

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In This Box

Oct 13 3 55 PM '99

OFFICE OF THE SECRETARY OF STATE WEST VIRGINIA

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: W.Va. Constitution, Article XII, §2, W.Va. Code §18-2-5 and §189E-3

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W.Va. Code §§29A-3B-1, et seq.; W.Va. Board of Education
v. Hechler, 180 W.Va. 451; 376 S.E.2d 839 (1988).

AMENDMENT TO AN EXISTING RULE: YES ___ NO XX

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

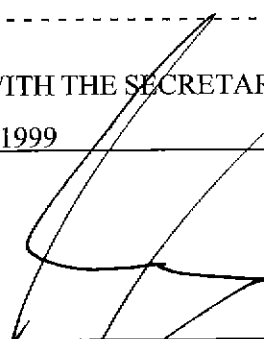
TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 175

TITLE OF RULE BEING PROPOSED: Heating, Ventilating and Air Conditioning

Technicians (6203)

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS November 13, 1999



William J. Luff, Jr.
Associate State Superintendent

\$8.80

**EXECUTIVE SUMMARY
WEST VIRGINIA DEPARTMENT OF EDUCATION**

**POLICY NUMBER AND TITLE: POLICY 6203
 HEATING, VENTILATING AND AIR-
 CONDITIONING TECHNICIANS**

PUBLIC COMMENT PERIOD ENDS: Sept. 20, 1999 ADOPTED: October 8, 1999

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 6203 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 hiring heating, ventilating and air-conditioning technicians (HVAC technicians) for public school buildings.

PURPOSE

To provide a job description for heating, ventilating, and air-conditioning technicians (HVAC technicians) to be employed by the West Virginia Department of Education.

126CSR175

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 175
HEATING, VENTILATING, AND AIR-CONDITIONING TECHNICIANS (HVAC)
POLICY 6203

FILED
OCT 15 3 55 PM '99
OFFICE OF THE CLERK
STATE OF WEST VIRGINIA

§126-175-1. General.

1.1 Scope.—This legislative rule will address servicing public school buildings by heating ventilating and air conditioning (HVAC) technicians. The rules set forth a job description for the HVAC technicians.

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

1.3 Filing Date.— October 13, 1999

1.4 Effective Date.— November 12, 1999

§126-175-2. Program Regulation.

2.1 The HVAC technicians will be employed by the West Virginia Department of Education.

2.2 The salary for the HVAC technician will be competitive with other employers of HVAC technicians in the region after accounting for annual leave, sick leave, insurance benefits, retirement benefits and any other benefits provided.

2.3 Continuing education training for HVAC technicians will be provided to maintain proficiency in the changing technologies.

2.4 The rules set forth a job description for the heating, ventilating and air-conditioning technicians employed to service public school buildings. The job description is on file at the West Virginia Department of Education, Office of Human Resources. The HVAC technicians will assist county and or school Indoor Air Quality Investigation Committees in resolving complaints relating to indoor air quality. The technicians will provide technical assistance and training for county maintenance personnel as needed and utilize appropriate equipment and tools to determine necessary action to operate and maintain HVAC systems in accordance with design objectives.

FISCAL NOTE WORKSHEET
(Submit 4 Copies)

HD NO _____ DRAFT NO _____ BILL NO HB 2401 RESOLUTION NO _____

SUBJECT HVAC Technicians 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	\$ 270,000	\$	\$270,000	\$ 270,000	\$ 270,000
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$ 270,000	\$	\$270,000	\$ 270,000	\$ 270,000
2. ESTIMATED TOTAL REVENUES	\$	\$	\$	\$	\$

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

Assumptions: The assumptions include the employment of four HVAC technicians to support the county boards of education in addressing the issues of indoor air quality and other HVAC concerns, a secretary to handle the clerical functions and documentation associated with these activities and the necessary expenses for this operation.

Four HVAC Technicians @ \$40,000 each	\$ 160,000.00
Secretary	20,000.00
Annual Training Cost	30,000.00
Travel and Equipment	<u>60,000.00</u>
Total	\$270,000.00

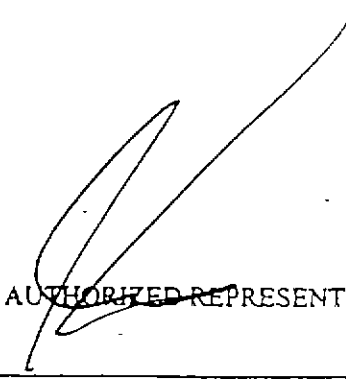
DATE

7/16/99

AGENCY

Education

AUTHORIZED REPRESENTATIVE



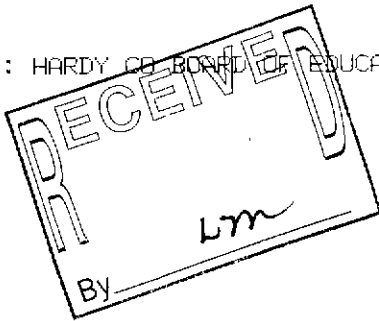
COMMENTS AND SUGGESTIONS LOG
 REVISIONS FOR POLICY 6203
 HEATING, VENTILATING AND AIR-CONDITIONING TECHNICIANS

Date Received	Individual/Organization	Comments/Suggestions	ACTION	TYPE	Rationale
9/15/99	Hardy County Schools Loy Kesner	Under 2.2 - Would be better to give county boards money to pay someone on staff to receive training or pay increase to employ more qualified personnel	N: No Response NA: Not Accepted A: Accepted	- Negative + Positive • Neutral	Under 2.3 - Training (CE) should be for all county employees work with HVAC
9/21/99	Lawrence M. Miller Ohio County Schools	Under 2.4 - Four technicians will not be able to do this task. Our county, which is small, has more than 250 HVAC units, could keep one technician busy.	Under 2.3 - Will HVAC technicians be certified in air monitoring?	Under 2.4 - Will the county be responsible for payment up front for these services or will the services be paid for by the State?	

9/20/99

Independence Jr. High
Raleigh County Schools

Under 2 2 - Complaints need to go to someone that will listen. We've had complaints since 9/94 and nothing has been done. We've had severe cases documented by doctors and WV/EA lawyers. Still have same air problems.



COMMENT SHEET
HEATING, VENTILATING AND AIR-CONDITIONING TECHNICIANS
(POLICY 6203)

Directions: Please use this form when commenting on the proposed policy and regulations on Heating, Ventilating, and Air-Conditioning Complaints.

NAME OF INDIVIDUAL/ORGANIZATION LOY Kesner / Hardy Co.

ADDRESS _____

Section 2.1	
Section 2.2	<p>would be better to give county boards \$ to pay some one or staff to get training or increase pay to get better quality workers in county</p>
Section 2.3	
Section 2.4	

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

FISCAL NOTE WORKSHEET
(Submit 4 Copies)

HD NO _____ DRAFT NO _____ BILL NO HB 2401 RESOLUTION NO _____

SUBJECT HVAC Technicians 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

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

Assumptions: The assumptions include the employment of four HVAC technicians to support the county boards of education in addressing the issues of indoor air quality and other HVAC concerns, a secretary to handle the clerical functions and documentation associated with these activities and the necessary expenses for this operation.

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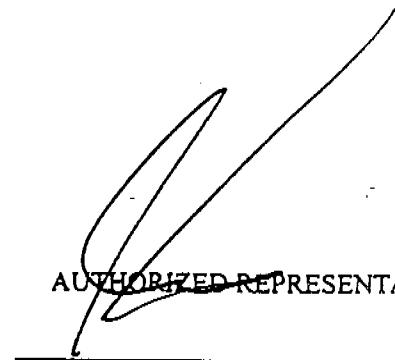
DATE

7/16/99

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Education

AUTHORIZED REPRESENTATIVE



**COMMENT SHEET
HEATING, VENTILATING AND AIR-CONDITIONING TECHNICIANS
(POLICY 6203)**

Directions: Please use this form when commenting on the proposed policy and regulations on Heating, Ventilating, and Air-Conditioning Complaints.

NAME OF INDIVIDUAL/ORGANIZATION Independence Jr. High
ADDRESS Box 1171 Sophia, WV 25921

Section 2.1	
Section 2.2	
Section 2.3	<p align="center">Complaints need to go to <u>someone</u> that will <u>listen</u>. We've had complaints since 9/94 + nothing has been done -</p>
Section 2.4	<p>We've had severe cases documented by doctors and WVEA lawyers - Still have same air problems.</p>

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

**EXECUTIVE SUMMARY
WEST VIRGINIA DEPARTMENT OF EDUCATION**

POLICY NUMBER AND TITLE: **POLICY 6203
HEATING, VENTILATING AND AIR-
CONDITIONING TECHNICIANS**

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 6203 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 hiring heating, ventilating and air-conditioning technicians (HVAC technicians) for public school buildings.

PURPOSE

To provide a job description for heating, ventilating, and air-conditioning technicians (HVAC technicians) to be employed by the West Virginia Department of Education.

No name

**COMMENT SHEET
HEATING, VENTILATING AND AIR-CONDITIONING TECHNICIANS
(POLICY 6203)**

Directions: Please use this form when commenting on the proposed policy and regulations on Heating, Ventilating, and Air-Conditioning Complaints.

NAME OF INDIVIDUAL/ORGANIZATION _____

ADDRESS _____

Section 2.1	
Section 2.2	
Section 2.3	Will HVAC technicians be certified in air monitoring?
Section 2.4	Will the county be responsible for payment up front for these services or will the services be paid for by the State?

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**

FISCAL NOTE WORKSHEET
(Submit 4 Copies)

HD NO _____ DRAFT NO _____ BILL NO HB 2401 RESOLUTION NO _____

SUBJECT HVAC Technicians 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

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

Assumptions: The assumptions include the employment of four HVAC technicians to support the county boards of education in addressing the issues of indoor air quality and other HVAC concerns, a secretary to handle the clerical functions and documentation associated with these activities and the necessary expenses for this operation.

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Travel and Equipment	<u>60,000.00</u>
Total	\$270,000.00

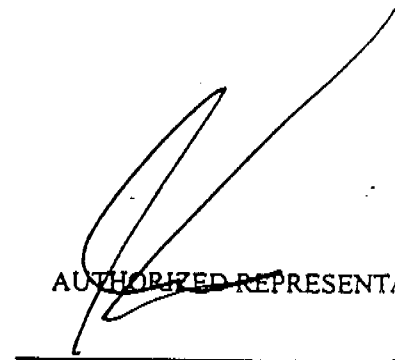
DATE

7/16/99

AGENCY

Education

AUTHORIZED REPRESENTATIVE



**COMMENT SHEET
HEATING, VENTILATING AND AIR-CONDITIONING TECHNICIANS
(POLICY 6203)**

Directions: Please use this form when commenting on the proposed policy and regulations on Heating, Ventilating, and Air-Conditioning Complaints.

NAME OF INDIVIDUAL/ORGANIZATION OHIO COUNTY SCHOOLS

ADDRESS 2203 NATIONAL ROAD, WHEELING, WV 26003

Section 2.1	
Section 2.2	
Section 2.3	Will HVAC technicians be certified in air monitoring?
Section 2.4	Will the county be responsible for payment up front for these services or will the services be paid for by the State?

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**

FISCAL NOTE WORKSHEET
(Submit 4 Copies)

HD NO _____ DRAFT NO _____ BILL NO HB 2401 RESOLUTION NO _____

SUBJECT HVAC Technicians 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) _____

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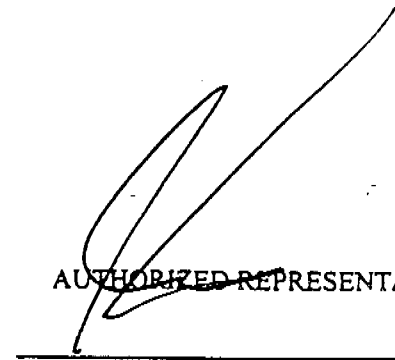
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7/16/99

AGENCY

Education

AUTHORIZED REPRESENTATIVE



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SEP 18 1999
SCHOOL TRANSPORTATION
AND FACILITIES

**EXECUTIVE SUMMARY
WEST VIRGINIA DEPARTMENT OF EDUCATION**

POLICY NUMBER AND TITLE: POLICY 6203
HEATING, VENTILATING AND AIR-
CONDITIONING TECHNICIANS

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 6203 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 hiring heating, ventilating and air-conditioning technicians (HVAC technicians) for public school buildings.

PURPOSE

To provide a job description for heating, ventilating, and air-conditioning technicians (HVAC technicians) to be employed by the West Virginia Department of Education.

126CSR175

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 175
HEATING, VENTILATING, AND AIR-CONDITIONING TECHNICIANS (HVAC)
POLICY 6203

§126-175-1. General.

1.1 Scope.—This legislative rule will address servicing public school buildings by heating ventilating and air conditioning (HVAC) technicians. The rules set forth a job description for the HVAC technicians.

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.—

§126-175-2. Program Regulation.

2.1 The HVAC technicians will be employed by the West Virginia Department of Education.

2.2 The salary for the HVAC technician will be competitive with other employers of HVAC technicians in the region after accounting for annual leave, sick leave, insurance benefits, retirement benefits and any other benefits provided.

2.3 Continuing education training for HVAC technicians will be provided to maintain proficiency in the changing technologies.

2.4 The rules set forth a job description for the heating, ventilating and air-conditioning technicians employed to service public school buildings. The job description is on file at the West Virginia Department of Education, Office of Human Resources. The HVAC technicians will assist county and or school Indoor Air Quality Investigation Committees in resolving complaints relating to indoor air quality. The technicians will provide technical assistance and training for county maintenance personnel as needed and utilize appropriate equipment and tools to determine necessary action to operate and maintain HVAC systems in accordance with design objectives.

126CSR174

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

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 superintendent for the complaint to be reviewed by the Indoor Air Quality Investigation Advisory Committee.

Pleasants County Board of Education

SUPERINTENDENT OF SCHOOLS
Tilden L. "Skip" Hackworth
ASSISTANT SUPERINTENDENT
Gary L. Alfred
ADMINISTRATIVE ASSISTANT/DIRECTOR OF
TECHNOLOGY
Larry G. Gainer
DIRECTOR OF ELEMENTARY/SPECIAL EDUCATION
Gary W. Roush
DIRECTOR OF SCHOOL SERVICES
James J. Maley
DIRECTOR OF TRANSPORTATION
Rockie L. Hall
SUPERVISOR OF MAINTENANCE
Rex A. Cox
DIRECTOR OF SECONDARY EDUCATION/
PERSONNEL/PUPIL SERVICES
Glen M. DeHaven

202 FAIRVIEW DRIVE – ST. MARYS, WEST VIRGINIA 26170
Telephone (304) 684-2215 – FAX (304) 684-3569

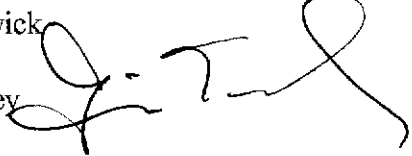
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SEP 1 1999

SCHOOL TRANSPORTATION
AND FACILITIES

BOARD OF EDUCATION
Terry Ball, President
Lobbe Thompson, Vice President
Steven Bonanno
Dan Greenleaf
Allen J. Thacker

Memorandum

To: Bill Elswick
From: Jim Maley 
Re: Comments on Policy 6202, IAQ complaints
Date: August 31, 1999

I have reviewed the material sent to us regarding the proposed Policy 6202, Investigating Indoor Air Quality Complaints. I have also looked through the materials I have on hand from the various workshops I have attended on the subject and I would offer the following comments:

- 2.2 The first sentence may be more workable if you would add the county's "designated official" to the principal and superintendent. From a very pragmatic standpoint I suspect that the "designated official" would be the most logical person to handle these complaints.

The IAQ Complaint Investigation Form The form looks good in general and probably needs to be a recommended version. I would remove the line that is labeled "SYMPTOMS" as it tends to beg an issue. I think the EPA suggested form (Copy Attached) makes a lot of sense with a little modification.

Has any consideration been given to the State Department's adopting a standard regarding indoor air quality? ASHRAE 62 is a good research based standard.

Has any thought been given to the training that ought to be given to make this program a success? I would think the State Department would be the most logical entity to take the lead role in providing training.

Thanks for the opportunity to provide input. Should you have any questions, please feel free to contact me.

Indoor Air Quality Complaint Form

This form can be filled out by the building occupant or by a member of the building staff.

Occupant Name: _____ Date: _____

Department/Location in Building: _____ Phone: _____

Completed by: _____ Title: _____ Phone: _____

This form should be used if your complaint may be related to indoor air quality. Indoor air quality problems include concerns with temperature control, ventilation, and air pollutants. Your observations can help to resolve the problem as quickly as possible. Please use the space below to describe the nature of the complaint and any potential causes.

We may need to contact you to discuss your complaint. What is the best time to reach you? _____

So that we can respond promptly, please return this form to: _____

IAQ Manager or Contact Person

Room, Building, Mail Code

OFFICE USE ONLY

File Number: _____ Received By: _____ Date Received: _____

RECEIVED

SEP 3 1999

COMMENT SHEET
INVESTIGATING INDOOR AIR QUALITY COMPLAINTS
(POLICY 6202)

TRANSPORTATION
AND FACILITIES

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

NAME OF INDIVIDUAL/ORGANIZATION Dr. Deborah Akers, Mercer County Schools
ADDRESS 1403 Honaker Ave., Princeton, WV 24740

Section 2.1	
Section 2.2 Creating one more committee is not necessary to fulfill the intent of this legislation. The time allotment is too short to obtain information necessary for informed decision making.	
Section 2.3 this section puts the Advisory Committee at a level higher than the principal and supt. This group does not have the resources nor the background to review this type of information. The time is also too short to obtain data	necessary for rational decision making.
Section 2.4 This committee would not have the expertise necessary to develop an adequate plan of correction.	
Section 2.5 The required criteria is not clear. Does this mean that every corrective plan that has a log number and is filed with the State Dept. must then be added to the improvement plan. Where is the finding for these corrective plans?	

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.

RECEIVED

COMMENT SHEET
INVESTIGATING INDOOR AIR QUALITY COMPLAINTS
(POLICY 6202)

SEP 2 1999
SCHOOL TRANSPORTATION
AND FACILITIES

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

NAME OF INDIVIDUAL/ORGANIZATION UPSHUR COUNTY SCHOOLS
ADDRESS 102 SMITHFIELD STREET, BUCKHANNON, WEST VIRGINIA 26201

Section 2.1	
Section 2.2 Any air quality complaint requires testing by outside firms to determine validity of complaint. A ten day time line is not sufficient for a substantive response.	
Section 2.3	
Section 2.4	
Section 2.5	

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.

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SEP 2 1999

COMMENT SHEET
INVESTIGATING INDOOR AIR QUALITY COMPLAINTS
(POLICY 6202)

TRANSPORTATION
AND TRAFFIC

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

Fayette County Board of Education
NAME OF INDIVIDUAL/ORGANIZATION L. A. Coleman/K. R. Carson
ADDRESS 111 Fayette Avenue, Fayetteville, WV 25840

Section 2.1	
Section 2.2 Will the principal/superintendent/committee have the knowledge/expertise to investigate a complaint? Or, will this require contracting with appropriately certified/trained inspectors? Who pays for? Will	investigators be the technicians employed by the State (Policy 6203)? Can inspections and cost estimates be completed in 10 working days?
Section 2.3	
Section 2.4 Again, is 10 working days sufficient for certified/trained inspectors/technician to investigate and develop cost estimates? IAQ committee "... review will finalize the complainant's county appeal procedure." Can com-	plainant appeal to county board of education? Again, must there only be a plan? Action contingent upon available funding???
Section 2.5 What legal/financial/moral obligation does the county/state have once a plan of correction has been developed? LISTING WITHIN A 10-YEAR PLAN DOES NOT FULFILL OBLIGATIONS! Will there be state funding to address these essential	projects?? If not, and a county does not have available funds, ??? 4) What is the "required criteria" for adding to county board's 10-year county-wide improvement plan?

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AUG 30 1999

SCHOOL TRANSPORTATION
AND FACILITIES

COMMENT SHEET

INVESTIGATING INDOOR AIR QUALITY COMPLAINTS
(POLICY 6202)

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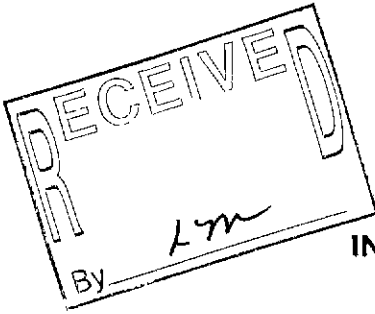
AUG 30 1999

SCHOOL TRANSPORTATION
AND FACILITIES

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

NAME OF INDIVIDUAL/ORGANIZATION Bon Diering
Kanawha County Schools
ADDRESS 200 Elizabeth St. Char WV 25311

<p>Section 2.1 <i>Principal or Superintendent</i></p>	<p><i>replace with principal or superintendent or designee of the superintendent.</i></p>
<p>Section 2.2 <i>Principal of the facility or the County Superintendent</i></p>	<p><i>replace with principal of the facility or the county superintendent or designee of the superintendent.</i></p>
<p>Section 2.3</p>	
<p>Section 2.4</p>	
<p>Section 2.5 <i>Principal or County superintendent</i></p>	<p><i>replace with principal or county superintendent or designee of the superintendent.</i></p>



**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 LOY KESNER / Hardy Co. Schools
 ADDRESS _____

Section 2.1	
Section 2.2	
Section 2.3	Funding for Counties?
Section 2.4	
Section 2.5	

**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 Steve Pack / Summers Middle
ADDRESS 400 Temple St Hinton WV 25951

Section 2.1	
Section 2.2 <i>Change "may" investigate to "shall" investigate</i>	
Section 2.3 <i>what standard is used to judge if a complaint is valid or not</i>	
Section 2.4 <i>Is this the end of the appeal procedure? Where can complainant go after county appeal?</i>	
Section 2.5 <i>what is the required criteria that correction plan must meet?</i>	

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SCHOOL TRANSPORTATION
AND FACILITIES

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

NAME OF INDIVIDUAL/ORGANIZATION Bill Arnold Chairperson, Indoor Air Quality Committee of the Keyser Public Middle School Faculty Senat

ADDRESS 700 S. Water St., Keyser, WV 26726

When allowing county boards to designate an official, or officials, they'll choose an "official" they can control, an employee. This tends to create "in-house" managers that likely will stymie correct yet expensive solutions. By leaving it open to "officials," county boards can designate a consensus that honors the public and staff's expectation for closure. (e.g., parent, teacher, facilities representative) to investigate the complaint faithfully and thoroughly before ruling towards a stand

There is no time frame for county boards to set forth a policy for filing a complaint. Components of indoor air quality are not stipulated. Being nebulous will allow discretionary stalemates which inhibit solutions. Components to be considered should be appropriate seasonal room temperature, humidity between 40% + 60%, and adequate

fresh air intake to keep the CO₂ from exhaling building occupants below 600 ppm. If an HVAC system cannot consistently building-wide maintain the aforementioned air quality, complaints should be deemed valid and necessitate county board plans to remediate. Allowing county boards to designate one official (employee) to satisfy requirements of the law guarantees complaints will be ruled invalid.

Good IAQ is 70-76°, 40-60 RH, and CO₂ below 600 ppm. This kind of air quality provides brains w/ the oxygen they need to cognitively function efficiently. (Similarity - clean carburetor. I can't overemphasize the fallacy of allowing county boards to designate one person of their choice to protect from spending sums necessary to provide an IAQ that maximizes learning and teaching potential.

Proposed WVDE IAQ 1 7/77 form due 10-9-99
Indoor Air Quality Complaint Investigation Form

School: _____ County: _____ Date: _____

Complainant(s): _____ (relationship to school)

1. Describe IAQ discomfort(s) and # of occupant involved

2. Are IAQ discomfort(s) building-wide or pocketed? Specify: _____

3. If pocketed, specify pocket location and noticeable timeframe patterns of occurrence _____

4. Are reported discomforts readily remediated by the building's system? Y _____ N _____ How long _____

5. Describe student(s)/staff(s) complaints/response: _____

6. What numerical data is available to authenticate this complaint? _____

7. Does complainant request fresh air flow measurement for the building? Y _____ N _____

Policy 6202

- 2.1 Define "any party". Is this inclusive of parents whose children may be suffering from accumulating chronic effects of poor IAQ prior to Hodgkins disease, and what means are provided to inform them that they have a specific complaint right, such as in sexual harassment provisions?
- 2.2 Leaving investigation of an IAQ complaint (from wherever to the discretion of the principal is haphazard since he/she must succumb to the Superintendent. It should read, "The principal of the facility "must" investigate the complaint.... The same may be assumed concerning whether to give the facility principal the discretion to convene the IAQ-IAC (Indoor Air Quality Investigation Advisory Committee)" "Must" is more functional. Pre-conceived recommendations for IAQ-IAC designees could lend themselves to a Superintendent controlled majority which would invalidate all compliance in order to circumvent expenses needed to facilitate an indoor-air-quality conducive to maximizing learning and teaching potential. Hence, "The principal must convene the school's IAQ-IAC. Concerning IAQ-IAC membership, no provision is made for duplicative participation. If the complainant is a teacher who is on the SIC and naturally a Faculty Senate member, how do we enlarge the perceptive demeanor of the IAQ-IAC w/o compromising the intentions of the end result. Language needs to be installed which responsibly broadens the base of participation to include even PTA/PTO representatives. In other words, if a/the complainant is a Faculty Senate member who also resides on the School Improvement Comm we need fair provisions for IAQ-IAC membership which fairly allow complaint considerations to be heard, ruled upon, and dealt with. Suggestion: let non-duplicative IAQ-IAC members choose whom they wish to fill the duplicative membership positions.

2.3 If not satisfied w/ the principal's response and the IAQ-IAC has not officially addressed this specific complaint, the complainant shall within 5 working days know that the principal has had the IAQ-IAC review complainant's submitted form WVDE IAQ 1 7/77 w/ all its appurtenances and addendums ~~and~~ ~~definitively~~.

2.4 The IAQ-IAC then has ten (10) working days to review and definitively respond to the principal pertaining to whether or not their recommendation compels the county board to remedy the discomfort noted by complainant within a specified timeframe.
STRIKE: This (IAQ-IAC) review will finalize the complainant's school system appeal procedure.

2.5 Upon receiving the IAQ-IAC remedial recommendation the local board shall honor it by 1) assigning a log # 2) provide ^{correction} a plan (insert ~~within~~ 10 working days of the estimated cost for valid complaints)

MEMO

To: Mr. Bill Elswick, Coordinator
From: Mr. Lawrence M. Miller *L.M.M.*
Subject: COMMENT SHEETS - PROPOSED POLICIES & REGULATIONS
Date: September 15, 1999

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SEP 20 1999
SCHOOL TRANSPORTATION
AND FACILITIES

Enclosed, please find comment sheet for *Heating, Ventilating and Air-Conditioning Technicians* (Policy 6203) and comment sheet for *Investigating Indoor Air Quality Complaints* (Policy 6202).

LMM:sw

Enclosures 2

**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 OHIO COUNTY SCHOOLS
 ADDRESS 2203 NATIONAL ROAD, WHEELING, WV 26003

<p>Section 2.1</p>	
<p>Section 2.2</p>	<p style="text-align: center;">AT ANY POINT DURING THIS PROCESS</p> <p style="text-align: center;">WILL ONE OR BOTH:</p>
<p>Section 2.3</p>	<p style="text-align: center;">AN AIR MONITOR AND/OR INDUSTRIAL</p> <p style="text-align: center;">HYGIENIST BE AVAILABLE TO</p> <p style="text-align: center;">COUNTY WITHOUT THIS GREAT</p>
<p>Section 2.4</p>	<p style="text-align: center;">EXPENSE TO COUNTY TO</p> <p style="text-align: center;">INVESTIGATE ANY</p>
<p>Section 2.5</p>	<p style="text-align: center;">COMPLAINT.</p>

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 Ohio County Schools
ADDRESS 2203 National Road, Wheeling, WV 26003

Section 2.1	
Section 2.2	At any point during this process will one or both: an air monitor and/or industrial hygienist be available to county without this great expense to county to investigate any complaint.
Section 2.3	
Section 2.4	
Section 2.5	

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.

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SEP 13 1999
SCHOOL TRANSPORTATION
AND FACILITIES

EXECUTIVE SUMMARY
WEST VIRGINIA DEPARTMENT OF EDUCATION

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

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

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 superintendt 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.

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**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 Ohio County Schools
 ADDRESS 2203 National Road, Wheeling, WV 26003

Section 2.1	
	At any point during this process will one or
Section 2.2	both: an air monitor and/or industrial hygienist be available to county without this great expense to county to investigate any complaint.
Section 2.3	
Section 2.4	
Section 2.5	

**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 \$ _____
FUNDING SOURCE _____

Completed: Yes ___ No ___

PRINCIPAL/SUPERINTENDENT

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

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

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

