



Building Healthy, High Performance Schools: Current State Policies and Future Opportunities



Tobie Bernstein

Environmental Law Institute

February 2009



Healthy, High Performance School Building Policies: *The State Role*

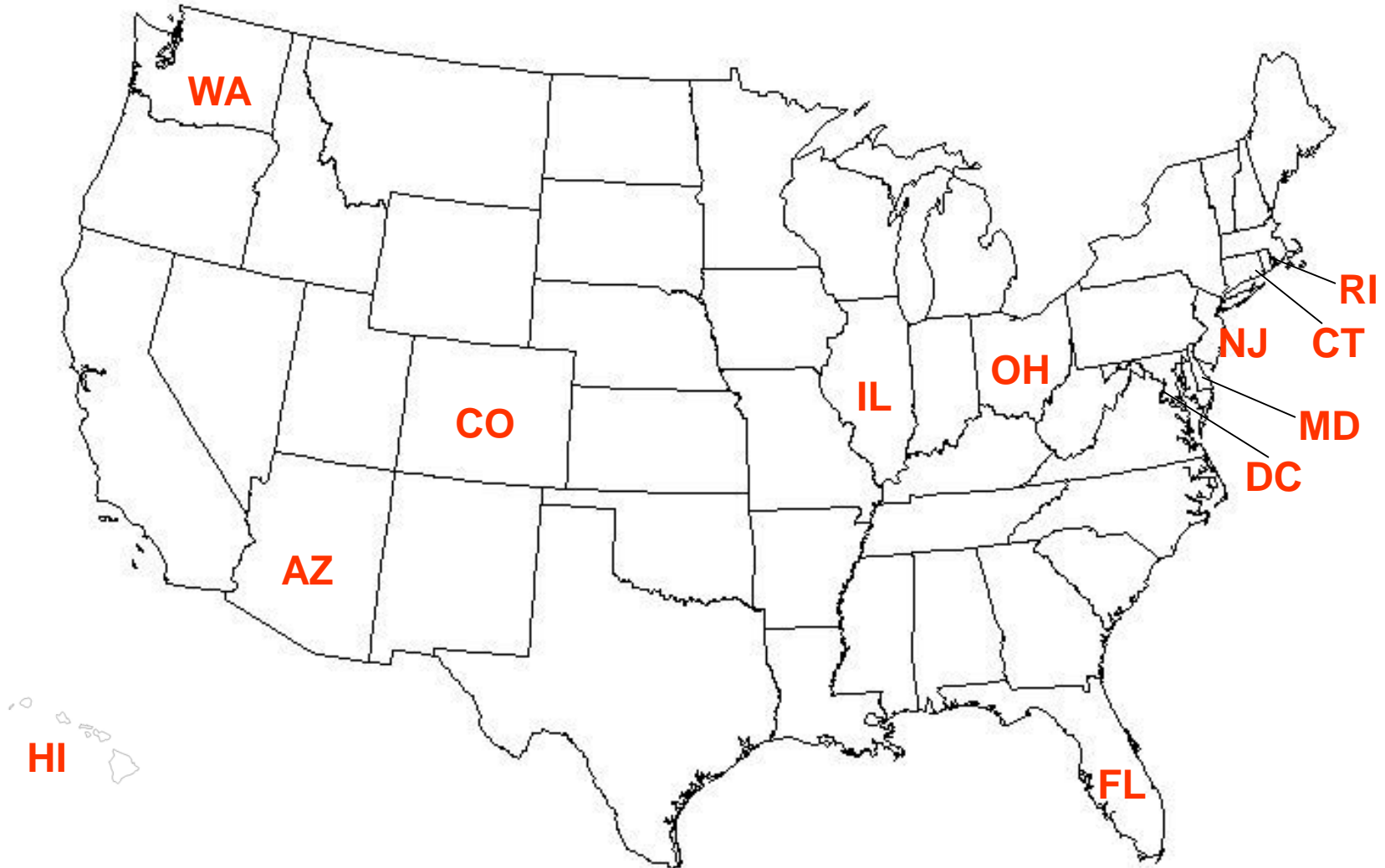
- State vs. Federal, local, and school district policies
 - State policies can provide consistency and a common framework
 - 50 states vs. ~16,000 school districts
 - Exs. IL (nearly 1,000 school districts), NC (over 200)
 - Many states already fund school construction and/or set minimum requirements
-

State HHPS Policies: *What the Policies Do*

- Emphasize the
 - **integration** of a
 - **broad range of environmental and health goals** into the
 - **early planning**, design and construction of school facilities

 - Require school construction projects to use a
 - **HHPS framework** – e.g., LEED, CHPS
 - Allows **discretion** at project level to incorporate local needs
-

State Policies that Establish *Requirements* for Building Healthy, High Performance Schools



State Policies that Establish *Requirements* for Building Healthy, High Performance Schools

<u>Policy</u>	<u>(Effective Date)</u>
New Jersey	(July 2002)
Arizona	(Feb. 2005)
Hawaii	(July 2006)
Washington	(Jan. 2007)
Rhode Island	(May 2007)
Illinois	(July 2007)
Colorado	(Sept. 2007)
Ohio	(Sept. 2007)
Florida	(July 2008)
Dist. of Col.	(FY 2009)
Connecticut	(Jan. 2009)
Maryland	(July 2009)

State Policies with HHPS Requirements:

General or Schools-Specific Focus

HHPS Building Policies

(school-specific)

- New Jersey
- Washington
- Rhode Island
- Illinois
- Ohio
- Florida
- D.C.
- Maryland

General Green Building Policies

(state-funded projects, incl. schools)

- Arizona
 - Hawaii
 - Colorado
 - Connecticut*
-

State Policies with HHPS Requirements:

Types of Policy Enactments

Laws

- Washington
- Hawaii
- Illinois
- Colorado
- D.C.
- Connecticut
- Maryland
- Florida

Executive Orders

- New Jersey
- Arizona

Regulations

- Rhode Island

Other Administrative Policy

- Ohio
-

State Policies with HHPS Requirements:

HHPS Criteria/Framework Used

LEED	Green Globes	CHPS	State-Specific	Other (approved by state)
WA (silver)			WA (~CHPS)	
AZ (silver)				
HI (silver)	HI			HI
IL (cert.)	IL		IL	
OH (silver)				
DC (cert.)				DC
MD (silver)				MD
NJ (cert.)				
FL (cert.)	FL		FL (Fla. GB Coalition)	FL
		NH		
			CO (~LEED Gold)	
			CT (LEED/GG interim)	

State Policies with HHPS Requirements: *Key Implementation Issues*

Oversight

- State role in school construction process varies widely
- Most HHPS policies don't address state oversight
 - What documentation must be submitted?
 - When and how will state review documentation?
- Some states are requiring formal LEED certification
 - OH, CO, IL, HI



State Policies with HHPS Requirements:

Key Implementation Issues (cont.)

Costs

- *State agencies* need resources to do outreach, education, training and oversight
- *Schools* may face increased costs to meet HHPS standards
- Some state policies include financial support for compliance
 - MD, WA, OH
- Some state policies provide exemptions on a case-by-case basis
 - MD, CT, CO

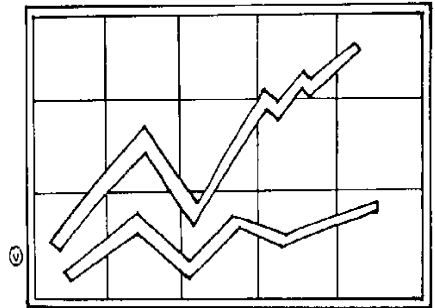


State Policies with HHPS Requirements: *Key Implementation Issues (cont.)*

Evaluation

- Critical to ensuring that HHPS policies achieve results
 - *Program evaluation*, state implementation of policy
 - *Project evaluation*, types of HHPS design features included in new school facilities and their impacts on health, environment and financial management of facilities

- A few states include evaluation in their HHPS policies
 - WA*, DC*, CO, OH



State Policies Providing *Financial Incentives* for High Performance School Construction

State	Date	Criteria	Funding Allocated
PA	July 2005	LEED (silver), GG	
CA	2006	CHPS-based checklist	\$100 million
NM	March 2007	LEED, Build Green NM, others	\$2 million
NH	July 2007	NE/CHPS	\$100,000 per fiscal year

- Policies authorize state to provide additional funding to school construction projects that meet HHPS criteria

State HHPS Building Policies:

Future Opportunities

New HHPS policies should....

- Allow **flexibility**, but address **priorities** such as IAQ
 - Adapt, supplement third-party frameworks
 - Provide technical support to promote best practices
 - Place greater emphasis on **evaluation**
 - Make connection to best practices in **operations and maintenance**
-

Resources from ELI

- Policy reports and summaries on HHPS and IAQ
 - Database of State IAQ Laws
 - Materials available at:
<http://www2.eli.org/research/gbie.htm>
 - Contact information:
Bernstein@eli.org
(202) 939-3869
-