

AMENDED IN ASSEMBLY MAY 23, 2002

AMENDED IN ASSEMBLY APRIL 22, 2002

AMENDED IN ASSEMBLY APRIL 11, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2223**

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**Introduced by Assembly Member Keeley**

February 20, 2002

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An act to add Article 1.5 (commencing with Section 17227.10) to Chapter 1 of Part 10.5 of the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 2223, as amended, Keeley. School indoor air quality.

Existing law sets forth various requirements relating to school facilities, including, but not limited to, siting, structural integrity, and hazardous materials.

This bill would require the Secretary of the State and Consumer Services Agency, in consultation with the State Department of Education, the State Department of Health Services, the State Air Resources Board, the Office of Environmental Health Hazard Assessment, and representatives from school district facility departments, school maintenance departments, and statewide educational organizations, as prescribed, to develop and ~~publish~~ *distribute* a list of voluntary construction, modernization, and maintenance guidelines to protect and enhance indoor air quality in public schools. The bill ~~would require related certificates of compliance by school district governing boards,~~ would require *school district governing boards to vote within 6 months after the distribution of the*

*routine maintenance guidelines whether to adopt these guidelines, annual votes by school district governing boards to adopt each routine maintenance guideline, and would require school districts and individual schools to make inspection records and certificates available to the public, upon request, for public inspection. By establishing these requirements, this bill would impose a state-mandated local program.*

*This bill, in addition, would provide that no school district shall be required to adopt the guidelines, or be denied funding or a benefit for refusing to adopt the guidelines.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) In 1996, General Accounting Office found that California’s
- 4 schools ranked as the worst in the nation for indoor environmental
- 5 conditions, including lighting, heating, noise, and air quality, with
- 6 29 percent of California schools being reported with
- 7 unsatisfactory ventilation and 22 percent being reported with
- 8 unsatisfactory air quality.
- 9 (b) In 1999, the Coalition for Adequate School Housing
- 10 (CASH) found that nearly 40 percent of school districts sampled
- 11 in a survey had received complaints about air quality, principally
- 12 due to moisture, poor ventilation, mold, and inadequate
- 13 maintenance.
- 14 (c) In 1999, a report by the Environmental Working Group, a
- 15 public interest group, suggested that children in portable



1 classrooms in California are exposed to higher levels of volatile  
2 organic compounds, toxic chemicals, and mold.

3 (d) In 2002, the State Air Resources Board reported that some  
4 California classrooms have levels of formaldehyde, a carcinogen,  
5 that exceed the Office of Health Hazard Assessment's acute  
6 reference exposure level, the level at which a one-hour exposure  
7 can result in irritant effects and initiation of immune system  
8 response.

9 (e) More than 20 state agencies and departments, led by the  
10 State and Consumer Services Agency, have developed a plan to  
11 promote energy conservation and air quality improvement for new  
12 state buildings, most notably the multibuilding Capitol Area  
13 East-End Project.

14 (f) In 2001, the United States Green Building Council, a private  
15 organization, developed a voluntary self-assessment checklist for  
16 rating air quality in existing buildings.

17 (g) The California Collaborative for High Performance  
18 Schools, a public-private partnership, provides incentives for  
19 participating schools to achieve better air quality and other  
20 environmental objectives through more effectively designed  
21 ventilation systems and through regular maintenance.

22 (h) The Federal Environmental Protection Agency has  
23 developed voluntary guidelines (tools for schools) to prevent and  
24 solve indoor air quality problems with minimal cost and  
25 involvement.

26 (i) It is the policy of this state that school facilities be designed  
27 and operated using reasonably available measures to provide a  
28 healthy indoor environment for pupils, including, but not limited  
29 to, healthy indoor air quality and adequate ventilation with  
30 outdoor air.

31 SEC. 2. Article 1.5 (commencing with Section 17227.10) is  
32 added to Chapter 1 of Part 10.5 of the Education Code, to read:

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Article 1.5. Indoor Air Quality

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36 17227.10. (a) By ~~June~~ July 1, 2003, the Secretary of the  
37 State and Consumer Services Agency, in consultation with the  
38 State Department of Education, the State Department of Health  
39 Services, the State Air Resources Board, the Office of  
40 Environmental Health Hazard Assessment, representatives from



1 school district facility departments, and representatives from  
2 statewide educational organizations, shall develop and ~~publish~~  
3 *distribute* a list of voluntary guidelines for public school  
4 construction or modernization projects, including, but not limited  
5 to, portable classrooms, to protect and enhance indoor air quality.

6 (b) The guidelines developed pursuant to subdivision (a) shall  
7 include, at a minimum, *cost-effective* measures designed to do all  
8 of the following:

9 (1) Promote the selection of building materials that will not  
10 unnecessarily degrade indoor air quality.

11 (2) Promote the selection of air-conditioning, heating, and  
12 ventilation systems that would not produce noise levels that would  
13 interfere with school activities.

14 (3) Avoid the accumulation of contaminants within ductwork  
15 and other spaces during construction or renovation that could  
16 degrade indoor air quality.

17 (4) Remove contaminants upon completion of construction or  
18 modernization.

19 (5) Promote the effective operation and maintenance of  
20 heating, ventilation, and air-conditioning systems.

21 (c) The Secretary of the State and Consumer Resources  
22 Agency, in consultation with the State Department of Education,  
23 the State Department of Health Services, the State Air Resources  
24 Board, the Office of Environmental Health Hazard Assessment,  
25 representatives from school district facility departments, and  
26 representatives from statewide educational organizations, may  
27 revise the guidelines developed pursuant to this section at any  
28 time.

29 ~~17227.15. (a) The Office of the State Architect shall require~~  
30 ~~each school district to certify whether it has incorporated, into a~~  
31 ~~construction or modernization plan, each of the guidelines on the~~  
32 ~~list established pursuant to this article.~~

33 ~~(b) After the effective date of this section and until the~~  
34 ~~guidelines are published pursuant to this article, the Office of the~~  
35 ~~State Architect shall require the school district to certify whether~~  
36 ~~it has incorporated, into a construction or modernization plan, the~~  
37 ~~most recent guidelines for heating, ventilation, and~~  
38 ~~air-conditioning related background sound in rooms, published by~~  
39 ~~the American Society of Heating, Refrigerating and Air~~  
40 ~~Conditioning Engineers.~~



1 ~~17227.20.~~ The Office of the State Architect shall ensure that  
2 the heating, ventilation, and air conditioning systems in new or  
3 modernized schools are tested and certified to comply with the  
4 minimum air flow requirements of Title 24 of the California Code  
5 of Regulations.

6 ~~17227.25.~~

7 17227.15. (a) By July 1, 2003, the Secretary of the State and  
8 Consumer Services Agency, in consultation with the State  
9 Department of Education, the State Department of Health  
10 Services, the State Air Resources Board, the Office of  
11 Environmental Health Hazard Assessment, representatives from  
12 school district maintenance departments, and representatives from  
13 statewide educational organizations, shall develop and ~~publish~~  
14 *distribute* a list of voluntary guidelines for routine maintenance to  
15 protect and enhance indoor air quality in public schools.

16 (b) The guidelines published pursuant to subdivision (a) shall  
17 include, at a minimum, *cost-effective* measures designed to do all  
18 of the following:

19 (1) Promote the proper operation and maintenance of heating,  
20 ventilation, and air-conditioning systems, including timing and  
21 minimum criteria for routine inspections, cleaning, and  
22 replacement of filters.

23 (2) Avoid unnecessary accumulation of moisture that could  
24 lead to mold growth.

25 (3) Promote the selection, use, and proper storage of cleaning  
26 materials that will not unnecessarily degrade indoor air quality.  
27 The Secretary of the State and Consumer Services Agency shall  
28 consider the effect that these guidelines will have on the efficacy  
29 of cleaning materials in killing or inactivating agents of infectious  
30 disease.

31 (c) The Secretary of the State and Consumer Services Agency,  
32 in consultation with the State Department of Education, the State  
33 Department of Health Services, the State Air Resources Board, the  
34 Office of Environmental Health Hazard Assessment,  
35 representatives from school district maintenance departments, and  
36 representatives from statewide educational organizations, may  
37 revise the guidelines developed pursuant to this section at any  
38 time.

39 ~~17227.30.~~ (a) At least once per year



1 17227.20. (a) *Within six months after the distribution of new*  
2 *or revised guidelines for routine maintenance pursuant to Section*  
3 *17227.15, the governing board of each school district shall vote at*  
4 *a public meeting whether to adopt each of the guidelines*  
5 *established pursuant to Section 17227.25: the guidelines.*

6 ~~(b) Within the ongoing and major maintenance plan prepared~~  
7 ~~by a school district pursuant to Section 17070.75, the governing~~  
8 ~~board of each school district shall certify whether it has adopted~~  
9 ~~each of the guidelines established pursuant to Section 17227.25.~~

10 (e)  
11 (b) School districts and individual schools shall make ~~all~~ *any*  
12 *existing* inspection records for heating, ventilation, and  
13 air-conditioning systems available ~~to the public upon request,~~  
14 *upon request, for public inspection.*

15 ~~(d) The school district shall make all certifications pursuant to~~  
16 ~~this article available to the public upon request.~~

17 17227.25. *No school district shall be required to adopt the*  
18 *guidelines developed pursuant to this article, nor shall a decision*  
19 *not to adopt the guidelines be the basis for an entity of state*  
20 *government to deny a school district funding or a benefit.*

21 SEC. 3. Notwithstanding Section 17610 of the Government  
22 Code, if the Commission on State Mandates determines that this  
23 act contains costs mandated by the state, reimbursement to local  
24 agencies and school districts for those costs shall be made pursuant  
25 to Part 7 (commencing with Section 17500) of Division 4 of Title  
26 2 of the Government Code. If the statewide cost of the claim for  
27 reimbursement does not exceed one million dollars (\$1,000,000),  
28 reimbursement shall be made from the State Mandates Claims  
29 Fund.

