
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2494 Session of
2022

INTRODUCED BY WHITE, SOLOMON, BURGOS, CIRESI, HILL-EVANS,
LONGIETTI, NEILSON, N. NELSON, PARKER, SANCHEZ AND ZABEL,
APRIL 6, 2022

REFERRED TO COMMITTEE ON EDUCATION, APRIL 6, 2022

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," providing for healthy school
6 buildings and establishing the Healthy School Buildings
7 Committee within the Department of Health, the Healthy School
8 Buildings Grant Program and the Healthy School Buildings
9 Fund.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
13 as the Public School Code of 1949, is amended by adding an
14 article to read:

15 ARTICLE XIV-C

16 HEALTHY SCHOOL BUILDINGS

17 Section 1401-C. Definitions.

18 The following words and phrases when used in this article
19 shall have the meaning given to them in this section unless the
20 context clearly indicates otherwise:

21 "Committee." The Healthy School Buildings Committee

1 established under section 1402-C.

2 "Department." The Department of Health of the Commonwealth.

3 "Fund." The Healthy School Buildings Fund established under
4 section 1407-C(q).

5 "Health hazards." Asbestos, lead, mold and other substances
6 that pose significant risk to the health of individuals exposed
7 to them.

8 "Healthy school building assessment." A strategic evaluation
9 of a school entity's facilities and programs used to identify
10 potential health hazards.

11 "Program." The Healthy School Buildings Grant Program
12 established under section 1407-C(a).

13 "School entity." A school district, intermediate unit, area
14 career and technical school, charter school, cyber charter
15 school, regional charter school, approved private school,
16 chartered school for the education of the deaf or the blind or
17 private residential rehabilitative institution.

18 Section 1402-C. Healthy School Buildings Committee.

19 (a) Establishment.--The Healthy School Buildings Committee
20 is established within the department.

21 (b) Composition.--The committee shall consist of the
22 following members:

23 (1) The Secretary of Health or a designee.

24 (2) The Secretary of Education or a designee.

25 (3) The Secretary of Environmental Protection or a
26 designee.

27 (4) An individual appointed by the President pro tempore
28 of the Senate.

29 (5) An individual appointed by the Minority Leader of
30 the Senate.

1 (6) An individual appointed by the Speaker of the House
2 of Representatives.

3 (7) An individual appointed by the Minority Leader of
4 the House of Representatives.

5 (8) A recognized subject matter expert in health hazards
6 appointed by the Governor from three names submitted jointly
7 by the President pro tempore of the Senate and the Speaker of
8 the House of Representatives.

9 (9) The following members appointed by the Governor from
10 names submitted jointly by the President pro tempore of the
11 Senate and Speaker of the House of Representatives:

12 (i) A recognized subject matter expert in school
13 construction.

14 (ii) A recognized subject matter expert in long-term
15 strategies to prevent health hazards in school buildings.

16 (iii) A recognized subject matter expert in the
17 testing for and remediation from health hazards in school
18 buildings.

19 (iv) A recognized subject matter expert in the
20 crafting of short-term and long-term schedules, data
21 management and community engagement for current and
22 future health hazards in school buildings.

23 (c) Chairperson.--The chairperson of the committee shall be
24 selected by the Governor from among the members of the
25 committee.

26 (d) Vice chairperson.--A vice chairperson shall be
27 designated by the chairperson of the committee from among the
28 members of the committee to preside at meetings in the absence
29 of the chairperson.

30 (e) Term.--

1 (1) Members of the committee serving under subsection
2 (b) (1), (2), (3) and (4) shall serve during their service in
3 the office from which they derived their membership.

4 (2) Members of the committee appointed under subsection
5 (b) (5), (6), (7), (8) and (9) shall serve a four-year term.

6 (f) Quorum.--A majority of the members of the committee
7 shall constitute a quorum and a quorum shall be required for all
8 actions.

9 (g) Actions.--A vote of the majority of the members of the
10 committee present shall be sufficient for all actions taken by
11 the committee.

12 (h) Initial meeting.--The committee shall hold its first
13 meeting no later than 30 days from the effective date of this
14 subsection.

15 (i) Cooperation.--The department shall cooperate with the
16 committee to select staff to be employed by the department and
17 assigned to assist the committee in carrying out the duties of
18 the committee.

19 Section 1403-C. School building health assessment criteria.

20 (a) Duty to establish.--No later than December 31, 2022, the
21 committee shall establish criteria to be used when conducting
22 school building health assessments that include a physical
23 assessment. The physical assessment shall be conducted during
24 calendar months when school is in session and shall consist of
25 an evaluation of the school entity's structural facilities and
26 surrounding property that includes:

27 (1) A review of the school entity's existing school
28 health plan.

29 (2) A review of the school entity's existing plans for
30 health response and mitigation.

1 (3) An analysis of the school entity's health policy or
2 practices, including environmental design.

3 (4) Discussions with the school entity's employees.

4 (5) Examination of protocol for disseminating
5 information and engaging parents and community members on
6 health hazards.

7 (6) A review of past, present and future remediation
8 plans, including how resources are spent and managed.

9 (b) Periodic review of criteria.--The committee shall review
10 the criteria established in subsection (a) at a minimum every
11 three years and may make revisions as needed.

12 Section 1404-C. School building health plans.

13 (a) Duty to establish.--No later than June 30, 2023, each
14 school entity shall establish a school building health plan that
15 includes:

16 (1) An evaluation of the school building health
17 assessment.

18 (2) A school entity's plan for health response and
19 mitigation.

20 (3) A school entity's health policy or practices,
21 including environmental design.

22 (4) Protocols for disseminating information and engaging
23 community members on health hazards.

24 (b) Publication.--A school entity shall publish its school
25 building health plan on the school entity's publicly accessible
26 Internet website.

27 Section 1405-C. School building health assessment providers.

28 (a) Duty to provide registration.--No later than October 31,
29 2022, the committee shall establish criteria for registration of
30 a person with knowledge and experience in matters of school

1 building health that qualifies the person to conduct school
2 health assessments based upon the criteria established by the
3 committee beginning October 31, 2022.

4 (b) Periodic review of criteria.--The committee shall review
5 the criteria established in subsection (a) at a minimum every
6 three years and may make revisions as needed.

7 (c) Registration.--A person may apply for registration as a
8 school building health provider to the committee in a manner
9 prescribed by the committee.

10 Section 1406-C. Survey of school building health.

11 (a) Development.--No later than October 31, 2022, the
12 committee shall develop a survey instrument to distribute to
13 school entities to measure school building health throughout
14 this Commonwealth.

15 (b) Completion.--The following shall apply:

16 (1) No later than November 30, 2022, each school entity
17 shall complete the survey instrument under subsection (a) and
18 indicate whether it possesses a preexisting school building
19 health assessment that was completed within the last three
20 years.

21 (2) If the school entity possesses a preexisting school
22 building health assessment that was completed within the last
23 three years, the school entity shall submit a copy of the
24 preexisting school building health assessment to the
25 committee along with the survey instrument, unless a delay is
26 approved by the committee on a case-by-case basis.

27 (c) Review.--The following shall apply:

28 (1) No later than January 31, 2023, the committee shall
29 complete a review of each survey received from a school
30 entity to:

1 (i) Evaluate the school entity's health
2 preparedness.

3 (ii) If a preexisting school building health
4 assessment was submitted, determine whether the school
5 building health assessment meets the criteria established
6 by the committee.

7 (2) Upon completion of the review under paragraph (1),
8 the committee shall notify a school entity of the committee's
9 findings.

10 (d) Engagement.--The committee may engage registered school
11 building health assessment providers to complete the review
12 required under subsection (c).

13 (e) Confidentiality of data.--School entity-specific data
14 collected through the survey instrument by the committee and the
15 findings of the committee shall remain confidential and shall
16 not be subject to the act of February 14, 2008 (P.L.6, No.3),
17 known as the Right-to-Know Law. The committee may release
18 aggregate data at the discretion of the committee.

19 (f) Survey administration.--The committee shall administer
20 the survey instrument established in subsection (a) at a minimum
21 every two years and may make revisions as needed.

22 Section 1407-C. Healthy School Buildings Grant Program.

23 (a) Establishment.--The Healthy School Buildings Grant
24 Program is established in the department to award grants under
25 this section.

26 (b) Application.--A school entity may apply to the committee
27 for a grant under this section. The application shall be
28 submitted on a form and in a manner as required by the
29 committee.

30 (c) Information.--An application under subsection (a) shall

1 include the following information:

2 (1) The name and address of the school entity.

3 (2) How the school entity will fulfill the requirements
4 under subsection (f).

5 (3) A resolution from the school board of the school
6 entity pledging to use funds from the American Rescue Plan
7 Act of 2021 (Public Law 117-2, 135 Stat. 4) or other
8 available Federal funds as a match for the amount awarded
9 under this section.

10 (4) Documentation that the applicant meets the
11 qualifications under subsection (e).

12 (5) Any other information required by the committee.

13 (d) Review of application.--Beginning on receipt of an
14 application under subsection (b), the department shall review
15 the application.

16 (e) Qualifications.--A school entity which applies under
17 subsection (b) shall be approved for a grant if the school
18 entity has completed a school building health assessment under
19 section 1403-C.

20 (f) Required match from Federal funds.--A school entity
21 which receives a grant under this section shall match the amount
22 awarded under this section with the American Rescue Plan Act of
23 2021 or other available Federal funds.

24 (g) Approval.--If an applicant under subsection (b) meets
25 the qualifications under subsection (e), the department shall
26 approve the applicant for a grant within 30 days of receipt of
27 the application.

28 (h) Diversity.--The committee shall ensure that grant
29 funding under the program is geographically dispersed throughout
30 this Commonwealth.

1 (i) Supplement and not supplant.--The following shall apply:

2 (1) Grant money allocated through the program shall be
3 used to supplement and not supplant existing school entity
4 spending on school building health.

5 (2) Nothing in this article shall be construed to
6 preclude a school entity from making an application for a
7 grant under the program in a subsequent year for the same
8 purpose and amount awarded in a prior year.

9 (j) Effect of revenue received.--The amount of a grant
10 received by a school entity under this section may not be
11 included when calculating the amount to be paid to a charter
12 school under section 1725-A.

13 (k) Healthy school buildings grant allocation.--A school
14 entity that makes a meritorious application as prescribed by the
15 committee shall receive a minimum healthy school building grant
16 allocation as follows:

17 (1) A school entity with an average daily membership
18 greater than 3,900 shall receive a minimum healthy school
19 building grant allocation of \$45,000.

20 (2) A school entity with an average daily membership
21 greater than 2,100 but less than or equal to 3,900 shall
22 receive a minimum healthy school building grant allocation of
23 \$40,000.

24 (3) A school entity with an average daily membership
25 greater than 1,200 but less than or equal to 2,100 shall
26 receive a minimum healthy school building grant allocation of
27 \$35,000.

28 (4) A school entity with an average daily membership of
29 less than or equal to 1,200 shall receive a minimum healthy
30 school building grant allocation of \$30,000.

1 (l) Limitations on healthy school building grants.--Healthy
2 school building grant allocations awarded to a cyber charter
3 school shall be limited to the school building health needs of
4 students at facilities where tutoring, testing, supplemental
5 programs and services or instruction for students with
6 disabilities occur.

7 (m) Whole or partial awards.--The committee, in its
8 discretion, may award in whole or in part a request made by a
9 school entity in its grant application based upon the merit of a
10 specific item requested.

11 (n) Sustainability planning.--Sustainability planning is not
12 a necessary component of an application under this section.

13 (o) Confidentiality.--Information submitted by school
14 entities as part of the grant application, the disclosure of
15 which would be reasonably likely to result in a substantial and
16 demonstrable risk of physical harm or the health of students or
17 staff shall remain confidential and shall not be subject to the
18 act of February 14, 2008 (P.L.6, No.3), known as the Right-to-
19 Know Law. The committee may release aggregate data at its
20 discretion.

21 (p) Healthy school buildings emergency grant allocation.--A
22 school entity that makes a meritorious application as prescribed
23 by the committee and demonstrates a need for a grant to address
24 an exigent health hazard shall receive a minimum healthy school
25 buildings emergency grant allocation.

26 (g) Healthy School Buildings Fund.--The following shall
27 apply:

28 (1) The Healthy School Buildings Fund is established as
29 a special fund in the State Treasury.

30 (2) All money deposited into the fund and the interest

1 it accrues are appropriated to the department on a continuing
2 basis for the purpose of making grants under the program.

3 (3) No administrative action shall prevent the deposit
4 of money into the fund in the fiscal year in which the money
5 is received.

6 (4) The fund may only be used for the program and no
7 money in the fund may be transferred or diverted to any other
8 purpose by administrative action.

9 (5) Money available to the fund shall include
10 appropriations and transfers from the General Fund, special
11 funds, Federal funds and other sources of revenue made
12 available to the fund or the department or committee.

13 (6) Grants under this section shall be awarded no later
14 than March 1, 2023, and each March 1 thereafter.

15 (r) Prioritization of grants.--The following shall apply:

16 (1) The committee may in its discretion utilize the
17 information obtained from the most recent survey instrument
18 completed by a school entity under section 1405-C and trends
19 in applications from the prior year to prioritize the
20 allocation of grants.

21 (2) If the committee chooses to prioritize the
22 allocation of grants, the committee shall provide guidance in
23 the funding announcement detailing the specific purposes
24 which it intends to prioritize when making grant awards.

25 (s) Training.--The committee shall conduct informational
26 training for applicants outlining the grant priorities and
27 completion of applications.

28 (t) Coordination of grant distribution.--The department, in
29 consultation with the Department of Education, shall coordinate
30 the distribution of grants under Article XIII-A with the

1 committee to ensure the most effective use of resources.

2 (u) Audits.--The following shall apply:

3 (1) The department may randomly audit and monitor grant
4 recipients to ensure the appropriate use of grant funds and
5 compliance with the provisions of subsection (d).

6 (2) The Auditor General may not perform audits related
7 to school health assessments, survey instruments and grant
8 applications.

9 Section 1408-C. School building health coordinator.

10 (a) Appointment.--The chief school administrator of a school
11 entity shall appoint a school administrator as a school health
12 coordinator for the school entity. The appointment shall be made
13 not later than August 31, 2022.

14 (b) Duties.--The school building health coordinator shall:

15 (1) Review the school entity's policies and procedures
16 relative to school building health and compliance with
17 Federal and State laws regarding school building health.

18 (2) Coordinate school building health assessments as
19 necessary.

20 (3) Serve as the school entity liaison between the
21 committee, department, parents, students, community, elected
22 officials, other stakeholders and other organizations on
23 matters of school building health.

24 (4) Make a report no later than June 30, 2023, and each
25 June 30 thereafter, to the school entity's board of directors
26 on the school entity's current school building health
27 practices that identifies strategies to improve school
28 building health. The report shall be presented to the school
29 entity's board of directors at an executive session of the
30 school entity's board of directors. The report shall be

1 submitted to the committee and shall not be subject to the
2 act of February 14, 2008 (P.L.6, No.3), known as the Right-
3 to-Know Law.

4 Section 2. This act shall take effect in 60 days.