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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

Introduced By: Representatives Cotter, Ajello, Potter, Carson, Bennett, and Diaz

Date Introduced: February 26, 2025

Referred To: House Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 16-21 of the General Laws entitled "Health and Safety of Pupils" is
2 hereby amended by adding thereto the following section:

3 **16-21-43. School air quality.**

4 (a) The following words and phrases when used in this section shall be construed as
5 follows:

6 (1) "ASHRAE" means the American Society of Heating, Refrigerating and Air
7 Conditioning Engineers.

8 (2) "HVAC" means heating, ventilation and air conditioning.

9 (3) "Mechanical engineer" means a professional engineer certified as a mechanical
10 engineer by the board of registration for professional engineers, and who meets the requirements
11 under § 5-8-11, and who has professional experience with heating, ventilation, and air conditioning
12 systems.

13 (4) "Mechanical ventilation system" means a building ventilation system provided by
14 mechanically powered, permanent equipment, such as motor-driven fans and blowers, and includes
15 carbon dioxide monitoring. The term does not include devices such as wind-driven turbine
16 ventilators, portable air cleaning and filtration devices and mechanically operated windows.

17 (5) "MERV" means minimum efficiency reporting value.

18 (6) "PM2.5" means particles less than two and one-half (2.5) micrometers in diameter.

19 (7) "PM10" means particles less than ten (10) micrometers in diameter.

1 (8) "Qualified adjusting personnel" means either of the following:

2 (i) A certified testing, adjusting, and balancing (TAB) technician; or

3 (ii) A skilled and trained workforce under the supervision of a certified TAB technician.

4 (9) "Qualified testing personnel" means a certified TAB technician or a person certified to
5 perform ventilation verification assessments of heating, ventilation, and air conditioning systems
6 through a certification body accredited under the ISO/IEC 17024 personnel certification standard.

7 (10) "Skilled and trained construction workforce" means a workforce, managed in
8 conformance with the Davis-Bacon Act, P.L. 71-798, 46 Stat.1494, 40 U.S.C. § 3141-3148, in
9 which at least sixty percent (60%) of the workers are graduates of or registered in and attending an
10 apprenticeship program registered with the department of labor and training (DLT), division of
11 apprenticeship training.

12 (11) "Verification" means the process of evaluating a system, component, or product to
13 determine whether it complies with specified requirements, design specifications, or regulations.

14 (b) The department of health shall establish by regulation recommended standards for
15 indoor air quality in schools, including recommended thresholds and/or rates for the following:

16 (1) Temperature;

17 (2) Humidity;

18 (3) Carbon dioxide;

19 (4) PM2.5;

20 (5) PM10;

21 (6) Ventilation; and

22 (7) Filtration.

23 (c) The department of education shall establish a program to undertake a uniform
24 inspection and evaluation of the indoor air quality within each school building, including heating,
25 ventilation and air conditioning systems when present. The program shall be conducted in
26 conjunction with the local school boards. Any deficiencies from the department of health
27 recommendations established pursuant to the provisions of subsection (b) of this section shall be
28 included with the estimated cost of remediation in the capital construction, reconstruction,
29 maintenance, and other capital needs for schools, as outlined in §16-105-3. The inspection and
30 evaluation shall be performed using a skilled and trained construction workforce at least once every
31 five (5) years. The assessment shall include, but not be limited to, the following:

32 (1) Measurements of temperature, humidity, carbon dioxide, PM2.5, and PM10;

33 (2) Testing for maximum filter efficiency aiming for MERV 13 when feasible;

34 (3) Assessment of MERV filter level and replacement routine;

- 1 (4) Measurements of outside air delivery rate;
2 (5) Verification of the condition and operation of ventilation components, pursuant to
3 specifications provided by the manufacturer;
4 (6) Verification of unit operation and that required maintenance has been performed;
5 (7) Verification of control sequences;
6 (8) Measurement of all air distribution inlets and outlets;
7 (9) Verification, replacement or installation of carbon dioxide sensors; and
8 (10) Collection of field data for the installation of mechanical ventilation system or HVAC
9 system if none exists.

10 (d) The department of education shall make the inspection and evaluation results easily
11 available online and send the test results directly to:

- 12 (1) Each school's principal;
13 (2) The department of elementary and secondary education; and
14 (3) The appropriate local school board.

15 (e) All schools with HVAC systems shall install filtration that achieves MERV levels of
16 thirteen (13) to the extent determined to be feasible and appropriate for the existing HVAC system,
17 as determined by the school board, in accordance with ASHRAE Standard 62.1- 2022 § 8 and Table
18 8-1. If it is determined by the school board that the existing HVAC system is not designed to
19 achieve MERV levels of thirteen (13), the school shall install filtration that achieves the highest
20 MERV level feasible without significantly reducing the lifespan or performance of the existing
21 HVAC system. School personnel shall inspect and replace filters as recommended by manufacturer
22 guidelines. All HVAC repairs, upgrades, or replacements shall be performed by a skilled and
23 trained workforce. All HVAC adjustments shall be performed by qualified adjusting personnel.

24 (e) The department of health and department of education are hereby authorized to
25 promulgate rules and regulations necessary to carry out the purposes of this section.

26 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

1 This act would provide that the department of health provide recommended air quality
2 standards for schools. This act would further provide that the department of education establish a
3 program to test the air quality in schools and deficiencies in air quality would be addressed in the
4 responsibilities of the school building authority pursuant to § 16-105-3. This act would also provide
5 that HVAC systems in schools achieve a MERV level of 13 where practical.

6 This act would take effect upon passage.

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