



## **School Administrators Alliance**

*Representing the Interests of Wisconsin School Children*

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**TO:** Senate Committee on Education  
**FROM:** John Forester, Executive Director  
**DATE:** December 19, 2017  
**RE:** SB 427 – Notification of Certain Construction Activities in School Buildings

The School Administrators Alliance (SAA) is opposed to Senate Bill 427, relating to notification of certain construction activities in school buildings.

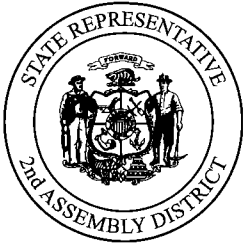
The bill requires a school board to notify parents, staff, and members of the community at least two months prior to starting a school construction project with an estimated cost of \$10,000 or greater that will occur in a school building in which pupils and school employees will be present. With exceptions for emergency situations, the school board must provide notice at least two months prior to the start date.

In anticipation of this hearing, I sought input on SB 427 from selected school superintendents and school business officials. I'd like to share with you some of their thoughts on the bill.

First, as a general rule, school districts try to avoid scheduling school construction projects during the school year out of concern for student and staff health/safety as well as the teaching and learning environment. But schools have very narrow windows in which to complete construction projects when students and staff are not present. And, sometimes, the scheduling of contractors and subcontractors can prove challenging.

Second, several administrators noted that \$10,000 is a low threshold. Today, a relatively simple project, such as replacing a "bank of doors" would exceed that amount. One school business manager from a district of about 2,000 students estimated that they complete about 25 projects of that size or larger annually.

Third, there is concern that the two months notice requirement for relatively small projects could become problematic. For example, all construction projects must be approved by the school board and boards would typically approve the summer facility improvement plan in about February. However, these priorities can change later in the Spring based on changing student/staff needs or school safety concerns. Also, depending on contractor availability, projects originally designed for completion during summer break can carry into the beginning of the next school year. Would this type of situation leave school districts in violation of the two months notice requirement?



# ANDRÉ JACQUE

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Chairman Olsen and Members of the Senate Committee on Education,

Thank you for holding this hearing on Senate Bill 427, bi-partisan legislation that Sen. Lasee and I have brought forth in the interest of student and public safety.

This proposal originated from requests from constituents after one of Sen. Lasee and my school districts started a significant construction project at a school before the end of the 2016-2017 school year while students were still attending classes. In particular, a constituent's daughter has cystic fibrosis and the exposure to construction dust was harmful to her lungs and intensified her disease. Parents with children in the school were not notified of the construction beginning and under current law the school district was under no obligation to inform parents. Several of these constituents are here today to share their story or show support for this legislation.

SB 427 would require school boards to notify parents, school district employees, and members of the community about a construction project that exceeds \$10,000 in a school building that will occur while classes are being held in the school building. The methods of notification are flexible, and notice can be provided to parents through email or a note sent home with students.

With 12.6% of Wisconsin public middle school students and 13.6% of Wisconsin public high school student having been diagnosed with asthma according to the Wisconsin Department of Health Services, and concern for children and adults dealing with other respiratory ailments or the potential for toxic fumes or contaminated emissions during construction, we need to make sure parents are aware of what is happening at schools to protect their children's respiratory health.

Just as importantly, the provisions of SB 427 will facilitate improved communication between school administration, school boards and the families they serve and require consideration of construction impacts on health while students and school personnel are on the premises.

Thank you for your consideration of SB 427.

December 18, 2017

Dear Wisconsin State Senators,

I am writing today in support SB427, notification to parents of school-age children on school ground construction projects. I cannot attend the public hearing on December 19th; please consider this e-mail (letter) my written testimony.

Three of my four daughters as well as myself have asthma. It is of immense importance in controlling asthma that the environment we live, breathe and learn in is free of harmful airborne materials. Good indoor air quality in schools is a vital part of a healthy learning environment.

Indoor air quality directly affects the health of my children and in turn their education, it is impossible to concentrate let alone learn when one is unable to breathe. Students, teachers, and staff can suffer when construction material becomes airborne and even with the fumes of the various construction materials, construction dust, etc. It is crucial that parents and educators partner in providing the best learning atmosphere for all children, notification of possible indoor air quality hazards to children not only protect kids but help parents in monitoring a child's health.

Kids struggling to breathe miss school and asthma is the most prevalent chronic disease in children when children miss school, school funding is affected. In turn, if you have ever sat up all night with a child who is struggling for air I can attest that parents of childhood asthma sufferers miss more work days the economic costs alone can obliterate a family budget.

Children hungry for clean air struggle as much as children hungry for food, children who strain to see, hear or walk, all are at a disadvantage. Please support the right of parents and children with asthma to be notified regarding construction on school grounds.

Sincerely,

*Troy L. Barnett*

Troy L. Barnett  
5920 Christine Ct.  
Burlington WI 53105

On April 13, 2016 my middle school aged daughter was exposed to carbon monoxide while at school. There was a concern that I heard about that there was a strong odor in the school. Our middle and high schools are attached and I had a daughter in each one. My high school daughter texted me telling me of the concern. At this point we didn't know any construction had started on the schools as they were supposed to start at Summer break and that is why the students were getting out early that year. No parents and staff to the best of my knowledge new construction was beginning.

I tried most of the morning to contact my middle school daughter through texting and wasn't getting a response which was kind of odd because she would check her phone when going back to her locker. It took a few hours to finally get a response. She ended up in the office sick room as she wasn't feeling good and then she told me none of the students were allowed to use their phones that day. The reason was because there was a concern among parents going around about the strong odor and children not feeling well. The students were not told about this.

I was not called from the school to let me know about my daughter being sick, they sent her to lunch and thought that would help her. It didn't, she now felt even more sick. I went to school just before noon to pick her up and couldn't believe how strong the odor was in school. I really don't know how school could've resumed with how bad it was. I could smell a burning smell, some sort of chemical smell and a very strong odor of exhaust fumes. When I went in the office to get my daughter I couldn't believe how awful she looked. She was clearly very sick and I was very upset the school didn't call me.

I immediately took her to the Dr. and he said she has all the symptoms of carbon monoxide exposure. I couldn't believe what I was hearing. You send your kids to school thinking they will be safe. I called the school to talk with administration and they really didn't have too much to say. I asked about carbon monoxide detectors and they said they have them, I said you better get them checked because they are clearly not working. I did hear from other students that there were classrooms full of students that did not feel well but were told to get a drink of water. Some were accused of faking which I was personally told by the middle school principal.

My high school daughter complained regularly of headaches while at school and when she would go outside the headaches would go away in about 10-15min. I did hear of other students with constant headaches and know of 2 other Dr. confirmed cases of carbon monoxide exposure from the middle school that day.

There is no doubt in my mind that if I wouldn't have intervened that day my daughter would have had carbon monoxide poisoning. I don't even want to think what could've been.

PLEASE:

We need this law to protect our students from major construction going on while buildings are occupied and that parents are informed from Administration

Thank You,

Susie Van Ess

# GUNDERSEN HEALTH SYSTEM®

To: The honorable Senator Olsen and members of the Senate Committee on Education

From: Todd Mahr, MD

Re: SB427

I am a Pediatric Allergist at Gundersen Health System in La Crosse. I work exclusively with children and adolescents with allergies and/or asthma, helping them breathe better.

Their illnesses alone put them at a disadvantage compared to "healthy" kids; those illnesses are greatly compounded when environmental factors beyond their control are added to the mix.

Dust is a key trigger for asthma episodes.

SB does not do the entire job of keeping kids away from triggers, but it's a valuable tool in the toolbox. It gives parents the knowledge they need to make informed decisions on their child's health and to educate them on what actions they should take to keep themselves safe. Armed with this valuable information, they are less likely to end up in the Emergency Department or my office for a medical emergency.

It's only common sense that we do everything in our power to keep kids with asthma from being exposed to harmful triggers. This is one very simple step that can have a large impact.

Please support SB427.

Thank you.



Todd A. Mahr, MD  
Gundersen Health System, Allergy/Immunology – Pediatric Specialties  
1900 South Avenue, H03-003  
La Crosse, WI 54601  
608-775-2161

December 18, 2017

**Re: Notification of Construction Activities in School Buildings – SB-427**

**IN SUPPORT**

Sarah Brundidge – Registered Respiratory Therapist in Wisconsin

Senate Committee on Education members, Senator Olsen, Senator Darling, Senator Nass, Senator Vukmir, Senator Larson, Senator Bewley, and Senator Johnson, I want to thank you for the opportunity to address SB-427.

I urge you to pass this important legislation. Americans spend nearly 90% of their time indoors, that's nearly 22 hours a day. Twenty-two hours a day spent breathing the air contained within that environment. Every day I educate families and patients on the impact that the environment has on their health. For patients with pulmonary disease, especially asthma, it is important to know what is in an environment that could trigger a crisis event - landing them in the hospital. It is well known that asthma attacks can be triggered by irritants like strong odors from harsh chemicals, fumes from materials used in construction, and particulate dust, like that created during grinding or sanding. When one in ten adults and one in thirteen children has asthma in Wisconsin, the risk is very real.

By passing SB-427 and requiring notification of upcoming construction projects within a school building, staff and students with pulmonary disease can better prepare and avoid potential triggers. This bill is not only the right thing for those with asthma, but it is also the right thing for the health of everyone within the school building environment. I urge your support.

Thank you for your attention to this important issue and your commitment to the health of all Wisconsinites.

Thank you for allowing me to speak in favor of Senate Bill 427. My name is Taylor Brown and I attend Mishicot High School. In the spring of my junior year, conditions in my school put my health and well-being at risk and I would like to share the story with you. I was born with a severe genetic lung disease called Cystic Fibrosis or CF. In patients with CF, a thick buildup of mucus in the lungs clogs the airways and traps bacteria, leading to infections and extensive lung damage. My pulmonary condition makes me especially susceptible to illness and I have to be very conscious of air quality. Last spring, my school began to undergo major construction as part of a referendum. The community was told that this construction would take place in the summer. However, the project began to overtake nearly all of the hallways of the school at the beginning of April when school was in session. The project involved major action such as asbestos removal, and removal of nearly all of the decades-old ceiling tiles in the halls. As you can imagine, this greatly compromised the air quality. Exposure to dust, airborne pathogens, and molds are all extremely dangerous to a person with Cystic Fibrosis. I only became aware of the amount of construction to be taking place when my mother came to school for a meeting and saw the beginnings of the project while I was in class. Despite efforts by my mom, my physician at Children's Hospital of Wisconsin, and my family's attorney to reach out to the school, I was unable to attend school for an entire week. Once accommodations

were made for me, I was only able to take class in the library for a few hours each day. I was isolated to one small section of the school, and my education was compromised by my shortened school day and inability to access other parts of the school to work with others. Furthermore, I did not have access to a restroom that was safe for me to use. Essentially, what caused the most harm to me was not the construction itself, but the school's inability to notify us of the construction and allow time for action to be taken or accommodations to be made. Surely with more time, thought, and preparation, parts of the project could have been postponed, or measures to ensure safety that did not compromise my learning experience or health could have been put into place. Senate Bill 427, which states that schools must notify parents and staff of planned construction activities occurring in an occupied school building and outline measures being taken to minimize health risks, would have protected me in this situation. I am speaking in favor of this Bill in hopes that no other student must have their well-being compromised as a result of being in the dark about major decisions regarding construction.



Thank you Chair Olsen and members of the committee for hearing Senate Bill 427 and allowing me to speak in favor of such. My name is Stephanie Hammar, I am a resident in the Mishicot School District and the parent of three children who are pupils in the district. Senate Bill 427 requires school boards to notify parents and staff of planned construction activities occurring in an occupied school building and to outline the measures being taken to mitigate health risk. Although such a notification seems to be common sense unfortunately there was a significant failure in our district last spring which resulted in harm to students and staff. I want to take this opportunity to share with you specifically what happened to my children to help understand why this bill is so important.

My daughter Taylor, who was 16 at the time of this incident, has cystic fibrosis. Cystic Fibrosis is a life shortening genetic lung disease in which the body produces abnormally thick sticky mucous making an individual more susceptible to lung infections and inflammation which causes irreversible lung damage. People with cystic fibrosis have to do over 2 hours a day in chest physiotherapy and breathing treatments to help maintain their lung function and they also need to make sure they are not in an environment in which air quality is compromised by dust, mold, smoke, or other pollutants. In addition to the health concerns my daughter has, my son Ryan, who was 14 at the time of this incident, is an asthmatic. Since asthma is well known condition I will not go into depth on this respiratory disease, but feel it is important to note that according to the Wisconsin Department of Health and Services, 12.6% of Wisconsin public middle school students and 13.6% of Wisconsin public high school students are asthmatics.

On April 13 I walked into our school for a college prep meeting with my daughter's advisors and was greeted by a strong odor and loud noises. After inquiring about what was occurring in the school, I was told that the referendum approved building construction had started. As parents we were told this construction would take place in summer. No one had been notified that a decision had been made to start this construction early while the school was occupied. That particular day many children went home sick and some parents pulled their children out of school. The Manitowoc County Health Department inspected and shut down construction with the order to air out the building. Three children were confirmed to have cases of carbon monoxide exposure. Despite community efforts and our personal efforts to get the administration to understand that doing construction of this magnitude is a health risk to students, the construction was not put on hold. My family had to hire an attorney to protect the

health of our daughter with cystic fibrosis which resulted in an arrangement in which she was singled out and placed in the school library that we were told had a separate HVAC system and she was forced to leave school at 11am to accommodate the construction plans. You can imagine the heartache this caused a young teenage girl. Not only was she separated from her peers and social interaction which is such an important part of your high school years, she wasn't given proper instruction and she didn't even have a bathroom that was safe for her to use. I will never forget the day when Taylor looked at me with tears welling in her eyes and said, "mom, you always did a good job of never making me feel different for having cystic fibrosis, but this has made me feel so different".

Of course, as Taylor's mother, I believe the story of what Taylor went through is enough evidence to support why we need this bill, but I understand as law makers you likely need more than this story. The truth is, this decision to do major renovation in an occupied school building without notifying anyone put the entire student body and staff at risk. I know of asthmatic children in the school that needed emergent medical appointments for asthma attacks during this construction, my son was one of them. The construction workers were privy to hard hats and face masks, but our children walked around completely vulnerable, school doors were left unlocked or propped open in a day and age in which we worry about when the next school shooting will take place, and the learning environment was polluted with noise and distraction which impacted some of our most vulnerable children who have learning disabilities, autism, and other special needs. These risks are too high of a price to pay when adequate notice, planning, and risk mitigation could have remedied all of it. Included with my written testimony you will find a letter to our community written by pulmonologist Diana Quintero which will provide you with more evidence of why this bill is necessary to protect our students.

Every child has a right to a safe school environment and as parents we have a right to know if and when the environment will jeopardize the safety or health of our children. Unfortunately, this failure that happened in our school could happen in any school district and this is why this bill is needed. Again, thank you for your time in hearing Senate Bill 427 which will help insure that Wisconsin schools are a healthy environment in which attendance, achievement, and safety are promoted above all else.

May 22/2017

I am the pediatric pulmonologist that has been taking care of Taylor Brown for the last 14 years. She has a rare genetic condition called cystic fibrosis, a life shortening disease that affects many organs in the body, being the lungs and the digestive track the most involved. Individuals with this disease need to modify their daily lives in ways that no one else will understand unless you are the individual with this condition, their family or their care team. The main issue that Taylor has is that all the secretions of her body are thick, causing significant medical issues. In the lungs, these thick secretions cannot be expectorated, facilitating the growth of organisms. The thicker the secretions, the more infection and inflammation will eventually cause irreversible lung damage and progressive deterioration of the lung. Life expectancy is around 37, but the truth is that people affected with this disease tend to have a lower quality of life; they are constantly coughing, they need frequent admissions to the hospital for intravenous antibiotics, they have to do special therapies for the lungs so the mucus is thinner and able to be coughed up. These therapies can take up to 1 hour 2-3 times a day, and even more when they are sick. Avoiding lung infection and inflammation is a major challenge, as they not only depend on the therapies they do every day, but also the environment that surrounds them. Irritants such as smoke, dust and pollutants may trigger more mucus production, facilitating lung damage. When you look at Taylor, she looks wonderful, but the story behind of how much she has to do to "look good" is daunting.

As part of her cystic fibrosis care, Taylor came to see me last week, as she does every 2-3 months. I have been very concerned after her last hospitalization 2 months ago, as her lungs have not fully recovered. Taylor and her family shared with me how major construction was started at school. I was surprised how this could happen when the school year is about to finish and without prior notification. The family had to look for a legal way to make sure that Taylor was not exposed to all the dust, mold, inorganic materials and organisms that are aerosolized during construction causing serious damage to her lungs. The improvised arrangements made for her have singled her out, as she is alone in a separate part of the building during her school day which has been significantly shortened to accommodate this construction.

I decided to write this open letter to you and to the community to make you aware of this unknown condition, but also to educate about the risks that not only she has, but also children with other lung conditions as well as those who are healthy.

I researched the topic of air pollution in construction in medical literature. A total of 1641 articles were retrieved, 80 of those only dedicated to specific pollutants in school air quality. It was interesting to find how the state of New York have policies for indoor air quality (IAQ). Their idea is to make sure they can

assess the degree to which **schools** and districts employ strategies to ensure good IAQ management. The attached article (Reducing asthma triggers in schools: recommendations for effective policies, regulations, and legislation) is a good source to see how IAQ has been a growing concern in many states and the possible policies that may help build this important issue.

I'm sure you agree that school is supposed to be a safe place for children in every way, including their physical, emotional and psychological health. Just as you and all the leadership in schools, I feel compelled to make sure that not only my patients' well-being is preserved, but also prevent that other children will develop unknown but avoidable complications in their near future.

Please let me know if there is any in which I can help educate or implement changes that will benefit all.

Sincerely,

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Pediatric Pulmonologist  
Associate Professor of Pediatrics  
Medical College of Wisconsin  
Cystic Fibrosis Center Director  
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