



2007 SENATE BILL 535

February 26, 2008 - Introduced by Senators SULLIVAN, HANSEN, ROESSLER, HARSDORF, LEHMAN, TAYLOR and PLALE, cosponsored by Representatives FIELDS, TURNER, BOYLE, MUSSER, SINICKI, GRIGSBY, CULLEN, SEIDEL, MOLEPSKE, DAVIS, ZEPNICK, POCAN, SHERIDAN, STASKUNAS, BENEDICT, POPE-ROBERTS, BERCEAU, NELSON, VAN AKKEREN and SOLETSKI. Referred to Committee on Education.

- 1 **AN ACT to amend** 119.04 (1), 119.16 (3) (a) and 120.13 (9); and **to create** 118.075
2 of the statutes; **relating to:** indoor environmental quality in schools.

Analysis by the Legislative Reference Bureau

Under current law, a school board is required to provide safe and healthful facilities. This bill creates various provisions relating to indoor environmental quality in public schools. The bill includes all of the following requirements:

1. The state superintendent of public instruction must establish a special committee to be called the "Indoor Environmental Quality in Schools Task Force" to do all of the following:

a. Advise the Department of Public Instruction (DPI) in the development of a model management plan to improve indoor environmental quality in schools and school indoor environmental quality best management practices.

b. Recommend training requirements for school maintenance employees.

c. Recommend educational materials regarding indoor environmental quality in schools and develop guidelines for making that information available to pupils, parents and guardians, and school district employees.

d. Upon completing its duties, report its findings and recommendations to the governor and the legislature and then cease to exist on the date on which DPI issues its model management plan and best practices (see item 2.), unless the state superintendent determines that the operations of DPI require the task force to continue in existence after that date.

2. DPI must establish the model management plan and best management practices by the first day of the 12th month beginning after the month in which the task force submits its report.

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3. By the first day of the 12th month beginning after the month in which DPI issues its model management plan, each school board must adopt a management plan to monitor and improve indoor environmental quality in district schools. Among other specified items, the school board's plan must designate an employee as the district's indoor environmental quality coordinator, establish an indoor environmental quality committee, include a policy on and procedures for handling complaints about indoor environmental quality, include a plan for complying with the most recent version of national air quality standards, include a plan for addressing air quality issues noted during an annual evaluation, include a plan for remediating known indoor environmental quality issues, and provide for an annual review of the management plan. The school board must also distribute its plan annually to pupils and to their parents or guardians.

4. A school board that becomes aware of any information concerning the indoor environmental quality of a school, including test results, must make that information available to all pupils assigned to the school, the parents or guardians of those pupils, and all employees assigned to the school.

5. A school board must include in a contract for the preparation of plans and specifications for the construction of a new school, for a structural addition to an existing school, or for an alteration to an existing school that will cause a material change to the mechanical systems and equipment of that school a provision to ensure that the design of the new school, addition, or alteration facilitates good indoor environmental quality for all occupants of the spaces affected by the design in accordance with its management plan and facilitates operation and maintenance of the spaces, systems, and equipment affected by the design in a manner that promotes good indoor environmental quality in accordance with its management plan.

6. A school board, before approving a contract for the construction of a new school, for a structural addition to an existing school, or for an alteration to an existing school that will cause a material change to the mechanical systems and equipment of that school, must determine that the plan and schedule for the construction, addition, or alteration consider and address concerns about indoor environmental quality during the construction process; the transfer from the designers and builders to school maintenance employees of information necessary for the proper operation and maintenance of the new school, addition, or alteration and its systems and equipment so as to promote good indoor environmental quality; and the implementation of proper commissioning procedures, including testing of any new systems or equipment, before occupancy of the spaces affected by the project.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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1 **118.075 Indoor environmental quality in schools. (1) DEFINITION.** In this
2 section, “task force” means the indoor environmental quality in schools task force
3 created under sub. (2).

4 **(2) TASK FORCE.** (a) The state superintendent shall establish a special
5 committee under s. 15.04 (1) (c) to be called the indoor environmental quality in
6 schools task force. The task force shall consist of the following members:

7 1. The state superintendent or his or her designee.

8 2. The secretary of commerce or his or her designee.

9 3. The secretary of health and family services or his or her designee.

10 4. The secretary of agriculture, trade and consumer protection or his or her
11 designee.

12 5. A member of the assembly appointed in the same manner as members of
13 assembly standing committees are appointed.

14 6. A member of the senate appointed in the same manner as members of senate
15 standing committees are appointed.

16 7. One member who is a representative of the Wisconsin Association of School
17 Boards.

18 8. One member who is a representative of the Wisconsin Association of School
19 District Administrators.

20 9. One member who is a representative of the largest statewide labor
21 organization representing teachers.

22 10. One member who is a representative of the largest statewide organization
23 representing parents of pupils.

24 11. One member who is a representative of a nonprofit organization concerned
25 with public health.

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1 12. One member who is registered as an architect or professional engineer
2 under ch. 443 and who is actively engaged in the practice of school design and
3 construction.

4 13. One member who is a contractor actively engaged in school construction.

5 14. Two members who have expertise in indoor environmental quality.

6 (b) The state superintendent shall appoint the members of the task force
7 specified in par. (a) 7. to 14., shall appoint or determine the method of appointment
8 of the officers of the task force, and shall call the first meeting of the task force.

9 (c) The department shall provide administrative support services to the task
10 force. The task force may call upon the department of health and family services, the
11 department of agriculture, trade and consumer protection, or any other state agency
12 or officer to assist the task force, and those agencies or officers shall cooperate with
13 the task force to the fullest extent possible. The department of public instruction
14 may contract with professionals who are knowledgeable and experienced in indoor
15 environmental quality management to assist the task force in performing its duties
16 under par. (e) 1. to 3.

17 (d) From the appropriation account under s. 20.505 (1) (ka) and within the
18 budget of the task force authorized under s. 16.40 (14), the department of
19 administration shall reimburse members of the task force for their actual and
20 necessary expenses incurred in carrying out their functions.

21 (e) The task force shall do all of the following:

22 1. Advise the department in the development of the model management plan
23 to improve indoor environmental quality in public schools and best management
24 practices under sub. (3).

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1 2. Recommend indoor environmental quality training requirements for school
2 district employees who are responsible for the operation and maintenance of schools.

3 3. Recommend educational materials relating to indoor environmental quality
4 in schools and develop guidelines for making that information available to pupils,
5 parents and guardians, and school district employees.

6 (f) Upon completing its duties under par. (e), the task force shall report its
7 findings and recommendations to the appropriate standing committees of the
8 legislature under s. 13.172 (3) and to the governor. The task force shall cease to exist
9 on the date on which the department issues its model management plan and best
10 management practices under sub. (3) unless the state superintendent determines
11 under s. 15.04 (1) (c) that the operations of the department require the task force to
12 continue in existence after that date.

13 **(3) INDOOR ENVIRONMENTAL QUALITY IN SCHOOLS MODEL MANAGEMENT PLAN.** By the
14 first day of the 12th month beginning after the month in which the task force submits
15 its report under sub. (2) (f), the department shall establish a model management plan
16 to improve indoor environmental quality in public schools and school indoor
17 environmental quality best management practices. In developing the plan and
18 practices, the department shall consider the recommendations of the task force.

19 **(4) SCHOOL DISTRICT MANAGEMENT PLANS.** (a) By the first day of the 12th month
20 beginning after the month in which the department establishes the model
21 management plan and practices under sub. (3), each school board shall adopt a
22 management plan to monitor and improve indoor environmental quality in district
23 schools. The plan shall do all of the following:

24 1. Designate a school district employee as the indoor environmental quality
25 coordinator for the school district.

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1 2. Establish an indoor environmental quality committee composed of school
2 administrators, teachers, and custodial and maintenance staff.

3 3. Include a plan for communicating with school district employees, pupils, and
4 parents and guardians of pupils about indoor air quality problems.

5 4. Include a policy on and procedures for handling complaints about indoor
6 environmental quality.

7 5. Include a plan for complying with the most recent version of air quality
8 standards approved by the American National Standards Institute and the
9 American Society of Heating, Refrigerating and Air-Conditioning Engineers.

10 6. Include a plan for addressing air quality issues noted during an annual
11 evaluation of building systems.

12 7. Include a schedule for implementing the remediation of known indoor
13 environmental quality issues.

14 8. Include a plan for the maintenance of building components and mechanical
15 systems.

16 9. Include a policy on and procedures for reducing the concentration, or
17 avoiding elevated concentrations, of indoor air contaminants.

18 10. Require an annual review of the management plan by the indoor
19 environmental quality coordinator and the school board.

20 (b) Annually, the school board shall distribute the plan adopted under par. (a)
21 to pupils enrolled in the school district and to their parents or guardians.

22 (c) A school board that becomes aware of any information concerning the indoor
23 environmental quality of a school, including test results, shall make that
24 information available, in printed format or by the Internet, to all pupils assigned to

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1 the school building, the parents or guardians of those pupils, and all school district
2 employees assigned to the school building.

3 **(5) SCHOOL BUILDING CONSTRUCTION, ALTERATIONS, AND STRUCTURAL ADDITIONS.** (a)
4 A school board shall include in a contract for the preparation of plans and
5 specifications for the construction of a new school, for a structural addition to an
6 existing school, or for an alteration to an existing school that will cause a material
7 change to the mechanical systems and equipment of that school a provision to ensure
8 that the design of the new building, addition, or alteration facilitates all of the
9 following:

10 1. Good indoor environmental quality for all occupants of the spaces affected
11 by the design in accordance with the management plan established under sub. (4)
12 (a).

13 2. Operation and maintenance of the spaces, systems, and equipment affected
14 by the design in a manner that promotes good indoor environmental quality in
15 accordance with the management plan established under sub. (4) (a).

16 (b) Before a school board may approve a contract for the construction of a new
17 school, for a structural addition to an existing school, or for an alteration to an
18 existing school that will cause a material change to the mechanical systems and
19 equipment of that school, the school board shall determine that the plan and
20 schedule for that construction, addition, or alteration consider and address all of the
21 following:

22 1. Concerns about indoor environmental quality during the construction
23 process.

24 2. The transfer from the persons who designed and constructed the new school,
25 addition, or alteration to the school personnel who are responsible for operating and

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1 maintaining the new school, addition, or alteration of information necessary for the
2 proper operation and maintenance of the new school, addition, or alteration and its
3 systems and equipment so as to promote good indoor environmental quality.

4 3. The implementation of proper commissioning procedures, including testing
5 of any new systems or equipment, before occupancy of the spaces affected by the
6 project.

7 **SECTION 2.** 119.04 (1) of the statutes, as affected by 2007 Wisconsin Act 20, is
8 amended to read:

9 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
10 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
11 115.345, 115.361, 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045, 118.06,
12 118.07, 118.075, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153,
13 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6)
14 and (8), 118.245, 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55,
15 120.12 (5) and (15) to (26), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26),
16 (34), (35), (37), (37m), and (38), 120.14, and 120.25 are applicable to a 1st class city
17 school district and board.

18 **SECTION 3.** 119.16 (3) (a) of the statutes is amended to read:

19 119.16 (3) (a) ~~The Subject to s. 118.075 (5), the~~ board shall construct, purchase,
20 lease, improve or enlarge buildings and purchase furniture and sites for the public
21 schools, shall purchase, install and maintain heating systems in public schools and
22 may contract for carrying out any of these purposes.

23 **SECTION 4.** 120.13 (9) of the statutes is amended to read:

24 120.13 (9) ARCHITECTS AND ENGINEERS. Contract with or employ architects and
25 engineers for the preparation of plans and specifications for school buildings,

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1 structures and other improvements to school district property and for all other
2 related services. A contract under this subsection for the preparation of plans and
3 specifications for the construction of a new school or for the alteration of or a
4 structural addition to an existing school shall comply with s. 118.075 (5).

5 **SECTION 5. Effective date.**

6 (1) INDOOR ENVIRONMENTAL QUALITY IN SCHOOLS. This act takes effect on the first
7 day of the 2nd month beginning after publication.

8 (END)