 11(8)) .

In any case, the use of the term "school" in this context is confusing. The draft should be modified in order to better delineate between the use of the term school (as in building or facility) and school district, which is the legal entity that exists to, among other things, own and operate school buildings. (See further comment on 16 VSA Section 1792 below).

Sec 1 - 18 VSA Section 1792 (a) - Mandatory Radon Testing in Schools

This section establishes that the Department of Health shall perform a radon test “on the facilities” of at least 40 schools each year until each school in the state has been tested. The language does not differentiate between the number of schools and number of facilities, so presumably multiple buildings at any school site could be tested.

The draft goes on to state that “a school shall have its facilities tested no less frequently than every 15 years.” This language seems to shift the burden from the Department of Health to a school district. Who is responsible if a school is not tested every 15 years - the DOH or the school district?

Further, the language within the draft should be corrected to change the term “school” to “school district” in every case where the reference to school infers a duty or obligation. School districts have duties or obligations. Schools do not.

If the underlying purpose of the afore-referenced provision is to see at least 40 independent and public school **buildings** tested by the Department of Health each year until all school buildings have been tested, the language should be modified to reflect that.

Our Associations do not oppose a radon testing program managed and operated by the Vermont Department of Health. That stated, we request that the language be explicit in its assignment of the Department of Health as the responsible party - financially and operationally.

18 VSA 1792 (b)(1)

Our Associations do not support a process/requirement which provides a principal with radon testing results, information about unsafe levels of radon and information about health effects of elevated radon concentrations on children with a requirement for dissemination of the information by the principal.

First, if the radon testing program is to be carried out by the Department of Health, it is the Department of Health that should take measures to notify the school community and others of the presence of elevated radon levels. School districts could and should be expected to cooperate, but the principle responsibility for information dissemination and explanation should reside with the State.

In addition, if this was an obligation of the school district, the obligation should rest with the central office and occur under the direction of the superintendent, not be the responsibility of the principal.

School Radon Remediation Study Committee

We don't believe that the challenge of identifying funding opportunities to pay for remediating elevated levels of radon concentrations in schools will be resolved by a study committee.

The State of Vermont should establish an appropriation sufficient to address the costs associated with remediation as well as take responsibility for having the work scheduled and completed.

No law requiring testing and remediation should be enacted until the matter of funding is resolved for both aspects this issue.

Thank you.