

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 776

An Act to amend and reenact § 22.1-138 of the Code of Virginia, relating to public school buildings; water management program; prevention of Legionnaires' disease.

[S 410]

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.

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 school board shall maintain a water management program for the prevention of Legionnaires' disease at each public school building in the local school division. Each school board shall validate each water management program on at least an annual basis to maintain the health and decency of such buildings. Each public school shall maintain files related to its water management program, including the results of all validation and remediation activities, and make such files available for review.*

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.~~ F. 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 subsection ~~D~~ E.

~~F.~~ G. 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 Education shall make recommendations for the establishment, maintenance, and validation of water management programs to prevent Legionella pneumophila growth in public school buildings and shall notify each local school board of its recommendations no later than July 1, 2021.

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