

HOUSE BILL 845

F1

7lr1472

By: **Delegates W. Miller, Atterbeary, Ebersole, Hill, Kittleman, Lam, McComas, Metzgar, Rose, and Turner**

Introduced and read first time: February 3, 2017

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Public School Indoor Air Quality**

3 FOR the purpose of establishing the Public School Indoor Air Quality Inspection,
4 Evaluation, and Notification Program in the State Department of Education;
5 requiring the State Department of Education, in consultation with the Board of
6 Public Works and the Department of General Services, to establish the Program;
7 specifying the purpose of the Program; requiring the State Department of Education
8 to establish certain best practices for managing indoor air quality in public schools
9 and provide a certain manual to local superintendents of education on or before a
10 certain date; requiring local superintendents of education to provide a certain
11 manual to public school principals; requiring the State Department of Education to
12 revise a certain manual at certain intervals; requiring a complaint about the quality
13 of air in a public school to be filed with the State Department of Education; requiring
14 the State Department of Education to develop a certain form; requiring the State
15 Department of Education to take certain actions on receipt of a certain complaint;
16 specifying the content of a certain report; requiring a school principal to respond to
17 a certain report within a certain amount of time; requiring the State Department of
18 Education to assist a public school to develop a certain plan under certain
19 circumstances; authorizing the State Department of Education to release the name
20 of a certain individual who filed a certain complaint under certain circumstances;
21 specifying the qualifications of a certain individual who conducts an air quality
22 inspection; requiring the State Department of Education to adopt certain
23 regulations; defining a certain term; and generally relating to the Public School
24 Indoor Air Quality Inspection, Evaluation, and Notification Program.

25 BY adding to
26 Article – Education
27 Section 7–440
28 Annotated Code of Maryland
29 (2014 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Education

7-440.

(A) IN THIS SECTION, “PROGRAM” MEANS THE PUBLIC SCHOOL INDOOR
AIR QUALITY INSPECTION, EVALUATION, AND NOTIFICATION PROGRAM IN THE
DEPARTMENT.

(B) THERE IS A PUBLIC SCHOOL INDOOR AIR QUALITY INSPECTION,
EVALUATION, AND NOTIFICATION PROGRAM IN THE DEPARTMENT.

(C) THE DEPARTMENT, IN CONSULTATION WITH THE BOARD OF PUBLIC
WORKS AND THE DEPARTMENT OF GENERAL SERVICES, SHALL ESTABLISH THE
PROGRAM.

(D) THE PURPOSE OF THE PROGRAM IS TO ENHANCE INDOOR AIR QUALITY
IN PUBLIC SCHOOLS.

(E) (1) ON OR BEFORE JULY 1, 2018, THE DEPARTMENT SHALL:

(I) ESTABLISH BEST PRACTICES FOR MANAGING INDOOR AIR
QUALITY IN PUBLIC SCHOOLS; AND

(II) PROVIDE A MANUAL OF BEST PRACTICES FOR MANAGING
INDOOR AIR QUALITY IN PUBLIC SCHOOLS THROUGH ELECTRONIC DELIVERY TO
EACH LOCAL SUPERINTENDENT.

(2) THE DEPARTMENT MAY:

(I) USE A MANUAL ON INDOOR AIR QUALITY IN SCHOOLS
DEVELOPED BY A FEDERAL HEALTH OR ENVIRONMENTAL AGENCY OR ANOTHER
STATE; AND

(II) MAKE ADDITIONS OR REVISIONS TO A MANUAL UTILIZED
UNDER ITEM (I) OF THIS PARAGRAPH TO MAKE THE MANUAL MOST USEFUL TO
PUBLIC SCHOOLS IN THE STATE.

(3) (I) EACH LOCAL SUPERINTENDENT SHALL PROVIDE THE
MANUAL RECEIVED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO EACH
PRINCIPAL OF A PUBLIC SCHOOL IN THE COUNTY THROUGH ELECTRONIC DELIVERY.

(II) ON THE REQUEST OF A SCHOOL PRINCIPAL, A COUNTY SUPERINTENDENT SHALL REVIEW THE MANUAL WITH THE SCHOOL PRINCIPAL.

(4) THE DEPARTMENT SHALL REVIEW AND REVISE THE MANUAL PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION AT LEAST ONCE EVERY 3 YEARS TO ASSURE THAT THE MANUAL CONTINUES TO REPRESENT THE BEST PRACTICES AVAILABLE TO ENHANCE AIR QUALITY IN PUBLIC SCHOOLS.

(F) (1) A COMPLAINT ABOUT THE QUALITY OF AIR IN A PUBLIC SCHOOL SHALL BE FILED WITH THE DEPARTMENT.

(2) A COMPLAINT FILED UNDER THIS SECTION:

(I) SHALL BE IN WRITING ON THE FORM THAT THE DEPARTMENT REQUIRES; AND

(II) MAY BE MADE BY ELECTRONIC MAIL.

(G) THE DEPARTMENT SHALL:

(1) DEVELOP A FORM FOR THE FILING OF A COMPLAINT ABOUT THE QUALITY OF AIR IN A PUBLIC SCHOOL;

(2) POST THE FORM ON THE WEB SITE OF THE DEPARTMENT; AND

(3) ON RECEIPT OF A COMPLAINT ABOUT THE QUALITY OF AIR IN A PUBLIC SCHOOL, ARRANGE FOR:

(I) AN INSPECTION OF THE SCHOOL BY AN INDIVIDUAL WHO MEETS THE QUALIFICATIONS SPECIFIED IN SUBSECTION (K) OF THIS SECTION TO IDENTIFY ANY CONDITIONS THAT ARE CONTRIBUTING OR COULD CONTRIBUTE TO POOR INDOOR AIR QUALITY AT THE SCHOOL;

(II) THE PREPARATION OF A REPORT BY THE INDIVIDUAL WHO CONDUCTED THE INSPECTION UNDER ITEM (I) OF THIS PARAGRAPH; AND

(III) THE ELECTRONIC DELIVERY OF THE REPORT TO:

1. THE INDIVIDUAL WHO MADE THE COMPLAINT;

2. THE PRINCIPAL OF THE PUBLIC SCHOOL;

1 3. THE PARENTS OF THE STUDENTS WHO ATTEND THE
2 PUBLIC SCHOOL;

3 4. THE COUNTY SUPERINTENDENT;

4 5. THE STATE BOARD; AND

5 6. THE LOCAL HEALTH DEPARTMENT.

6 (H) THE REPORT PREPARED UNDER SUBSECTION (G) OF THIS SECTION
7 SHALL:

8 (1) DESCRIBE THE FINDINGS OF THE INSPECTION CONDUCTED
9 UNDER SUBSECTION (G) OF THIS SECTION;

10 (2) IDENTIFY ANY CONDITIONS THAT ARE CONTRIBUTING OR COULD
11 CONTRIBUTE TO POOR INDOOR AIR QUALITY AT THE SCHOOL, INCLUDING:

12 (I) CARBON DIOXIDE LEVELS;

13 (II) HUMIDITY;

14 (III) EVIDENCE OF MOLD OR WATER DAMAGE; AND

15 (IV) EXCESS DUST; AND

16 (3) PROVIDE GUIDANCE ON ANY ACTION THE SCHOOL SHOULD TAKE
17 TO ADDRESS ANY CONDITIONS THAT ARE CONTRIBUTING OR COULD CONTRIBUTE TO
18 POOR INDOOR AIR QUALITY AT THE SCHOOL.

19 (I) (1) A PUBLIC SCHOOL PRINCIPAL SHALL RESPOND TO A REPORT
20 PREPARED UNDER SUBSECTION (G) OF THIS SECTION NO LATER THAN 60 DAYS
21 AFTER THE DATE OF RECEIPT BY THE PRINCIPAL OF THE REPORT.

22 (2) IF THE REPORT PROVIDES GUIDANCE ON ANY ACTIONS THE
23 PUBLIC SCHOOL PRINCIPAL SHOULD TAKE, THE DEPARTMENT SHALL ASSIST THE
24 PRINCIPAL TO DEVELOP A REASONABLE PLAN TO ENHANCE THE INDOOR AIR
25 QUALITY OF THE SCHOOL.

26 (J) THE DEPARTMENT MAY RELEASE THE NAME OF AN INDIVIDUAL WHO
27 FILED A COMPLAINT UNDER SUBSECTION (F) OF THIS SECTION ONLY IF THE
28 INDIVIDUAL HAS AUTHORIZED THE RELEASE IN WRITING.

1 **(K) AN INDIVIDUAL CONDUCTING AN AIR QUALITY INSPECTION UNDER**
2 **SUBSECTION (F) OF THIS SECTION SHALL BE:**

3 **(1) A PROFESSIONAL ENGINEER;**

4 **(2) AN INDUSTRIAL HYGIENIST, AS DEFINED BY THE AMERICAN**
5 **INDUSTRIAL HYGIENE ASSOCIATION; OR**

6 **(3) CERTIFIED BY THE AMERICAN INDOOR AIR QUALITY COUNCIL**
7 **OR ANY OTHER NATIONALLY RECOGNIZED INDOOR AIR QUALITY ACCREDITATION**
8 **BODY.**

9 **(L) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE**
10 **PROVISIONS OF THIS SECTION.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2017.