

WEST VIRGINIA  
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark in this Box

Aug 17 2 43 PM '99

OFFICE OF THE SECRETARY OF STATE  
WEST VIRGINIA

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

RULE TYPE: Legislative; CITE AUTHORITY: W.Va. Constitution, Article XII, §2; W.Va. Code §18-2-5 and §18-9E-3

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 174

TITLE OF RULE BEING PROPOSED: Investigating Indoor Air Quality Complaints (6202)

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON September 20, 1999 AT 4:45 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Bill Elswick, Coordinator

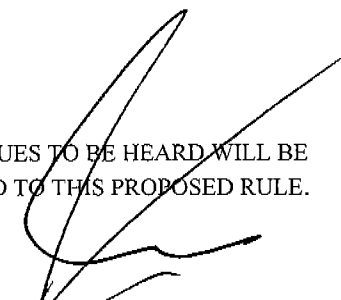
West Virginia Department of Education

Office of School Transportation & Facilities

1900 Kanawha Blvd. Bldg. 6, Room 215

Charleston, West Virginia 25305-0330

THE ISSUES TO BE HEARD WILL BE LIMITED TO THIS PROPOSED RULE.

  
\_\_\_\_\_  
William J. Luff, Jr.  
Associate State Superintendent

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

**EXECUTIVE SUMMARY  
WEST VIRGINIA DEPARTMENT OF EDUCATION**

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**POLICY NUMBER AND TITLE:**           **POLICY 6202  
INVESTIGATING INDOOR AIR QUALITY  
COMPLAINTS**

**PUBLIC COMMENT PERIOD ENDS:** September 20, 1999 **ADOPTED:** \_\_\_\_\_

**BACKGROUND:**

The Air Quality in New Schools Act (House Bill 2401) has evolved due to the work completed by the Radon/Indoor Air Quality in Schools Committee of the West Virginia Legislature. Policy 6202 has been written in consultation with the Department of Health and Human Resources, the School Building Authority and others. This policy makes specific recommendations for the investigation of indoor air quality complaints.

**PURPOSE**

To require the county boards to investigate indoor air quality complaints and provide a plan of correction if necessary.

126CSR174

Aug 17 2 49 PM '99

TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION

OFFICE OF THE CLERK  
SECRET

SERIES 174  
INVESTIGATING INDOOR AIR QUALITY COMPLAINTS  
POLICY 6202

**§126-174-1. General.**

1.1 Scope.—This legislative rule requires each county board to investigate indoor air quality complaints in existing and schools subsequently constructed (H.B.2401, §18-9E-5.). Furthermore, this rule also provides: 1)each county will designate an official or officials who will be responsible for addressing any indoor air quality complaint; 2)set forth a policy for any party to file a complaint with the designated official or officials; 3)any indoor air quality complaint found to be valid by the designated official or officials shall be addressed by forming a plan of correction; 4)a county board should consider any documented plans of closure of a school building when forming any plan of correction; 5) each plan of correction shall be incorporated into the county board's ten-year county-wide major improvement plan.

1.2. Authority.—W.Va. Constitution, Article XII, §2; W.Va. Code §18-2-5 and §18-9E-3.

1.3 Filing Date.--

1.4 Effective Date.--

**§126-174-2. Program Regulation.**

2.1. When an indoor air quality complaint is filed by any party it will be necessary to complete and file with the principal or superintendent an Indoor Air Quality Complaint Investigation Form (WVDE IAQ 1 7/99).

2.2. The principal of the facility or the county superintendent may investigate the complaint and respond to the complainant within ten(10) working days of the initial filing or the principal may convene the school's Indoor Air Quality Investigation Advisory Committee consisting of seven individuals. The following is a recommended list of IAQ committee members: the principal, the county superintendent or designee, the county facilities/maintenance director(which should also be the county's designated official), the complainant, a faculty senate member, a school custodian, and a local school improvement council member. The complainant may check on the status of the complaint any time during this process.

2.3. If not satisfied with the principal's or superintendent's response and the Indoor Air Quality Investigation Advisory Committee has not addressed this specific complaint the complainant may, within five(5) working days, ask the principal or superintendnt for the complaint to be reviewed by the Indoor Air Quality Investigation Advisory Committee.

2.4 The Indoor Air Quality Investigation Advisory Committee then has ten(10) working days to review and respond via the principal as to the status and plan of correction on the Indoor Air Quality Investigation Form to the complainant. The complainant may check on the status of the complaint at any time during this process. This review will finalize the complainant's county appeal procedure.

2.5. The principal or county superintendent will: 1) assign a log number for each complaint filed with the principal; 2) provide a plan of correction and estimated cost for each valid complaint; 3) annually, before the thirty-first day of July, send to the West Virginia Department of Education, Office of School Transportation and Facilities a report on the number of IAQ complaints and the total estimated cost of correction for all IAQ complaints registered during the previous fiscal year; 4) each plan of correction that meets the required criteria shall be added to the county boards's ten year county-wide major improvement plan.

**COMMENT SHEET  
INVESTIGATING INDOOR AIR QUALITY COMPLAINTS  
(POLICY 6202)**

Directions: Please use this form when commenting on the proposed policy and regulations on Investigating Indoor Air Quality Complaints.

NAME OF INDIVIDUAL/ORGANIZATION \_\_\_\_\_  
ADDRESS \_\_\_\_\_

<b>Section 2.1</b>	
<b>Section 2.2</b>	
<b>Section 2.3</b>	
<b>Section 2.4</b>	
<b>Section 2.5</b>	

Return before September 20, 1999 to:

**Bill Elswick, Coordinator**  
**West Virginia Department of Education**  
**Office of School Transportation and Facilities**  
**1900 Kanawha Blvd, Bldg. 6, Room 215**  
**Charleston, WV 25305-0330**  
**FAX: 304-558-8867**  
**email: cwelsw@access.k12.wv.us**

**INDOOR AIR QUALITY  
COMPLAINT INVESTIGATION FORM**

COUNTY: \_\_\_\_\_

FACILITY: \_\_\_\_\_

DATE REPORTED: \_\_\_\_\_

LOG NUMBER: \_\_\_\_\_

COMPLAINANT'S NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

NATURE OF COMPLAINT: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SYMPTOMS: \_\_\_\_\_

\_\_\_\_\_

PRINCIPAL'S/SUPERINTENDENT'S RESPONSE      DATE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ESTIMATED COST \$ \_\_\_\_\_

Completed: Yes \_\_\_ No \_\_\_

FUNDING SOURCE \_\_\_\_\_

\_\_\_\_\_  
PRINCIPAL/SUPERINTENDENT

**FISCAL NOTE WORKSHEET**  
(Submit 4 Copies)

HD NO \_\_\_\_\_ DRAFT NO \_\_\_\_\_ BILL NO \_\_\_\_\_ RESOLUTION NO \_\_\_\_\_

SUBJECT Investigating Indoor Air Quality Complaints FUND \_\_\_\_\_

SOURCE OF REVENUE:  GENERAL FUND  SPECIAL  OTHER (SPECIFY) \_\_\_\_\_

COST OF ESTIMATE BASED ON:  AN ORIGINAL ESTIMATE  BUDGET BILL  OTHER (SPECIFY) \_\_\_\_\_

INCOME ESTIMATE BASED ON:  AN ORIGINAL ESTIMATE  BUDGET BILL  OTHER (SPECIFY) \_\_\_\_\_

**SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT**

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$	\$	\$	\$	\$
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$	\$	\$	\$	\$
2. ESTIMATED TOTAL REVENUES	\$	\$	\$	\$	\$

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

Assumptions:

Cost will be incorporated in HVAC Technician Policy 6203

DATE

7/23/99

AGENCY

Education

AUTHORIZED REPRESENTATIVE

