



General Assembly

February Session, 2002

Raised Bill No. 5707

LCO No. 2331

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING INDOOR ENVIRONMENTAL QUALITY IN SCHOOLS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2002*) As used in this section,
2 sections 10-220, 10-282, 10-283 and 10-291 of the general statutes, as
3 amended by this act:

4 (1) "School" means a public school, as defined in section 10-183b of
5 the general statutes.

6 (2) "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 (3) "School activity hours" means the time of day in which students
11 or school personnel occupy school facilities.

12 (4) "HVAC system" means heating, ventilation and air conditioning
13 system.

14 (5) "Bioaerosols" mean microbiological airborne particles including,
15 but not limited to, fungi, mold and bacteria.

16 Sec. 2. Section 10-220 of the general statutes, as amended by section
17 19 of public act 01-173, is repealed and the following is substituted in
18 lieu thereof (*Effective July 1, 2002*):

19 (a) Each local or regional board of education shall maintain good
20 public elementary and secondary schools, implement the educational
21 interests of the state as defined in section 10-4a and provide such other
22 educational activities as in its judgment will best serve the interests of
23 the school district; provided any board of education may secure such
24 opportunities in another school district in accordance with provisions
25 of the general statutes and shall give all the children of the school
26 district as nearly equal advantages as may be practicable; shall provide
27 an appropriate learning environment for its students which includes
28 (1) adequate instructional books, supplies, materials, equipment,
29 staffing, facilities and technology, (2) equitable allocation of resources
30 among its schools, and (3) a safe school setting; shall have charge of the
31 schools of its respective school district; shall make a continuing study
32 of the need for school facilities, [and of] a long-term school building
33 program and any necessary maintenance of its facilities, including, but
34 not limited to, maintenance that is necessary to protect indoor
35 environmental quality and from time to time make recommendations
36 based on such study to the town; shall implement an ongoing
37 prevention program such as the Environmental Protection Agency's
38 Indoor Air Quality Tools for Schools program to protect the indoor
39 environmental quality of its facilities; shall report annually to the
40 Commissioner of Education on the condition of its facilities and the
41 action taken to implement its long-term school building program,
42 which report the commissioner shall use to prepare an annual report
43 that said commissioner shall submit in accordance with section 11-4a
44 to the joint standing committee of the General Assembly having
45 cognizance of matters relating to education; shall advise the
46 Commissioner of Education of the relationship between any individual

47 school building project pursuant to chapter 173 and such long-term
48 school building program; shall have the care, maintenance and
49 operation of buildings, lands, apparatus and other property used for
50 school purposes and at all times shall insure all such buildings and all
51 capital equipment contained therein against loss in an amount not less
52 than eighty per cent of replacement cost; shall determine the number,
53 age and qualifications of the pupils to be admitted into each school;
54 shall develop and implement a written plan for minority staff
55 recruitment for purposes of subdivision (3) of section 10-4a; shall
56 employ and dismiss the teachers of the schools of such district subject
57 to the provisions of sections 10-151 and 10-158a; shall designate the
58 schools which shall be attended by the various children within the
59 school district; shall make such provisions as will enable each child of
60 school age, residing in the district to attend some public day school for
61 the period required by law and provide for the transportation of
62 children wherever transportation is reasonable and desirable, and for
63 such purpose may make contracts covering periods of not more than
64 five years; may place in an alternative school program or other suitable
65 educational program a pupil enrolling in school who is nineteen years
66 of age or older and cannot acquire a sufficient number of credits for
67 graduation by age twenty-one; may arrange with the board of
68 education of an adjacent town for the instruction therein of such
69 children as can attend school in such adjacent town more conveniently;
70 shall cause each child five years of age and over and under eighteen
71 years of age who is not a high school graduate and is living in the
72 school district to attend school in accordance with the provisions of
73 section 10-184, and shall perform all acts required of it by the town or
74 necessary to carry into effect the powers and duties imposed by law.

75 (b) The board of education of each local or regional school district
76 shall, with the participation of parents, students, school administrators,
77 teachers, citizens, local elected officials and any other individuals or
78 groups such board shall deem appropriate, prepare a statement of
79 educational goals for such local or regional school district. The
80 statement of goals shall be consistent with state-wide goals pursuant to

81 subsection (c) of section 10-4. Each local or regional board of education
82 shall develop student objectives which relate directly to the statement
83 of educational goals prepared pursuant to this subsection and which
84 identify specific expectations for students in terms of skills, knowledge
85 and competence.

86 (c) (1) Annually, each local and regional board of education shall
87 submit to the Commissioner of Education a strategic school profile
88 report for each school under its jurisdiction and for the school district
89 as a whole. The superintendent of each local and regional school
90 district shall present the profile report at the next regularly scheduled
91 public meeting of the board of education after each November first. (2)
92 The profile report shall provide information on measures of [(1)] (A)
93 student needs, [(2)] (B) school resources, including technological
94 resources and utilization of such resources and infrastructure, [(3)] (C)
95 student and school performance, [(4)] (D) equitable allocation of
96 resources among its schools, [(5)] (E) reduction of racial, ethnic and
97 economic isolation, [and (6)] (F) special education, and (G) indoor
98 environmental quality of the school. (3) For purposes of this
99 subsection, measures of special education include (A) special
100 education identification rates by disability, (B) rates at which special
101 education students are exempted from mastery testing pursuant to
102 section 10-14q, (C) expenditures for special education, including such
103 expenditures as a percentage of total expenditures, (D) achievement
104 data for special education students, (E) rates at which students
105 identified as requiring special education are no longer identified as
106 requiring special education, (F) the availability of supplemental
107 educational services for students lacking basic educational skills, (G)
108 the amount of special education student instructional time with
109 nondisabled peers, (H) the number of students placed out-of-district,
110 and (I) the actions taken by the school district to improve special
111 education programs, as indicated by analyses of the local data
112 provided in subparagraphs (A) to (H), inclusive, of this subdivision. (4)
113 For purposes of this subsection, "measures of indoor environmental
114 quality" means (A) an identification of indoor environmental quality

115 problems in the school facilities through the use of, but not limited to,
116 the Environmental Protection Agency's Indoor Air Quality Tools for
117 Schools publications, or any similar subsequent publications; and (B) a
118 statement of progress in the remediation of the cause of any indoor
119 environmental quality problems.

120 (d) Prior to January 1, 2004, and annually thereafter, qualified
121 personnel or qualified contractors of a local or regional board of
122 education shall conduct, utilizing the Environmental Protection
123 Agency's Indoor Air Quality Tools for Schools publications as
124 guidance, a uniform inspection and evaluation program of the indoor
125 environmental quality of its schools. The inspection and evaluation
126 program shall include, but not be limited to, a review, inspection or
127 evaluation of the following: (1) The HVAC systems; (2) radon levels in
128 the water and the air; (3) potential for exposure to bioaerosols; (4)
129 chemical compounds of concern to indoor air quality including, but
130 not limited to, volatile organic compounds; (5) the degree of pest
131 infestation, including, but not limited to, insect and rodents; (6) the
132 degree of pesticide usage; (7) the presence of and the plans for removal
133 of any hazardous substances that are contained on the list prepared
134 pursuant to Section 302 of the federal Emergency Planning and
135 Community Right-to-Know Act, 42 USC 9601 et seq.; (8) ventilation
136 systems; (9) plumbing, including water distribution systems, drainage
137 systems and fixtures; (10) building structural elements, including, but
138 not limited to, roofing, basements or slabs; and (11) the use of space,
139 particularly areas that were designed to be unoccupied. Any
140 communication between the state Department of Education and a
141 superintendent of a local or regional board of education regarding
142 compliance with the law shall include the requirements of this
143 subsection.

144 Sec. 3. Subdivision (18) of section 10-282 of the general statutes is
145 repealed and the following is substituted in lieu thereof (*Effective July*
146 *1, 2002*):

147 (18) "Renovation" means a school building project to totally
148 refurbish an existing building which results in the renovated facility
149 taking on a useful life comparable to that of a new facility and which
150 will cost less than building a new facility as determined by the
151 department, provided the school district may submit a feasibility study
152 and cost analysis of the project prepared by an independent licensed
153 architect to the department prior to final plan approval.
154 Notwithstanding this subdivision, for the purpose of a school building
155 project to improve the indoor environmental quality of a facility, as
156 specified in subparagraph (D) of subdivision (2) of subsection (a) of
157 section 10-283, as amended by this act, "renovation" means a school
158 building project that exceeds the day-to-day maintenance of such
159 facility, the total project costs of which exceed fifty thousand dollars.

160 Sec. 4. Subdivision (2) of subsection (a) of section 10-283 of the
161 general statutes is repealed and the following is substituted in lieu
162 thereof (*Effective July 1, 2002*):

163 (2) Each school building project shall be assigned to a category on
164 the basis of whether such project is primarily required to: (A) Create
165 new facilities or alter existing facilities to provide for mandatory
166 instructional programs pursuant to this chapter, for physical education
167 facilities in compliance with Title IX of the Elementary and Secondary
168 Education Act of 1972 where such programs or such compliance
169 cannot be provided within existing facilities or for the correction of
170 code violations which cannot be reasonably addressed within existing
171 program space; (B) create new facilities or alter existing facilities to
172 enhance mandatory instructional programs pursuant to this chapter or
173 provide comparable facilities among schools to all students at the same
174 grade level or levels within the school district unless such project is
175 otherwise explicitly included in another category pursuant to this
176 section; [and] (C) create new facilities or alter existing facilities to
177 provide supportive services, provided in no event shall such
178 supportive services include swimming pools, auditoriums, outdoor
179 athletic facilities, tennis courts, elementary school playgrounds, site

180 improvement or garages or storage, parking or general recreation
181 areas; and (D) address a documented indoor air quality problem in a
182 facility such as, but not limited to, the upgrading of a HVAC system to
183 meet the American Society of Heating, Ventilating and Air
184 Conditioning Engineers ("ASHRAE") Standard 62, Ventilation for
185 Acceptable Indoor Air Quality, as incorporated by the State Building
186 Code adopted under section 29-252; the resolution of a documented
187 moisture incursion, whether such incursion originates from a roof, a
188 window, a wall or a floor; or the remediation of sources of bioaerosols
189 or the reduction of radon in the air or water in a facility. All
190 applications submitted prior to the first day of July in any year shall be
191 reviewed promptly by the commissioner and the amount of the grant
192 for which such project is eligible shall be estimated. The commissioner
193 shall annually prepare a listing of all such eligible school building
194 projects listed by category together with the amount of the estimated
195 grants therefor and shall submit the same to the Governor and the
196 General Assembly on or before the fifteenth day of December, except
197 as provided in section 10-283a, with a request for authorization to
198 enter into grant commitments. Each such listing submitted after
199 December 1995 shall include a separate schedule of authorized projects
200 which have changed in scope or cost to a degree determined by the
201 commissioner. The percentage determined pursuant to section 10-285a
202 at the time a school building project on such schedule was originally
203 authorized shall be used for purposes of the grant for such project. The
204 General Assembly shall annually authorize the commissioner to enter
205 into grant commitments on behalf of the state in accordance with the
206 commissioner's categorized listing for such projects as the General
207 Assembly shall determine. The commissioner may not enter into any
208 such grant commitments except pursuant to such legislative
209 authorization. Any regional school district which assumes the
210 responsibility for completion of a public school building project shall
211 be eligible for a grant pursuant to subdivision (5) or (6) of this
212 subsection, as the case may be, of subsection (a) of section 10-286,
213 when such project is completed and accepted by such regional school

214 district.

215 Sec. 5. Section 10-291 of the general statutes is repealed and the
216 following is substituted in lieu thereof (*Effective July 1, 2002*):

217 (a) No school building project for which state assistance is sought
218 shall be undertaken except according to a plan and on a site approved
219 by the state Department of Education, the town or regional board of
220 education and by the building committee of such town or district. [No
221 such school building project shall be undertaken at an expense
222 exceeding the sum which the town or regional district may
223 appropriate for the project. In the case of a school building project
224 financed in whole or in part by an energy conservation lease purchase
225 agreement, the expense of the project shall not exceed the sum which
226 the town or regional school district approved for the project.] Prior to
227 approving a school building project, the state Department of
228 Education, the town or regional board of education and the building
229 committee of such town or district shall require (1) in the case of a
230 school building project which is a construction, extension or
231 replacement of a building to be used for public school purposes, a
232 Phase I environmental site assessment in accordance with the
233 American Society for Testing and Materials Standard E1527, Standard
234 Practice for Environmental Site Assessments: Phase I Environmental
235 Site Assessment Process, or similar subsequent standards, (2) a report
236 of how the school building project will affect indoor environmental
237 health in the facility, and (3) a demonstration that the project
238 incorporates any Environmental Protection Agency guidelines for new
239 school construction. A copy of final plans and specifications for each
240 phase of site development and construction of all school building
241 projects and for each phase thereof including site development shall be
242 filed with the Commissioner of Education subject to the provisions of
243 section 10-292 before the start of such phase of development or
244 construction shall be begun. A town or regional school district may
245 commence a phase of development or construction before completion
246 of final plans and specifications for the whole project provided a copy

247 of the latest preliminary plan and cost estimate for such project which
248 has been approved by the town or regional board of education and by
249 the building committee shall be submitted with the final plans and
250 specifications for such phase. Any board of education which, prior to
251 the approval of a grant commitment by the General Assembly,
252 commences any portion of a school construction project or causes any
253 such project to be let out for bid, shall not be eligible for a school
254 construction grant until a grant commitment is so approved.

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

258 (1) The expense exceeds the sum which the town or regional district
259 may appropriate for the project. In the case of a school building project
260 financed in whole or in part by an energy conservation lease purchase
261 agreement, the expense of the project shall not exceed the sum which
262 the town or regional school district approved for the project.

263 (2) In the case of a school building project that is a construction,
264 extension or replacement of a building to be used for public school
265 purposes, the Phase I environmental site assessment indicates that the
266 site does not meet the criteria for residential properties in the
267 regulations adopted pursuant to section 22a-133k.

268 (3) The site is in an area of moderate or high radon potential, as
269 indicated in the Department of Environmental Protection's Radon
270 Potential Map, or similar subsequent publications, except where the
271 school building project plan incorporates construction techniques to
272 mitigate radon levels in the air of the facility.

273 (4) The plans incorporate flat-roof construction that does not have
274 adequate pitch towards drains in order to prevent the pooling of
275 water.

276 (5) In the case of a renovation of a building to be used for public

277 school purposes, the plans do not incorporate the Sheet Metal and Air
278 Conditioning Contractors National Association's publication entitled
279 "Indoor Air Quality Guidelines for Occupied Buildings Under
280 Construction" or similar subsequent publications.

281 (6) In the case of a renovation of a building to be used for public
282 school purposes in order to remediate sources of bioaerosols, the plans
283 do not incorporate appropriate safeguards for the occupants of the
284 facility and the workers performing the renovation, as outlined in the
285 American Conference of Governmental Industrial Hygienists'
286 publication entitled "Bioaerosols: Assessment and Control" or similar
287 subsequent publications.

This act shall take effect as follows:	
Section 1	<i>July 1, 2002</i>
Sec. 2	<i>July 1, 2002</i>
Sec. 3	<i>July 1, 2002</i>
Sec. 4	<i>July 1, 2002</i>
Sec. 5	<i>July 1, 2002</i>

Statement of Purpose:

To provide funding for schools that undertake projects to improve the indoor environmental quality of its facilities and to require each board of education to perform an inspection program of the indoor environmental quality of its schools.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]