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Bill Analysis
Legislative Service Commission

S.B. 121

125th General Assembly
(As Introduced)

Sen. Dann

BILL SUMMARY

- Allows a board of health or its designated representative to close a school when there is a nuisance due to bad indoor air quality affecting the health and physical function of the students or staff.
- Expressly requires the board of health or its designated representative to inspect all schools in the health district at least twice per year, once before June 1 and once before December 1.
- Permits a parent or other person to request an additional inspection of a school.
- Requires the Ohio Department of Health to adopt rules establishing sanitation requirements and standards for indoor air pollutants for schools.
- Permits the board of health or its representative to require a school to correct any violations of the sanitation requirements and standards for indoor air pollutants established in the Department's rules.
- Requires development of a standardized inspection form and an electronic system for collecting and transmitting school inspection results.
- Requires school inspection results to be made available when directly requested, to be made available online, and to be included on the Department of Education's school and school district report cards.
- Requires the Departments of Education and Health to jointly develop and produce an information brochure regarding school inspections.

- Requires the costs of school inspections to be fully funded by the Ohio Department of Health and the board of health or its representative.
- Requires the Ohio School Facilities Commission and Department of Education to provide funding for major renovations or other rehabilitative actions necessary for a school to correct violations of the Department of Health's rules establishing sanitation requirements and standards for indoor air pollutants.
- Requires the creation of an environmental management plan for each school.
- Requires each school's governing body to create a maintenance budget that takes into account the school's maintenance needs.

CONTENT AND OPERATION

Background

(R.C. 3707.03 and 3707.26)

Current law requires each board of health of a general or city health district to inspect the sanitary conditions of all schools and school buildings within its jurisdiction. The inspections must be conducted semiannually and may be conducted more frequently. During an epidemic or threatened epidemic, or when a dangerous communicable disease is unusually present, a board of health is permitted to close any school for "such time as is necessary."

Current law also requires a board of health to abate all nuisances and to remove or correct all conditions detrimental to health or well-being found on school property by serving an order on the school board or other person responsible for the property. The board of health is permitted to appoint inspectors as necessary to fulfill these duties.

Boards of health and inspections of schools

(R.C. 3707.70 and 3707.71)

The bill permits a board of health to designate representatives to perform its duties related to school inspections, abatement of nuisances in schools, and removal or correction of detrimental health conditions. With regard to school inspections, the bill specifies that each inspection must be completed using the standardized form and reporting method established by the bill. With regard to

abatement of nuisances and removal or correction of detrimental health conditions, the bill expressly requires the appointment of inspectors. In accordance with existing licensing laws, the bill specifies that the appointed inspectors must be licensed as registered sanitarians.

Closure of schools due to bad indoor air quality

(R.C. 3707.71)

When there is a nuisance due to bad indoor air quality affecting the health and physical function of the students or staff of a school, the bill permits a board of health or its designated representative to close the school and prohibit public gatherings. As under current law regarding other reasons for closing a school, the school's closure would be in effect for "such time as is necessary."

Scheduling and conduct of school inspections

(R.C. 3707.72)

Separately from the school inspection requirements described above, the bill requires a board of health, or the board's designated representative, to conduct two inspections of each school and school building within its jurisdiction each year. The inspections are to be conducted in conjunction with the superintendent of a school district or educational service center, governing authority of a community school, or administrative authority of a chartered nonpublic school, as applicable.¹

The first inspection for each school and school building must be completed not later than June 1 each year. The second inspection must be completed not later than December 1 each year.

The board or its designated representative must compile and report the results of the inspection to the appropriate building principal, environmental management plan coordinator, and superintendent, governing authority, or administrative authority. The results also must be reported to the Department of Education and Ohio Department of Health.

Until the Ohio Department of Health has implemented the bill's requirements for electronic collection and transmission of inspection results, the board must report, in writing, the results of the inspection within 60 days after the inspection. After the electronic system is implemented, the board must report the results of the inspection within 30 days after the inspection.

¹ *A community school is a public school that is independent of any public school district.*

Correction of violations

Based on the results of an inspection, a board of health or its designated representative, if it deems necessary, may require the applicable board of education of a school district, governing board of an educational service center, governing authority of a community school, or administrative authority of a chartered nonpublic school to take immediate action to correct any violations of the sanitation requirements and standards for indoor air pollutants established in rules the bill requires to be adopted by the Ohio Department of Health. The board or the board's designated representative may conduct additional inspections to determine if the violations have been corrected. The bill specifies that these additional inspections cannot be used to fulfill the bill's requirement for a second inspection to be conducted each year.

Inspection requests by parents and others

(R.C. 3707.721)

In addition to the bill's requirement for semiannual school inspections, the bill provides that any parent of a child enrolled in a school or any other person may request in writing the appropriate board of health, or the board's designated representative, to conduct an additional inspection of a school or school building. The board or its designated representative must provide a standardized method by which parents and other persons may make the request.

The person making the request may ask to remain anonymous. The person, however, must specify in the request a particular school or school building of the school district, educational service center, community school, or chartered nonpublic school. The person also must identify a specific health concern.

When a request for an inspection is made, the bill requires the board of health to immediately notify the superintendent of the school district or educational service center, governing authority of a community school, or administrative authority of a chartered nonpublic school that the request has been made. Within 30 days after the request is received, the board or representative, as applicable, must conduct the inspection. The inspection is to be conducted, and the results of the inspection reported, in accordance with the same procedures that apply to the semiannual inspections required by the bill.

Rules on sanitation and air quality in schools

(R.C. 3707.73)

The bill requires the Ohio Department of Health to adopt rules establishing sanitation requirements and standards for indoor air pollutants, including mold,

and safe levels of carbon dioxide relative to the age and size of children in a classroom, for public schools. The rules must be adopted in accordance with the Administrative Procedure Act (R.C. Chapter 119.) and in consultation with the Ohio Environmental Protection Agency, the United States Environmental Protection Agency, the Occupational Safety and Health Administration, the American Society of Heating, Ventilating and Air Conditioning Engineers, and any other state or federal agency that the Department deems necessary.

Based on information developed or acquired through the required consultation with state and federal agencies, the requirements and standards must identify acceptable or safe levels of contact with known air contaminants. The requirements and standards must incorporate "Standard 62" of the American Society of Heating, Ventilating and Air Conditioning Engineers.²

The bill requires the Department's rules to address at least all of the following:

- (1) The cleanliness of floors, walls, ceilings, storage spaces, and other areas;
- (2) The adequacy of lighting, ventilation, ventilation systems, water supply, and toilet and lavatory facilities;
- (3) Sewage collection, treatment, and disposal facilities;
- (4) Solid waste disposal.

Standardized inspection form and electronic system for reporting results

(R.C. 3707.72(B) and 3707.74)

The bill requires the Ohio Department of Health to create a standardized inspection form. Within 180 days after the bill's effective date, the Department must create a system to electronically collect and transmit inspection results. The standardized form and electronic system are to be used by each board of health or its designated representative in conducting inspections of schools and school buildings under the bill.

² *The bill does not specify the meaning of "Standard 62." According to the web site maintained by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc, Standard 62 is titled "Ventilation for Acceptable Indoor Air Quality" (<http://www.ashrae.org/>).*

Access to inspection results

(R.C. 3707.75(A) and (D))

The bill permits any person to request, in writing, a copy of an inspection report for a particular school or school building from the Department of Education or the Ohio Department of Health. On receipt of a written request, the Department must provide a copy of the requested inspection report.

The bill requires inspection results to be made available online on the web sites maintained by the Department of Education and Ohio Department of Health. The online inspection results must be made available not later than 60 days after an inspection is completed.

Results on school report cards

(R.C. 3302.03, 3314.012, and 3707.75(B))

Current law requires the Department of Education to issue annual report cards for school districts and individual school buildings based on education and fiscal performance data. The Department gives each district and building an academic performance rating, which appears on the individual report cards. The Department also issues report cards for community schools.

The bill requires the Department to include on each of its report cards information regarding the school inspections conducted under the bill. Specifically, the bill requires the report card to include the following:

- (1) The results of each inspection;
- (2) If an inspection was requested by a parent or another person, the reason why it was requested;
- (3) A description of any indoor air quality issues identified by the inspections;
- (4) A description of specific remedies that were taken to address the indoor air quality issues.

For school districts and their schools, the bill requires the following additional information to be included on each report card:

- (1) The dates of each inspection;
- (2) The name of the schools inspected;

(3) Contact information for the board of health or its designated representative.

Informational brochures

(R.C. 3707.75(C))

The bill requires the Department of Education and the Ohio Department of Health to jointly develop and produce an informational brochure regarding the school inspections conducted under the bill. The Department of Education must provide copies of the brochure to all school districts, educational service centers, community schools, and chartered nonpublic schools in Ohio.

The bill requires the brochure to include at least all of the following:

- (1) The time at which inspections must or may be conducted under the bill;
- (2) The entities responsible for conducting the inspections;
- (3) Information regarding the purposes of the inspections;
- (4) An explanation of the law regarding inspections and the duties of health districts to respond to complaints and requests for inspections;
- (5) Contact information for additional information.

Funding for inspections and to correct violations

(R.C. 3707.76)

The bill requires the Department of Health and the board of health, or, where applicable, the board's designated representative, to fully fund the costs of all inspections of schools and school buildings required by the bill. If a board of health or its designated representative determines from an inspection that major renovations or other rehabilitative actions are necessary to correct violations of the Ohio Department of Health's rules on sanitation and indoor air pollutants, the bill requires the Ohio School Facilities Commission and the Department of Education to provide the funding to correct those violations. The bill specifies that the funding requirement to correct the violations applies regardless of any other law applicable to the Ohio School Facilities Commission.

School environmental management plan

(R.C. 3313.86(A))

The bill requires the creation of an environmental management plan for each school building and school facility of a school district. The plan must be created by the board of health or its designated representative and the superintendent of the school district or educational service center, governing authority of a community school, or administrative authority or designated representative of a chartered nonpublic school, as applicable.

In requiring the creation of the plan, the bill specifies the following:

(1) The plan may be modeled after programs described in the U.S. Environmental Protection Agency's Indoor Air Quality Tools for Schools Action Kit.

(2) The plan must designate an environmental management plan coordinator to appoint personnel to an environmental management plan team.

(3) The plan must emphasize participation of all building occupants to address a broad range of topics that deal with school environments, building systems and equipment, ventilation systems, and environmental management programs.

(4) The plan must create a preventative maintenance plan for each school building and school facility that includes (a) a brief description of each building, including building components, (b) a maintenance schedule for every major facility component that requires maintenance, (c) a list of the products, equipment, training, and other resources required for each maintenance activity, (d) a method for documenting the maintenance performed, and (e) a list of persons for the district to contact regarding maintenance for each building component.

Maintenance budget

(R.C. 3313.86(B))

The bill requires each board of education of a school district, governing board of an educational service center, and governing authority of a community school to create a maintenance budget that takes into account the maintenance needs of each school building and other school facility.

Technical changes

(R.C. 3707.99 and 4736.01)

The bill includes changes to certain sections of the Revised Code for the sole purpose of conforming statutory cross-references with the bill's provisions.

HISTORY

| ACTION | DATE | JOURNAL ENTRY |
|------------|----------|---------------|
| Introduced | 08-21-03 | p. 991 |

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