

# HOUSE BILL No. 5560

February 18, 2004, Introduced by Reps. Accavitti, Vagnozzi, Condino, Daniels and Tobocman and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending section 1263 (MCL 380.1263), as amended by 1990 PA  
159, and by adding sections 1258 and 1259.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1258. (1) Not later than August 1, 2004, the board of  
2 a school district or intermediate school district or board of  
3 directors of a public school academy shall adopt and implement an  
4 indoor air quality program that provides for ongoing maintenance  
5 and facilities reviews as necessary to maintain and improve the  
6 indoor air quality at the facilities it operates. The board of a  
7 school district or intermediate school district or board of  
8 directors of a public school academy shall submit an annual  
9 report on the status of its indoor air quality program to the  
10 superintendent of public instruction, in the form and manner

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1 prescribed by the superintendent of public instruction.

2 (2) As part of its indoor air quality program under this  
3 section, the board of a school district or intermediate school  
4 district or board of directors of a public school academy shall  
5 ensure all of the following with respect to the heating,  
6 ventilation, and air conditioning systems in its facilities:

7 (a) That these systems are operated in accordance with the  
8 prevailing maintenance standards as of the time that system was  
9 installed or renovated.

10 (b) That these systems are operated continuously whenever  
11 school activities are taking place in the facility except during  
12 the following periods:

13 (i) During scheduled maintenance and emergency repairs.

14 (ii) During periods when school officials can demonstrate to  
15 the satisfaction of the school board, intermediate school board,  
16 or board of directors that outdoor air is sufficient.

17 (c) That maintenance records for these systems are maintained  
18 for at least 5 years.

19 (3) The board of a school district or intermediate school  
20 district or board of directors of a public school academy shall  
21 establish an indoor air quality committee to increase staff and  
22 pupil awareness of environmental factors affecting the health of  
23 school facility occupants, including at least air quality, water  
24 quality, and radon. The committee shall include at least all of  
25 the following members:

26 (a) One school administrator.

27 (b) One maintenance staff member.

1 (c) One teacher.

2 (d) One school health staff member, if available.

3 (e) One parent of a pupil.

4 (f) Two members of the general public.

5 (4) Subsection (3) does not, and a school board, intermediate  
6 school board, board of directors, local or intermediate  
7 superintendent, or school administrator shall not, prevent an  
8 existing school safety committee established under any other law  
9 from addressing indoor air quality issues affecting the health of  
10 school facility occupants.

11 Sec. 1259. (1) Not later than January 1, 2008, and at least  
12 every 5 years after that date, the board of a school district or  
13 intermediate school district or board of directors of a public  
14 school academy shall provide for an inspection and evaluation of  
15 each school building it operates that is constructed, expanded,  
16 or renovated after January 1, 2003. This shall include a review,  
17 inspection, and evaluation of at least all of the following:

18 (a) The heating, ventilating, and air conditioning systems.

19 (b) Radon levels in the air and water.

20 (c) Potential for exposure to microbiological airborne  
21 particles, including at least fungi, mold, and bacteria.

22 (d) Chemical compounds of concern to indoor air quality,  
23 including at least volatile organic compounds.

24 (e) Pest infestation, including at least insects and  
25 rodents.

26 (f) Pesticide usage.

27 (g) The presence and plans for removal of hazardous

1 substances that are contained on the list prepared under section  
2 302 of the federal emergency planning and community right-to-know  
3 act, 42 USC 11002.

4 (h) Ventilation systems.

5 (i) Plumbing, including at least water distribution systems,  
6 drainage systems, and fixtures.

7 (j) Moisture incursion.

8 (k) The overall cleanliness of the facilities.

9 (l) Building structural elements, including at least roofing,  
10 basements, and slabs.

11 (m) The use of space, particularly in areas designed to be  
12 unoccupied.

13 (n) The provision of indoor air quality maintenance training  
14 for building staff.

15 (2) The board of a school district or intermediate school  
16 district or board of directors of a public school academy shall  
17 make the results of an inspection and evaluation under subsection  
18 (1) available for public inspection at a regularly scheduled  
19 board meeting.

20 Sec. 1263. (1) The board of a school district **or board of**  
21 **directors of a public school academy** shall not build a school  
22 upon a site without having prior title in fee to the site, a  
23 lease for not less than 99 years, or a lease for not less than 50  
24 years from the United States government, or this state, or a  
25 political subdivision of this state.

26 (2) The board of a school district **or board of directors of a**  
27 **public school academy** shall not build a frame school on a site

1 for which it does not have a title in fee or a lease for 50 years  
2 without securing the privilege of removing the school.

3 (3) The board of a school district **or board of directors of a**  
4 **public school academy** shall not design or build a school building  
5 to be used for instructional or noninstructional school purposes  
6 or design and implement the design for a school site unless the  
7 design or construction is in compliance with ~~Act No. 306 of the~~  
8 ~~Public Acts of 1937, being sections 388.851 to 388.855a of the~~  
9 ~~Michigan Compiled Laws 1937 PA 306, MCL 388.851 to 388.855a.~~

10 The superintendent of public instruction has sole and exclusive  
11 jurisdiction over the review and approval of plans and  
12 specifications for the construction, reconstruction, or  
13 remodeling of school buildings used for instructional or  
14 noninstructional school purposes and of site plans for those  
15 school buildings.

16 (4) The superintendent of public instruction shall not  
17 approve plans and specifications under subsection (1) or a site  
18 plan under subsection (1) unless all of the following are met, as  
19 applicable:

20 (a) The board or board of directors has obtained a phase I  
21 environmental site assessment in accordance with the American  
22 society for testing and materials standard #1527.

23 (b) The building site is not in an area of moderate or high  
24 radon potential, unless the plans incorporate construction  
25 techniques to mitigate radon levels in the building's air.

26 (c) If the project involves new roof construction or total  
27 replacement of a roof, the plans provide for all of the

1 following:

2 (i) A minimum roof pitch of 1/2 inch per foot.

3 (ii) A minimum 20-year unlimited manufacturer's guarantee for  
4 water tightness covering the entire roofing system's materials  
5 and workmanship.

6 (iii) Inclusion of vapor retarders, insulation, bitumen,  
7 felts, membranes, flashings, metals, decks, and any other feature  
8 the roof design requires.

9 (iv) That all manufacturer's materials to be used meet the  
10 most recent American society for testing and materials standards  
11 for individual roofing system components.

12 (d) For major alterations, renovations, or expansions of a  
13 school building to be used for instructional purposes, the plans  
14 and specifications shall incorporate the sheet metal and air  
15 conditioning contractors national association's publication  
16 entitled "Indoor Air Quality Guidelines for Occupied Buildings  
17 Under Construction" or similar subsequent guidelines.

18 (e) The plans include a strategy for providing building  
19 maintenance staff responsible for the school building in the  
20 appropriate areas of plant operations, including those  
21 responsible for heating, ventilation, and air conditioning  
22 systems, with specific indoor air quality training.