


VERMONT



SCHOOL BOARDS ASSOCIATION

.....

Great Governance, Excellent Education, Strong Communities

Officers

Clarence Haynes
President
Middletown Springs

Neil Odell
Vice President
Norwich

Kim Gleason
Treasurer
Essex - Westford

Flor Diaz-Smith
Member-At-Large
East Montpelier

Louis Bushey
Member-At-Large
Barnet

Geo Honigford
Past-President
Royalton

Staff

Nicole Mace
Executive Director
nmace@vtvsba.org

Susan Holson
Director of Education Services
sholson@vtvsba.org

Kerri Lamb
Director of Operations
klamb@vtvsba.org

Sue Ceglowski
Director of Legal & Policy Services
sceglowski@vtvsba.org

To: House Education Committee
From: Nicole L. Mace, Executive Director
Re: S.40
Date: March 20, 2019

Thank you for the opportunity to testify on S.40. I want to start by saying that the Vermont School Boards Association supports the intent of the legislation to ensure that children have access to safe drinking water in schools. Providing safe and healthy learning environments for all Vermont public school students is an important equity consideration and is an appropriate focus for policymakers and school and community leaders.

There has been no state support for improving school facilities for more than a decade. This year, we have seen an increasing emphasis on hardening school facilities to improve physical security and on implementing state initiatives to ensure environmental safety. This interest comes on the heels of several years of policy interventions and sharp rhetoric from Montpelier regarding high property tax rates and lowering the costs of K-12 education.

Despite the fact that the state has expressed no support for updating school facilities in over a decade, we now see a sense of urgency to test every school outlet in the state of Vermont and establish the lowest lead action level in the nation. This new sense of urgency has already raised alarm bells among parents and community members, by suggesting that Vermont schools are somehow less safe for children than their own homes or other community facilities.

S.40 further fuels parental concerns by requiring schools to send letters home to families indicating that lead testing is occurring and, depending on the action level and test results, stating that the water at school is not safe. This is despite the fact that there is no guarantee that the lead levels in the child's municipal water supply are any lower than what is found in her school, not to mention her own home. These letters are also required to describe how the school district will respond to actionable lead levels prior to the district even

knowing which outlets may have elevated lead levels and what measures will be required to remediate the situation.

S.40 establishes the lowest action level for lead in the nation; even lower than the lead level allowed for bottled water. It is not clear why Vermont schools and child care centers would be held to this standard, given that other states that require lead testing of drinking water in schools have opted for action levels closer to the EPA standard. Even less clear is why an expectation is being created that this ambitious program will be fully implemented, with actionable lead levels identified and treated across the state, in a single school year.

Conversations with school facilities managers and others indicate that the cost estimates of S.40 are too low and the impact on local budgets is unknown. The lower the action level, the higher the remediation costs. Remediation may be as straightforward as replacing some fixtures or as complicated as replacing waterpipes throughout the building. S.40 makes no clear commitment from the state with respect to reimbursement for remediation expenses; it merely states that a district will be “eligible for assistance from the State for the costs of remediation that has been implemented or scheduled as a result of sampling conducted in the calendar year preceding January 1, 2020.”

Districts have not budgeted for the local costs of lead testing or remediation in their FY 2020 budgets. The Senate and the administration are hoping to begin the program during the current school year; there are no local funds budgeted for doing so in FY 2019 either.

The VSBA strongly believes that the state of Vermont should fully fund the costs of the mandatory lead testing program and ensure there are adequate numbers of state employees on the ground prepared to implement the program, particularly if we are going to break new ground by establishing the lowest action level for lead in the nation for our schools and child care facilities.

S.40 as passed the Senate appears to be unimplementable and underfunded. For these reasons, we do not support passage in its current form.