

# Legislature could reimburse schools for lead testing

By Paris Achen  
Capital Bureau

Oregon public schools could be reimbursed for the cost of testing for lead in campus drinking water, under a proposal lawmakers will consider Sept. 23.

The proposal sets up a fund administered by the Oregon Department of Education. School districts could submit invoices to request reimbursement for costs associated with lead testing between March and December of this year.

The Legislative Fiscal Office has recommended that the Emergency Board approve the \$5 million as a placeholder until state education officials gain a better sense of how much school districts will request for reimbursement.

The education department could submit a revised financial request to the emergency board in December, if requests exceed \$5 million, said Doug Wilson, a legislative fiscal analyst.

"It's really a signal to districts that we are putting money aside for lead testing," Wilson said of the recommendation.

The Oregon Association of School Business Officials conducted a survey of school districts this summer to try to estimate the cost of testing. About 100 districts, repre-

senting about half of the state student population, responded. The \$5 million figure is roughly based on those districts' responses, Wilson said.

That amount equates to about \$35 for each lab test, including testing and a small amount to defray the cost of collection, he said. The amount doesn't account for any expenses associated with mitigation of lead contamination.

Some larger school districts such as Portland and Beaverton used contractors to take water samples, which drove up the cost of testing, Wilson said.

Lawmakers pledged to provide some kind of financial assistance to districts after the Oregon Health Authority and the education department last summer asked districts to test for lead in school water supplies. The agencies recommended that schools identify sources of lead, stop access, communicate results to staff, students, parents and the community and mitigate and repair the problem.

The request for testing followed widespread media coverage of a scandal in Portland Public Schools over lead in drinking water that went unreported.

In August, the state Board of Education — at the behest of Gov. Kate Brown — approved a rule that requires

school districts to submit a plan for testing for lead in water and other toxins in school environments and to report any results to the public, but the rule doesn't require actual testing.

State agencies, including the education department and the Oregon Health Authority, have no authority to force school districts to test for lead in water, but that could change next year. Lawmakers are considering legislation during the 2017 session that would require districts to test for lead in water and possibly other toxins, said Sen. Michael Dembrow, D-Portland. Dembrow and Rep. Alissa Keny-Guyer, D-Portland, spearheaded legislation in 2015 that required districts to test for radon.

"At that time, we focused on radon because to be honest, we assumed there was testing already happening for lead and other things, but radon seemed like something people were just beginning to become familiar with."

"As we come to a better understanding of the multiple toxins in schools, we need to expand that," he added.

New York recently enacted a law requiring schools to test for lead by the end of October, report results to the public and develop a plan for reducing exposure to the toxin, the Oregon Legislative Fiscal Office reported.

# Oracle settles Cover Oregon lawsuit for \$100 million

By Nick Budnick  
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Capital Bureau

The state of Oregon and Oracle, the vendor on the \$300 million Cover Oregon website debacle, have settled their wide-ranging legal dispute for more than \$100 million in goods, services and cash.

Oracle will supply funds, software and services to the state to settle a case in which Oregon had accused the Redwood City, Calif., software giant of fraud and racketeering on the state's one-stop-shopping health insurance website project that never worked as planned.

The state had been asking for roughly \$6 billion.

"Today's settlement agreement ends years of turmoil and taxpayer expense related to a troubled health care exchange program I dissolved in March 2015," Gov. Kate Brown said in a statement.

The agreement, announced early Thursday by Brown at OMSI, includes only \$35 million in actual cash. Of that, \$25 million will go to legal costs. The other \$10 million will go toward science, technology, engineering and math education in public schools, to be branded as "Oracle STEM Education Grants."

The state's \$105 million valuation of the settlement



Paris Achen/Pamplin Media Group

From left, Deputy General Counsel Misha Isaak, Gov. Kate Brown, and state Chief Information Officer Alex Pettit answer questions at OMSI in Portland Thursday after Brown announced a more than \$100 million settlement with Oracle Thursday over the failed Cover Oregon website.

also includes \$60 million in free customer service support for yet-to-be-obtained Oracle software.

State officials were expected to notify the federal government of the settlement later Thursday morning, Brown said. Brown declined to answer a question about whether the state will be required to give any of the settlement money to the federal government.

"We received a very limited amount of cash as you will see; the cash is \$35 million," Brown responded. "These settlements are very challenging to resolve, and all of the parties had to do some give and take in order to resolve the matter."

The federal government contributed \$305 million

for Cover Oregon. But federal officials may find it hard to recoup any part of the settlement's ostensible value. Not a penny of the amount will go to repay the state for the \$240 million it paid Oracle in connection with the project, or reimburse the state for any of the related damages cited in the state's lawsuit against Oracle.

Kristen Grainger, a spokeswoman for Brown, said the settlement was "carefully" and "creatively" constructed to let Oregon keep as much of it as possible, hopefully the whole amount.

"We are hopeful that (the federal government) will see that the needs of consumers are met," she said.

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