



April 1, 2009

**ENGROSSED
HOUSE BILL No. 1097**

DIGEST OF HB 1097 (Updated March 30, 2009 12:49 pm - DI 52)

Citations Affected: IC 16-41; IC 20-19.

Synopsis: Indoor air quality. Requires the state department of health (SDOH) to adopt rules concerning indoor air quality in schools and state agencies, and requires the state board of education to consider adoption of those rules. Provides that after the SDOH inspects a school or state agency for indoor air quality as the result of a complaint, the SDOH must report certain information. Provides that such a complaint must be in writing and may be made by electronic mail. Allows the SDOH to release the name of a complainant only if the complainant has authorized the release in writing. Requires the SDOH to post minutes of each meeting of the air quality panel on the SDOH web site not later than 45 days after the meeting. Provides that the SDOH: (1) shall distribute a manual of best practices for managing indoor air quality at schools, but may use a manual developed by another state or a federal health and environmental agency; and (2) shall review and revise the manual at least once every three years.

Effective: July 1, 2009.

**Barnes, VanDenburgh, Dembowski,
Wolkins**

(SENATE SPONSORS — GARD, LANDSKE, BREAUX, TAYLOR, MRVAN,
RANDOLPH)

January 8, 2009, read first time and referred to Committee on Environmental Affairs.
February 12, 2009, amended, reported — Do Pass.
February 20, 2009, read second time, ordered engrossed. Engrossed.
February 23, 2009, read third time, passed. Yeas 84, nays 13.

SENATE ACTION

February 24, 2009, read first time and referred to Committee on Energy and Environmental Affairs.
March 31, 2009, amended, reported favorably — Do Pass.

EH 1097—LS 6541/DI 58+



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April 1, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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ENGROSSED HOUSE BILL No. 1097

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 16-41-37.5-2, AS AMENDED BY P.L.79-2008,
- 2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2009]: Sec. 2. (a) The state department ~~may~~ **shall before July**
- 4 **1, 2010:**
- 5 (1) adopt rules under IC 4-22-2 to establish an indoor air quality
- 6 inspection, ~~and~~ evaluation, **and employee notification** program
- 7 to assist ~~schools and~~ state agencies in ~~developing plans to~~
- 8 **improve improving** indoor air quality; **and**
- 9 (2) **amend 410 IAC 6-5.1 or adopt new rules under IC 4-22-2**
- 10 **to do the following:**
- 11 (A) **Establish an indoor air quality inspection, evaluation,**
- 12 **and parent and employee notification program to assist**
- 13 **schools in improving indoor air quality.**
- 14 (B) **Establish best practices to assure healthful indoor air**
- 15 **quality in schools.**
- 16 (b) **Subject to subsection (c),** the state department shall:
- 17 (1) inspect a school or state agency if the state department

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1 receives a complaint about the quality of air in the school or state
 2 agency;
 3 **(2) prepare a report, which may be in letter form, that:**
 4 **(A) describes the state department's inspection findings;**
 5 **(B) identifies any conditions that are contributing or could**
 6 **contribute to poor indoor air quality at the school or state**
 7 **agency, including:**
 8 **(i) carbon dioxide levels;**
 9 **(ii) humidity;**
 10 **(iii) evidence of mold or water damage;**
 11 **(iv) excess dust; and**
 12 **(v) odors;**
 13 **(C) provides guidance on steps the school or state agency**
 14 **should take to address any issues; and**
 15 **(D) requests a response from the school or state agency not**
 16 **later than sixty (60) days after the date of the report;**
 17 ~~(2)~~ **(3) report the results of the inspection to:**
 18 **(A) the person who complained about the quality of air;**
 19 **(B) the school's principal or the state agency head;**
 20 **(C) the superintendent of the school corporation, if the school**
 21 **is part of a school corporation;**
 22 **(D) the Indiana state board of education, if the school is a**
 23 **public school or an accredited nonpublic school;**
 24 **(E) the Indiana department of administration, if the inspected**
 25 **entity is a state agency; and**
 26 **(F) the appropriate local or county board of health; and**
 27 ~~(3)~~ **(4) assist the school or state agency in developing a reasonable**
 28 **plan to improve air quality conditions found in the inspection.**
 29 **(c) A complaint referred to in subsection (b)(1):**
 30 **(1) must be in writing; and**
 31 **(2) may be made by electronic mail.**
 32 **(d) The state department may release the name of a person who**
 33 **files a complaint referred to in subsection (b)(1) only if the person**
 34 **has authorized the release in writing.**
 35 SECTION 2. IC 16-41-37.5-2.5 IS ADDED TO THE INDIANA
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2009]: **Sec. 2.5. (a) Before July 1, 2010, the**
 38 **state department shall distribute a manual of best practices for**
 39 **managing indoor air quality at schools as described in this section.**
 40 **The state department may use a manual on indoor air quality in**
 41 **schools developed by a federal health or environmental agency or**
 42 **another state and make additions or revisions to the manual, with**

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1 the input and advice of the air quality panel established by section
2 3 of this chapter, to make the manual most useful to Indiana
3 schools. The state department shall provide the manual:

- 4 (1) to:
 - 5 (A) the legislative council; and
 - 6 (B) the department of education;
- 7 in an electronic format under IC 5-14-6; and
- 8 (2) to the facilities manager and superintendent of each school
9 corporation.

10 (b) The department shall review and revise the manual
11 developed under subsection (a) at least once every three (3) years
12 to assure that the manual continues to represent best practices
13 available to schools.

14 SECTION 3. IC 16-41-37.5-3, AS AMENDED BY P.L.79-2008,
15 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2009]: Sec. 3. (a) The air quality panel is established to assist
17 the state department in carrying out this chapter.

- 18 (b) The panel consists of the following members:
 - 19 (1) A representative of the state department, appointed by the
20 commissioner of the state department.
 - 21 (2) A representative of the department of education, appointed by
22 the state superintendent of public instruction.
 - 23 (3) A representative of the Indiana department of administration,
24 appointed by the commissioner of the Indiana department of
25 administration.
 - 26 (4) A member of the governing body of a school corporation,
27 appointed by the state superintendent of public instruction.
 - 28 (5) A teacher licensed under IC 20-28-4 or IC 20-28-5, appointed
29 by the governor.
 - 30 (6) A representative of a statewide parent organization, appointed
31 by the state superintendent of public instruction.
 - 32 (7) A physician who has experience in indoor air quality issues,
33 appointed by the commissioner of the state department.
 - 34 (8) An individual with training and experience in occupational
35 safety and health, appointed by the commissioner of the
36 department of labor.
 - 37 (9) A mechanical engineer with experience in building ventilation
38 system design, appointed by the governor.
 - 39 (10) A building contractor with experience in air flow systems
40 who is a member of a national association that specializes in air
41 flow systems, appointed by the governor.
 - 42 (11) A member of a labor organization whose members install,

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1 service, evaluate, and balance heating, ventilation, and air
 2 conditioning equipment, appointed by the governor.
 3 (12) An individual with experience in the cleaning and
 4 maintenance of commercial facilities, appointed by the governor.
 5 (c) The chairperson of the panel shall be the representative of the
 6 state department.
 7 (d) The panel shall convene **at least twice annually** at the
 8 discretion of the chairperson.
 9 **(e) The state department shall post minutes of each meeting of**
 10 **the panel on the state department's web site not later than**
 11 **forty-five (45) days after the meeting.**
 12 ~~(e)~~ (f) The state department shall provide administrative support for
 13 the panel.
 14 ~~(f)~~ (g) The panel shall:
 15 (1) identify and make available to schools and state agencies best
 16 operating practices for indoor air quality; and
 17 (2) assist the state department in developing plans to improve air
 18 quality conditions found in inspections under section 2 of this
 19 chapter.
 20 ~~(g)~~ (h) The state department shall prepare and make available to the
 21 public an annual report describing the panel's actions.
 22 SECTION 4. IC 20-19-2-12, AS AMENDED BY P.L.146-2008,
 23 SECTION 451, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) The state board shall, in the
 25 manner provided by IC 4-22-2, adopt rules setting forth nonbinding
 26 guidelines for the selection of school sites and the construction,
 27 alteration, and repair of school buildings, athletic facilities, and other
 28 categories of facilities related to the operation and administration of
 29 school corporations. The nonbinding guidelines must include:
 30 (1) preferred location and building practices for school
 31 corporations, including standards for enhancing health, student
 32 safety, accessibility, energy efficiency, operating efficiency, and
 33 instructional efficacy;
 34 (2) guidelines concerning minimum acreage, cost per square foot
 35 or cost per ADM (as defined in IC 20-18-2-2), technology
 36 infrastructure, building materials, per student square footage, and
 37 other general space requirements, including space for academics,
 38 administration and staff support, arts education and auditoriums,
 39 libraries, cafeterias, athletics and physical education,
 40 transportation facilities, and maintenance and repair facilities;
 41 (3) additional guidelines that the state board considers necessary
 42 for efficient and cost effective construction of school facilities.

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1 The building law compliance officer appointed under IC 10-19-7-4, the
 2 office of management and budget, and the department of local
 3 government finance shall, upon request of the board, provide technical
 4 assistance as necessary for the development of the guidelines.

5 (b) The state board shall annually compile, in a document capable
 6 of easy revision, the:

7 (1) guidelines described in subsection (a); and

8 (2) rules of the:

9 (A) fire prevention and building safety commission; and

10 (B) state department of health;

11 that govern site selection and the construction, alteration, and repair of
 12 school buildings.

13 (c) A school corporation shall consider the guidelines adopted under
 14 subsection (a) when developing plans and specifications for a facility
 15 described in subsection (a). Before submitting completed written plans
 16 and specifications for the selection of a school building site or the
 17 construction or alteration of a school building to the division of fire and
 18 building safety for issuance of a design release under IC 22-15-3, a
 19 school corporation shall do the following:

20 (1) Submit the proposed plans and specifications to the
 21 department. Within thirty (30) days after the department receives
 22 the plans and specifications, the department shall:

23 (A) review the plans and specifications to determine whether
 24 they comply with the guidelines adopted under subsection (a);
 25 and

26 (B) provide written recommendations concerning the plans
 27 and specifications to the school corporation, which must
 28 include findings as to any material differences between the
 29 plans and specifications and the guidelines adopted under
 30 subsection (a).

31 (2) After the earlier of:

32 (A) receipt of the recommendations provided under
 33 subdivision (1)(B); or

34 (B) the date that is thirty (30) days after the date the
 35 department received the plans and specifications under
 36 subdivision (1)(A);

37 issue a public document that describes the recommendations, if
 38 any, and any material differences between the plans and
 39 specifications prepared by the school corporation and the
 40 guidelines adopted under subsection (a), as determined under the
 41 guidelines adopted by the state board.

42 (3) After publishing a notice of the public hearing under IC 5-3-1,

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1 conduct a public hearing to receive public comment concerning
2 the school corporation's plans and specifications.
3 After the public hearing and without conducting another public hearing
4 under this subsection, the governing body may revise the plans and
5 specifications or submit the plans and specifications to the division of
6 fire and building safety without making changes. The school
7 corporation shall revise the public document described in subdivision
8 (2) to identify any changes in the plans and specifications after the
9 public document's initial preparation.
10 **(d) The state board shall consider the adoption of rules adopted**
11 **by the state department of health under IC 16-41-37.5-2(a).**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1097, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 6, after "construction" insert "**and operation**".

and when so amended that said bill do pass.

(Reference is to HB 1097 as introduced.)

DVORAK, Chair

Committee Vote: yeas 7, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred House Bill No. 1097, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-41-37.5-2, AS AMENDED BY P.L.79-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The state department ~~may~~ **shall before July 1, 2010:**

(1) adopt rules under IC 4-22-2 to establish an indoor air quality inspection, ~~and~~ evaluation, **and employee notification** program to assist ~~schools and~~ state agencies in ~~developing plans to improve~~ **improving** indoor air quality; **and**

(2) **amend 410 IAC 6-5.1 or adopt new rules under IC 4-22-2 to do the following:**

(A) **Establish an indoor air quality inspection, evaluation, and parent and employee notification program to assist schools in improving indoor air quality.**

(B) **Establish best practices to assure healthful indoor air quality in schools.**

(b) **Subject to subsection (c),** the state department shall:

(1) inspect a school or state agency if the state department receives a complaint about the quality of air in the school or state



agency;

(2) prepare a report, which may be in letter form, that:

(A) describes the state department's inspection findings;
(B) identifies any conditions that are contributing or could contribute to poor indoor air quality at the school or state agency, including:

- (i) carbon dioxide levels;**
- (ii) humidity;**
- (iii) evidence of mold or water damage;**
- (iv) excess dust; and**
- (v) odors;**

(C) provides guidance on steps the school or state agency should take to address any issues; and

(D) requests a response from the school or state agency not later than sixty (60) days after the date of the report;

~~(2)~~ **(3) report the results of the inspection to:**

- (A) the person who complained about the quality of air;**
- (B) the school's principal or the state agency head;**
- (C) the superintendent of the school corporation, if the school is part of a school corporation;**
- (D) the Indiana state board of education, if the school is a public school or an accredited nonpublic school;**
- (E) the Indiana department of administration, if the inspected entity is a state agency; and**
- (F) the appropriate local or county board of health; and**

~~(3)~~ **(4) assist the school or state agency in developing a reasonable plan to improve air quality conditions found in the inspection.**

(c) A complaint referred to in subsection (b)(1):

- (1) must be in writing; and**
- (2) may be made by electronic mail.**

(d) The state department may release the name of a person who files a complaint referred to in subsection (b)(1) only if the person has authorized the release in writing.

SECTION 2. IC 16-41-37.5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 2.5. (a) Before July 1, 2010, the state department shall distribute a manual of best practices for managing indoor air quality at schools as described in this section. The state department may use a manual on indoor air quality in schools developed by a federal health or environmental agency or another state and make additions or revisions to the manual, with the input and advice of the air quality panel established by section**

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3 of this chapter, to make the manual most useful to Indiana schools. The state department shall provide the manual:

(1) to:

(A) the legislative council; and

(B) the department of education;

in an electronic format under IC 5-14-6; and

(2) to the facilities manager and superintendent of each school corporation.

(b) The department shall review and revise the manual developed under subsection (a) at least once every three (3) years to assure that the manual continues to represent best practices available to schools.

SECTION 3. IC 16-41-37.5-3, AS AMENDED BY P.L.79-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The air quality panel is established to assist the state department in carrying out this chapter.

(b) The panel consists of the following members:

(1) A representative of the state department, appointed by the commissioner of the state department.

(2) A representative of the department of education, appointed by the state superintendent of public instruction.

(3) A representative of the Indiana department of administration, appointed by the commissioner of the Indiana department of administration.

(4) A member of the governing body of a school corporation, appointed by the state superintendent of public instruction.

(5) A teacher licensed under IC 20-28-4 or IC 20-28-5, appointed by the governor.

(6) A representative of a statewide parent organization, appointed by the state superintendent of public instruction.

(7) A physician who has experience in indoor air quality issues, appointed by the commissioner of the state department.

(8) An individual with training and experience in occupational safety and health, appointed by the commissioner of the department of labor.

(9) A mechanical engineer with experience in building ventilation system design, appointed by the governor.

(10) A building contractor with experience in air flow systems who is a member of a national association that specializes in air flow systems, appointed by the governor.

(11) A member of a labor organization whose members install, service, evaluate, and balance heating, ventilation, and air

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conditioning equipment, appointed by the governor.

(12) An individual with experience in the cleaning and maintenance of commercial facilities, appointed by the governor.

(c) The chairperson of the panel shall be the representative of the state department.

(d) The panel shall convene **at least twice annually** at the discretion of the chairperson.

(e) The state department shall post minutes of each meeting of the panel on the state department's web site not later than forty-five (45) days after the meeting.

~~(e)~~ (f) The state department shall provide administrative support for the panel.

~~(f)~~ (g) The panel shall:

(1) identify and make available to schools and state agencies best operating practices for indoor air quality; and

(2) assist the state department in developing plans to improve air quality conditions found in inspections under section 2 of this chapter.

~~(g)~~ (h) The state department shall prepare and make available to the public an annual report describing the panel's actions."

Page 2, delete lines 3 through 4.

Page 2, line 5, reset in roman "(3)".

Page 2, line 5, delete "(5)".

Page 2, line 6, delete "healthy,".

Page 2, line 6, after "efficient" delete ",,".

Page 2, line 7, delete "and operation".

Page 3, after line 16, begin a new paragraph and insert:

"(d) The state board shall consider the adoption of rules adopted by the state department of health under IC 16-41-37.5-2(a)."

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1097 as printed February 13, 2009.)

GARD, Chairperson

Committee Vote: Yeas 9, Nays 0.

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