

## **Evaluation of EPA’s final “School Siting Guidelines”**

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In a letter dated February 18, 2011 ([www.school-diversity.org/pdf/PRRAC-EPA\\_School\\_Siting\\_comments\\_Feb\\_2011.pdf](http://www.school-diversity.org/pdf/PRRAC-EPA_School_Siting_comments_Feb_2011.pdf)) the Poverty and Race Research Action Council submitted comments to the EPA on its “School Siting Guidelines.” PRRAC’s letter contained three main elements:

- Recommending that the EPA reinstate the principle of “exclusionary zones” in the draft guidelines as suggested by the CHPAC.
- Encouraging the EPA to add the following language to the Smart Growth policies: “Avoid sites that will exacerbate or perpetuate racial segregation and isolation in school populations.”
- Urging the agency to add the following to the list of Smart Growth policies to be considered: “Avoid sites that may increase the risk of environmentally related illnesses for students and staff.”

The EPA’s final version of the guidelines ([www.epa.gov/schools/siting/downloads/School\\_Siting\\_Guidelines.pdf](http://www.epa.gov/schools/siting/downloads/School_Siting_Guidelines.pdf)) rejects PRRAC’s specific advice on exclusionary zones and avoiding sites that will perpetuate school segregation – though the guidelines now make reference to the value of school integration, and the potential conflict between the guidelines and school diversity goals. And while the guidelines do not expressly adopt PRRAC’s recommendation on excluding environmentally dangerous sites, they acknowledge the important of choosing sites that will contribute to healthy outcomes.

Exclusionary Zones: In the “Public Involvement in the Development of the Guidelines” section, the EPA acknowledges calls to include distance-based siting criteria. The guidelines include a “wide screening perimeter to identify potential environmental hazards within a large radius of a candidate school location,” but do not include any “narrow screening perimeter for exclusion/buffer zones that define a desirable distance between proposed school locations and environmental hazards.”<sup>11</sup> Thus, the Commission’s (and PRRAC’s) recommendation to include mandatory exclusionary zones in the guidelines has not been incorporated.

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<sup>11</sup> [http://www.epa.gov/schools/siting/development.html#SPC\\_distance\\_based\\_siting\\_crit](http://www.epa.gov/schools/siting/development.html#SPC_distance_based_siting_crit)

School Diversity: Although the EPA acknowledges the segregation potential of building schools near existing populations and includes in the guidelines, the agency asserts that “federal and state laws that address student diversity in public school districts are complex and beyond the scope of these guidelines.”<sup>22</sup> However, “the revised guidelines include a summary of the major relevant federal laws in the Limitations of the Guidelines section,” including reference to the USDOE’s Title VI regulations.<sup>3</sup> Additionally, the guidelines include reference to selected studies on school segregation, including *Achieving Educational Excellence for All: A Guide to Diversity-Related Policy Strategies for School Districts*.<sup>4</sup> Furthermore, the guidelines acknowledge that “[e]conomic, racial and ethnic segregation is a continuing challenge across the country,” and add that “[m]ore diverse schools can provide educational as well as life attainment benefits to all school age children.”<sup>5</sup> While the guidelines do not include the language recommended by PRRAC, the guidelines include a significant amount of information regarding the positive impact of diversity in schools and the dangers of segregation.

Environmental site risks: Finally, the revised guidelines do acknowledge indirectly the need to avoid sites that may increase the risk of environmentally related illnesses for students and staff as the third principle behind the guidelines: “Schools should be located in environments that contribute to the livability, sustainability and public health of neighborhoods and communities.”<sup>6</sup>

- September 2012

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<sup>22</sup> [http://www.epa.gov/schools/siting/development.html#SPC\\_Consider\\_related\\_to\\_poten](http://www.epa.gov/schools/siting/development.html#SPC_Consider_related_to_poten)

<sup>33</sup> [http://www.epa.gov/schools/siting/development.html#SPC\\_Consider\\_related\\_to\\_poten](http://www.epa.gov/schools/siting/development.html#SPC_Consider_related_to_poten) (“[EPA’s Office of Civil Rights](#) and the [Department of Education’s Office for Civil Rights](#) are available to provide technical assistance to districts concerning applicable civil rights laws. See agency regulations implementing Title VI, for example, [EPA’s Title VI regulations, 40 C.F.R. Part 7](#), and the [U.S. Department of Education’s Title VI regulations, 34 C.F.R. Part 100](#). The Title VI regulations prohibit, among other things, race, color or national origin discrimination in siting decisions. In addition to prohibiting discrimination in siting decisions, among other things, the civil rights laws establish other requirements relevant to the decision-making process, such as requirements pertaining to effective communication with limited English proficient persons and individuals with ties and requirements pertaining to access by individuals with disabilities. See U.S. Department of Justice regulations implementing [Title II, 28 C.F.R. Part 35](#), and [Title III, 28 C.F.R. Part 36](#), of the Americans with Disabilities Act, and U.S. Department of Education’s regulations implementing [Section 504 of the Rehabilitation Act of 1973, 34 C.F.R. Part 104](#).” Available at: <http://www.epa.gov/schools/siting/limitations.html>).

<sup>44</sup> [http://www.epa.gov/schools/siting/resources.html#LINKS\\_segregation](http://www.epa.gov/schools/siting/resources.html#LINKS_segregation)

<sup>55</sup> <http://www.epa.gov/schools/siting/limitations.html>

<sup>66</sup> 1.4.3. Principle 3. Schools should be located in environments that contribute to the livability, sustainability and public health of neighborhoods and communities. Available at: [http://www.epa.gov/schools/siting/downloads/School\\_Siting\\_Guidelines.pdf](http://www.epa.gov/schools/siting/downloads/School_Siting_Guidelines.pdf) (p. 7)