



General Assembly

January Session, 2003

***Raised Bill No. 6503***

LCO No. 3595

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. Subsection (c) of section 10-206 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2003*):

4 (c) Each local or regional board of education shall require each pupil  
5 enrolled in the public schools to have health assessments in grade four,  
6 in either grade six or grade seven and in either grade ten or grade  
7 eleven. The assessment shall include: (1) A physical examination which  
8 shall include hematocrit or hemoglobin tests, height, weight, blood  
9 pressure, and, beginning with the 2003-2004 school year, a chronic  
10 disease assessment which shall include, but not be limited to, asthma  
11 as defined by the Commissioner of Public Health pursuant to  
12 subsection (c) of section 19a-62a. The assessment form shall include (A)  
13 a check box for the provider conducting the assessment, as provided in  
14 subsection (a) of this section, to indicate an asthma diagnosis, (B)  
15 screening questions relating to appropriate public health concerns to  
16 be answered by the parent or guardian, and (C) screening questions to

17 be answered by such provider; (2) an updating of immunizations as  
18 required under section 10-204a, provided a registered nurse may only  
19 update said immunizations pursuant to a written order of a physician  
20 or physician assistant, licensed pursuant to chapter 370, or an  
21 advanced practice registered nurse, licensed pursuant to chapter 378;  
22 (3) vision, hearing, postural and gross dental screenings; and (4) such  
23 other information including a health history as the physician feels is  
24 necessary and appropriate. The assessment shall also include tests for  
25 tuberculosis and sickle cell anemia or Cooley's anemia where the local  
26 or regional board of education, in consultation with the school medical  
27 advisor and the local health department, or in the case of a regional  
28 board of education, each local health department, determines that said  
29 screening or test is necessary, provided a registered nurse may only  
30 perform said tests pursuant to the written order of a physician or  
31 physician assistant, licensed pursuant to chapter 370, or an advanced  
32 practice registered nurse, licensed pursuant to chapter 378.

33 Sec. 2. Subsection (a) of section 10-220 of the general statutes is  
34 repealed and the following is substituted in lieu thereof (*Effective*  
35 *October 1, 2003*):

36 (a) Each local or regional board of education shall maintain good  
37 public elementary and secondary schools, implement the educational  
38 interests of the state as defined in section 10-4a and provide such other  
39 educational activities as in its judgment will best serve the interests of  
40 the school district; provided any board of education may secure such  
41 opportunities in another school district in accordance with provisions  
42 of the general statutes and shall give all the children of the school  
43 district as nearly equal advantages as may be practicable; shall provide  
44 an appropriate learning environment for its students which includes  
45 (1) adequate instructional books, supplies, materials, equipment,  
46 staffing, facilities and technology, (2) equitable allocation of resources  
47 among its schools, and (3) a safe school setting; shall have charge of the  
48 schools of its respective school district; shall make a continuing study  
49 of the need for school facilities and of a long-term school building

50 program and from time to time make recommendations based on such  
51 study to the town; shall undertake maintenance of its facilities,  
52 including, but not limited to, the preventative maintenance  
53 components of the Environmental Protection Agency's Indoor Air  
54 Quality Tools for Schools Program; shall report annually to the  
55 Commissioner of Education on the condition of its facilities and the  
56 action taken to implement its long-term school building program,  
57 which report the commissioner shall use to prepare an annual report  
58 that said commissioner shall submit in accordance with section 11-4a  
59 to the joint standing committee of the General Assembly having  
60 cognizance of matters relating to education; shall advise the  
61 Commissioner of Education of the relationship between any individual  
62 school building project pursuant to chapter 173 and such long-term  
63 school building program; shall have the care, maintenance and  
64 operation of buildings, lands, apparatus and other property used for  
65 school purposes and at all times shall insure all such buildings and all  
66 capital equipment contained therein against loss in an amount not less  
67 than eighty per cent of replacement cost; shall determine the number,  
68 age and qualifications of the pupils to be admitted into each school;  
69 shall develop and implement a written plan for minority staff  
70 recruitment for purposes of subdivision (3) of section 10-4a; shall  
71 employ and dismiss the teachers of the schools of such district subject  
72 to the provisions of sections 10-151 and 10-158a; shall designate the  
73 schools which shall be attended by the various children within the  
74 school district; shall make such provisions as will enable each child of  
75 school age, residing in the district to attend some public day school for  
76 the period required by law and provide for the transportation of  
77 children wherever transportation is reasonable and desirable, and for  
78 such purpose may make contracts covering periods of not more than  
79 five years; may place in an alternative school program or other suitable  
80 educational program a pupil enrolling in school who is nineteen years  
81 of age or older and cannot acquire a sufficient number of credits for  
82 graduation by age twenty-one; may arrange with the board of  
83 education of an adjacent town for the instruction therein of such

84 children as can attend school in such adjacent town more conveniently;  
85 shall cause each child five years of age and over and under eighteen  
86 years of age who is not a high school graduate and is living in the  
87 school district to attend school in accordance with the provisions of  
88 section 10-184, and shall perform all acts required of it by the town or  
89 necessary to carry into effect the powers and duties imposed by law.

90 Sec. 3. Section 10-220 of the general statutes is amended by adding  
91 subsection (d) as follows (*Effective October 1, 2003*):

92 (NEW) (d) Prior to January 1, 2008, and every five years thereafter,  
93 for every school building that is or has been constructed, renovated or  
94 replaced on or after January 1, 2003, a local or regional board of  
95 education shall conduct a uniform inspection and evaluation program  
96 of the indoor environmental quality of its schools, such as the  
97 Environmental Protection Agency's Indoor Air Quality Tools for  
98 Schools Program. The inspection and evaluation program shall  
99 include, but not be limited to, a review, inspection or evaluation of the  
100 following: (1) The heating, ventilation and air conditioning systems; (2)  
101 radon levels in the water and the air; (3) potential for exposure to  
102 microbiological airborne particles, including, but not limited to, fungi,  
103 mold and bacteria; (4) chemical compounds of concern to indoor air  
104 quality including, but not limited to, volatile organic compounds; (5)  
105 the degree of pest infestation, including, but not limited to, insect and  
106 rodents; (6) the degree of pesticide usage; (7) the presence of and the  
107 plans for removal of any hazardous substances that are contained on  
108 the list prepared pursuant to Section 302 of the federal Emergency  
109 Planning and Community Right-to-Know Act, 42 USC 9601 et seq.; (8)  
110 ventilation systems; (9) plumbing, including water distribution  
111 systems, drainage systems and fixtures; (10) moisture incursion; (11)  
112 the overall cleanliness of the facilities; (12) building structural  
113 elements, including, but not limited to, roofing, basements or slabs;  
114 and (13) the use of space, particularly areas that were designed to be  
115 unoccupied.

116 Sec. 4. Section 10-291 of the general statutes is repealed and the  
117 following is substituted in lieu thereof (*Effective October 1, 2003*):

118 (a) No school building project for which state assistance is sought  
119 shall be undertaken except according to a plan and on a site approved  
120 by the [state] Department of Education, the town or regional board of  
121 education and by the building committee of such town or district. No  
122 such school building project shall be undertaken at an expense  
123 exceeding the sum which the town or regional district may  
124 appropriate for the project. In the case of a school building project  
125 financed in whole or in part by an energy conservation lease purchase  
126 agreement, the expense of the project shall not exceed the sum which  
127 the town or regional school district approved for the project. In the  
128 case of a school building project which is a construction, extension or  
129 replacement of a building to be used for public school purposes, the  
130 town or regional board of education and the building committee of  
131 such town or district shall include in its application a Phase I  
132 environmental site assessment in accordance with the American  
133 Society for Testing and Materials Standard #1527, Standard Practice  
134 for Environmental Site Assessments: Phase I Environmental Site  
135 Assessment Process, or similar subsequent standards. A copy of final  
136 plans and specifications for each phase of site development and  
137 construction of all school building projects and for each phase thereof  
138 including site development shall be filed with the Commissioner of  
139 Education subject to the provisions of section 10-292 before the start of  
140 such phase of development or construction shall be begun. A town or  
141 regional school district may commence a phase of development or  
142 construction before completion of final plans and specifications for the  
143 whole project provided a copy of the latest preliminary plan and cost  
144 estimate for such project which has been approved by the town or  
145 regional board of education and by the building committee shall be  
146 submitted with the final plans and specifications for such phase. Any  
147 board of education which, prior to the approval of a grant commitment  
148 by the General Assembly, commences any portion of a school  
149 construction project or causes any such project to be let out for bid,

150 shall not be eligible for a school construction grant until a grant  
151 commitment is so approved.

152 (b) The Department of Education shall not approve a school  
153 building project plan or site, as applicable, if:

154 (1) In the case of a school building project that is a construction,  
155 extension or replacement of a building to be used for public school  
156 purposes, the Phase I environmental site assessment indicates that the  
157 site cannot, within reasonable expenditures, meet the criteria for  
158 residential properties in the regulations adopted pursuant to section  
159 22a-133k.

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

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

168 (4) In the case of a renovation or extension of a building to be used  
169 for public school purposes, the plans do not incorporate the standards  
170 provided in the Sheet Metal and Air Conditioning Contractors  
171 National Association's publication entitled "Indoor Air Quality  
172 Guidelines for Occupied Buildings Under Construction" or similar  
173 subsequent publications.

174 Sec. 5. (NEW) (*Effective October 1, 2003*) (a) For purposes of this  
175 section "Standard 62" means the American Society of Heating,  
176 Ventilating and Air Conditioning Engineers Standard 62 entitled  
177 "Ventilation for Acceptable Indoor Air Quality", as referenced by the  
178 State Building Code adopted under section 29-252 of the general  
179 statutes.

180 (b) Each local or regional board of education shall ensure that its  
181 heating, ventilation and air conditioning system is (1) maintained and  
182 operated in accordance with the prevailing maintenance standards,  
183 such as Standard 62, at the time of installation or renovation of such  
184 system, and (2) operated continuously during the hours in which  
185 students or school personnel occupy school facilities, except (A) during  
186 scheduled maintenance and emergency repairs, and (B) during periods  
187 for which school officials can demonstrate to the local or regional  
188 board of education's satisfaction that the quantity of outdoor air  
189 supplied by an air supply system that is not mechanically driven meets  
190 the Standard 62 requirements for air changes per hour.

191 (c) Each local or regional board of education shall maintain records  
192 of the maintenance of its heating, ventilation and air conditioning  
193 systems for a period of not less than five years.

194 Sec. 6. (NEW) (*Effective October 1, 2003*) Notwithstanding the  
195 provisions of section 10-286 of the general statutes, the Commissioner  
196 of Education shall not include the area necessary to support a heating,  
197 ventilation and air conditioning system in the calculation of the  
198 number of gross square feet per pupil pursuant to said section 10-286.

199 Sec. 7. (NEW) (*Effective October 1, 2003*) Each local and regional  
200 board of education shall establish an indoor environmental quality  
201 committee for each school facility to increase staff and student  
202 awareness of facets of the environment that affect the health of the  
203 occupants of school facilities including, but not limited to, air quality,  
204 water quality and the presence of radon, by utilizing the  
205 Environmental Protection Agency's Indoor Air Quality Tools for  
206 Schools. Such committee shall consist of a total of not more than seven  
207 people and not less than one administrator, one maintenance staff  
208 member, one teacher, one school health staff member and one parent  
209 of a student.

210 Sec. 8. (NEW) (*Effective October 1, 2003*) The Department of  
211 Education shall monitor the development by the United States

212 Environmental Protection Agency or other federal agency, a state, a  
213 municipality, or any professional organization of guidelines for new  
214 school construction and guidelines for acceptable levels of major  
215 indoor air contaminants in school buildings, including, but not limited  
216 to, fungi, mold, bacteria, volatile organic compounds, carbon dioxide,  
217 carbon monoxide and formaldehyde.

218       Sec. 9. (NEW) (*Effective October 1, 2003*) (a) No local or regional  
219 board of education may discharge, discipline or otherwise penalize  
220 any employee of such board because the employee, or a person acting  
221 on behalf of the employee (1) reports, verbally or in writing, a violation  
222 or a suspected violation of the preventative maintenance requirement  
223 of subsection (a) of section 10-220 of the general statutes, as amended  
224 by this act, subsection (d) of section 10-220 of the general statutes, as  
225 amended by this act, section 5 of this act or section 7 of this act, or (2)  
226 issues opinions or conclusions while participating in the inspection  
227 requirement pursuant to subsection (d) of section 10-220 of the general  
228 statutes, as amended by this act, or in the activities of the indoor  
229 environmental quality committee pursuant to section 7 of this act.

230       (b) Any employee who believes that a local or regional board of  
231 education has violated subsection (a) of this section may request the  
232 Attorney General to investigate such matter. The Attorney General  
233 shall have power to summon witnesses, require the production of any  
234 necessary books, papers or other documents and administer oaths to  
235 witnesses, where necessary, for the purpose of investigation. Upon the  
236 conclusion of the investigation, the Attorney General shall, where  
237 necessary, report the findings to the employee and the local or regional  
238 board of education. After the conclusion of such investigation, the  
239 Attorney General, the employee or the employee's attorney may file a  
240 complaint concerning such personnel action with the Chief Human  
241 Rights Referee designated under section 46a-57 of the general statutes.  
242 The Chief Human Rights Referee shall assign the complaint to a  
243 human rights referee appointed under section 46a-57 of the general  
244 statutes, who shall conduct a hearing and issue a decision concerning

245 whether the officer or employee taking or threatening to take the  
246 personnel action violated any provision of this section. If the human  
247 rights referee finds such a violation, the referee may award the  
248 aggrieved employee reinstatement to the employee's former position,  
249 back pay and reestablishment of any employee benefits to which the  
250 employee would otherwise have been eligible if such violation had not  
251 occurred, reasonable attorneys' fees and any other damages. For the  
252 purposes of this subsection, such human rights referee shall act as an  
253 independent hearing officer. The decision of a human rights referee  
254 under this subsection may be appealed by any person who was a party  
255 at such hearing, in accordance with the provisions of section 4-183 of  
256 the general statutes.

257 (c) The Chief Human Rights Referee shall adopt regulations, in  
258 accordance with the provisions of chapter 54 of the general statutes,  
259 establishing the procedure for filing complaints and noticing and  
260 conducting hearings under this section.

261 (d) In any proceeding under this section concerning a personnel  
262 action taken or threatened against an employee of a local or regional  
263 board of education, which personnel action occurs within one year  
264 after the employee first transmits facts and information concerning a  
265 matter under subsection (a) of this section to the Attorney General,  
266 there shall be a rebuttable presumption that the personnel action is in  
267 retaliation for the action taken by the employee under subsection (a) of  
268 this section.

269 (e) Any employee of a local or regional board of education who is  
270 found to have knowingly and maliciously made false charges under  
271 subsection (a) of this section shall be subject to disciplinary action by  
272 such board, including, but not limited to, dismissal.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>
Sec. 8	<i>October 1, 2003</i>
Sec. 9	<i>October 1, 2003</i>

***Statement of Purpose:***

To improve indoor environmental quality in schools to safeguard the health of students and school personnel.

*[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.]*