



General Assembly

January Session, 2003

Amendment

LCO No. 6961

HB0642606961HD0

Offered by:

REP. GIANNAROS, 21st Dist.

SEN. GAFFEY, 13th Dist.

REP. WIDLITZ, 98th Dist.

SEN. WILLIAMS, 29th Dist.

SEN. MCKINNEY, 28th Dist.

To: Subst. House Bill No. 6426

File No. 511

Cal. No. 337

"AN ACT CONCERNING INDOOR AIR QUALITY IN SCHOOLS."

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

3 "Section 1. Subsection (a) of section 10-220 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective July*
5 *1, 2003*):

6 (a) Each local or regional board of education shall maintain good
7 public elementary and secondary schools, implement the educational
8 interests of the state as defined in section 10-4a and provide such other
9 educational activities as in its judgment will best serve the interests of
10 the school district; provided any board of education may secure such
11 opportunities in another school district in accordance with provisions
12 of the general statutes and shall give all the children of the school

13 district as nearly equal advantages as may be practicable; shall provide
14 an appropriate learning environment for its students which includes
15 (1) adequate instructional books, supplies, materials, equipment,
16 staffing, facilities and technology, (2) equitable allocation of resources
17 among its schools, [and] (3) proper maintenance of facilities, and (4) a
18 safe school setting; shall have charge of the schools of its respective
19 school district; shall make a continuing study of the need for school
20 facilities and of a long-term school building program and from time to
21 time make recommendations based on such study to the town; shall
22 adopt and implement an indoor air quality program that provides for
23 ongoing maintenance and facility reviews necessary for the
24 maintenance and improvement of the indoor air quality of its facilities;
25 shall report annually to the Commissioner of Education on the
26 condition of its facilities and the action taken to implement its long-
27 term school building program and indoor air quality program, which
28 report the [commissioner] Commissioner of Education shall use to
29 prepare an annual report that said commissioner shall submit in
30 accordance with section 11-4a to the joint standing committee of the
31 General Assembly having cognizance of matters relating to education;
32 shall advise the Commissioner of Education of the relationship
33 between any individual school building project pursuant to chapter
34 173 and such long-term school building program; shall have the care,
35 maintenance and operation of buildings, lands, apparatus and other
36 property used for school purposes and at all times shall insure all such
37 buildings and all capital equipment contained therein against loss in
38 an amount not less than eighty per cent of replacement cost; shall
39 determine the number, age and qualifications of the pupils to be
40 admitted into each school; shall develop and implement a written plan
41 for minority staff recruitment for purposes of subdivision (3) of section
42 10-4a; shall employ and dismiss the teachers of the schools of such
43 district subject to the provisions of sections 10-151 and 10-158a; shall
44 designate the schools which shall be attended by the various children
45 within the school district; shall make such provisions as will enable
46 each child of school age, residing in the district to attend some public
47 day school for the period required by law and provide for the

48 transportation of children wherever transportation is reasonable and
49 desirable, and for such purpose may make contracts covering periods
50 of not more than five years; may place in an alternative school
51 program or other suitable educational program a pupil enrolling in
52 school who is nineteen years of age or older and cannot acquire a
53 sufficient number of credits for graduation by age twenty-one; may
54 arrange with the board of education of an adjacent town for the
55 instruction therein of such children as can attend school in such
56 adjacent town more conveniently; shall cause each child five years of
57 age and over and under eighteen years of age who is not a high school
58 graduate and is living in the school district to attend school in
59 accordance with the provisions of section 10-184, and shall perform all
60 acts required of it by the town or necessary to carry into effect the
61 powers and duties imposed by law.

62 Sec. 2. Section 10-220 of the general statutes is amended by adding
63 subsection (d) as follows (*Effective July 1, 2003*):

64 (NEW) (d) Prior to January 1, 2008, and every five years thereafter,
65 for every school building that is or has been constructed, extended,
66 renovated or replaced on or after January 1, 2003, a local or regional
67 board of education shall provide for a uniform inspection and
68 evaluation program of the indoor air quality within such buildings,
69 such as the Environmental Protection Agency's Indoor Air Quality
70 Tools for Schools Program. The inspection and evaluation program
71 shall include, but not be limited to, a review, inspection or evaluation
72 of the following: (1) The heating, ventilation and air conditioning
73 systems; (2) radon levels in the water and the air; (3) potential for
74 exposure to microbiological airborne particles, including, but not
75 limited to, fungi, mold and bacteria; (4) chemical compounds of
76 concern to indoor air quality including, but not limited to, volatile
77 organic compounds; (5) the degree of pest infestation, including, but
78 not limited to, insect and rodents; (6) the degree of pesticide usage; (7)
79 the presence of and the plans for removal of any hazardous substances
80 that are contained on the list prepared pursuant to Section 302 of the
81 federal Emergency Planning and Community Right-to-Know Act, 42

82 USC 9601 et seq.; (8) ventilation systems; (9) plumbing, including
83 water distribution systems, drainage systems and fixtures; (10)
84 moisture incursion; (11) the overall cleanliness of the facilities; (12)
85 building structural elements, including, but not limited to, roofing,
86 basements or slabs; (13) the use of space, particularly areas that were
87 designed to be unoccupied; and (14) the provision of indoor air quality
88 maintenance training for building staff. Local and regional boards of
89 education conducting evaluations pursuant to this subsection shall
90 make available for public inspection the results of the inspection and
91 evaluation at a regularly scheduled board of education meeting.

92 Sec. 3. Section 10-282 of the general statutes is amended by adding
93 subdivision (19) as follows (*Effective July 1, 2003*):

94 (NEW) (19) "Certified school indoor air quality emergency" means
95 the existence of a building condition determined by the Department of
96 Public Health to present a substantial and imminent adverse health
97 risk that requires remediation in an amount greater than one hundred
98 thousand dollars.

99 Sec. 4. Subsection (b) of section 10-283 of the general statutes is
100 repealed and the following is substituted in lieu thereof (*Effective July*
101 *1, 2003*):

102 (b) Notwithstanding the application date requirements of this
103 section, the Commissioner of Education may approve applications for
104 grants to assist school building projects to remedy damage from fire
105 and catastrophe, to correct safety, health and other code violations, to
106 replace roofs, to remedy a certified school indoor air quality
107 emergency, or to purchase and install portable classroom buildings at
108 any time within the limit of available grant authorization and make
109 payments thereon within the limit of appropriated funds, provided
110 portable classroom building projects shall not create a new facility or
111 cause an existing facility to be modified so that the portable buildings
112 comprise a substantial percentage of the total facility area, as
113 determined by the commissioner.

114 Sec. 5. Subsection (a) of section 10-286 of the general statutes is
115 amended by adding subdivision (9) as follows (*Effective July 1, 2003*):

116 (NEW) (9) In the case of projects approved to remedy certified
117 school indoor air quality emergencies, the eligible percentage, as
118 determined in section 10-285a, of the eligible cost as determined by the
119 Commissioner of Education.

120 Sec. 6. Section 10-291 of the general statutes is repealed and the
121 following is substituted in lieu thereof (*Effective July 1, 2003*):

122 (a) No school building project for which state assistance is sought
123 shall be undertaken except according to a plan and on a site approved
124 by the [state] Department of Education, the town or regional board of
125 education and by the building committee of such town or district. No
126 such school building project shall be undertaken at an expense
127 exceeding the sum which the town or regional district may
128 appropriate for the project. In the case of a school building project
129 financed in whole or in part by an energy conservation lease purchase
130 agreement, the expense of the project shall not exceed the sum which
131 the town or regional school district approved for the project. A copy of
132 final plans and specifications for each phase of site development and
133 construction of all school building projects and for each phase thereof
134 including site development shall be filed with the Commissioner of
135 Education subject to the provisions of section 10-292 before the start of
136 such phase of development or construction shall be begun. In the case
137 of a school building project which is a new construction, extension or
138 replacement of a building to be used for public school purposes, the
139 town or regional board of education and the building committee of
140 such town or district, prior to the approval of the architectural plans
141 pursuant to the provisions of section 10-292, shall provide for a Phase I
142 environmental site assessment in accordance with the American
143 Society for Testing and Materials Standard #1527, Standard Practice
144 for Environmental Site Assessments: Phase I Environmental Site
145 Assessment Process, or similar subsequent standards. The costs of
146 performing such Phase I environmental site assessment shall be

147 considered eligible costs of such school construction project. A town or
148 regional school district may commence a phase of development or
149 construction before completion of final plans and specifications for the
150 whole project provided a copy of the latest preliminary plan and cost
151 estimate for such project which has been approved by the town or
152 regional board of education and by the building committee shall be
153 submitted with the final plans and specifications for such phase. Any
154 board of education which, prior to the approval of a grant commitment
155 by the General Assembly, commences any portion of a school
156 construction project or causes any such project to be let out for bid,
157 shall not be eligible for a school construction grant until a grant
158 commitment is so approved.

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

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

166 (2) The plans incorporate new roof construction or total replacement
167 of an existing roof and do not provide for the following: (A) A
168 minimum roof pitch of one-half inch per foot, (B) a minimum twenty-
169 year unlimited manufacturer's guarantee for water tightness covering
170 material and workmanship on the entire roofing system, (C) the
171 inclusion of vapor retarders, insulation, bitumen, felts, membranes,
172 flashings, metals, decks and any other feature required by the roof
173 design, and (D) that all manufacturer's materials to be used in the
174 roofing system are specified to meet the latest standards for individual
175 components of the roofing systems of the American Society for Testing
176 and Materials;

177 (3) In the case of a major alteration, renovation or extension of a
178 building to be used for public school purposes, the plans do not

179 incorporate the guidelines set forth in the Sheet Metal and Air
180 Conditioning Contractors National Association's publication entitled
181 "Indoor Air Quality Guidelines for Occupied Buildings Under
182 Construction" or similar subsequent publications; or

183 (4) In the case of a new construction, extension, renovation or
184 replacement, the plans do not include a plan that the building
185 maintenance staff responsible for such facility are trained or are
186 receiving training or that the applicant plans to provide training in the
187 appropriate areas of plant operations including, but not limited to,
188 heating, ventilation and air conditioning systems pursuant to section 7
189 of this act, with specific training relative to indoor air quality.

190 Sec. 7. (NEW) (*Effective July 1, 2003*) (a) For purposes of this section
191 "Standard 62" means the American Society of Heating, Ventilating and
192 Air Conditioning Engineers Standard 62 entitled "Ventilation for
193 Acceptable Indoor Air Quality", as referenced by the State Building
194 Code adopted under section 29-252 of the general statutes.

195 (b) Each local or regional board of education shall ensure that its
196 heating, ventilation and air conditioning system is (1) maintained and
197 operated in accordance with the prevailing maintenance standards,
198 such as Standard 62, at the time of installation or renovation of such
199 system, and (2) operated continuously during the hours in which
200 students or school personnel occupy school facilities, except (A) during
201 scheduled maintenance and emergency repairs, and (B) during periods
202 for which school officials can demonstrate to the local or regional
203 board of education's satisfaction that the quantity of outdoor air
204 supplied by an air supply system that is not mechanically driven meets
205 the Standard 62 requirements for air changes per hour.

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

209 Sec. 8. Section 10-286 of the general statutes is amended by adding
210 subsection (d) as follows (*Effective July 1, 2003*):

211 (NEW) (d) In the computation of grants pursuant to this section for
 212 any school building project authorized by the General Assembly
 213 pursuant to section 10-283 after January 1, 2004, any maximum square
 214 footage per pupil limit established pursuant to this chapter or any
 215 regulation adopted by the State Board of Education pursuant to this
 216 chapter shall be increased by up to one per cent to accommodate a
 217 heating, ventilation or air conditioning system, if needed.

218 Sec. 9. (NEW) (*Effective July 1, 2003*) Each local and regional board of
 219 education may establish an indoor air quality committee for each
 220 school district or facility to increase staff and student awareness of
 221 facets of the environment that affect the health of the occupants of
 222 school facilities including, but not limited to, air quality, water quality
 223 and the presence of radon. Such committee shall include, but not be
 224 limited to, at least one administrator, one maintenance staff member,
 225 one teacher, one school health staff member, one parent of a student
 226 and two members-at-large from the school district. No local or regional
 227 board of education, superintendent or school administrator may
 228 prohibit a school safety committee established pursuant to section 10-
 229 220f of the general statutes from addressing indoor air quality issues
 230 that affect the health of occupants of school facilities."

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>
Sec. 3	<i>July 1, 2003</i>
Sec. 4	<i>July 1, 2003</i>
Sec. 5	<i>July 1, 2003</i>
Sec. 6	<i>July 1, 2003</i>
Sec. 7	<i>July 1, 2003</i>
Sec. 8	<i>July 1, 2003</i>
Sec. 9	<i>July 1, 2003</i>