**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑19‑155 SO AS TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL ADOPT RULES PROVIDING STANDARDS AND PROCEDURES FOR REPORTING, INSPECTING, AND ABATING MOLD AND MILDEW HAZARDS IN PUBLIC SCHOOL FACILITIES; TO PROVIDE SCHOOL DISTRICT BOARDS SHALL KEEP DISTRICT FACILITIES IN GOOD REPAIR AND FREE FROM MOLD AND MILDEW HAZARDS; AND TO REQUIRE CERTAIN INSPECTIONS OF PUBLIC SCHOOL BUILDING INTERIORS FOR MOLD AND MILDEW HAZARDS CONSISTENT WITH STANDARDS AND PROCEDURES ADOPTED BY THE DEPARTMENT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 19, Title 59 of the 1976 Code is amended by adding:

“Section 59‑19‑155. (A) A school district board shall keep facilities in the district in good repair and free from mold and mildew hazards, which involves inspecting school facilities for mold or mildew and abating mold and mildew hazards found consistent with the provisions of this section.

(B) As used in this section, ‘mold’ means any form of multicellular fungi that lives on plant or animal matter and in indoor environments. Types of mold include, but are not limited to, Cladosporium, Penicillium, Alternaria, Aspergillus, Fuarim, Trichoderma, Memnoniella, Mucor, and Stachhybotrys Chartarum, often found in water‑damaged building materials.

(C) Within twenty‑four months after the effective date of this act, and at least once every five years thereafter, the superintendent of each school district in the State and the chief administrator of each charter school in the State shall provide for the evaluation of the interior of every public school building for the presence of mold and mildew hazards. The evaluation must be performed consistent with the procedures established for the evaluation and assessment of building interiors adopted by the State Board of Education as provided in subsection (D).

(D)(1) Within twelve months after the effective date of this act, the State Department of Education shall adopt rules to establish indoor standards for:

(a) exposure limits to mold and mildew in school buildings that are protective of the public health and safety;

(b) procedures for the inspection, identification, and evaluation of the interior of school buildings for mold and mildew hazards; and

(c) standards for mold and mildew hazard abatement, including specialized cleaning, removal, maintenance, painting, temporary containment, and practical guidelines for the removal of mold and the abatement of the underlying cause of mold and associated water intrusion in indoor environments.

(2) Standards and procedures adopted by the department pursuant to this subsection must be in accordance with Indoor Air Quality suggestions of the United States Environmental Protection Agency.

(E) The State Board of Education shall determine the procedures concerning notification and circulation of the testing results.

(F) Within twelve months after the effective date of this act, the State Department of Education shall adopt rules to provide for districts and schools to follow when addressing reports of mold and mildew hazards in school facilities received from faculty, staff, students, parents of students, or others. At a minimum, these procedures must provide for:

(1) maintaining a log of each report and the details of the report;

(2) evaluating the report;

(3) responding to the report, which must include an inspection of the site of the alleged mold and mildew finding by a school administrator and a qualified inspector;

(4) notifying the party that reported the mold of the determination of the existence of mold and mildew, which must include whether mold was found and the abatement measure to be undertaken;

(5) reporting the progress of its abatement measure to the party that reported the mold and mildew existence, which must include monthly progress reports and notification and the conclusion of the abatement;

(6) providing reports of mold and mildew hazards received by the school or district to the State Department of Education; and

(7) procedures for reviewing determinations of the existence of mold and mildew hazards and subsequent abatement measures undertaken to be used when a party who reports a mold and mildew hazard disputes a determination of the existence of a mold and mildew hazard, the extent of the hazard, or the adequacy of abatement measures undertaken.”

SECTION 2. This act takes effect upon approval by the Governor.

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