

# VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

## CHAPTER 780

*An Act to amend and reenact § 22.1-138 of the Code of Virginia, relating to school buildings; mold testing.*

[S 845]

Approved April 7, 2020

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-138 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-138. Minimum standards for public school buildings.**

A. The Board of Education shall prescribe by regulation minimum standards for the erection of or addition to public school buildings governing instructional, operational, health and maintenance facilities where these are not specifically addressed in the Uniform Statewide Building Code (§ 36-97 *et seq.*).

B. By July 1, 1994, every school building in operation in the Commonwealth shall be tested for radon pursuant to procedures established by the ~~United States~~ U.S. Environmental Protection Agency (EPA) for radon measurements in schools.

School buildings and additions opened for operation after July 1, 1994, shall be tested for radon pursuant to such EPA procedures and regulations prescribed by the Board of Education pursuant to subsection A of ~~this section~~. Each school shall maintain files of its radon test results and make such files available for review. The division superintendent shall report radon test results to the Department of Health.

C. *Each local school board shall develop and implement a plan to test and, if necessary, a plan to remediate mold in public school buildings in accordance with guidance issued by the U.S. Environmental Protection Agency. Each local school board shall (i) submit such testing plan and report the results of any test performed in accordance with such plan to the Department of Health and (ii) take all steps necessary to notify school staff and the parents of all enrolled students if testing results indicate the presence of mold in a public school building at or above the minimum level that raises a concern for the health of building occupants, as determined by the Department of Health.*

D. Each school board shall, in consultation with the local building official and the state or local fire marshal, develop a procurement plan to ensure that all security enhancements to public school buildings are in compliance with the Uniform Statewide Building Code (§ 36-97 *et seq.*) and Statewide Fire Prevention Code (§ 27-94 *et seq.*).

~~D.~~ E. No school employee shall open or close an electronic room partition in any school building unless (i) no student is present in such building, (ii) (a) no student is present in the room or area in which such partition is located and (b) such room or area is locked or otherwise inaccessible to students, or (iii) such partition includes a safety sensor that automatically stops the partition when a body passes between the leading edge and a wall, an opposing partition, or the stacking area.

~~E.~~ Any annual safety review or exercise for school employees in a local school division shall include information and demonstrations, as appropriate, regarding the provisions of *this* subsection ~~D~~.

~~F.~~ The Department of Education shall make available to each school board model safety guidance regarding the operation of electronic room partitions.

**2. That the Department of Health shall determine the minimum level of mold in a school building that raises a concern for the health of building occupants for the purpose of a school board's notification of school staff and the parents of enrolled students in accordance with the provisions of this act.**

**3. That the provisions of this act shall become effective on July 1, 2021.**