



General Assembly

Amendment

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LCO No. 8818

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 10-282 and 10-291 of the general statutes, as amended by this act, and
5 sections 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 Section 10-206 of the general statutes is repealed and the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 section 10-220. (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 shall conduct, utilizing the Environmental Protection
228 Agency's Indoor Air Quality Tools for Schools publications as
229 guidance, a uniform inspection and evaluation program of the indoor
230 environmental quality of its schools. Such board of education shall
231 conduct such program every five years after it conducts the first
232 program prior to January 1, 2005. The inspection and evaluation
233 program shall include, but not be limited to, a review, inspection or
234 evaluation of the following: (1) Radon levels in the water and the air;
235 (2) potential for exposure to bioaerosols; (3) chemical compounds of
236 concern to indoor air quality including, but not limited to, volatile
237 organic compounds; (4) the degree of pest infestation, including, but
238 not limited to, insect and rodents; (5) the degree of pesticide usage; (6)
239 the presence of and the plans for removal of any hazardous substances
240 that are contained on the list prepared pursuant to Section 302 of the
241 federal Emergency Planning and Community Right-to-Know Act, 42
242 USC 9601 et seq.; (7) ventilation systems; (8) plumbing, including
243 water distribution systems, drainage systems and fixtures; (9) building
244 structural elements, including, but not limited to, roofing, basements
245 or slabs; and (10) the use of space, particularly areas that were
246 designed to be unoccupied. The local or regional board of education
247 shall use the data generated from such inspection and monitoring

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

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

263 (f) Each local or district health department shall (1) review the
264 records submitted pursuant to subsection (a) of this section for
265 operational problems which are likely to affect the health of the
266 students and shall immediately report such problems to the local or
267 regional board of education, and (2) report any problems to the
268 Department of Public Health and the Labor Department.

269 Sec. 4. Subsection (a) of section 10-220 of the general statutes, as
270 amended by section 3 of public act 00-157, is repealed and the
271 following is substituted in lieu thereof:

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

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

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

327 Sec. 5. Section 10-291 of the general statutes is repealed and the
328 following is substituted in lieu thereof:

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

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

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

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

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

380 (3) The plans incorporate flat-roof construction that does not have

381 adequate pitch towards drains in order to prevent the pooling of
382 water.

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

388 Sec. 6. (NEW) Each school that installed or renovated its HVAC
389 system through a school building project grant pursuant to chapter 173
390 of the general statutes shall ensure that its HVAC system is (1)
391 maintained and operated in accordance with the American Society of
392 Heating, Ventilating and Air Conditioning Engineers Standard 62
393 entitled "Ventilation for Acceptable Indoor Air Quality", as
394 incorporated by the State Building Code adopted under section 29-252
395 of the general statutes; and (2) operated continuously during school
396 activity hours except (A) during scheduled maintenance and
397 emergency repairs; and (B) during periods for which school officials
398 can demonstrate to the local or regional board of education's
399 satisfaction that the quantity of outdoor air supplied by an air supply
400 system that is not mechanically driven meets the American Society of
401 Heating, Ventilating and Air Conditioning Engineers Standard 62
402 requirements for air changes per hour.

403 Sec. 7. (NEW) The Commissioners of Public Health and Education,
404 in consultation with any other public or private institution, shall (1)
405 annually organize or contract for school environmental health training
406 workshops for school environmental health coordinators, school
407 administrators, school maintenance personnel and local or district
408 health departments and issue a certificate of training to participants
409 who successfully complete the workshops; and (2) upon request of a
410 school, assist schools in implementation of a comprehensive
411 environmental health program based on the Environmental Protection
412 Agency's Indoor Air Quality Tools for Schools publications.

413 Sec. 8. Notwithstanding the provisions of section 10-286 of the
414 general statutes, the Commissioner of Education shall not include the
415 area necessary to support a HVAC system in the calculation of the
416 number of gross square feet per pupil pursuant to section 10-286 of the
417 general statutes.

418 Sec. 9. The Department of Environmental Protection may, within
419 available appropriations, provide grants or loans to municipalities for
420 the funding of response measures to environmental problems on the
421 site of the school facility that presents an immediate threat to the
422 health or safety of the students or personnel of the school. The
423 Department of Environmental Protection may consult with the
424 Department of Public Health and the Department of Education prior to
425 making any such grant.

426 Sec. 10. Subdivision (7) of Section 10-282 of the general statutes is
427 repealed and the following is substituted in lieu thereof:

428 (7) "Code violation" means the correction of any condition in an
429 existing building for public school purposes, the total project costs of
430 which exceed ten thousand dollars, and which condition is in violation
431 of the requirements of the State Building, Fire Safety or Public Health
432 Codes, state or federal Occupational, Safety and Health
433 Administration Codes, federal or state accessibility requirements or
434 regulations of the federal Environmental Protection Agency or the
435 state Department of Environmental Protection, state Department of
436 Public Health regulations for radon or federal standards for lead
437 contamination in school drinking water, or the remediation of any
438 documented indoor air quality deficiency not specifically covered
439 under such codes based on a determination by an agency having
440 jurisdiction over such matters that the conditions do not meet
441 published industry standards for indoor air quality and cannot be
442 remedied through ordinary maintenance, provided the applicant
443 submits documentation that the proposed remedies will be both
444 preventative and corrective.

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