



General Assembly

Amendment

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LCO No. 8987

Offered by:

SEN. WILLIAMS, 29th Dist.

REP. STRATTON, 17th Dist.

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SEN. COLAPIETRO, 31st Dist.

To: Subst. Senate Bill No. 1265

File No. 510

Cal. No. 355

"AN ACT CONCERNING INDOOR ENVIRONMENTAL QUALITY IN SCHOOLS."

1 Strike out everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) As used in this section, sections 10-206, 10-220
4 and 10-291 of the general statutes, as amended by this act, and sections
5 6 to 9, inclusive, of this act:

6 (1) "Indoor environmental quality" means the quality of facets of the
7 environment that affect the health of the occupants of school facilities
8 including, but not limited to, air quality, the presence of radon and
9 water quality.

10 (2) "School activity hours" means the time of day in which students
11 or school personnel occupy school facilities.

12 (3) "HVAC system" means the equipment, distribution network and
13 terminals that provide, either collectively or individually, the process
14 of heating, ventilation or air conditioning to a building.

15 (4) "Bioaerosols" means microbiological airborne particles including,
16 but not limited to, fungi, mold and bacteria.

17 Sec. 2. Section 10-206 of the general statutes is repealed and the
18 following is substituted in lieu thereof:

19 (a) Each local or regional board of education shall require each pupil
20 enrolled in the public schools to have health assessments pursuant to
21 the provisions of this section. Such assessments shall be conducted by
22 a legally qualified practitioner of medicine, an advanced practice
23 registered nurse or registered nurse, licensed pursuant to chapter 378,
24 a physician assistant, licensed pursuant to chapter 370, or by the school
25 medical advisor to ascertain whether such pupil is suffering from any
26 physical disability tending to prevent such pupil from receiving the
27 full benefit of school work and to ascertain whether such school work
28 should be modified in order to prevent injury to the pupil or to secure
29 for the pupil a suitable program of education. No health assessment
30 shall be made of any child enrolled in the public schools unless such
31 examination is made in the presence of the parent or guardian or in the
32 presence of another school employee. The parent or guardian of such
33 child shall receive prior written notice and shall have a reasonable
34 opportunity to be present at such assessment or to provide for such
35 assessment himself. A local or regional board of education may deny
36 continued attendance in public school to any child who fails to obtain
37 the health assessments required under this section.

38 (b) Each local or regional board of education shall require each child
39 to have a health assessment prior to public school enrollment. The
40 assessment shall include: (1) A physical examination which shall
41 include hematocrit or hemoglobin tests, height, weight and blood
42 pressure, and an asthma assessment, which shall include, but not be
43 limited to, screening questions that relate to the child's respiratory

44 health to be answered by the parent or guardian and screening
45 questions to be answered by the provider as described in subsection (a)
46 of this section that include, but are not limited to, whether the child
47 has been treated for asthma over the last twelve months; (2) an
48 updating of immunizations as required under section 10-204a,
49 provided a registered nurse may only update said immunizations
50 pursuant to a written order by a physician or physician assistant,
51 licensed pursuant to chapter 370, or an advanced practice registered
52 nurse, licensed pursuant to chapter 378; (3) vision, hearing, speech and
53 gross dental screenings; and (4) such other information, including
54 health and developmental history, as the physician feels is necessary
55 and appropriate. The assessment shall also include tests for
56 tuberculosis, sickle cell anemia or Cooley's anemia and tests for lead
57 levels in the blood where the local or regional board of education
58 determines after consultation with the school medical advisor and the
59 local health department, or in the case of a regional board of education,
60 each local health department, that such tests are necessary, provided a
61 registered nurse may only perform said tests pursuant to the written
62 order of a physician or physician assistant, licensed pursuant to
63 chapter 370, or an advanced practice registered nurse, licensed
64 pursuant to chapter 378.

65 (c) Each local or regional board of education shall require each pupil
66 enrolled in the public schools to have health assessments in either
67 grade three or four and in either grade six or grade seven and in either
68 grade ten or grade eleven. The assessment shall include: (1) A physical
69 examination which shall include hematocrit or hemoglobin tests,
70 height, weight and blood pressure, and an asthma assessment that
71 shall include, but not be limited to, screening questions that relate to
72 the pupil's respiratory health to be answered by the parent or guardian
73 and screening questions to be answered by the provider as described
74 in subsection (a) of this section that include, but are not limited to,
75 whether the pupil has been treated for asthma over the last twelve
76 months; (2) an updating of immunizations as required under section
77 10-204a, provided a registered nurse may only update said

78 immunizations pursuant to a written order of a physician or physician
79 assistant, licensed pursuant to chapter 370, or an advanced practice
80 registered nurse, licensed pursuant to chapter 378; (3) vision, hearing,
81 postural and gross dental screenings; and (4) such other information
82 including a health history as the physician feels is necessary and
83 appropriate. The assessment shall also include tests for tuberculosis
84 and sickle cell anemia or Cooley's anemia where the local or regional
85 board of education, in consultation with the school medical advisor
86 and the local health department, or in the case of a regional board of
87 education, each local health department, determines that said
88 screening or test is necessary, provided a registered nurse may only
89 perform said tests pursuant to the written order of a physician or
90 physician assistant, licensed pursuant to chapter 370, or an advanced
91 practice registered nurse, licensed pursuant to chapter 378.

92 (d) The results of each assessment done pursuant to this section and
93 the results of screenings done pursuant to section 10-214 shall be
94 recorded on forms supplied by the State Board of Education. Such
95 information shall be included in the cumulative health record of each
96 pupil and shall be kept on file in the school such pupil attends. The
97 appropriate school health personnel shall annually report the results of
98 the assessments without the pupils' personal identifiers that either
99 directly reveal the identity of the pupil or provide a means of
100 identifying the pupil to the local or district health department and to
101 the Department of Public Health in a manner acceptable to such
102 departments. If a pupil permanently leaves the jurisdiction of the
103 board of education, the pupil's original cumulative health record shall
104 be sent to the chief administrative officer of the school district to which
105 such student moves. The board of education transmitting such health
106 record shall retain a true copy. Each physician, advanced practice
107 registered nurse, registered nurse, or physician assistant performing
108 health assessments and screenings pursuant to this section and section
109 10-214 shall sign each form and any recommendations concerning the
110 pupil shall be in writing.

111 (e) Appropriate school health personnel shall review the results of

112 each assessment and screening as recorded pursuant to subsection (d)
113 of this section. When, in the judgment of such health personnel, a
114 pupil, as defined in section 10-206a, is in need of further testing or
115 treatment, the superintendent of schools shall give written notice to the
116 parent or guardian of such pupil and shall make reasonable efforts to
117 assure that such further testing or treatment is provided. Such
118 reasonable efforts shall include a determination of whether or not the
119 parent or guardian has obtained the necessary testing or treatment for
120 the pupil, and, if not, advising the parent or guardian on how such
121 testing or treatment may be obtained. The results of such further
122 testing or treatment shall be recorded pursuant to subsection (d) of this
123 section, and shall be reviewed by school health personnel pursuant to
124 this subsection.

125 (f) Appropriate school health personnel shall maintain a log of
126 health complaints by students and school personnel that includes, but
127 is not limited to, information about the location and time of the onset
128 of the symptoms and likely exposure to pollutant sources.

129 Sec. 3. Section 10-220 of the general statutes is repealed and the
130 following is substituted in lieu thereof:

131 (a) Each local or regional board of education shall maintain good
132 public elementary and secondary schools, implement the educational
133 interests of the state as defined in section 10-4a and provide such other
134 educational activities as in its judgment will best serve the interests of
135 the school district; provided any board of education may secure such
136 opportunities in another school district in accordance with provisions
137 of the general statutes and shall give all the children of the school
138 district as nearly equal advantages as may be practicable; shall provide
139 an appropriate learning environment for its students which includes
140 (1) adequate instructional books, supplies, materials, equipment,
141 staffing, facilities and technology, (2) equitable allocation of resources
142 among its schools, and (3) a safe school setting; shall have charge of the
143 schools of its respective school district; shall make a continuing study
144 of the need for school facilities and of a long-term school building

145 program and from time to time make recommendations based on such
146 study to the town; shall report annually to the Commissioner of
147 Education on the condition of its facilities and the action taken to
148 implement its long-term school building program, which report the
149 commissioner shall use to prepare an annual report that [he] the
150 commissioner shall submit in accordance with section 11-4a to the joint
151 standing committee of the General Assembly having cognizance of
152 matters relating to education; shall advise the Commissioner of
153 Education of the relationship between any individual school building
154 project pursuant to chapter 173 and such long-term school building
155 program; shall have the care, maintenance and operation of buildings,
156 lands, apparatus and other property used for school purposes and at
157 all times shall insure all such buildings and all capital equipment
158 contained therein against loss in an amount not less than eighty per
159 cent of replacement cost; shall determine the number, age and
160 qualifications of the pupils to be admitted into each school; shall
161 develop and implement a written plan for minority staff recruitment
162 for purposes of subdivision (3) of section 10-4a; shall employ and
163 dismiss the teachers of the schools of such district subject to the
164 provisions of sections 10-151 and 10-158a; shall designate the schools
165 which shall be attended by the various children within the school
166 district; shall make such provisions as will enable each child of school
167 age, residing in the district to attend some public day school for the
168 period required by law and provide for the transportation of children
169 wherever transportation is reasonable and desirable, and for such
170 purpose may make contracts covering periods of not more than five
171 years; may place in an alternative school program or other suitable
172 educational program a pupil enrolling in school who is nineteen years
173 of age or older and cannot acquire a sufficient number of credits for
174 graduation by age twenty-one; may arrange with the board of
175 education of an adjacent town for the instruction therein of such
176 children as can attend school in such adjacent town more conveniently;
177 shall cause each child five years of age and over and under sixteen
178 years of age living in the school district to attend school in accordance
179 with the provisions of section 10-184, and shall perform all acts

180 required of it by the town or necessary to carry into effect the powers
181 and duties imposed by law.

182 (b) The board of education of each local or regional school district
183 shall, with the participation of parents, students, school administrators,
184 teachers, citizens, local elected officials and any other individuals or
185 groups such board shall deem appropriate, prepare a statement of
186 educational goals for such local or regional school district. The
187 statement of goals shall be consistent with state-wide goals pursuant to
188 subsection (c) of section 10-4. Each local or regional board of education
189 shall develop student objectives which relate directly to the statement
190 of educational goals prepared pursuant to this subsection and which
191 identify specific expectations for students in terms of skills, knowledge
192 and competence.

193 (c) (1) Annually, each local and regional board of education shall
194 submit to the Commissioner of Education a strategic school profile
195 report for each school under its jurisdiction and for the school district
196 as a whole. The superintendent of each local and regional school
197 district shall present the profile report at the next regularly scheduled
198 public meeting of the board of education after each November first. (2)
199 The profile report shall provide information on measures of [(1)] (A)
200 student needs, [(2)] (B) school resources, including technological
201 resources and utilization of such resources and infrastructure, [(3)] (C)
202 student and school performance, [(4)] (D) equitable allocation of
203 resources among its schools, [(5)] (E) reduction of racial, ethnic and
204 economic isolation, [and (6)] (F) special education, and (G) necessary
205 improvements to indoor environmental quality pursuant to subsection
206 (d) of this section. (3) For purposes of this subsection, measures of
207 special education include (A) special education identification rates by
208 disability, (B) rates at which special education students are exempted
209 from mastery testing pursuant to section 10-14q, (C) expenditures for
210 special education, including such expenditures as a percentage of total
211 expenditures, (D) achievement data for special education students, (E)
212 rates at which students identified as requiring special education are no
213 longer identified as requiring special education, (F) the availability of

214 supplemental educational services for students lacking basic
215 educational skills, (G) the amount of special education student
216 instructional time with nondisabled peers, (H) the number of students
217 placed out-of-district, and (I) the actions taken by the school district to
218 improve special education programs, as indicated by analyses of the
219 local data provided in subparagraphs (A) to (H), inclusive, of this
220 subdivision. (4) For purposes of this subsection, "improvements to
221 indoor environmental quality" shall include, but not be limited to, the
222 correction of indoor environmental quality problems in the school
223 facilities through the use of the Environmental Protection Agency's
224 Indoor Air Quality Tools for Schools publications, or any similar
225 subsequent publications.

226 (d) Prior to January 1, 2005, each local or regional board of
227 education, except the regional vocational-technical school system, shall
228 conduct, utilizing the Environmental Protection Agency's Indoor Air
229 Quality Tools for Schools publications as guidance, a uniform
230 inspection and evaluation program of the indoor environmental
231 quality of its schools. Such board of education shall conduct such
232 program every five years after it conducts the first program prior to
233 January 1, 2005. The inspection and evaluation program shall include,
234 but not be limited to, a review, inspection or evaluation of the
235 following: (1) Radon levels in the water and the air; (2) potential for
236 exposure to bioaerosols; (3) chemical compounds of concern to indoor
237 air quality including, but not limited to, volatile organic compounds;
238 (4) the degree of pest infestation, including, but not limited to, insect
239 and rodents; (5) the degree of pesticide usage; (6) the presence of and
240 the plans for removal of any hazardous substances that are contained
241 on the list prepared pursuant to Section 302 of the federal Emergency
242 Planning and Community Right-to-Know Act, 42 USC 9601 et seq.; (7)
243 ventilation systems; (8) plumbing, including water distribution
244 systems, drainage systems and fixtures; (9) building structural
245 elements, including, but not limited to, roofing, basements or slabs;
246 and (10) the use of space, particularly areas that were designed to be
247 unoccupied. The local or regional board of education shall use the data

248 generated from such inspection and monitoring program to write a
249 report on the status of its schools' indoor environmental quality that
250 shall include, but not be limited to, a discussion of the progress the
251 schools have made in improving indoor environmental quality. The
252 local or regional board of education shall forward such report and its
253 supporting data to the local or district health department. The local or
254 district health department shall review such report and its supporting
255 data and notify the local or regional board of education of any indoor
256 environmental quality issues that need to be addressed.

257 (e) Each school, except the regional vocational-technical schools,
258 shall (1) annually inspect its HVAC system and correct problems with
259 the system within a reasonable time, and (2) maintain written records
260 of HVAC system maintenance and inspection for at least five years.
261 Each school shall annually submit its maintenance records to its local
262 board of education with a copy to the local or district health
263 department.

264 Sec. 4. (NEW) Each local or district health department shall (1)
265 review the records submitted pursuant to subsection (a) of section 10-
266 220 of the general statutes, as amended by this act, for operational
267 problems which are likely to affect the health of the students and shall
268 immediately report such problems to the local or regional board of
269 education, and (2) report any problems to the Department of Public
270 Health and the Labor Department.

271 Sec. 5. Subsection (a) of section 10-220 of the general statutes, as
272 amended by section 3 of public act 00-157, is repealed and the
273 following is substituted in lieu thereof:

274 (a) Each local or regional board of education shall maintain good
275 public elementary and secondary schools, implement the educational
276 interests of the state, as defined in section 10-4a, and provide such
277 other educational activities as in its judgment will best serve the
278 interests of the school district; provided any board of education may
279 secure such opportunities in another school district in accordance with

280 provisions of the general statutes and shall give all the children of the
281 school district as nearly equal advantages as may be practicable; shall
282 provide an appropriate learning environment for its students which
283 includes (1) adequate instructional books, supplies, materials,
284 equipment, staffing, facilities and technology, (2) equitable allocation
285 of resources among its schools, and (3) a safe school setting; shall have
286 charge of the schools of its respective school district; shall make a
287 continuing study of the need for school facilities, [and of] a long-term
288 school building program and any necessary maintenance of its
289 facilities and from time to time make recommendations based on such
290 study to the town; shall maintain a written maintenance plan for its
291 facilities; shall establish a prioritized schedule for addressing indoor
292 environmental quality, within available funding; shall report annually
293 to the Commissioner of Education on the condition of its facilities and
294 the action taken to implement its long-term school building program,
295 which report the commissioner shall use to prepare an annual report
296 that [he] the commissioner shall submit in accordance with section 11-
297 4a to the joint standing committee of the General Assembly having
298 cognizance of matters relating to education; shall advise the
299 Commissioner of Education of the relationship between any individual
300 school building project pursuant to chapter 173 and such long-term
301 school building program; shall have the care, maintenance and
302 operation of buildings, lands, apparatus and other property used for
303 school purposes and at all times shall insure all such buildings and all
304 capital equipment contained therein against loss in an amount not less
305 than eighty per cent of replacement cost; shall determine the number,
306 age and qualifications of the pupils to be admitted into each school;
307 shall develop and implement a written plan for minority staff
308 recruitment for purposes of subdivision (3) of section 10-4a; shall
309 employ and dismiss the teachers of the schools of such district subject
310 to the provisions of sections 10-151 and 10-158a; shall designate the
311 schools which shall be attended by the various children within the
312 school district; shall make such provisions as will enable each child of
313 school age, residing in the district to attend some public day school for
314 the period required by law and provide for the transportation of

315 children wherever transportation is reasonable and desirable, and for
316 such purpose may make contracts covering periods of not more than
317 five years; may place in an alternative school program or other suitable
318 educational program a pupil enrolling in school who is nineteen years
319 of age or older and cannot acquire a sufficient number of credits for
320 graduation by age twenty-one; may arrange with the board of
321 education of an adjacent town for the instruction therein of such
322 children as can attend school in such adjacent town more conveniently;
323 shall cause each child five years of age and over and under eighteen
324 years of age who is not a high school graduate and is living in the
325 school district to attend school in accordance with the provisions of
326 section 10-184, and shall perform all acts required of it by the town or
327 necessary to carry into effect the powers and duties imposed by law.

328 Sec. 6. Section 10-291 of the general statutes is repealed and the
329 following is substituted in lieu thereof:

330 (a) No school building project for which state assistance is sought
331 shall be undertaken except according to a plan and on a site approved
332 by the state Department of Education, the town or regional board of
333 education and by the building committee of such town or district. [No
334 such school building project shall be undertaken at an expense
335 exceeding the sum which the town or regional district may
336 appropriate for the project. In the case of a school building project
337 financed in whole or in part by an energy conservation lease purchase
338 agreement, the expense of the project shall not exceed the sum which
339 the town or regional school district approved for the project.] Prior to
340 approving a school building project, the state Department of
341 Education, the town or regional board of education and the building
342 committee of such town or district shall require (1) in the case of a
343 school building project which is a construction, extension or
344 replacement of a building to be used for public school purposes, a
345 Phase I environmental site assessment in accordance with the
346 American Society for Testing and Materials Standard E1527, Standard
347 Practice for Environmental Site Assessments: Phase I Environmental
348 Site Assessment Process, or similar subsequent standards, (2) a report

349 of how the school building project will affect indoor environmental
350 health in the facility, and (3) a demonstration that the project
351 incorporates any Environmental Protection Agency guidelines for new
352 school construction. A copy of final plans and specifications for each
353 phase of site development and construction of all school building
354 projects and for each phase thereof including site development shall be
355 filed with the Commissioner of Education subject to the provisions of
356 section 10-292 before the start of such phase of development or
357 construction shall be begun. A town or regional school district may
358 commence a phase of development or construction before completion
359 of final plans and specifications for the whole project provided a copy
360 of the latest preliminary plan and cost estimate for such project which
361 has been approved by the town or regional board of education and by
362 the building committee shall be submitted with the final plans and
363 specifications for such phase. Any board of education which, prior to
364 the approval of a grant commitment by the General Assembly,
365 commences any portion of a school construction project or causes any
366 such project to be let out for bid, shall not be eligible for a school
367 construction grant until a grant commitment is so approved.

368 (b) The Department of Education, the town or regional board of
369 education and the building committee of such town or district may not
370 approve a school building project plan or site, as applicable, if:

371 (1) In the case of a school building project that is a construction,
372 extension or replacement of a building, the Phase I environmental site
373 assessment indicates that the site does not meet the criteria for
374 residential properties in the regulations adopted pursuant to section
375 22a-133k.

376 (2) The site is in an area of moderate or high radon potential, as
377 indicated in the Department of Environmental Protection's Radon
378 Potential Map, or similar subsequent publications, except where the
379 school building project plan incorporates construction techniques to
380 mitigate radon levels in the air of the facility.

381 (3) The plans incorporate flat-roof construction that does not have
382 adequate pitch towards drains in order to prevent the pooling of
383 water.

384 (4) In the case of a renovation or alteration of a school building, the
385 plans do not incorporate the Sheet Metal and Air Conditioning
386 Contractors National Association's publication entitled "Indoor Air
387 Quality Guidelines for Occupied Buildings Under Construction" or
388 similar subsequent publications.

389 Sec. 7. (NEW) Each school that installed or renovated its HVAC
390 system through a school building project grant pursuant to chapter 173
391 of the general statutes shall ensure that its HVAC system is (1)
392 maintained and operated in accordance with the American Society of
393 Heating, Ventilating and Air Conditioning Engineers Standard 62
394 entitled "Ventilation for Acceptable Indoor Air Quality", as
395 incorporated by the State Building Code adopted under section 29-252
396 of the general statutes; and (2) operated continuously during school
397 activity hours except (A) during scheduled maintenance and
398 emergency repairs; and (B) during periods for which school officials
399 can demonstrate to the local or regional board of education's
400 satisfaction that the quantity of outdoor air supplied by an air supply
401 system that is not mechanically driven meets the American Society of
402 Heating, Ventilating and Air Conditioning Engineers Standard 62
403 requirements for air changes per hour.

404 Sec. 8. (NEW) The Commissioners of Public Health and Education,
405 in consultation with any other public or private institution, shall (1)
406 annually organize or contract for school environmental health training
407 workshops for school environmental health coordinators, school
408 administrators, school maintenance personnel and local or district
409 health departments and issue a certificate of training to participants
410 who successfully complete the workshops; and (2) upon request of a
411 school, assist schools in implementation of a comprehensive
412 environmental health program based on the Environmental Protection
413 Agency's Indoor Air Quality Tools for Schools publications.

414 Sec. 9. Notwithstanding the provisions of section 10-286 of the
415 general statutes, the Commissioner of Education shall not include the
416 area necessary to support a HVAC system in the calculation of the
417 number of gross square feet per pupil pursuant to section 10-286 of the
418 general statutes.

419 Sec. 10. The Department of Environmental Protection may, within
420 available appropriations, provide grants or loans to municipalities for
421 the funding of response measures to environmental problems on the
422 site of the school facility that presents an immediate threat to the
423 health or safety of the students or personnel of the school. The
424 Department of Environmental Protection may consult with the
425 Department of Public Health and the Department of Education prior to
426 making any such grant.

427 Sec. 11. This act shall take effect July 1, 2001, except that section 2
428 shall take effect July 1, 2002."