

TITLE 20 - EDUCATION

CHAPTER 52 - EDUCATION FOR ECONOMIC SECURITY

SUBCHAPTER V - ASBESTOS SCHOOL HAZARD ABATEMENT

§ 4013. State records and priority lists

(a) Records

The Governor of each State shall maintain records on—

- (1) the presence of asbestos materials in school buildings of local educational agencies;
- (2) the asbestos detection and abatement activities and other response actions conducted by local educational agencies (including activities relating to the replacement of the asbestos materials removed from school buildings with other appropriate building materials); and
- (3) repairs made to restore school buildings to conditions comparable to those which existed before the abatement activities referred to in paragraph (2) were undertaken.

(b) Priority list

(1) Each year, in accordance with procedures established by the Administrator, the Governor of each State shall:

- (A) submit to the Administrator a priority list of all schools under the authority of a local educational agency within the State, without regard to the public or private nature of the school involved, that are candidates for abatement activities and other response actions; and
 - (B) forward to the Administrator for each candidate for abatement activities and other response actions all applications for financial assistance prepared by the local educational agencies in accordance with the provisions of section 4014 of this title; and¹
- (2) The priority list shall rank the potential candidates for abatement action based on the nature and magnitude of the existing and potential exposure presented by the asbestos materials.
- (3) For each school listed, the Governor shall certify that the statement of need contained in the application for assistance accurately reflects the financial resources available to the local educational agency for the asbestos abatement program.
- (4) For the purpose of determining the adequacy of the financial resources available to a local educational agency for the abatement of asbestos threats the Governor shall, to the extent practicable, consider the following:
- (A) A measure of financial need used by the State in which the local educational agency is located.
 - (B) The estimated per capita income of the locality of such agency or of those directly or indirectly providing financial support for such agency.
 - (C) The extent to which the local school millage rate falls above or below
 - (i) the millage rate average of the State and
 - (ii) the millage rate of other local educational agencies with comparable enrollment, per capita income, and resource base.
 - (D) The ratio, expressed as a percentage, of the estimated cost of the project to the total budget of the local educational agency.
 - (E) The borrowing capacity of the local educational agency.
 - (F) Any additional costs to the local educational agency of meeting the special needs of disadvantaged students.
 - (G) Any other factor that demonstrates that the local educational agency has limited financial resources.

Footnotes

¹ So in original. Probably should end with a period instead of “; and”.

(Pub. L. 98–377, title V, § 504, Aug. 11, 1984, 98 Stat. 1289; Pub. L. 101–637, §§ 5, 14 (a)(4), (b)(5), (6), Nov. 28, 1990, 104 Stat. 4590, 4594, 4595.)

Amendments

1990—Pub. L. 101–637, § 14(a)(4), substituted “State records and priority lists” for “State plans” in section catchline.

Subsec. (a). Pub. L. 101–637, §§ 5(a)(1), 14 (b)(5), inserted heading and substituted “The Governor of each State shall maintain records on” for “Not later than three months after August 11, 1984, the Governor of each State shall submit to the Administrator a plan which describes the procedures to be used by the State for maintaining records on” in introductory provisions.

Subsec. (a)(2). Pub. L. 101–637, § 5(a)(2), (3), inserted “and other response actions” after “abatement activities” and inserted “and” after semicolon at end.

Subsec. (a)(3). Pub. L. 101–637, § 5(a)(4), substituted “paragraph (2)” for “subparagraph (B)”.

Subsec. (b). Pub. L. 101–637, § 14(b)(6)(A), inserted heading.

Subsec. (b)(1). Pub. L. 101–637, § 5(b)(1), substituted “Each year, in accordance with procedures established by the Administrator,” for “Not later than six months after August 11, 1984, and annually thereafter,” in introductory provisions.

Subsec. (b)(1)(A). Pub. L. 101–637, §§ 5(b)(2), (3), 14 (b)(6)(B), substituted “abatement activities and other response actions” for “abatement”, struck out “and the Secretary of the Department of Education” after “submit to the Administrator”, and inserted “and” after semicolon at end.

Subsec. (b)(1)(B). Pub. L. 101–637, §§ 5(b)(2), 14 (b)(6)(B), (C), substituted “abatement activities and other response actions” for “abatement”, struck out “section 4012 (b)(3) of this title and” before “section 4014”, and struck out “and the Secretary of the Department of Education” after “forward to the Administrator”.

Subsec. (b)(1)(C). Pub. L. 101–637, § 5(b)(4), struck out subpar. (C) which read as follows: “forward to the Secretary of the Department of Education a copy of all information submitted to the Administrator in accordance with subsection (b)(3) of this section.”

Subsec. (b)(4)(C). Pub. L. 101–637, § 14(b)(6)(D), inserted a comma after “per capita income”.

Subsec. (b)(4)(F), (G). Pub. L. 101–637, § 5(c), added subpar. (F) and redesignated former subpar. (F) as (G).

Subsec. (c). Pub. L. 101–637, § 5(d), struck out subsec. (c) which read as follows: “Not later than nine months after the submission of the plan described in subsection (a) of this section, and each twelve months thereafter, the Governor shall submit to the Administrator a report which describes the actions taken by the State in accordance with its plan under such subsection.”