Green Schools Menu of Options for State Legislators

(Updated: August 2017)

State legislators have powerful opportunities to promote healthy, high-performing schools through legislative activities and innovative community partnerships. At the 2016 Green Schools State Legislative Summit, leading state lawmakers discussed a range of ideas to include in USGBC’s menu of legislative options for green schools. These options have since been updated to include recent legislative action reflecting current national priorities, including more in-depth financing models, as well as opportunities to green existing buildings, promote children’s health and encourage environmental literacy. The ideas in this resource are organized into the three pillars of a green school:

- Reduced environmental impact & costs
- Improved occupant health & wellness
- Effective environmental & sustainability education

Many of the bills listed below are comprehensive in nature and intended to have benefits beyond the pillar to which they have been assigned. Finally, since this resource was first created, it has existed as a living document. We welcome all feedback.

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**Acknowledgements**

USGBC would like to thank the many state legislators who participate in the 50 for 50 Green Schools Caucus Initiative for their thoughtful guidance in creating the Green Schools Menu of Options for State Legislators. USGBC would also like to recognize collaborating organizations that have contributed ideas to this guide, particularly the Campaign for Environmental Literacy (www.FundEE.org) and the National Caucus of Environmental Legislators (www.ncel.net).

**Disclaimer**

PLEASE NOTE: This guide is provided as a research and reference tool. The legal issues involved in the advocacy matters discussed in this guide are complex. This guide and the information available through it do not, and are not intended to, constitute legal advice. Should you require legal advice, you should consult your own attorney.
States with green schools policies featured in this resource

I. Reduced Environmental Impact and Costs

Requiring new school construction projects to be green demonstrates a commitment to fiscal responsibility, promotes green jobs, and encourages healthy, high-performance facilities for students and teachers. When a green school is certified by a rating system with third party verification, such as LEED, taxpayers, parents, and students can be certain the building has been constructed for maximum efficiency to reduce operating costs, and designed with occupant health in mind. 13 states and the District of Columbia have demonstrated this leadership. Sample legislative text: http://tinyurl.com/pd2df4p.

A. Reduced or eliminated greenhouse gas emissions

- Requirements for Green School Construction
  Legislation requiring new school construction projects to be green demonstrates a commitment to fiscal responsibility, promotes green jobs, and encourages healthy, high-performance facilities for students and teachers. When a green school is
certified by a rating system with third party verification, such as LEED, taxpayers, parents, and students can be certain the building has been constructed for maximum efficiency to reduce operating costs, and designed with occupant health in mind. Green schools can also act as catalysts for community change, inspiring nearby residents and businesses to adopt their own green measures.

There are currently 11 states including the District of Columbia that have adopted green school policies for new construction:

- **Connecticut** (2009)
- **Colorado** (HB 1335) (2008)
- **Florida** (Sec. 255.2575 Statute)
- **Hawaii** (2012 CHPS Adoption)
- **Illinois** (105 ILCS 230/5-40)
- **Kentucky** (702 KAR 4:160)
- **Maryland** (5-312)
- **New Jersey** (2002)
- **Ohio** (2007)
- **Rhode Island** (RIDE 2007)
- **Washington** (2005)

**Example: Hawaii HB2175 (2006)**
On June 26, 2006, Governor Lingle signed HB2175, thus requiring each state agency to design and construct buildings to meet the LEED Silver certified level, or a comparable standard. The law applies to all new state-owned construction of 5,000 square feet or greater, including K-12 public schools.

**Example: Illinois HB312 (2009)**
On July 13, 2009 HB0312 was approved, reappropriating construction and modernization funding for Illinois schools, consistent with the provisions from Public Act#95-0416. On August 24, 2007, the Illinois State Senate amended the School Construction Law (Public Act #95-0416) with the governor’s approval, directing the Capital Development Board to only issue grants to school projects with LEED for Schools or comparable rating system certification, or to projects that meet the standards set forth by the Capital Development Board’s Green Building Advisory Committee.

**Example: Maryland SB208 (2008)**
On April 24, 2008, Governor O’Malley signed the High Performance Building Act into law, requiring all new public construction and major renovation projects of 7,500 sq ft or greater, and intended for occupation, to earn LEED Silver certification or two Green Globes. The High Performance Building Act further requires that MD public schools using state funds earn LEED Silver certification or two Green Globes. The High Performance Building Act further adds that “the State will pay half of any extra costs” incurred in building green public schools.
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• School Construction Funding

NEW Example: Georgia E-SPLOST
The Georgia “Education Special Purpose Local Option Sales Tax” (E-SPLOST) encourages school infrastructure improvements to be funded through an optional 1 percent sales tax that communities choose to adopt.

NEW Example: Ohio HB 487 (2012)
Gov. Kasich signed this bill to establish Ohio’s Facilities Construction Commission to oversee school construction. The OFCC allocates tobacco securitization money towards LEED schools.

• Using an Energy Audit or Emissions Inventory + Reduction Plan

Legislation requiring energy audits or emissions reduction plans give school districts a statistical foundation upon which they can base retrofitting projects or other green plans for their respective schools buildings. Audits provide benchmark numbers to compare to a building’s current energy performance, and the subsequent reduction plan provides a plausible roadmap for the district to achieve.

Furthermore, state legislators can promote the greening of existing facilities by passing legislation requiring all facilities to benchmark with Energy Star™ Portfolio Manager. Portfolio Manager is a free online tool that allows building owners to track and assess energy and water consumption, performance and cost information for individual buildings and building portfolios. Energy Star is also the required benchmarking platform for validating building performance in the LEED for Existing Buildings: Operations and Maintenance rating system.

NEW Example: California SB356 (in committee) (2017)
Expands access to building-specific energy consumption data and improves data transparency in order to assist statewide energy reduction goals.

Example: Indiana SB586 (2013)
SB 586 was introduced by on Senator Charbonneau on January 15, 2013. This bill would require that all state public works projects be designed, constructed, operated, and maintained to achieve maximum energy efficiency to the extent that this goal can be accomplished on a cost effective basis considering construction and operating costs over the life cycle of the building or structure. The bill was signed into law on May 11, 2013.

NEW Example: Minnesota SF1510 (failed) (2017)
Mandates all public schools must report monthly utility consumption data into the state benchmarking program.

Example: Nebraska LB522 (2011)
Nebraska LB522, the “High Performance Green Schools Transparency Act,” would require each school district to generate and maintain an up-to-date ENERGY STAR efficiency rating on each of the district’s school and administration buildings using the Environmental Protection Agency’s free online tool, Portfolio Manager. The State Department of Education would publish and maintain the results on their web site.
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- **Cost-effective Energy Efficiency Improvements + Conservation Measures**
  Improving the energy efficiency of new or existing school buildings does not have to be expensive. In fact, with more than 132,000 schools in the U.S., the greatest opportunity for state legislators to promote green schools is to encourage existing schools to go green. Lawmakers can stipulate operational changes or encourage training that can provide simple, cost effective ways to reduce energy consumption and save money.

- **Providing Training for Optimizing Operations**

  **Example: California SB590 (2013)**
  Senator De León introduced SB590 on February 22, 2013. This bill would establish the Classified School Employee Staff Development and Training Program which includes learning about school facility maintenance and operations: new research and best practices in the operations and maintenance of school facilities, including green technology and energy efficiency that help reduces the use and the costs of energy at school sites. The bill was referred to the Committee on Education on June 17, 2013. The bill passed the Senate on June 18, 2013.

  **Enabling Legislation for performance contracting (PC)**
  Performance contracting can provide funding for significant renovations and retrofits while mitigating up-front costs. Because states manage their liability and financial risk on an aggregate level, some states don’t allow public entities, including schools, to engage in contracts that are long-term, prohibiting entrance to performance contracts. A state that passes legislation allowing schools to enter performance contracts may set a time maximum for the contract, and may also involve a pre-approval process of contractors from the state department of energy.

  Green Performance Contracting: Green Performance Contracting (Green PC) is based on the same project delivery method as traditional performance contracting, but enhances the processes by utilizing the LEED for Existing Buildings: Operations & Maintenance rating system as criteria for a comprehensive green project. For more information about Green PC, and the paid-from-savings approach, consult USGBC’s *Paid-from-Savings Guide to Green Existing Buildings* ([http://www.centerforgreenschools.org/paidfromsavings](http://www.centerforgreenschools.org/paidfromsavings))

  For information about states allowing performance contracting for public entities, visit: [http://www.dsireusa.org/](http://www.dsireusa.org/)

  DSIRE is the most comprehensive source of information on incentives and policies that support renewables and energy efficiency in the United States. Established in 1995, DSIRE is operated by the N.C. Clean Energy Technology Center at N.C. State University and is funded by the U.S. Department of Energy.

  **NEW Example: Hawaii HB794 (2017)**
  Establishes the University of Hawaii (UH) Green Special Fund to support energy efficiency, renewable energy, and sustainability projects and services, and planning, design, and implementation of sustainability projects for UH’s benefit. Requires UH to submit an annual report to the Legislature.
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“An Act to Improve the Energy Efficiency of Public Buildings and Create Jobs” intends to improve the energy efficiency and usage of distributed renewable technology in state-funded construction. Among other provisions, it would give school administrative units increased flexibility in contracting with energy service companies for energy efficiency and load management improvements. Flexibility measures would include increasing the time a unit would be permitted to enter into such contracts from 15 years to 20 years and raising the $2 million statutory contract ceiling if all risk that the project’s costs will exceed its benefits is not borne by the unit.

Example: Minnesota HF270 (2013)
Representative Hausman introduced HF270 on January 31, 2013. This bill establishes the school energy conservation revolving loan program to provide financial assistance to school districts to make energy improvements in school buildings that reduce statewide greenhouse gas emissions and improve indoor air quality in schools. On May 17, 2013, the bill was not passed as amended with a 76-56 vote. A three-fifths majority (81) was needed to pass the bonding bill.

- **Renewables Portfolio Standards, On-site Renewable Energy and/or Purchase of Green Power**
  State legislators can push for renewable energy standards and the generation of on-site renewable energy by touting cost savings associated with the preservation of energy, the reliability and accessibility of the source, and the provision of loans/grants to offset the initial costs. The use of renewable energy sourced at the school building itself, such as solar or geothermal power, can promote significant energy efficiency and cost cutting benefits for both the school and the district.

Example: Colorado HB09-1312 (2011)
This legislation brings together the Treasurer’s office, the Governor’s Energy Office, the Legislature, schools and local businesses to create a program that provides school districts with low interest loans for renewable energy. As the legislation states, “By producing their own energy with renewable energy sources, some school districts have reduced their energy costs while promoting energy independence and environmental responsibility and have provided students with an opportunity to understand this burgeoning technology.” The loans can be used to install solar panels or wind turbines on site, or can be used to convert diesel-powered school buses to battery or hybrid-electric power.

Example: Hawaii HB1509 (2015)
Representative Chris Lee championed Hawaii HB 1509 which was signed into law on June 10, 2015. This act requires the University of Hawaii system to be net zero with respect to energy use by 2035, and is one of four new laws related to Hawaii’s goal of a 100% renewable energy portfolio by 2040. As the text states, “The purpose of this Act is to maximize student tuition savings by establishing long-term commitments to reduce energy use at the University of Hawaii and by encouraging the use of innovative means of energy-savings financing to reduce taxpayer costs for capital improvement and energy efficiency projects.”
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Example: New Jersey AB2313 (2013)
Assemblmymember Brown introduced AB2313 on June 13, 2013. This bill provides priority status to a solar electric power generation system that is installed on the property of a State entity, school district, county, county agency, county authority, municipality, municipal agency, or municipal authority and that is expected or intended to provide energy savings to that public entity, over a solar electric power generation system that is installed on private property, provided the applicable electric public utility has already determined that the public entity’s solar electric power generation system is eligible for net metering and has received Board of Public Utilities approval to be connected to the electric distribution system. The bill was referred to the Committee on Telecommunications and Utilities on June 13, 2013.

B. Reduced Solid and Hazardous Waste Production

- Increased Recycling, Composting and Reduced Consumption
  Recycling and reduced consumption continue to be two simple and proven ways to reduce the production of solid and hazardous waste. Students can participate in school-organized activities, families participate in community recycling programs, and together the schools and districts work together to reduce waste. State legislators can introduce bills that mandate the creation of recycling programs for school districts or large communities, with funding incentives to offset costs. Green Apple Day of Service can be an effective platform for student and community engagement on this topic (see Georgia HR704).

Representative Chris Lee introduced HI HCR 220 to help Hawaii achieve its goal of reducing their solid waste stream by 70% prior to disposal and reduce taxpayer dollars spent to clean up non-biodegradable and non-compostable food service product litter every year. This resolution was inspired by the University of Hawaii at Manoa’s campus-wide policies to eliminate the use of plastic and polystyrene foam products in their food service products on campus and intends to replicate this action across the state while simultaneously expanding composting programs.

Example: Illinois HR353 (2013)
Representative Wheeler introduced HR353 on May 15, 2013. This bill recognizes the 2013 Dream Machine Recycle Rally. The resolution was adopted on May 16, 2013.

Example: Massachusetts HB745 (2013)
Representative Koczera introduced HB745 on January 22, 2013. This bill would reinstate the Clean Environment Fund to reduce waste and protect the environment in the Commonwealth. The bill was referred to the committee on Environment, Natural Resources and Agriculture on January 22, 2013.

NEW Example: New York S05461 (in committee) (2017)
Requires facilities, including schools, generating excess food waste to take measures to minimize such waste.
Requires all public schools to offer students the opportunity to compost and recycle waste.

- Improved Management, Reduction, or Elimination of Hazardous waste; Expanded Use of Alternative Transportation

Example: Michigan HB4232 (2013)
Representative Ananich introduced HB4232 on February 12, 2013. This bill would amend 2008 PA 295, the "Clean, renewable, and efficient energy act," to authorize funds to school districts for weatherizing, upgrading, and retrofitting elementary and secondary schools to improve energy efficiency, decrease fuel costs, increase use of alternative fuels, or decrease emissions of air pollutants. These funds would also be used to retrofit school buses to operate on compressed natural gas or other alternative fuels or to operate with high-efficiency types of engines such as hybrid electric engines. The bill was referred to the Committee on Energy and Technology on February 12, 2013.

Example: North Carolina HB960 (2013)
Representative Elmore introduced HB960 on April 17, 2013. This bill requires local boards of education to account for several environmental factors, including policies addressing pesticide use and cleaning materials and the environmental education of its students. The bill was referred to the Committee on Education on April 18, 2013.

II. Improved Occupant Health and Wellness

Adopting a green cleaning policy can improve the indoor environmental quality for students, teachers, and staff, reducing instances of asthma and other illnesses that are a major cause of absenteeism. The impacts of a green cleaning policy can include safer operations for custodial staff, a healthier indoor environment for building occupants, and more environmentally responsible purchasing and disposal of cleaning products and materials. Green cleaning supplies do not need to cost more money than conventional cleaning supplies. 10 states and the District of Columbia have demonstrated this leadership. Sample legislative text: http://tinyurl.com/p9kb3o5

A. Integrated School Environmental Health Program; Operations and Facility-wide Management

- Water Quality

NEW Example: California AB1490 (2017)
Requires the State Water Resources Control Board to evaluate and report back on water quality in disadvantaged areas and provide financial assistance to schools in those communities to improve their quality of drinking water.
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NEW Example: New York SB 7103 (2016)
Requires school districts and boards of cooperative educational services to conduct periodic testing of school potable water sources and systems to monitor for lead contamination in certain school buildings.

NEW Example: North Carolina HB 1074 (2016)
Would require regular testing for lead in all schools built before 1987.

NEW Example: Rhode Island H5907 (failed) (2017)
Lead Poisoning Prevention Act. Requires public water systems to replace lead water lines and notify schools if they receive water through lead lines.

NEW Example: Virginia SB 1359 (2017)
Requires each local school board to develop and implement a plan to test for lead and, if necessary, remediate potable water from sources identified by the U.S. Environmental Protection Agency as high priority for testing, giving priority in such testing plan to schools whose school building was constructed, in whole or in part, before 1986.

- Green cleaning
  Adopting a green cleaning policy can improve the indoor environmental quality for students, teachers, and staff, reducing instances of asthma and other illnesses that are a major cause of absenteeism. A green cleaning policy outlines the purchase and use of sustainable cleaning chemicals, best practices for mixing concentrates, the purchase and use of janitorial equipment, and assessment of cleaning performance. The impact of a green cleaning policy can include safe operations for custodial staff, a safe and healthy indoor environment for building occupants, and environmentally responsible purchasing and disposal of cleaning products and materials. Green cleaning supplies do not need to cost more money than conventional cleaning supplies. In 2015, USGBC completed an in-depth analysis of school green cleaning policies across several states, called “Perspectives on Implementation and Effectiveness of School Green Cleaning Laws,” which is available online.

NEW Example: Arizona SB1502 (failed) (2017)
By December 2018, all school districts must adopt a green cleaning policy and shall purchase and use environmentally sensitive cleaning products. If this is not economically feasible, the school district must notify the state department of education.

NEW Example: Connecticut HB07034 (failed) (2017)
Requires each local board of education to adopt and implement a green cleaning program to provide for the procurement and use of environmentally preferable cleaning products in school buildings and facilities.

Example: Illinois HB0895 (2007)
This law requires the Illinois Green Government Coordinating Council (IGGCC), in consultation with other agencies, to establish and amend on an annual basis guidelines and specifications for environmentally-sensitive cleaning and maintenance products for use in school facilities. All elementary and secondary
public and non-public schools shall establish a green cleaning policy and exclusively purchase and use environmentally-sensitive cleaning products pursuant to the guidelines and specifications. Schools may deplete their existing cleaning and maintenance supply stocks and implement the new requirements in the procurement cycle for the following school year.

NEW Example: North Carolina H845 (in committee) (2017)
All elementary and secondary public schools—including charter schools and all elementary and secondary nonpublic schools with 50 or more students—shall establish a green cleaning policy and exclusively purchase and use environmentally-sensitive cleaning products.

- Indoor Air Quality Management Program
Improving indoor air quality can enhance the well-being of staff, teachers, and students and increase attendance rates, performance, and productivity. Legislation could require the development and implementation of an ongoing indoor air quality management program, based on the EPA’s Building Education and Assessment Model (I-BEAM), a free tool to manage indoor air quality in buildings. (See EPA for more information).

Example: Minnesota HF270 (2013)
Representative Hausman introduced HF270 on January 31, 2013. This bill establishes the school energy conservation revolving loan program to provide financial assistance to school districts to make energy improvements in school buildings that reduce statewide greenhouse gas emissions and improve indoor air quality in schools. On May 17, 2013, the bill was not passed as amended with a 76-56 vote. A three-fifths majority (81) was needed to pass the bonding bill.

Adds a list of items, including high quality air conditioning systems, to the requirements for approval of new, leased or remodeled school buildings with respect to health and safety, including environmental health and safety; requires departments of health and environmental conservation to report to the education department and school districts information on environmental hazards relevant to school buildings.

Requires schools, boards of cooperative educational services and pre-kindergarten programs to provide notification to students, parents and employees of environmental health and safety hazards within school facilities.

- Integrated Pest Management Practices
Pests can be harmful to school buildings and affect occupant health. Many of the pesticides used to deter pests are also unhealthy to building occupants. An integrated pest management plan is intended to protect students, teachers, and staff by reducing the application of harmful pesticides. Legislation could require the adoption of an integrated pest management plan based on the specifications outlined in the LEED for Existing Buildings: Operations and Maintenance rating system. Integrated pest management plans can be more effective than conventional pest control methods since they treat underlying causes of pest
problems, and are frequently less expensive since they reduce pesticide application.

**NEW Example: New York A05569 (in committee) (2017)**
All schools shall have pest management plans for all pest control activities, which have been subject to public review and approved by the school board. Such plans shall utilize Integrated Pest Management techniques to manage and control pests and problems.

**NEW Example: Oregon SB1047 (in committee) (2017)**
Requires each school district to create and implement a plan to improve environmental conditions in school facilities. The plan must feature provisions for carrying out integrated pest management.
More information about integrated pest management best practices can be found at www.ipminstitute.org

- **High Standards of Nutrition, Fitness; Quantity of Quality Outdoor Time**

**NEW Example: Oklahoma HB1674 (failed) (2017)**
Requires school district to complete self-assessments on physical education programs and best practices for each physical education measure assessed.

**NEW Example: Vermont H0438 (failed) (2017)**
Requires each school to develop a school wellness plan to promote healthy behaviors in children (like nutrition and fitness) and submit it to the department of education for approval.

**Example: Washington, D.C. Healthy Schools Act (2010)**
The DC Healthy Schools Act of 2010 aims to improve the overall health and wellness of the public and charter school students in the District of Columbia, in addition to improving school learning conditions and building performance. The act includes nutrition guidelines for school meals, promotes increased physical activity and encourages new school and major renovation construction to aspire beyond the already required LEED Silver certification and achieve LEED Gold. The act also requires public disclosure about school nutrition, environmental testing, and health programs.

### III. Effective Environment and Sustainability Education

Requiring that high schools educate environmentally literate graduates by instituting a graduation requirement can be a powerful and effective tool for advancing environmental literacy. Ensure that graduates in your state are prepared for the 21st century economy by studying topics in sustainability and the natural world to develop STEM content knowledge and critical thinking skills. [Here](#) is a link to an example.
A. Use of the Environment and Sustainability to Prepare Students for the 21st Century Economy

- **Requiring Schools to Produce Environmentally Literate Graduates**

*Example: Maryland (1990)*
Maryland established the nation’s first environmental literacy graduation requirement. The Department of Education requires local school systems to provide in public schools a comprehensive, multi-disciplinary environmental education program infused within current curricular offerings and aligned with the Maryland Environmental Literacy Curriculum to all enrolled students. Each local school system can design its own program, which will be reviewed by MSDE every 5 years.

*Short of a graduation requirement…* a state can set environmental and sustainability education standards, though due to local state control of education, these standards may not be followed without further efforts (such as including environmental subject material on state-wide tests):

*Example: Washington (1990)*
In 1990, the State Board of Education created a rule defining environmental education as part of Basic Education and mandating its instruction in public school at all grade levels in all subject matters (*WAC 392-410-115*). These standards describe what all students should know and be able to do in the area of Environmental and Sustainability Education. Consistent with the intent of the law governing environmental education in Washington, the WA Department of Education has created K-12 Integrated Environmental and Sustainability Learning Standards which are intended to be integrated into core content areas and across all grade levels and also align with the state’s Indian Education curriculum.

*Short of a graduation requirement and education standards…* a state can create a model curriculum for dissemination and voluntary use by schools and teachers:

*NEW Example: California AB 1548 (2003)*
This 2003 law required the state to develop an environment-based curriculum to be offered to all California public schools. The result is the Environment Education Initiative, which includes [model curriculum](#) for local school boards statewide.

B. Development of Civic Engagement Knowledge and Skills

- **Promote Environmental Literacy Programs and Community Initiatives like Green Apple Day of Service**
Green Apple Day of Service gives parents, teachers, students, companies and local organizations a platform for giving back to their community in a way that helps transform all schools into healthy, safe and productive learning environments through local service projects. Over the last four years, more than 750,000 volunteers have helped their community’s schools across all 50 states and in 73 countries. Join them in support of green schools to create tangible change your
communities. Find event ideas, helpful event resources, and service projects in your area at www.greenapple.org.

Tip: Host a service project, join a local service project, or sponsor a Green Apple Day of Service resolution with your colleagues to encourage participation across your state.

Example: Georgia HR704 (2013)
Representatives Drenner, Henson, Kaiser, and Stovall introduced HR704 on March 12, 2013. This is a resolution encouraging state-wide participation in Green Apple Day of Service. The resolution was adopted the same day.

Example: Hawaii SB952 (2013)
Senators Nishihara, Baker, Ige, Keith-Agaran, Ruderman, Solomon, and Wakai introduced the bill in January, 2013. The bill appropriates funds to implement and operate the 4-H program at the University of Hawaii to educate and support youth in agriculture careers to promote community resilience and sustainability. The bill was referred to the Ways & Means Committee on February 13, 2013.

Assembly Member Kavanagh introduced AB264 on January 9, 2013. This bill would require the department of education to establish an education for environmental sustainability program to teach children the importance of conserving and protecting our environment. The bill was referred to the Committee on Education on January 9, 2013. See companion bill, New York SB 1351 (referred to the Committee on Environmental Conservation on January 9, 2013).

NEW Example: Texas HR2090 (2017)
The Texas House of Representatives expressed its support for green schools and encouraged all Texans to learn more about the advantages they provide.

- Recognize Green Schools through the Department of Education’s Green Ribbon Schools Program

Example: U.S. Department of Education’s Green Ribbon Schools Program
The U.S. Department of Education’s Green Ribbon Schools award recognizes schools, districts and higher education institutions that excel across the three pillars featured in this resource. Join the 26 states currently participating in this voluntary recognition award to celebrate green schools in your area and increase local collaboration. Find eligibility requirements and more information: http://www2.ed.gov/programs/green-ribbon-schools

Tip: Share www.greenstrides.org with your constituents. Powered by the Center for Green Schools and the U.S. Department of Education, this is the largest compilation of free tools and resources to support green schools.