

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 892

Short Title: NC Green Schools. (Public)

Sponsors: Representatives Hawkins, Harrison, Autry, and Fisher (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Appropriations, Education, if favorable, Rules, Calendar, and Operations of the House

April 22, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO ENACT THE NORTH CAROLINA GREEN SCHOOLS ACT OF 2019.  
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** This act may be cited as the "North Carolina Green Schools Act of  
5 2019."

6 **SECTION 2.(a)** Chapter 115C of the General Statutes is amended by adding a new  
7 Article to read:

8 "Article 37A.

9 "Green Schools.

10 **"§ 115C-532.1. Legislative findings.**

11 The General Assembly finds the following:

- 12 (1) Children are vulnerable to and may be severely affected by exposure to  
13 chemicals, hazardous waste, and other environmental hazards.  
14 (2) The United States Environmental Protection Agency estimates that human  
15 exposure to indoor air pollutants can be two to five times, and up to 100 times,  
16 higher than outdoor exposure levels.  
17 (3) Children, teachers, janitors, and other staff members spend a significant  
18 amount of time inside school buildings and are continuously exposed to  
19 chemicals from cleaners, waxes, deodorizers, and other maintenance products.

20 **"§ 115C-532.2. Use of green cleaning supplies and biodegradable food service products.**

21 (a) When it is economically feasible, all elementary and secondary public schools,  
22 including charter schools established pursuant to G.S. 115C-218.5, and all elementary and  
23 secondary nonpublic schools with 50 or more students shall establish policies pursuant to the  
24 guidelines and specifications established under G.S. 115C-532.3 as follows:

- 25 (1) A green cleaning policy to exclusively purchase and use environmentally  
26 sensitive cleaning products.  
27 (2) A green food service policy to exclusively purchase and use biodegradable  
28 single-use food service products, if single-use food service products are  
29 purchased and used. For the purposes of this section, single-use food service  
30 products include plates, cups, cup lids, bowls, trays, utensils, straws, and  
31 hinged or lidded containers. Biodegradable single-use food service products  
32 shall not include products made from expanded polystyrene or  
33 non-biodegradable plastics.



1       **(b) If adopting a green cleaning policy or a green food service policy under this section**  
2 **is not economically feasible, a public school shall provide, until such time that it is economically**  
3 **feasible, annual written notification to the Department of Public Instruction on a form provided**  
4 **by the Department that the development and implementation of a green cleaning policy or a green**  
5 **food service policy is not economically feasible.**

6       **(c) For purposes of this section, adopting a green cleaning policy or a green food service**  
7 **policy is not economically feasible if adopting the policy would result in an increase in the**  
8 **cleaning costs or school food service costs of the school.**

9 **"§ 115C-532.3. Green cleaning supply and biodegradable food service product guidelines**  
10 **and specifications.**

11       **The Department of Health and Human Services, the Department of Public Instruction, the**  
12 **State Board of Education, and a panel of interested stakeholders, including cleaning product and**  
13 **food service product industry representatives, nongovernmental organizations, and others, shall**  
14 **establish and amend on an annual basis guidelines and specifications for healthy and**  
15 **environmentally sensitive cleaning and maintenance products and for biodegradable single-use**  
16 **food service products for use in school facilities. The Department of Public Instruction shall**  
17 **provide multiple avenues by which cleaning products and single-use food service products may**  
18 **be determined to be environmentally sensitive under the guidelines. Guidelines and**  
19 **specifications may include implementation practices, including inspection. The completed**  
20 **guidelines and specifications must be posted on the Department of Public Instruction's Internet**  
21 **Web site.**

22 **"§ 115C-532.4. Dissemination to schools.**

23       **(a) Upon the completion of the guidelines and specifications under G.S. 115C-532.3, the**  
24 **Department of Public Instruction shall provide each local board of education, charter school, and**  
25 **through the Department of Administration, Division of Nonpublic Education, each elementary**  
26 **or secondary nonpublic school with 50 or more students in this State with the guidelines and**  
27 **specifications. Each local board of education shall immediately disseminate the guidelines and**  
28 **specifications to every public school in its jurisdiction. Local boards of education, the**  
29 **Department of Public Instruction, and the Division of Nonpublic Education shall provide ongoing**  
30 **assistance to schools to carry out the requirements of this Article.**

31       **(b) In the event that the guidelines and specifications under G.S. 115C-532.3 are updated**  
32 **by the Department of Public Instruction, the Department shall provide the updates to the Division**  
33 **of Nonpublic Education, each local board of education, and each charter school for immediate**  
34 **dissemination. Additionally, the Department of Public Instruction shall post all updated materials**  
35 **on its Internet Web site.**

36 **"§ 115C-532.5. Rules.**

37       **The State Board of Education shall adopt rules as necessary to implement this Article."**

38       **SECTION 2.(b)** G.S. 115C-218.75 is amended by adding a new subsection to read:

39       **"(a1) Healthy and Environmentally Sensitive Cleaning and Food Service Products. – A**  
40 **charter school shall be subject to the requirements of Article 37A of this Chapter."**

41       **SECTION 2.(c)** Part 4 of Article 39 of Chapter 115C of the General Statutes is  
42 amended by adding a new section to read:

43 **"§ 115C-566.5. Healthy and environmentally sensitive cleaning and food service products.**

44       **When it is economically feasible, a nonpublic school with 50 or more students is encouraged**  
45 **to adopt a green cleaning and a green food service policy consistent with Article 37A of this**  
46 **Chapter. The Department of Administration, Division of Nonpublic Education, shall disseminate**  
47 **the guidelines and specifications for healthy and environmentally sensitive cleaning and food**  
48 **service products for use in school facilities in accordance with G.S. 115C-532.4."**

49       **SECTION 2.(d)** Notwithstanding Article 37A of Chapter 115C of the General  
50 Statutes, as enacted by Section 2(a) of this act, a school may deplete its existing cleaning and  
51 food service supply stocks and implement the new requirements under Article 37A of Chapter

1 115C of the General Statutes, as enacted by Section 2(a) of this act, in the procurement cycle for  
2 the following school year.

3 **SECTION 2.(e)** Notwithstanding G.S. 115C-532.3, as enacted by Section 2(a) of  
4 this act, the Department of Public Instruction shall establish initial guidelines and specifications  
5 after a review and evaluation of existing research that shall be completed no later than 180 days  
6 after the effective date of this act.

7 **SECTION 2.(f)** No State funds shall be appropriated and no State funds are required  
8 to implement Article 37A of Chapter 115C of the General Statutes, as enacted by Section 2(a) of  
9 this act.

10 **SECTION 3.(a)** G.S. 115C-521(c) reads as rewritten:

11 "(c) The building of all new school buildings and the repairing of all old school buildings  
12 shall be under the control and direction of, and by contract with, the board of education for which  
13 the building and repairing is done. If a board of education is considering building a new school  
14 building to replace an existing school building, the board shall not invest any construction money  
15 in the new building unless it submits to the State Superintendent and the State Superintendent  
16 submits to the North Carolina Historical Commission an analysis that compares the costs and  
17 feasibility of building the new building and of renovating the existing building and that clearly  
18 indicates the desirability of building the new building. No board of education shall invest any  
19 money in any new building until it has (i) developed plans based upon a consideration of the  
20 State Board's facilities guidelines, (ii) submitted these plans to the State Board for its review and  
21 comments, and (iii) reviewed the plans based upon a consideration of the comments it receives  
22 from the State Board. No local board of education shall contract for more money than is made  
23 available for the erection of a new building. However, this subsection shall not be construed so  
24 as to prevent boards of education from investing any money in buildings that are being  
25 constructed pursuant to a continuing contract of construction as provided for in  
26 G.S. 115C-441(c). All contracts for buildings shall be in writing and all buildings shall be  
27 inspected, received, and approved by the local superintendent and the architect before full  
28 payment is made therefor. Nothing in this subsection shall prohibit boards of education from  
29 repairing and altering buildings with the help of janitors and other regular employees of the board.

30 In the design and construction of new school buildings and in the renovation of existing  
31 school buildings that are required to be designed by an architect or engineer under G.S. 133-1.1,  
32 the local board of education shall participate in the planning and review process of the Energy  
33 Guidelines for School Design and Construction that are developed and maintained by the  
34 Department of Public Instruction and shall adopt local energy-use goals for building design and  
35 operation pursuant to G.S. 115C-524.5 that take into account local conditions in an effort to  
36 reduce the impact of operation costs on local and State budgets. In the design and construction  
37 of new school facilities and in the repair and renovation of existing school facilities, the local  
38 board of education shall consider the placement and design of windows to use the climate of  
39 North Carolina for both light and ventilation in case of power shortages. A local board shall also  
40 consider the installation of solar energy systems in the school facilities whenever practicable.

41 In the case of any school buildings erected, repaired, or equipped with any money loaned or  
42 granted by the State to any local school administrative unit, no board of education shall invest  
43 any money until it has (i) developed plans based upon a consideration of the State Board's  
44 facilities guidelines, (ii) submitted these plans to the State Board for its review and comments,  
45 and (iii) reviewed the plans based upon a consideration of the comments it receives from the  
46 State Board."

47 **SECTION 3.(b)** Article 37 of Chapter 115C of the General Statutes is amended by  
48 adding a new section to read:

49 **"§ 115C-524.5. Energy efficiency and renewable energy standards.**

50 (a) Purpose. – The purpose of this section is to establish a database of information  
51 concerning energy and water usage by public schools, to use the database for the purpose of

1 establishing goals to reduce overall energy and water usage by public schools, and to provide a  
2 mechanism for loans to local school administrative units for projects that will increase energy  
3 and water efficiencies.

4 (b) Database. – On or before January 31 of each year, local school administrative units  
5 and charter schools established pursuant to G.S. 115C-218.5 shall report to the Department of  
6 Public Instruction the amount of energy and water used at each building during the previous  
7 calendar year. Entities required to report under this subsection shall measure and report usage  
8 using a management portfolio tool created by the United States Environmental Protection  
9 Agency and the United States Department of Energy and, if available, bearing the international  
10 Energy Star service mark.

11 (c) Publication. – On or before March 1 of each year, the Department of Public  
12 Instruction shall collate and publish the data reported pursuant to subsection (b) of this section,  
13 categorizing the information in at least the following ways: (i) local school administrative unit in  
14 which the building is located, (ii) age of building, (iii) grade or grades served by the building,  
15 and (iv) size of the building. The publication shall, for each building, also provide the year of  
16 construction, any year in which a major renovation was completed, and any year in which an  
17 energy audit was performed.

18 (d) Benchmarks. – Local school administrative units shall use the publication required in  
19 subsection (c) of this section in the following ways:

20 (1) Using the most recent two years of published data, to establish energy and  
21 water efficiency improvement goals for facility operations and maintenance.

22 (2) Using the goals set forth in subdivision (1) of this subsection, to set minimum  
23 efficiency requirements for all new construction and major renovations  
24 performed on school facilities.

25 (e) Financing. – To the extent permitted by federal law, a county that has established a  
26 revolving loan fund pursuant to G.S. 153A-455 may use the fund to provide loans to local school  
27 administrative units for qualifying uses. Applications for a loan shall be made on a form  
28 developed by the Department of Public Instruction in conjunction with the counties that have  
29 established the revolving loan fund. The Department of Public Instruction shall work with local  
30 school administrative units in applying for a loan from the revolving loan fund. For purposes of  
31 this section, "qualifying uses" includes acquisitions for new construction and major renovation  
32 projects that meet federal programmatic requirements and the minimum benchmark requirements  
33 of section (d) of this section, energy modeling fees, performance contracting, infrastructure  
34 supporting electric or hybrid-electric buses, and buses powered by electricity or compressed  
35 natural gas."

36 **SECTION 3.(c)** Article 14A of Chapter 115C of the General Statutes is amended by  
37 adding a new section to read:

38 **§ 115C-218.36. Report on school building energy and water usage.**

39 Each charter school shall submit an annual report on energy and water usage of a school  
40 building to the Department of Public Instruction pursuant to G.S. 115C-524.5."

41 **SECTION 4.** This act is effective when it becomes law and applies beginning with  
42 the 2019-2020 school year.