Chapter 20
Legal Issues for Green Schools

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ABSTRACT

School systems will need to stay abreast of the various levels of legal changes as global green sustainability programs expand during the 21st century. This chapter explains the legal guidelines and legislation that direct green school design, green operations, connection between environment and cognitive functioning, and equity. The final topic in this chapter is supportive legislative currently in place to support green schools and suggestions for future legislation needed for future green school construction.

INTRODUCTION

A recent nationwide poll sponsored by the United Technologies Corporation and the U.S. Green Building Council’s Center for Green Schools (2011), found that nearly one in three respondents (31.6%) said the majority of the nation’s schools are in “poor” shape. The majority of those surveyed (73.2%) support federal investment in green schools, a finding that had been noted earlier by Palmese (2006), which described a “green schools groundswell” fed by mounting support from government, teachers unions, and the media—all of whom proclaim the benefits of green schools.

Current research (Chan, 2013; Cupido, 2010; Farquar & Ellis, 2013; Kats, 2013) supports what is becoming common knowledge—green schools save energy and money while promoting health and learning. Even in the midst of the current financial crisis, school districts are still finding ways to design and build green schools (Kats, 2013) and every day, at least one school registers to become certified by the United States Green Building Council (USGBC, 2013).

CURRENT INVESTMENTS IN GREEN SCHOOLS

Between 2002 and 2012 over $20 billion on average had been spent annually for school construction (Abramson, 2012). Although investment in school facilities had fallen off by 2012, as had all construction during the Great Recession, K-12 school districts still spent $25.2 billion on major renovations and new construction (Abramson,
However, estimates of continued deferred maintenance (Filardo, Vincent, Sung & Stein, 2006; Abramson, 2013) find the annual rates of capital investment do not meet the minimal building needs of school districts. This disparity has led advocates to lobby for federal appropriations, grant programs and other legislative funding measures to support green school construction and renovation (Baker & Bernstein, 2012). School districts often find themselves in the precarious position of having to choose between curricular resources and facility resources, often without adequate information to make informed decisions (Center for Green Schools, 2013).

Even with restrictive budgets, spending on school construction projects in 2012 was slightly higher than the previous year—$12.9 billion in 2012 compared with $12.2 billion in 2011—however, the spending for new construction declined from $6.9 billion to 6.2 billion. The $6.2 billion that had been spent on new schools accounted for 47.6 percent of all the construction dollars and was the first time in 12 years that spending for new construction as less than spending on existing facilities.

The increase in spending for facility investments was attributable to a major increase in spending for additions to existing schools and a major increase in spending for renovations and upgrading to existing buildings (Abramson, 2013). Abramson speculated that the renovations were prompted by the president’s request Congress provide funds for upgrading the nation’s infrastructure problems, including deteriorating schools. However, when Congress failed to act, school districts that had plans in place and projects were ready to go may have moved forward with reconstruction and retrofit using local funds, “hoping, perhaps, that federal dollars might still come their way” (Abramson, 2013, p. CR3).

Expected construction for 2013 is projected to be no better than what had been completed in 2012. The 2013 Annual School Construction Report projects that total construction will fall more than a billion dollars below what had been spent in 2012 with projects moving slower than previously projected largely because federal funding has not been approved by legislators. Even if legislators approve to reverse this trend, green construction projects underway may not have time to be completed in 2013, which will cause the national total of school construction to fall further.

Most schools have multiple construction needs, whether caused by expanding student population, technology needs, safety or accessibility issues, or upgrades needed for obsolete facilities. For example, district-wide projects completed in 2012 spent 37.7 percent on elementary schools, 21.4 percent on middle schools and 41.7 percent on high schools. The balance of construction dollars had been spent on “district projects,” such as transportation, maintenance buildings or administrative headquarters. Projected starts for 2013 still allocate the majority of funds (42.9%) for high school building projects (Abramson, 2013, p. CR8).

INTERNATIONAL ENERGY AND ENVIRONMENTAL DESIGN CERTIFICATION

Whether for commercial or education facilities, a global goal in achieving sustainable development in the construction industry aims to reduce energy consumption and associated emissions through both the management of buildings and new green construction. These efforts are seen at national and international levels with the establishing of voluntary building environmental schemes to measure the performance of buildings (Dixon, 2010). The most widely and representative used schemes for rating construction are Leadership in Energy and Environmental Design (LEED), Building Research Establishment Environmental Assessment Method (BREEM) and Green Star. The Collaborative for High Performance Schools (CHPS) provides ratings and information specifically for schools.
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