

Ed board puts lead, radon testing rules on fast track

By **PARIS ACHEN**
Capital Bureau

The Oregon Board of Education is fast-tracking adoption of a new rule that requires schools to test for lead and radon and report those results to the public.

The rule came on the heels of a scandal in Portland Public Schools over lead in drinking water that went unreported, and a directive by Gov. Kate Brown.

"I think an additional layer of checks and balances when we are talking about student safety so I think this will make parents feel much better," said Board Chairwoman Miranda Summer.

The board heard a first reading of the rule Thursday and plans

adoption Aug. 17. A public hearing on the proposal is scheduled for Aug. 2.

The requirement will entail additional costs to schools and the Oregon Department of Education. The Legislative Fiscal Office is working on an estimate on what those costs will be. Legislative leadership has asked the Emergency Board to allocate money to pay for it.

Brown in April directed the Oregon Department of Education and Oregon Health Authority to review existing requirements for environmental testing and address the problem of lead in drinking water.

During the review, health and education officials learned that

neither the education department nor the health authority has the power to require schools test for lead, said Emily Nazarov, operations policy analyst with the education department's government and legal affairs section.

The health authority has authority to require testing of public water systems, but schools are excluded from the agency's jurisdiction.

The proposed rule would require school districts, charter schools and education services districts to conduct lead and radon testing and to submit an environmental monitoring plan to ODE for keeping water, air and physical spaces safe for students and staff.

The health authority already had authority to require schools to

test for radon, but the new rule will provide comprehensive guidance to schools on all of the testing required. Schools will be required to report their test results to the education department and to the community annually.

"I'm supporting of this, but I am also thinking this is like the iceberg with only the tip visible and there is a lot of it unseen, and it can become very quickly a nightmare," said School Board Member Samuel Henry.

Henry said if the Legislature doesn't approve additional funding for implementing the rule it could be another one of those "famous unfunded mandates."

The agencies asked schools to test for lead during the summer. All

of the districts have either completed or are in the process of testing, Nazarov said. The agencies recommend that schools identify sources of lead, stop access, communicate results to staff, students, parents and the community and mitigate and repair the problem.

"Districts are doing a lot of this already," Nazarov said. "Portland (Public Schools) mentioned at one of the meetings one of their learning points is make sure you are documenting this. Repairs are done. People leave organizations, and nobody knows that the repair was done or when it was done, and that information is lost. This is a way to make sure there is a record that the community has access to and that that info is available."

BRIEFLY

Grand jury considers FBI's use of force in Finicum shooting

PORTLAND (AP) — A federal prosecutor revealed in a court document that the investigation of FBI agents involved in the traffic stop that led to the killing of Oregon standoff spokesman Robert "LaVoy" Finicum is before a grand jury.

Attorneys for the defendants accused of taking part in the Ammon Bundy-led takeover of a national wildlife refuge in Oregon have been seeking records from the investigation into the FBI's use of force in the Finicum shooting and whether there was a cover-up.

In a motion to keep reports sealed, Assistant U.S. Attorney Charles Gorder wrote Thursday that matters before a grand jury are protected from disclosure rules.

Oregon State Police troopers fired the rounds that killed Finicum during the Jan. 26 confrontation on a remote road, and the shooting was deemed to be justified.

Investigators, however, discovered FBI agents failed to disclose they fired two rounds that missed Finicum.

Malheur refuge occupier Wesley Kjar pleads guilty

PORTLAND (AP) — A Salt Lake City man who briefly served as Ammon Bundy's bodyguard during the armed takeover of a national wildlife refuge pleaded guilty Thursday in Portland.

Wesley Kjar, 32, admitted to U.S. District Court Judge Anna J. Brown that he took part in a conspiracy to prevent Interior Department employees from doing their jobs at the Malheur National Wildlife Refuge in sparsely populated Eastern Oregon.

Though he described the action as an "armed political protest against federal power," a charge of firearms possession in a federal facility was dismissed in a plea agreement with government prosecutors.

Assistant U.S. Attorney Craig Gabriel said the government will recommend a sentence of six months home detention when Kjar receives his punishment Oct. 28. Kjar relinquished his claim to firearms and ammunition seized by authorities.

Kjar arrived at the refuge Jan. 4, a couple days after Bundy and others took it over while protesting the federal control of Western lands and the imprisonment of two Oregon ranchers convicted of setting fires.

Kjar provided armed personal security for Bundy until he left the refuge Jan. 9. He returned to Utah, where he approached members of the Church of Jesus Christ of Latter-day Saints about finding a way to end the dispute peacefully.

The occupation dragged on for weeks before the last holdouts surrendered Feb. 11.

Kjar is the fifth member of the occupation to plead guilty in the case. Most of the other 21 defendants, including Bundy, are scheduled to go on trial in September.

Oracle, Oregon talk settlement as legal bills pass \$10M mark

By **NICK BUDNICK**
Capital Bureau

Oregon's legal tab to outside law firms has passed \$10 million in the battle with Oracle over who is to blame for the \$300 million Cover Oregon website debacle.

The already staggering tab eventually could run far more than that, since there are still six months before the trial in Marion County Circuit Court is scheduled to begin, and there could be appeals after that.

But while Oregon and Oracle publicly accuse each other of incompetence and misrepresentations, they quietly have resumed settlement talks in search of a peaceful resolution. Oregon is using a special settlement lawyer, who has billed the state nearly \$250,000 in the past two years.

"We continue to talk regularly in good faith about all kinds of settlement ideas with the state," wrote Oracle Senior Vice President Ken Glueck in an email.

The state's suit for more than \$6 billion, as well as the project's total failure, have drawn national attention. The website was never publicly unveiled, creating headaches for tens of thousands of Oregonians who sought to enroll in new health insurance offerings under the Affordable Care Act, also known as Obamacare. Oregonians faced delays, errors or had their applications lost entirely as the state tried to manually process their applications.

Oracle was paid \$240 million for products and programming the state says were low-quality and unworkable.

Here are three things to know as the two sides talk.

1. The primary case is entering a crucial stage.

On June 17, Oracle's lawyers went to Marion County Circuit Court in an effort to essentially knock the heart out of Oregon's case accusing Oracle of racketeering and fraud. The company's lawyers argued two motions that question whether the state has a valid legal foundation for its suit.

Next month, the state will go to the same court for permission to amend the suit to claim punitive damages— meaning far more money — for what it says was egregious misconduct by the company.

At this point, neither side has a good understanding of the risks and probabilities as they head into trial scheduled for January 2017.

Until Marion County Circuit Judge Courtland Geyer settles those issues and some final questions around the evidence to be presented in court, it's possible neither side will be ready to settle.

That, at least, is the usual pattern,

says David Friedman, a Willamette University law professor who is tracking the case.

But, he adds, "There may be a break point right now where the state realizes it's going to get a lot more expensive."

2. Attorney General Ellen Rosenblum and Gov. Kate Brown may not be on the same page when it comes to settling.

Oracle has filed a separate lawsuit that amounts to the legal equivalent of a tricky bank shot.

It claims aides to Brown reached an oral agreement to settle the state's racketeering case for \$25 million, only to have the deal not go through. The lawsuit attempts to enforce the alleged deal, which would make the entire legal fracas go away.

Rosenblum maintains that only she has the authority to fully settle the case, since she filed it and is an independently elected official. Brown has denied settling the case.

Oracle's suit is pending, but the allegations it presents suggest that Brown, who is now running to fill the final two years of former Gov. John Kitzhaber's term, was far more eager to settle the case than Rosenblum is. And that dynamic has likely not changed much, observers say.

Corrections

The East Oregonian works hard to be accurate and sincerely regrets any errors. If you notice a mistake in the paper, please call 541-966-0818.

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REGIONAL CITIES

	Today			Sat.		
	Hi	Lo	W	Hi	Lo	W
Astoria	65	52	sh	70	52	pc
Baker City	64	35	c	76	40	s
Bend	66	37	s	79	44	s
Brookings	67	52	pc	70	53	s
Burns	69	34	pc	79	42	s
Enterprise	61	40	c	74	46	s
Eugene	72	47	pc	82	51	s
Heppner	68	44	pc	80	50	s
Hermiston	76	48	pc	85	52	s
John Day	68	41	c	82	48	s
Klamath Falls	72	41	s	83	47	s
La Grande	66	38	c	77	47	s
Meacham	62	37	c	74	42	s
Medford	78	52	s	90	57	s
Newport	62	48	sh	65	50	s
North Bend	66	51	pc	68	53	s
Ontario	77	46	pc	83	51	s
Pasco	77	49	pc	84	52	s
Pendleton	71	48	c	81	51	s
Portland	68	53	sh	78	58	s
Redmond	69	37	s	81	44	s
Salem	72	51	sh	81	55	s
Spokane	62	48	c	74	52	s
Ukiah	63	36	c	75	43	s
Vancouver	66	51	sh	78	56	s
Walla Walla	72	53	c	81	55	s
Yakima	75	46	pc	84	52	s

WINDS

(in mph)	Today	Saturday
Boardman	WSW 12-25	SW 3-6
Pendleton	WSW 15-25	W 4-8

UV INDEX TODAY

1	4	6	6	4	2
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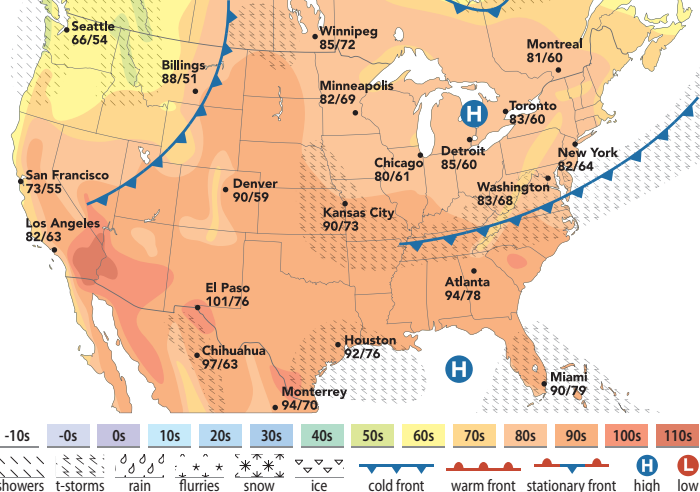
8 a.m. 10 a.m. Noon 2 p.m. 4 p.m. 6 p.m.
0-2, Low 3-5, Moderate 6-7, High; 8-10, Very High; 11+, Extreme

The higher the AccuWeather.com UV Index™ number, the greater the need for eye and skin protection.

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NATIONAL WEATHER TODAY

Shown are noon positions of weather systems and precipitation. Temperature bands are highs for the day.



National Summary: Showers and gusty thunderstorms will extend from the central Plains to part of the Atlantic coast today. Expect storms to dot coastal Texas and the Florida Peninsula, while showers cool the Northwest.

Yesterday's National Extremes: (for the 48 contiguous states)
High 113° in Gila Bend, Ariz. Low 31° in Boca Reservoir, Calif.

NATIONAL CITIES

	Today			Sat.		
	Hi	Lo	W	Hi	Lo	W
Albuquerque	95	70	t	94	70	t
Atlanta	94	78	pc	96	75	t
Atlanta City	76	65	s	76	62	s
Baltimore	82	63	t	85	61	s
Billings	88	51	pc	80	53	s
Birmingham	95	76	pc	95	75	t
Boise	74	48	pc	82	54	s
Boston	75	61	t	74	59	s
Charleston, SC	98	79	t	96	77	t
Chicago, WV	84	64	pc	87	66	s
Chicago	80	61	pc	88	71	s
Cleveland	81	63	s	87	69	s
Dallas	96	77	s	96	79	pc
Denver	90	59	t	82	57	t
Detroit	85	60	s	87	66	s
El Paso	101	76	pc	99	73	t
Fairbanks	78	56	c	79	58	c
Fargo	86	70	s	84	62	t
Honolulu	85	74	pc	85	73	sh
Houston	92	76	t	91	75	t
Indianapolis	83	64	pc	87	70	t
Jacksonville	97	73	pc	98	74	pc
Kansas City	90	73	t	93	72	t
Las Vegas	109	83	s	108	84	s
Little Rock	96	77	t	97	78	pc
Los Angeles	82	63	pc	86	65	pc
Louisville	89	70	pc	91	73	s
Memphis	97	80	t	97	78	pc
Miami	90	79	pc	91	78	pc
Millwaukee	77	62	s	82	69	s
Minneapolis	82	69	s	84	65	t
Nashville	96	71	t	96	75	pc
New Orleans	93	77	pc	94	77	pc
New York City	82	64	pc	84	64	s
Oklahoma City	93	72	s	93	74	pc
Omaha	86	75	pc	90	66	c
Philadelphia	84	65	s	86	63	s
Phoenix	109	87	pc	108	87	s
Portland, ME	75	53	s	75	52	s
Providence	81	57	s	82	56	s
Raleigh	92	70	t	85	64	pc
Rapid City	96	58	pc	84	52	s
Reno	88	54	s	93	59	s
Sacramento	93	61	s	99	59	s
St. Louis	97	76	pc	94	79	pc
Salt Lake City	90	67	s	83	57	s
San Diego	76	65	pc	75	67	pc
San Francisco	73	55	pc	73	55	pc
Seattle	66	54	sh	72	55	pc
Tucson	103	80	pc	100	78	s
Washington, DC	83	68	t	84	66	s
Wichita	96	75	t	97	75	t

Weather (W): s-sunny, pc-partly cloudy, c-cloudy, sh-showers, t-thunderstorms, r-rain, sf-snow flurries, sn-snow, i-ice.

AccuWeather.com Forecast

TODAY	SATURDAY	SUNDAY	MONDAY	TUESDAY
Variably cloudy with a shower	Sunshine; pleasant and warmer	Sunshine	Hot with sunshine	Mostly sunny and very hot

PENDLETON TEMPERATURE FORECAST

Today	Sat.	Sun.	Mon.	Tue.
71° 48°	81° 51°	90° 55°	94° 63°	95°