

No. 2008-71

AN ACT

SB 356

Amending the act of June 22, 1993 (P.L.105, No.24), entitled "An act providing for environmental education programs; providing for further duties of the Department of Education and the Department of Environmental Resources; creating the Environmental Education Fund; and providing for the disposition of a portion of certain fines and penalties," providing for the establishment of the Pennsylvania Center for Environmental Education and the Pennsylvania Center for Environmental Education Board; and making editorial changes.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The title and sections 2 and 3 of the act of June 22, 1993 (P.L.105, No.24), known as the Environmental Education Act, are amended to read:

AN ACT

Providing for environmental education programs; providing for *the establishment of the Pennsylvania Center for Environmental Education and the Pennsylvania Center for Environmental Education Board and for* further duties of the Department of Education, *the Department of Conservation and Natural Resources* and the Department of Environmental [Resources] *Protection*; creating the Environmental Education Fund; and providing for the disposition of a portion of certain fines and penalties.

Section 2. Declaration of policy.

The General Assembly finds and declares as follows:

(1) Section 27 of Article I of the Constitution of Pennsylvania states that: "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people."

(2) [The State Board of Education has recognized the study of the environment as an essential component of basic education for graduating students. The regulations of the board which pertain to curriculum identify the knowledge and understanding of the environment as one of the goals of a quality education.] *The State Board of Education has adopted environment and ecology curriculum standards identifying the concepts and understanding that students in kindergarten through grade 12 must attain at each level.*

(3) *The Department of Education has primary responsibility for formal environmental education within this Commonwealth's schools.*

A quality education should provide each student with knowledge of natural and human resources, an understanding of geographic environments, knowledge of the interrelationships and interdependence of natural and human systems, the development of environmental problem solving and management skills and knowledge of and appropriate uses of energy.

(4) The Department of Environmental [Resources has a responsibility to help the public understand the environmental laws as well as the roles of individuals, groups, institutions, industry and government in finding solutions to this Commonwealth's environmental problems and the prevention of new problems.] *Protection and the Department of Conservation and Natural Resources have responsibility for adult and nonformal environmental education and a support role in basic and higher education. The Department of Environmental Protection shall provide environmental education support to adults, businesses, local officials and farmers, emphasizing environmental stewardship related to environmental laws, pollution reduction and prevention, sustainable energy issues and environmental problem solving.*

[(5) The third week of October is recognized each year as "Pennsylvania Environmental Education Week" as a means to promote environmental education.

(6) The 20th Anniversary celebration of "Earth Day" heralded the 1990's as the "Decade of the Environment." In order to meet the challenges of this decade, citizens of this Commonwealth will need the knowledge and skills to make informed decisions as consumers and voters to help protect the environment and prevent pollution.

(7) It is the policy of this Commonwealth that environmental education is critically important to encourage a citizenry which has the ability to help promote a healthy environment and an understanding of the functioning of the natural world and the necessity for environmental protection and sound resource management.]

(5) The annual celebration of Earth Day is an opportunity for every citizen in this Commonwealth to reflect on our accomplishments in protecting the environment and on the challenges we face in creating an environmentally aware citizenry and sustainable communities.

(6) Environmental education is critical to promoting a healthy environment and citizenry, sustainable communities and to the growth of Pennsylvania's economy.

(7) A Pennsylvania Center for Environmental Education is an essential component to help to identify the resources and products needed to comply with the environment and ecology standards, to assess the environmental knowledge and understanding of the public, to avoid

duplication in the creation and delivery of environmental education programs to create an informed citizenry and sustainable communities.

Section 3. Legislative purpose.

It is the purpose of this act to:

(1) authorize and require the Department of Education, *the Department of Conservation and Natural Resources* and the Department of Environmental [Resources] *Protection* to develop and implement environmental education programs for the citizens of this Commonwealth[;] *and to provide leadership, services, funding and accountability for environmental education;*

(2) encourage the environmental education efforts of other agencies where appropriate, including, but not limited to, those of the county conservation districts, the Pennsylvania Fish and Boat Commission, the Game Commission, [the Pennsylvania Energy Office,] the Department of Agriculture, the Department of [Commerce, the Department of Community Affairs,] *Community and Economic Development*, the Department of General Services and the Department of Transportation; [and]

(3) create and establish the Advisory Council on Environmental Education within the Department of Education[.]; *and*

(4) *establish the Pennsylvania Center for Environmental Education to support the environmental education efforts of State agencies, county conservation districts, formal and nonformal educators and nonprofit organizations.*

Section 2. The act is amended by adding a section to read:

Section 3.1. Pennsylvania Center for Environmental Education.

(a) *Establishment.*—*There is hereby established the Pennsylvania Center for Environmental Education within the State System of Higher Education which will, in consultation with appropriate stakeholders, help to identify the needs for environmental education and promote research and development of programs for nonformal educators.*

(b) *Duties.*—*The Pennsylvania Center for Environmental Education shall have the following duties:*

(1) *To promote the formation of partnerships with formal and nonformal educators, schools, agencies, public officials, county conservation districts, business, industry, nonprofit citizen and environmental education organizations. The partnership shall:*

(i) *Assist with the dissemination of existing environmental education materials, program and training opportunities to agencies, organizations, educators and the public.*

(ii) *Provide preservice and nonformal educator programs related to environmental education and support efforts to disseminate materials to meet those needs.*

(iii) *Assist in evaluating the effectiveness of nonformal environmental education programs.*

(iv) *Help to facilitate the active implementation of the environment and ecology standards adopted by the State Board of Education.*

(v) *Promote both Statewide and regional solutions to environmental education needs to maximize the effective use of existing resources.*

(vi) *Work with State agencies in the development of new educational tools where environmental education needs are identified.*

(2) *To inventory, disseminate and generate environmental education-related research, including an environmental readiness assessment of public knowledge, attitudes and behaviors related to environmental concerns and concepts every five years to help determine educational needs.*

(3) *To establish an Internet-based resources network to make environmental information available and to provide training and education opportunities for educators and Pennsylvania's citizenry.*

(4) *To actively seek public and private sources of funding to help support activities by the Pennsylvania Center for Environmental Education and its project partners.*

(c) *Personnel.—The State System of Higher Education may, in consultation with the Pennsylvania Center for Environmental Education Board, hire such employees and contract with other entities as it determines to undertake its responsibilities to the extent available funds allow. All staff hiring, firing, staff and program evaluations and fiscal accountability will follow State System of Higher Education procedures and practices.*

(d) *Pennsylvania Center for Environmental Education Board established.—*

(1) *To oversee and assess the operations of the Pennsylvania Center for Environmental Education in performing its duties, a Pennsylvania Center for Environmental Education Board is hereby established. The board shall consist of the following:*

(i) *The secretary or his designee from each of the following: the Department of Environmental Protection, the Department of Conservation and Natural Resources and the Department of Education.*

(ii) *Five representatives appointed by the Chancellor of the State System of Higher Education. These representatives shall be chosen from among the business, agricultural, environmental, basic and higher education communities or from among any community which the appointing authority deems will further the purposes of environmental education in this Commonwealth. Representatives selected shall serve terms of four years. Of the representatives first appointed by the appointing authority, three shall serve for terms of*

two years and three shall serve for terms of four years. Representatives, upon expiration of their term, shall continue to serve until a successor is appointed. Vacancies shall be filled for the remainder of an unexpired term in the same manner as original appointments.

(iii) A representative of the Pennsylvania Association of Conservation Districts appointed by the Secretary of Agriculture.

(2) The board shall meet at least semiannually to establish priorities, adopt an annual work plan and annual budget, and review and approve activities of the center, and shall elect a chairperson.

(3) Expenses of the board and the operation of the Pennsylvania Center for Environmental Education shall be paid by the State System of Higher Education from funds appropriated by the General Assembly for the Pennsylvania Center for Environmental Education.

Section 3. Sections 4, 5, 6, 7 and 8 of the act are amended to read:

Section 4. Powers and duties of Department of Education.

The Department of Education shall have the following powers and duties:

(1) To conduct a periodic evaluation of school-based environmental education in this Commonwealth.

(2) To provide assistance, support and resource information to educators, *students* and public and private education agencies and organizations on environmental education programs.

(3) To identify, recognize and establish awards for exemplary environmental education curricula developed in Commonwealth schools.

(4) To identify the need for the development of new curriculum, preservice and continuing teacher professional development and education programs related to environmental education and to support efforts to develop programs and materials to meet those needs in collaboration with other agencies, environmental organizations or associations.

Section 5. Powers and duties of Department of Environmental [Resources] *Protection*.

The Department of Environmental [Resources] *Protection* shall have the following powers and duties:

[(1) To conduct a periodic evaluation of the status of environmental education taking place in the nonformal sector (outside of the classroom) in this Commonwealth.

(2) To maintain an inventory of environmental education materials, programs and resources available in Commonwealth agencies.

(3) To use the department's environmental education centers as outreach facilities to bring youth and adult education programs into communities and schools, focusing on environmental issues of importance to the Commonwealth.

(4) To provide such grants as the Secretary of Environmental Resources after consultation with the Secretary of Education shall, in his discretion, approve to the following: public and private schools for youth environmental education, conservation and education organizations and institutions for the purposes of providing environmental education training to teachers, county conservation districts and Bureau of State Parks Environmental Education Program.]

(1) *To provide such grants as the Secretary of Environmental Protection, after consultation with the Secretary of Education, shall, in the Secretary of Environmental Protection's discretion, approve to the following: public and private schools, conservation and education organizations and institutions, businesses and nonprofit organizations and associations, county conservation districts and the Department of Conservation and Natural Resources for the purposes of providing environmental education.*

[(5)] (2) To prepare a guidance document, in consultation with the Secretary of Education, for administering the grants. [The department shall make the document available for public review and comment by publication in the Pennsylvania Bulletin.]

Section 6. Environmental Education Report.

The Secretary of Education and the Secretary of Environmental [Resources] *Protection, with input from the Advisory Council on Environmental Education and the Pennsylvania Center for Environmental Education Board*, shall prepare a [periodic] *biennial* report to the Governor and the General Assembly outlining environmental education programs and achievements, highlighting new initiatives and recommending future program needs.

Section 7. The Advisory Council on Environmental Education.

(a) Duties.—There is hereby created an Advisory Council on Environmental Education within the Department of Education. The advisory council shall:

(1) Make recommendations to the Secretary of Education, *the Secretary of Conservation and Natural Resources* and the Secretary of Environmental [Resources] *Protection* with respect to the use of any funds used to support environmental education activities.

(2) Advise and assist the Secretary of Education, *the Secretary of Conservation and Natural Resources* and the Secretary of Environmental [Resources] *Protection* in carrying out environmental education activities.

(3) Advise and assist the Secretary of Education, *the Secretary of Conservation and Natural Resources* and the Secretary of Environmental [Resources] *Protection* in conducting a continual evaluation of the trends and needs in environmental education.

(4) Make recommendations to the Secretary of Education, *the Secretary of Conservation and Natural Resources* [and the Secretary of Environmental Resources], *the Secretary of Environmental Protection and the Pennsylvania Center for Environmental Education Board* to help foster environmental education programs.

(5) Make recommendations to *the Secretary of Conservation and Natural Resources* and the Secretary of Environmental [Resources] *Protection* on the distribution of available grant moneys.

(b) Composition.—Council membership shall consist of [13] 16 members as follows:

(1) the Secretary of Education or his designee;

(2) the Secretary of Environmental [Resources] *Protection* or his designee;

(2.1) the Secretary of Conservation and Natural Resources or his designee;

(3) the Secretary of Agriculture or his designee; and

(4) [ten] *twelve* members appointed as follows:

(i) Three members representing Statewide or regional environmental organizations appointed by the Secretary of Environmental [Resources] *Protection*.

(ii) Two members representing Statewide or regional business, industry or landowners' organizations appointed by the Secretary of [Commerce] *Community and Economic Development*.

(iii) Three members representing basic education appointed by the Secretary of Education, one of which is a vocational agricultural teacher appointed by the Secretary of Education.

(iv) One member representing higher education appointed by the Chancellor of the State System of Higher Education.

(v) One member representing a Statewide or regional general agricultural organization appointed by the Secretary of Agriculture.

(vi) Two members representing conservation and natural resource interests appointed by the Secretary of Conservation and Natural Resources.

(c) Appointment, terms and expenses.—The [ten] 12 council members shall be appointed for five-year terms. The initial term of four of the council members shall be for one year, the initial term of four members shall be for three years, and the initial term of the remainder shall be for five years. A member may be appointed for more than one term and shall serve until a successor has been appointed. Members shall not be compensated but shall be reimbursed for actual expenses in accordance with the rules of the Executive Board.

(d) Officers and bylaws.—The council shall convene at least [biannually] *semiannually*, shall elect a chairperson and a vice-chairperson to serve a one-year term and shall adopt bylaws for governing its operations.

(e) Staff.—The Secretary of Education shall designate such staff as may be necessary for the operation of the council.

Section 8. Environmental Education Fund.

[(a) **Establishment.**—]There is hereby created a special nonlapsing fund in the State Treasury to be known as the Environmental Education Fund. An amount equal to 5% of the moneys collected annually from fines, *natural resource damage settlements* and penalties deposited in special funds or restricted revenue accounts administered by the Department of Environmental [Resources] *Protection* shall be deposited in this fund. This annual allocation amount shall be based upon the amounts collected in the previous fiscal year. All moneys placed in the fund and the interest it accrues are hereby appropriated, upon authorization by the Governor, to the Department of Environmental [Resources] *Protection and the Department of Conservation and Natural Resources* to accomplish the purposes of this act. [Beginning in fiscal year 1992-1993, and each year thereafter, moneys appropriated to the department under this section shall not affect and are in addition to funding for environmental education programs administered by the department and the Department of Education that are in existence prior to passage of this act.]

(b) **Return of certain moneys.**—On June 30 of each fiscal year any funds in the Environmental Education Fund in excess of an amount equal to twice the average of expenditures for the three prior fiscal years from the Environmental Education Fund shall be returned to the special funds or restricted revenue accounts from which those funds were originally transferred.]

Section 4. The addition of section 3.1 of the act shall expire in seven years.

Section 5. This act shall take effect immediately.

APPROVED—The 9th day of July, A.D. 2008.

EDWARD G. RENDELL