

SB 423 -- Redline

LAB Joint Favorable to File No. 320 -- AN ACT IMPROVING INDOOR AIR QUALITY IN PUBLIC SCHOOL CLASSROOMS.

Deletions ~~struck~~ · Insertions underlined

Senate General Assembly ~~Substitute~~File-Bill No.

~~423~~320 February Session, 2022 ~~AN~~Substitute ~~ACT~~Senate ~~IMPROVING~~Bill ~~INDOOR~~No. ~~AIR QUALITY IN PUBLIC SCHOOL CLASSROOMS.~~

423 Senate, April 5, 2022 The Committee on Labor and Public Employees reported through SEN. KUSHNER of the 24th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT IMPROVING INDOOR AIR QUALITY IN PUBLIC SCHOOL CLASSROOMS.

~~(5)~~s~~SB423~~ "Local/ or~~File~~ regional~~No.~~ board of education" means local and regional boards of education as used in title 10 of the general statutes and includes regional educational service centers and state charter schools;

~~(6)~~320 "School~~1~~ facilities"~~s~~SB423 means~~File~~ any permanent building or portable building or structure or commercial space owned, rented, operated or ~~LC0 C:\Users\alloy\Desktop\2022SB-00423-R01-SB.d1 of 11~~ Substitute Bill No.

~~423~~320 leased~~(5)~~ by~~"Local boards or of regional education board and of charters, education" including means donated local space, and used regional as boards of classroom education or as day used care, in or title any 10 other of space the for general education statutes services and including, includes but regional not educational limited service to, centers classrooms, and cafeterias, state staff charter lounges, schools; staff offices, auditoriums, gymnasiums or libraries;~~

(6) "School facilities" means any permanent building or portable building or structure or commercial space owned, rented, operated or leased by boards of education and charters, including donated space, used as a classroom or day care, or any other space for education services including, but not limited to, classrooms, cafeterias, staff lounges, staff offices, auditoriums, gymnasiums or libraries;

(13) "Public school relative humidity range" means relative humidity levels~~s~~SB423 within/ twenty~~File to No. sixty per cent;~~

320 2 sSB423 File No.

320 levels within twenty to sixty per cent;

~~LC0(15) {C:\Users\alloy\Desktop\2022SB-00423-R01-2}~~"Properly certified testing, adjusting and balancing technician" means a technician certified to perform testing, adjusting and balancing of 41heating, }ventilation Substitute and Billair No-conditioning systems by the Associated Air Balance Council, the National Environmental Balancing Bureau or the Testing, Adjusting and Balancing Bureau, or individuals training under the supervision of a Testing, Adjusting and Balancing Bureau certified technician or a person certified to perform ventilation assessments of heating, ventilation and air conditioning systems through a certification body accredited by the American National Standards Institute;

~~423 (15) "Properly certified testing, adjusting and balancing technician" means a technician certified to perform testing, adjusting and balancing of heating, ventilation and air conditioning systems by the Associated Air Balance Council, the National Environmental Balancing Bureau or the Testing, Adjusting and Balancing Bureau, or individuals training under the supervision of a Testing, Adjusting and Balancing Bureau certified technician or a person certified to perform ventilation assessments of heating, ventilation and air conditioning systems through a certification body accredited by the American National Standards Institute;~~

(b) (1) On or before June 30, 2023, the Labor Commissioner, in consultation with the Commissioner of Education and the Secretary of the Office of Policy and Management, or their designees, shall establish a routine school indoor air quality assessment and ventilation monitoring program that is consistent with the minimum requirements of~~s~~SB423 the/ ASHRAE~~File~~ Standard~~No.~~ 62 and the provisions of this section for use by local and regional boards of education.

320 3 sSB423 File No.

320 of the ASHRAE Standard 62 and the provisions of this section for use by local and regional boards of education.

~~LC0(2) {C:\Users\alloy\Desktop\2022SB-00423-R01-3}~~The of routine 41indoor }air Substitutequality Billassessment No-and ventilation monitoring program shall require any ventilation assessment be performed by a certified Testing, Adjusting and Balancing technician or mechanical engineer.

~~423 (2) The routine indoor air quality assessment and ventilation monitoring program shall require any ventilation assessment be performed by a certified Testing, Adjusting and Balancing technician or mechanical engineer.~~

(c) On or before July 1, 2024, and every three years thereafter, each

local and regional boards of education shall conduct an indoor air quality and ventilation assessment in a manner consistent with the Labor Department's routine school indoor air quality assessment and ~~ventilation SSB423 monitoring/ program File established No. in this section.~~

~~320 4 sSB423 File No.~~

~~320 ventilation monitoring program established in this section.~~

~~LC0 (d) {C:\Users\alloy\Desktop\2022SB-00423-R01-4} The Labor Department shall require all local and regional boards of education to substitute make Bill the No. appropriate corrective actions identified in the ventilation assessment report.~~

~~423 (d) The Labor Department shall require all local and regional boards of education to make the appropriate corrective actions identified in the ventilation assessment report.~~

~~(f) All testing and certifications of a heating, ventilation and air conditioning system shall be performed by a properly certified testing, adjusting SSB423 and/ balancing File technician No.~~

~~(g) 320 The 5 Labor SSB423 Commissioner, File in consultation with the Commissioner of Education and the Secretary of the Office of Policy and Management, or their designees, shall approve the routine indoor air monitoring LC0 {C:\Users\alloy\Desktop\2022SB-00423-R01-5 of 11 } Substitute Bill No.~~

~~423 320 program adjusting at least every three years to ensure the efficacy of the program and shall balancing review technician. the program in the event of a public health emergency or other event potentially impacting indoor air quality in schools across the state.~~

~~(g) The Labor Commissioner, in consultation with the Commissioner of Education and the Secretary of the Office of Policy and Management, or their designees, shall approve the routine indoor air monitoring program at least every three years to ensure the efficacy of the program and shall review the program in the event of a public health emergency or other event potentially impacting indoor air quality in schools across the state.~~

Subsection (b) of section 10-283 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof ~~SSB423 (Effective/ from File passage) No.~~

~~(b) 320 (1) 6 Notwithstanding SSB423 the File application date requirements of this section, at any time within the limit of available grant authorization and within the limit of appropriated funds, the Commissioner of LC0 {C:\Users\alloy\Desktop\2022SB-00423-R01-6 of 11 } Substitute Bill No.~~

~~423 320 Administrative thereof Services, (Effective in from consultation passage): with the Commissioner of Education, may approve applications for grants and make payments for such grants, for any of the following reasons:~~

~~(b) (1) Notwithstanding the application date requirements of this section, at any time within the limit of available grant authorization and within the limit of appropriated funds, the Commissioner of Administrative Services, in consultation with the Commissioner of Education, may approve applications for grants and make payments for such grants, for any of the following reasons:~~

~~(2) Not later than seven calendar days following the discovery of a reason described in subparagraphs (A) to (F), inclusive, of subdivision (1) of this subsection, the superintendent of school of a town or regional of school of a town or regional school district shall notify the Commissioner of Administrative Services in writing of such reason in order to be eligible for a grant under this subsection.~~

Such superintendent shall submit an application to the commissioner not later than six months following such notification in ~~order SSB423 to/ receive File a No. grant under this subsection.~~

~~320 7 sSB423 File No.~~

~~320 order to receive a grant under this subsection.~~

~~(NEW) (Effective from passage) (a) Any local or regional board of education, regional educational service center or charter school commencing a project to remediate, replace or install a heating, LC0 ventilation {C:\Users\alloy\Desktop\2022SB-00423-R01-7} and air conditioning system shall be considered to be in compliance with the provisions of 11 subsection (j) (i) Substitute of Bill section No. 2 of this act.~~

~~423 ventilation and air conditioning system shall be considered to be in compliance with the provisions of subsection (j) of section 2 of this act.~~

~~(b) SSB423 Any/ indoor File air quality complaint filed under subsection (a) of this section shall be investigated by local and regional boards of education, including documentation of any physical symptoms exhibited by students, staff or visitors, including, but not limited to, urgent care LC0 {C:\Users\alloy\Desktop\2022SB-00423-R01-8 of 11 } Substitute Bill No.~~

~~423 320 referrals, 8 blood SSB423 test, File a No. OSHA 301 form or incident report forms, workers' compensation claims and the testing of any visible substance, including, but not limited to, mold, chemicals, pest droppings, infestations or other such substance, for the presence of a health hazard.~~

~~320 (b) Any indoor air quality complaint filed under subsection (a) of this section shall be investigated by local and regional boards of education, including documentation of any physical symptoms exhibited by students, staff or visitors, including, but not limited to, urgent care referrals, blood test, an OSHA 301 form or incident report forms, workers' compensation claims and the testing of any~~

visible substance, including, but not limited to, mold, chemicals, pest droppings, infestations or other such substance, for the presence of a health hazard.

(d)Any employee ~~of a local and regional board of education, regional~~ educational service center or state charter school who believes that such employee has experienced discrimination, retaliation, discipline or termination by his or her employer for filing a complaint or reporting conditions regarding indoor air quality under section 5 of this act may submit a complaint alleging such violation in accordance with section 31-379 of the general statutes.

The adoption of the list by the General Assembly and authorization by the State Bond Commission of the issuance of bonds ~~pursuant to SB423 to/ section File 10-287d No.~~ shall fund the full cost of the projects. ~~On 320 or 9 after SB423 July File 1, 2011, the Commissioner of Administrative Services, in consultation with the Commissioner of Education, may approve LCO {C:\Users\alloj\Desktop\2022SB-00423-R01-9 of 11 } Substitute Bill No.~~

~~423320 applications for grants to assist school building projects for the Technical Education and Career System to remedy damage from fire and catastrophe, to correct safety, health and other code violations, to replace roofs, to remedy a certified school indoor air quality emergency, for the installation, remediation or replacement of heating, ventilation and air conditioning systems necessary to continually maintain indoor air quality and temperature and humidity ranges in school facilities during school activity hours in accordance with standards adopted by the Labor Department pursuant to section 210-287d of shall this fund act, or to purchase and install portable classroom buildings at any time within the limit full of cost available grant authorization and to make payments on such a project within the limit of appropriated funds, provided portable classroom building projects do not create a new facility or cause an existing facility to be modified so that the portable projects. buildings comprise a substantial percentage of the total facility area, as determined by the Commissioner of Administrative Services.~~

On or after July 1, 2011, the Commissioner of Administrative Services, in consultation with the Commissioner of Education, may approve applications for grants to assist school building projects for the Technical Education and Career System to remedy damage from fire and catastrophe, to correct safety, health and other code violations, to replace roofs, to remedy a certified school indoor air quality emergency, for the installation, remediation or replacement of heating, ventilation and air conditioning systems necessary to continually maintain indoor air quality and temperature and humidity ranges in school facilities during school activity hours in accordance with standards adopted by the Labor Department pursuant to section 2 of this act, or to purchase and install portable classroom buildings at any time within the limit of available grant authorization and to make payments on such a project within the limit of appropriated funds, provided portable classroom building projects do 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 of Administrative Services.

and in Section 5(d), "Any employee of local and regional boards of education, regional educational service center and state charter school who believes that such employee has experienced discrimination, retaliation, discipline or

~~termination by their employer" was changed to "Any employee of a local sSB423 and/ regional File board of education, regional educational service center or state charter school who believes that such employee has experienced LCO {C:\Users\alloj\Desktop\2022SB-00423-R01-SB.10 of 11 Substitute Bill No.~~

~~423320 discrimination, 10 retaliation, sSB423 discipline File or No. termination by his or her employer" for consistency and proper grammar.~~

320 termination by their employer" was changed to "Any employee of a local and regional board of education, regional educational service center or state charter school who believes that such employee has experienced discrimination, retaliation, discipline or termination by his or her employer" for consistency and proper grammar.

-LCO ~~LCO sSB423 {C:\Users\alloj\Desktop\2022SB-00423-R01-SB11/ of File 11 No.~~

320 11 sSB423 File No.

320 The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose.

In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge.

Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note State Impact:

Agency Affected Fund-Effect FY 23 \$ FY 24 \$ Labor Dept.

GF - Cost 562,493 542,756 State Comptroller - Fringe GF - Cost 198,797 203,767 Benefits1 Treasurer, Debt Serv.

GF - Cost Significant Significant Note:

GF=General Fund Municipal Impact:

Municipalities Effect FY 23 \$ FY 24 \$ Local and Regional School STATE Potential Potential Districts
MANDATE - 2 Significant Significant Cost/Revenue Gain Explanation The bill, which establishes a school
indoor air quality assessment and ventilation monitoring program and expands allowable non-priority list
expenses to include installation, remediation, and replacement of HVAC systems to comply with
temperature and humidity ranges established within the bill, represents a significant cost to the state
and potential cost and revenue gain to municipalities.

1The fringe benefit costs for most state employees are budgeted centrally in accounts administered by
the Comptroller.

The estimated active employee fringe benefit cost associated with most personnel changes is 40.53% of
payroll in FY 23.

2State mandate is defined in Sec.

2-32b(2) of the Connecticut General Statutes, "state mandate" means any state initiated constitutional,
statutory or executive action that requires a local government to establish, expand or modify its
activities in such a way as to necessitate additional expenditures from local revenues.

sSB423 / File No.

320 12 sSB423 File No.

320 Program Development and Implementation Costs

The bill requires the Department of Labor (DOL), in consultation with the Office of Policy and Management and the
State Department of Education, to establish the school air quality program by June 30, 2023, post the
requirements on DOL's website, review the program every three years or in the event of a public health
emergency, and ensure compliance.

In order to accommodate these requirements, DOL would need six positions (one Occupational Health and
Safety Manager, two Occupational Hygienists, and three Occupational Health and Safety Officers) at a
total annualized cost of \$706,523 (\$502,756 for salaries and \$203,767 in fringe benefit costs).

Additionally, DOL would incur costs for overhead, supplies, and equipment (including six indoor air
quality instruments and a velometer) at a cost of \$72,000 in FY 23 and \$40,000 in FY 24.

Program Compliance Costs Under the requirements of the bill, municipalities need to install HVAC systems
to keep temperature and humidity within allowable ranges.

Results of the 2021 School Facilities Survey show that 31% of responding school districts have indicated
that all district facilities are air conditioned across the district and approximately 40% of schools
were reported to have central air for the full facility.

Those schools without universal air conditioning will likely need some level of HVAC installation or
upgrade in order to avoid the school closure mandate.

This results in a cost to those municipalities, which may be partially reimbursed by the state under the
expanded school construction program (see details below).

The bill requires local and regional school districts to close for the day if the mandated public school
temperature range cannot be maintained for two or more consecutive school activity hours and prevents
any staff member from a pay reduction who was scheduled to work on that day.

3[https://portal.ct.gov/-/media/DAS/Communications/Communications-List-Docs/Special-Reports/SCG1050-](https://portal.ct.gov/-/media/DAS/Communications/Communications-List-Docs/Special-Reports/SCG1050-School-Survey-Report.pdf)
School-Survey-Report.pdf sSB423 / File No.

320 13 sSB423 File No.

320 This could result in an additional cost to local and regional school districts associated with
paying hourly employees for days the school was closed.

The cost to the district would be dependent on the number of staff and days the school must remain
closed.

Additionally, the bill establishes a complaint and investigation process related to mold, evidence of
pest infestation, hazardous odors or chemicals, and poor indoor air-quality.

This could result in additional costs to local and regional school districts associated with staff time
and resources necessary for the investigation.

The costs to districts would be dependent on the severity of and the steps required to investigate the
complaint, but are anticipated to be significant.

School Construction Program The school construction program is funded using General Obligation (GO)
bonds, in two large tracts:

priority list projects (i.e., larger projects approved in legislation) and non-priority list projects.

Non-priority list projects currently include emergency items, such as fire or catastrophe damage,
leaking roofs, or code violations.

The bill expands the non- priority list projects to include HVAC upgrades necessary to maintain
temperature and humidity within allowable ranges.

Non-priority list projects are allowed at the discretion of the Commissioner of Administrative Services

within available resources of the program.

As of March 1, 2022, the unallocated bond balance available under the school construction authorization is \$636 million, with another \$550 million effective under current law to start FY 23.

The bill is expected to result in an increase in the use of GO bond funds for non-priority list reimbursable expenses, which would expedite anticipated debt service from existing bond authorizations.

The bill does not change GO bond authorizations relevant to the program.

However, those funds are necessary to support both priority list and non-priority list projects.

The most recent estimate by the Department of Administrative Services indicated approximately \$2.6 billion worth of outstanding long-term liability for current grant sSB423 / File No.

320 14 sSB423 File No.

320 commitments, to be paid over the next several years.

4 The expanded use of current authorizations for HVAC upgrades through the non-priority list program will necessitate increased bond authorizations for the program in the future, which will increase long-term debt service costs.

Specific costs for eligible projects, including the marginal increase from expanded eligibility, can only be determined as project expenses are incurred by municipalities and state reimbursements are sought and offered.

The Out Years The annualized ongoing fiscal impact identified above would continue into the future subject to inflation, the number of complaints and investigations, and the terms of any bonds issued for the school construction program <http://143ld24rzjx265ftv4dyehdx-wpengine.netdna-ssl.com/wp-content/uploads/2021/12/CTState04a-FIN.pdf> sSB423 / File No.

320 15 sSB423 File No.

320 OLR Bill Analysis sSB 423 AN ACT IMPROVING INDOOR AIR QUALITY IN PUBLIC SCHOOL CLASSROOMS.

SUMMARY This bill requires the labor commissioner, in consultation with the education commissioner and Office of Policy and Management (OPM) secretary, to establish a school indoor air quality assessment and ventilation monitoring program (i.e., "school air quality program") by June 30, 2023, for use by local and regional boards of education, regional educational service centers (RESCs), and state charter schools.

The school air quality program requires these entities to conduct ventilation assessments that include a number of detailed steps.

Under the bill, the Department of Labor (DOL) must require school districts, RESCs, and state charter schools to make the appropriate corrective actions identified in the report resulting from the ventilation assessment.

Under the bill, a certified testing, adjusting, and balancing technician or mechanical engineer must perform the ventilation assessment.

The assessment must verify whether the existing mechanical ventilation system is operating in accord with design parameters, meets DOL's requirements, and follows the recommendations of the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) for ventilation needs during the 2020 coronavirus disease pandemic.

The written report produced by the assessment must include any corrective actions needed for a school's mechanical ventilation system or the heating, ventilation, and air conditioning (HVAC) infrastructure. By June 30, 2026, and each year thereafter, each school must have an HVAC system in full compliance with the school air quality program standards, but any board of education, RESC, or state charter school will sSB423 / File No.

320 16 sSB423 File No.

320 be considered in compliance with the bill's requirements if it has started a project to remediate or replace an HVAC system.

Among other related provisions, the bill also:

1.

makes certain school HVAC projects eligible to receive state reimbursement grants;

2.

establishes standards regarding the mandatory closing of schools if building temperatures are not met for specified periods (within a range of 68 to 76 degrees Fahrenheit);

3.

details steps schools must take to establish a complaint process related to indoor air quality;

and 4.

makes a conforming change in the school construction law for grants to the Connecticut Technical Education and Career System (CTECS, formerly the technical high school system).

Under the bill, "indoor air quality" is the overall potential health factors within a school facility, including air quality, mold levels, and other potentially harmful toxins.

EFFECTIVEDATE:

Upon passage, except the sections creating (1) the school air quality program and related requirements and (2) the complaint process are effective July 1, 2022.

Sec. Sec. 1 & 2 -- SCHOOL AIR QUALITY PROGRAM The bill requires the labor commissioner, in consultation with the education commissioner and OPM secretary (or their designees), to establish the school air quality program by June 30, 2023, for use by boards of education, RESCs, and state charter schools.

The program must be consistent with the bill's requirements and the minimum requirements of the ASHRAE Standard 62.

Existing law requires local and regional boards of education to maintain their HVAC systems in compliance with the prevailing standards, such as Standard 62, when the HVAC system is installed or sSB423 / File No.

320 17 sSB423 File No.

320 renovated.

It further requires school districts to keep HVAC system maintenance records for five years (CGS Sec. 10-231e).

Another existing law requires districts to adopt and implement an indoor air quality program that provides for ongoing maintenance and facility reviews necessary for the maintenance and improvement of the indoor air quality of their facilities (CGS Sec. 10-220(a)).

Under the bill, the labor commissioner must post the program requirements on DOL's website.

ASHRAE Standard 62 means the most recent American National Standards Institute/American Society of Heating, Refrigerating and Air-conditioning Engineers Standard 62.1, entitled "ventilation for acceptable indoor air quality." The bill requires the labor commissioner, in consultation with the education commissioner and OPM secretary, to (1) approve the school air quality program at least every three years to ensure its efficacy and (2) review the program in the event of a public health emergency or other event potentially impacting air quality in schools.

Ventilation Assessment and Report (Sec. 2(b)) A certified testing, adjusting, and balancing technician or mechanical engineer must perform ventilation assessments under the school air quality program.

The assessment must verify whether the existing mechanical ventilation system is operating in accordance with design parameters, meets DOL requirements, and follows the ASHRAE recommendations.

The bill includes specific items that must be in the HVAC system assessment, including the following:

1.

testing for maximum filter efficiency, 2.

physical measurements of outside air rate, 3.

verification of ventilation components' operation, 4.

measurement of all air distribution inlets and outlets, sSB423 / File No.

320 18 sSB423 File No.

320 5.

verification of unit operation and performance of required maintenance in accordance with ASHRAE Standard 62.1, 6.

verification of control sequences, 7.

verification of carbon dioxide sensors, and 8.

collection of field data for the installation of mechanical ventilation if none exist.

A mechanical engineer must review the written report produced by the assessment.

The report must include any corrective actions needed for a school district's mechanical ventilation system or HVAC infrastructure.

Corrective actions can include (1) installation of appropriate filters or carbon dioxide sensors and (2) additional maintenance, repairs, upgrades, or replacement.

Required Corrective Actions (Sec. 2(d)) DOL must require all boards of education, RESCs, and state charter schools to make the appropriate corrective actions identified in the assessment report.

The corrective actions must include testing, adjusting, and balancing the school mechanical ventilation system and, if necessary or cost effective, repair, upgrade, or replacement of the existing HVAC system or the installation of a stand-alone mechanical ventilation system.

The corrective actions identified in the assessment may include the following:

1.

general maintenance, reading, and adjustment of ventilation rates;

2.

filter replacement to meet a minimum efficiency reporting value of at least 13, if equipment allows,

while assuring the pressure drop is less than the fan's capability;

and 3.

carbon dioxide monitor installation or whole system installation or replacement.

sSB423 / File No.

320 19 sSB423 File No.

320 The bill requires portable filtration and air cleaners to be used only if (1) the existing HVAC infrastructure cannot meet minimum filtration and ventilation requirements or (2) recommended by a mechanical engineer, to enhance the permanent HVAC infrastructure when the desired indoor air quality cannot be maintained with the mechanical ventilation system or there are concerns about outdoor air contaminants (e.g., due to wildfires or pollution).

Three-Year Assessment Schedule (Sec. 2(c)) Starting by July 1, 2024, and every three years thereafter, each board of education, RESC, and state charter school must conduct a school air quality assessment consistent with the program established in the bill.

The written assessment report must be available for public inspection, posted on the entity's website, and submitted to DOL.

Contractors and Technicians (Sec. 2(e) & (f)) The bill requires any remediation, additions, or alterations to an HVAC system to be performed by a properly licensed HVAC contractor.

The contractor must employ a skilled and trained construction workforce, consisting of journey persons and registered apprentices in accordance with state law governing apprenticeship programs and journey person-to-apprentice ratios at worksites.

The bill further requires that at least 60% of the workers are graduates of, or registered in and attending, a DOL-registered apprenticeship program.

Also, all HVAC system testing and certifications must be performed by a properly certified testing, adjusting and balancing technician.

Duty to Maintain HVAC Systems (Sec. 2(h)) Under the bill, each board of education, RESC, and state charter school is responsible for the ongoing maintenance of HVAC systems in a manner that continually maintains indoor air quality and temperature and humidity ranges in school facilities during school activity hours in accordance with DOL standards (see below).

Each board of education, RESC, and state charter school must participate in the federal Environmental Protection Agency's Air Quality Flag Program for sSB423 / File No.

320 20 sSB423 File No.

320 Schools.

Temperature Ranges and Closing Schools (Sec. 2(a) & (i)) The bill requires each board of education, RESC, and state charter school to close a school for the day if the school cannot maintain the mandated public school temperature range for two or more consecutive school activity hours.

If this happens, it cannot lead to a pay reduction for any board employee or board-contracted individual who was scheduled to work on that day.

Under the bill, "public school temperature range" is a temperature from 68 to 76 degrees Fahrenheit, and the "public school relative humidity range" is relative humidity levels within 20% to 60%.

The bill requires DOL, by August 15, 2022, to establish mandatory public school temperature and humidity ranges.

The temperature and relative humidity readings for public school facilities must be taken in a location or locations that are illustrative of the highest and lowest temperature and relative humidity in the school during school activity hours.

"School activity hours" means any time of day in which students or school personnel occupy school facilities throughout the year.

Sec. Sec. 2(j) & 4 -- DEADLINE FOR COMPLIANCE WITH SCHOOL AIR QUALITY PROGRAM Under the bill, by June 30, 2026, and each year thereafter, each board of education, RESC, and state charter school must (1) have HVAC systems in their schools that can fully comply with the bill's school air quality program standards and (2) operate and maintain the systems in accordance with the standards.

Under the bill, any board of education, RESC, or charter school starting a project to remediate, replace, or install an HVAC system is considered in compliance with the bill's requirements, including the June 30, 2026, deadline.

The bill deems compliant any board or state charter school that submits a completed school construction project application to remediate, replace, or install an HVAC system to maintain indoor air quality.

sSB423 / File No.

320 21 sSB423 File No.

320 Sec. 3 -- STATE REIMBURSEMENT GRANTS FOR HVAC SYSTEMS By law, the administrative services commissioner, within the limits of available funds, can approve school construction grants under certain emergency situations outside of the standard application deadlines.

The bill makes the installation, remediation, or replacement of HVAC systems necessary to maintain indoor air quality and temperature and humidity ranges in school facilities in accordance with DOL's standards eligible to receive state reimbursement for eligible costs under this emergency provision.

Under existing law, the emergency provision is used to remedy damages due to fire, catastrophe, and code violations, among other things.

Existing law also allows it to be used to remedy a certified school indoor air quality emergency, which can only be declared by the public health commissioner in specific situations.

Sec. 5 -- COMPLAINTS AND INVESTIGATIONS The bill requires each board of education, RESC, and state charter school to designate a staff member to be responsible for receiving and reporting to the superintendent (or appropriate person in the case of an RESC or charter school) complaints of mold, evidence of pest infestation, hazardous odors or chemicals, and poor indoor air quality.

The complaint process must be posted on the school's or district's website.

Under the bill, each entity must forward complaints to (1) the appropriate board at either the next regularly scheduled meeting or within 60 days, whichever is earlier, and (2) any bargaining agent representing workers at the affected building.

The relevant board of education, RESC, or state charter school must investigate the complaint, including documentation of any physical symptoms shown by students, staff, or visitors.

The bill includes the following as possible documentation:

sSB423 / File No.

320 22 sSB423 File No.

320 1.

urgent care referrals;

2.

blood tests;

3.

an OSHA 301 form or incident report forms;

4.

workers' compensation claims;

and 5.

testing of any visible substance, including mold, chemicals, pest droppings, infestations, or other substances, for the presence of a health hazard.

If there is a confirmed health hazard, the board, RESC, or state charter school must (1) notify DOL's Division of Occupational Safety and Health and (2) create and implement a plan to remedy the hazard.

The bill bans retaliating against, disciplining, or terminating any employee for making an air quality complaint or reporting conditions on indoor air quality.

Any employee of a board of education, RESC, or state charter school who believes that he or she has experienced discrimination, retaliation, discipline, or termination for these reasons may submit a complaint with DOL alleging the violation under the state CONN-OSHA law against retaliation for health and safety complaints.

Sec. 6 -- SCHOOL AIR QUALITY AND CTECS The bill makes the installation, remediation, or replacement of HVAC systems needed to continually maintain indoor air quality and temperature and humidity ranges in school facilities eligible to receive grants for the full cost of these projects for CTECS schools.

To be eligible, the system must comply with DOL's standards under the bill. As a state-owned and -operated system, CTECS receives grants to cover 100% of the costs of these projects (unlike school districts, who must pay a portion of the project costs depending upon a formula that uses the property wealth of the town).

BACKGROUND Related Bills sSB 428, (Sec. 1), favorably reported by the Education Committee, sSB423 / File No.

320 23 sSB423 File No.

320 establishes a grant program to reimburse boards of education for projects to improve indoor air quality in school buildings.

HB 5479, favorably reported by the Public Health Committee, requires the Department of Public Health to establish an indoor air quality monitoring program for public schools.

COMMITTEE ACTION Labor and Public Employees Committee Joint Favorable Yea 12 Nay 0 (03/22/2022) sSB423 / File No.

320 24