



General Assembly

Amendment

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LCO No. 5432

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Offered by:

SEN. GAFFEY, 13th Dist.

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To: Subst. House Bill No. 5532

File No. 634

Cal. No. 454

"AN ACT REQUIRING REDUCTION IN GLARE AND LIGHT POLLUTION FROM PRIVATE AREA FLOODLIGHTING LOCATED WITHIN THE STATE RIGHT-OF-WAY."

1 After the last section, insert the following:

2 "Sec. 2. (NEW) (*Effective July 1, 2002*) As used in this section, sections
3 10-220, 10-282, 10-283 and 10-291 of the general statutes, as amended
4 by this act, and sections 4 and 5 of this act:

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

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

11 (3) "HVAC system" means the equipment, distribution network and
12 terminals that provide, either collectively or individually, the process

13 of heating, ventilation or air conditioning to a building; and

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

16 Sec. 3. Section 10-291 of the general statutes is repealed and the
17 following is substituted in lieu thereof (*Effective July 1, 2002*):

18 (a) No school building project for which state assistance is sought
19 shall be undertaken except according to a plan and on a site approved
20 by the [state] Department of Education, the town or regional board of
21 education and by the building committee of such town or district. No
22 such school building project shall be undertaken at an expense
23 exceeding the sum which the town or regional district may
24 appropriate for the project. In the case of a school building project
25 financed in whole or in part by an energy conservation lease purchase
26 agreement, the expense of the project shall not exceed the sum which
27 the town or regional school district approved for the project. In the
28 case of a school building project which is a construction, renovation or
29 replacement of a building to be used for public school purposes, the
30 town or regional board of education and the building committee of
31 such town or district shall include in its application a Phase I
32 environmental site assessment in accordance with the American
33 Society for Testing and Materials Standard E1527, Standard Practice
34 for Environmental Site Assessments: Phase I Environmental Site
35 Assessment Process, or similar subsequent standards. A copy of final
36 plans and specifications for each phase of site development and
37 construction of all school building projects and for each phase thereof
38 including site development shall be filed with the Commissioner of
39 Education subject to the provisions of section 10-292, as amended,
40 before the start of such phase of development or construction shall be
41 begun. A town or regional school district may commence a phase of
42 development or construction before completion of final plans and
43 specifications for the whole project provided a copy of the latest
44 preliminary plan and cost estimate for such project which has been
45 approved by the town or regional board of education and by the

46 building committee shall be submitted with the final plans and
47 specifications for such phase. Any board of education which, prior to
48 the approval of a grant commitment by the General Assembly,
49 commences any portion of a school construction project or causes any
50 such project to be let out for bid, shall not be eligible for a school
51 construction grant until a grant commitment is so approved.

52 (b) The Department of Education may not approve a school
53 building project plan or site, as applicable, if:

54 (1) In the case of a school building project that is a construction,
55 renovation or replacement of a building, the Phase I environmental site
56 assessment indicates that the site cannot, within reasonable
57 expenditures, meet the criteria for residential properties in regulations
58 adopted pursuant to section 22a-133k.

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

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

66 (4) In the case of a construction, renovation or replacement of a
67 school building, the plans do not incorporate the Sheet Metal and Air
68 Conditioning Contractors National Association's publication entitled
69 "Indoor Air Quality Guidelines for Occupied Buildings Under
70 Construction" or similar subsequent publications.

71 Sec. 4. (NEW) (*Effective July 1, 2002*) (a) For purposes of this section
72 "Standard 62" means the American Society of Heating, Ventilating and
73 Air Conditioning Engineers Standard 62 entitled "Ventilation for
74 Acceptable Indoor Air Quality", as incorporated by the State Building
75 Code adopted under section 29-252 of the general statutes.

76 (b) Each local or regional board of education that, on or after the
77 date of the adoption of Standard 62, installed or renovated its HVAC
78 system through a school building project grant pursuant to chapter 173
79 of the general statutes shall ensure that its HVAC system is (1)
80 maintained and operated in accordance with Standard 62, and (2)
81 operated continuously during school activity hours except (A) during
82 scheduled maintenance and emergency repairs, and (B) during periods
83 for which school officials can demonstrate to the local or regional
84 board of education's satisfaction that the quantity of outdoor air
85 supplied by an air supply system that is not mechanically driven meets
86 the Standard 62 requirements for air changes per hour.

87 (c) Each local or regional board of education that, prior to the date of
88 the adoption of Standard 62, installed or renovated its HVAC system
89 through a school building project grant pursuant to chapter 173 of the
90 general statutes shall ensure that its HVAC system is maintained and
91 operated in accordance with the prevailing maintenance and standards
92 at the time of the installation or renovation of the HVAC system.

93 Sec. 5. (NEW) (*Effective July 1, 2002*) Notwithstanding the provisions
94 of section 10-286 of the general statutes, as amended, the
95 Commissioner of Education shall not include the area necessary to
96 support an HVAC system in the calculation of the number of gross
97 square feet per pupil pursuant to said section 10-286.

98 Sec. 6. Section 10-283 of the general statutes is amended by adding
99 subsection (d) as follows (*Effective July 1, 2002*):

100 (NEW) (d) No application for a school building project authorized
101 under subdivision (7) of section 10-282, as amended by this act, for the
102 purpose of remediation of any documented indoor environmental
103 quality deficiency shall be accepted unless the application is
104 accompanied by a report on a review, inspection or evaluation of the
105 following: (1) Radon levels in the water and the air; (2) potential for
106 exposure to bioaerosols; (3) chemical compounds of concern to indoor
107 air quality including, but not limited to, volatile organic compounds;

108 (4) the degree of pest infestation, including, but not limited to, insects
109 and rodents; (5) the degree of pesticide usage; (6) the presence of, and
110 the plans for removal of, any hazardous substances that are contained
111 on the list prepared pursuant to Section 302 of the federal Emergency
112 Planning and Community Right-to-Know Act, 42 USC 9601 et seq.; (7)
113 ventilation systems; (8) plumbing, including water distribution
114 systems, drainage systems and fixtures; and (9) the use of space,
115 particularly areas designed to be unoccupied.

116 Sec. 7. Section 10-287 of the general statutes is amended by adding
117 subsection (e) as follows (*Effective July 1, 2002*):

118 (NEW) (e) For any project to correct indoor air quality deficiencies
119 pursuant to subdivision (7) of section 10-282, as amended by this act,
120 the commissioner may withhold grant approval if the applicant does
121 not provide acceptable evidence that building maintenance staff
122 responsible for such facility are receiving training in the appropriate
123 areas of plant operations with specific training relative to indoor air
124 quality.

125 Sec. 8. Section 10-282 of the general statutes is amended by adding
126 subdivision (19) as follows (*Effective July 1, 2002*):

127 (NEW) (19) "Indoor air quality improvement" means the
128 remediation of any documented indoor environmental quality
129 deficiency not specifically covered under a health, safety or building
130 code based on a determination by a state agency having jurisdiction
131 over such matters. The University of Connecticut Health Center
132 Division of Occupational and Environmental Medicine or other
133 consultants may provide consultation to evaluate whether the
134 conditions do not provide for adequate indoor environmental quality
135 and cannot be remedied through ordinary maintenance, provided the
136 applicant submits documentation that the proposed remedies will be
137 both corrective and preventative.

138 Sec. 9. Subsection (b) of section 10-283 of the general statutes, as
139 amended by section 26 of public act 01-173, is repealed and the

140 following is substituted in lieu thereof (*Effective July 1, 2002*):

141 (b) Notwithstanding the application date requirements of this
142 section, the Commissioner of Education may approve applications for
143 grants to assist school building projects to remedy damage from fire
144 and catastrophe, to correct safety, health and other code violations, to
145 replace roofs, to effect indoor air quality improvement, or to purchase
146 and install portable classroom buildings at any time within the limit of
147 available grant authorization and make payments thereon within the
148 limit of appropriated funds, provided portable classroom building
149 projects shall not create a new facility or cause an existing facility to be
150 modified so that the portable buildings comprise a substantial
151 percentage of the total facility area, as determined by the
152 commissioner.

153 Sec. 10. Subsection (a) of section 10-286 of the general statutes is
154 amended by adding subdivision (9) as follows (*Effective July 1, 2002*):

155 (NEW) (9) In the case of projects for indoor air quality
156 improvement, the eligible percentage, as determined in section 10-
157 285a, as amended, of the eligible cost as determined by the
158 Commissioner of Education.

159 Sec. 11. Section 10-220 of the general statutes, as amended by section
160 19 of public act 01-173, is repealed and the following is substituted in
161 lieu thereof (*Effective July 1, 2002*):

162 (a) Each local or regional board of education shall maintain good
163 public elementary and secondary schools, implement the educational
164 interests of the state as defined in section 10-4a and provide such other
165 educational activities as in its judgment will best serve the interests of
166 the school district; provided any board of education may secure such
167 opportunities in another school district in accordance with provisions
168 of the general statutes and shall give all the children of the school
169 district as nearly equal advantages as may be practicable; shall provide
170 an appropriate learning environment for its students which includes
171 (1) adequate instructional books, supplies, materials, equipment,

172 staffing, facilities and technology, (2) equitable allocation of resources
173 among its schools, and (3) a safe school setting; shall have charge of the
174 schools of its respective school district; shall make a continuing study
175 of the need for school facilities and of a long-term school building
176 program and from time to time make recommendations based on such
177 study to the town; shall undertake maintenance of its facilities,
178 including, but not limited to, maintenance that is necessary to protect
179 indoor environmental quality; shall implement an ongoing prevention
180 program such as the Environmental Protection Agency's Indoor Air
181 Quality Tools for Schools program to protect the indoor environmental
182 quality of its facilities; shall report annually to the Commissioner of
183 Education on the condition of its facilities and the action taken to
184 implement its long-term school building program, which report the
185 commissioner shall use to prepare an annual report that said
186 commissioner shall submit in accordance with section 11-4a to the joint
187 standing committee of the General Assembly having cognizance of
188 matters relating to education; shall advise the Commissioner of
189 Education of the relationship between any individual school building
190 project pursuant to chapter 173 and such long-term school building
191 program; shall have the care, maintenance and operation of buildings,
192 lands, apparatus and other property used for school purposes and at
193 all times shall insure all such buildings and all capital equipment
194 contained therein against loss in an amount not less than eighty per
195 cent of replacement cost; shall determine the number, age and
196 qualifications of the pupils to be admitted into each school; shall
197 develop and implement a written plan for minority staff recruitment
198 for purposes of subdivision (3) of section 10-4a; shall employ and
199 dismiss the teachers of the schools of such district subject to the
200 provisions of sections 10-151 and 10-158a; shall designate the schools
201 which shall be attended by the various children within the school
202 district; shall make such provisions as will enable each child of school
203 age, residing in the district to attend some public day school for the
204 period required by law and provide for the transportation of children
205 wherever transportation is reasonable and desirable, and for such
206 purpose may make contracts covering periods of not more than five

207 years; may place in an alternative school program or other suitable
208 educational program a pupil enrolling in school who is nineteen years
209 of age or older and cannot acquire a sufficient number of credits for
210 graduation by age twenty-one; may arrange with the board of
211 education of an adjacent town for the instruction therein of such
212 children as can attend school in such adjacent town more conveniently;
213 shall cause each child five years of age and over and under eighteen
214 years of age who is not a high school graduate and is living in the
215 school district to attend school in accordance with the provisions of
216 section 10-184, and shall perform all acts required of it by the town or
217 necessary to carry into effect the powers and duties imposed by law.

218 (b) The board of education of each local or regional school district
219 shall, with the participation of parents, students, school administrators,
220 teachers, citizens, local elected officials and any other individuals or
221 groups such board shall deem appropriate, prepare a statement of
222 educational goals for such local or regional school district. The
223 statement of goals shall be consistent with state-wide goals pursuant to
224 subsection (c) of section 10-4. Each local or regional board of education
225 shall develop student objectives which relate directly to the statement
226 of educational goals prepared pursuant to this subsection and which
227 identify specific expectations for students in terms of skills, knowledge
228 and competence.

229 (c) Annually, each local and regional board of education shall
230 submit to the Commissioner of Education a strategic school profile
231 report for each school under its jurisdiction and for the school district
232 as a whole. The superintendent of each local and regional school
233 district shall present the profile report at the next regularly scheduled
234 public meeting of the board of education after each November first.
235 The profile report shall provide information on measures of (1) student
236 needs, (2) school resources, including technological resources and
237 utilization of such resources and infrastructure, (3) student and school
238 performance, (4) equitable allocation of resources among its schools,
239 (5) reduction of racial, ethnic and economic isolation, and (6) special
240 education. For purposes of this subsection, measures of special

241 education include (A) special education identification rates by
242 disability, (B) rates at which special education students are exempted
243 from mastery testing pursuant to section 10-14q, (C) expenditures for
244 special education, including such expenditures as a percentage of total
245 expenditures, (D) achievement data for special education students, (E)
246 rates at which students identified as requiring special education are no
247 longer identified as requiring special education, (F) the availability of
248 supplemental educational services for students lacking basic
249 educational skills, (G) the amount of special education student
250 instructional time with nondisabled peers, (H) the number of students
251 placed out-of-district, and (I) the actions taken by the school district to
252 improve special education programs, as indicated by analyses of the
253 local data provided in subparagraphs (A) to (H), inclusive, of this
254 subdivision.

255 (d) Prior to January 1, 2004, and biennially thereafter, qualified
256 personnel or qualified contractors of a local or regional board of
257 education shall conduct a uniform inspection and evaluation program
258 of the indoor environmental quality of its schools, such as the
259 Environmental Protection Agency's Indoor Air Quality Tools for
260 Schools Program, unless such building is constructed, renovated or
261 replaced on or after January 1, 2002, in which case such building need
262 only be inspected once every five years during the ten years following
263 such construction, renovation or replacement, and biennially
264 thereafter. The inspection and evaluation program shall include, but
265 not be limited to, a review, inspection or evaluation of the following:
266 (1) The HVAC systems; (2) radon levels in the water and the air; (3)
267 potential for exposure to bioaerosols; (4) chemical compounds of
268 concern to indoor air quality including, but not limited to, volatile
269 organic compounds; (5) the degree of pest infestation, including, but
270 not limited to, insect and rodents; (6) the degree of pesticide usage; (7)
271 the presence of and the plans for removal of any hazardous substances
272 that are contained on the list prepared pursuant to Section 302 of the
273 federal Emergency Planning and Community Right-to-Know Act, 42
274 USC 9601 et seq.; (8) ventilation systems; (9) plumbing, including

275 water distribution systems, drainage systems and fixtures; (10)
276 building structural elements, including, but not limited to, roofing,
277 basements or slabs; and (11) the use of space, particularly areas that
278 were designed to be unoccupied."