AN ACT CONCERNING INDOOR AIR QUALITY IN SCHOOLS.

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

Section 1. (NEW) (Effective July 1, 2003) As used in this section, sections 10-220, 10-282, 10-283 and 10-291 of the general statutes, as amended by this act, and sections 3 and 4 of this act:

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

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

(3) "HVAC system" means the equipment, distribution network and terminals that provide, either collectively or individually, the process of heating, ventilation or air conditioning to a building; and

(4) "Bioaerosols" means microbiological airborne particles including, but not limited to, fungi, mold and bacteria.
Sec. 2. Section 10-291 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2003):

(a) No school building project for which state assistance is sought shall be undertaken except according to a plan and on a site approved by the [state] Department of Education, the town or regional board of education and by the building committee of such town or district. No such school building project shall be undertaken at an expense exceeding the sum which the town or regional district may appropriate for the project. In the case of a school building project financed in whole or in part by an energy conservation lease purchase agreement, the expense of the project shall not exceed the sum which the town or regional school district approved for the project. In the case of a school building project which is a construction, renovation or replacement of a building to be used for public school purposes, the town or regional board of education and the building committee of such town or district shall include in its application a Phase I environmental site assessment in accordance with the American Society for Testing and Materials Standard E1527, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, or similar subsequent standards. A copy of final plans and specifications for each phase of site development and construction of all school building projects and for each phase thereof including site development shall be filed with the Commissioner of Education subject to the provisions of section 10-292 before the start of such phase of development or construction shall be begun. A town or regional school district may commence a phase of development or construction before completion of final plans and specifications for the whole project provided a copy of the latest preliminary plan and cost estimate for such project which has been approved by the town or regional board of education and by the building committee shall be submitted with the final plans and specifications for such phase. Any board of education which, prior to the approval of a grant commitment by the General Assembly, commences any portion of a school construction project or causes any such project to be let out for bid,
shall not be eligible for a school construction grant until a grant commitment is so approved.

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

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

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

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

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

Sec. 3. (NEW) (Effective July 1, 2003) (a) For purposes of this section "Standard 62" means the American Society of Heating, Ventilating and Air Conditioning Engineers Standard 62 entitled "Ventilation for Acceptable Indoor Air Quality", as incorporated by the State Building Code adopted under section 29-252 of the general statutes.

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

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

Sec. 4. (NEW) (Effective July 1, 2003) Notwithstanding the provisions of section 10-286 of the general statutes, the Commissioner of Education shall not include the area necessary to support an HVAC system in the calculation of the number of gross square feet per pupil pursuant to said section 10-286.

Sec. 5. Section 10-283 of the general statutes is amended by adding subsection (f) as follows (Effective July 1, 2003):

(NEW) (f) No application for a school building project authorized under subdivision (7) of section 10-282, as amended by this act, for the purpose of remediation of any documented indoor environmental quality deficiency shall be accepted unless the application is accompanied by a report on a review, inspection or evaluation of the following: (1) Radon levels in the water and the air; (2) potential for exposure to bioaerosols; (3) chemical compounds of concern to indoor air quality including, but not limited to, volatile organic compounds; (4) the degree of pest infestation, including, but not limited to, insects and rodents; (5) the degree of pesticide usage; (6) the presence of, and the plans for removal of, any hazardous substances that are contained on the list prepared pursuant to Section 302 of the federal Emergency
Planning and Community Right-to-Know Act, 42 USC 9601 et seq.; (7) ventilation systems; (8) plumbing, including water distribution systems, drainage systems and fixtures; and (9) the use of space, particularly areas designed to be unoccupied.

Sec. 6. Section 10-287 of the general statutes is amended by adding subsection (e) as follows (Effective July 1, 2003):

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

Sec. 7. Section 10-282 of the general statutes is amended by adding subdivision (19) as follows (Effective July 1, 2003):

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

Sec. 8. Subsection (b) of section 10-283 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2003):

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

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

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

Sec. 10. Section 10-220 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective July 1, 2003):

(a) Each local or regional board of education shall maintain good
public elementary and secondary schools, implement the educational
interests of the state as defined in section 10-4a and provide such other
educational activities as in its judgment will best serve the interests of
the school district; provided any board of education may secure such
opportunities in another school district in accordance with provisions
of the general statutes and shall give all the children of the school
district as nearly equal advantages as may be practicable; shall provide
an appropriate learning environment for its students which includes
(1) adequate instructional books, supplies, materials, equipment,
staffing, facilities and technology, (2) equitable allocation of resources
among its schools, and (3) a safe school setting; shall have charge of the
schools of its respective school district; shall make a continuing study
of the need for school facilities and of a long-term school building
program and from time to time make recommendations based on such
study to the town; shall undertake maintenance of its facilities,
including, but not limited to, maintenance that is necessary to protect
indoor environmental quality; shall implement an ongoing prevention
program such as the Environmental Protection Agency's Indoor Air
Quality Tools for Schools program to protect the indoor environmental
quality of its facilities; shall report annually to the Commissioner of
Education on the condition of its facilities and the action taken to
implement its long-term school building program, which report the
commissioner shall use to prepare an annual report that said
commissioner shall submit in accordance with section 11-4a to the joint
standing committee of the General Assembly having cognizance of
matters relating to education; shall advise the Commissioner of
Education of the relationship between any individual school building
project pursuant to chapter 173 and such long-term school building
program; shall have the care, maintenance and operation of buildings,
lands, apparatus and other property used for school purposes and at
all times shall insure all such buildings and all capital equipment
contained therein against loss in an amount not less than eighty per
cent of replacement cost; shall determine the number, age and
qualifications of the pupils to be admitted into each school; shall
develop and implement a written plan for minority staff recruitment
for purposes of subdivision (3) of section 10-4a; shall employ and
dismiss the teachers of the schools of such district subject to the
provisions of sections 10-151 and 10-158a; shall designate the schools
which shall be attended by the various children within the school
district; shall make such provisions as will enable each child of school
age, residing in the district to attend some public day school for the
period required by law and provide for the transportation of children
wherever transportation is reasonable and desirable, and for such
purpose may make contracts covering periods of not more than five
years; may place in an alternative school program or other suitable
educational program a pupil enrolling in school who is nineteen years
of age or older and cannot acquire a sufficient number of credits for
graduation by age twenty-one; may arrange with the board of
education of an adjacent town for the instruction therein of such
children as can attend school in such adjacent town more conveniently;
shall cause each child five years of age and over and under eighteen
years of age who is not a high school graduate and is living in the
school district to attend school in accordance with the provisions of
section 10-184, and shall perform all acts required of it by the town or
necessary to carry into effect the powers and duties imposed by law.

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

(c) Annually, each local and regional board of education shall
submit to the Commissioner of Education a strategic school profile
report for each school under its jurisdiction and for the school district
as a whole. The superintendent of each local and regional school
district shall present the profile report at the next regularly scheduled
public meeting of the board of education after each November first.
The profile report shall provide information on measures of (1) student
needs, (2) school resources, including technological resources and
utilization of such resources and infrastructure, (3) student and school
performance, (4) equitable allocation of resources among its schools,
(5) reduction of racial, ethnic and economic isolation, and (6) special
education. For purposes of this subsection, measures of special
education include (A) special education identification rates by
disability, (B) rates at which special education students are exempted from mastery testing pursuant to section 10-14q, (C) expenditures for special education, including such expenditures as a percentage of total expenditures, (D) achievement data for special education students, (E) rates at which students identified as requiring special education are no longer identified as requiring special education, (F) the availability of supplemental educational services for students lacking basic educational skills, (G) the amount of special education student instructional time with nondisabled peers, (H) the number of students placed out-of-district, and (I) the actions taken by the school district to improve special education programs, as indicated by analyses of the local data provided in subparagraphs (A) to (H), inclusive, of this subdivision.

(d) Prior to January 1, 2005, and biennially thereafter, qualified personnel or qualified contractors of a local or regional board of education shall conduct a uniform inspection and evaluation program of the indoor environmental quality of its schools, such as the Environmental Protection Agency's Indoor Air Quality Tools for Schools Program, unless such building is constructed, renovated or replaced on or after January 1, 2003, in which case such building need only be inspected once every five years during the ten years following such construction, renovation or replacement, and biennially thereafter. The inspection and evaluation program shall include, but not be limited to, a review, inspection or evaluation of the following: (1) The HVAC systems; (2) radon levels in the water and the air; (3) potential for exposure to bioaerosols; (4) chemical compounds of concern to indoor air quality including, but not limited to, volatile organic compounds; (5) the degree of pest infestation, including, but not limited to, insect and rodents; (6) the degree of pesticide usage; (7) the presence of and the plans for removal of any hazardous substances that are contained on the list prepared pursuant to Section 302 of the federal Emergency Planning and Community Right-to-Know Act, 42 USC 9601 et seq.; (8) ventilation systems; (9) plumbing, including water distribution systems, drainage systems and fixtures; (10)
building structural elements, including, but not limited to, roofing, basements or slabs; and (11) the use of space, particularly areas that were designed to be unoccupied.

This act shall take effect as follows:

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Statement of Purpose:
To provide assistance and direction to school districts to improve the quality of air in school buildings.

[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.]