

## 2009 SENATE BILL 41

February 5, 2009 – Introduced by Senators SULLIVAN, OLSEN, MILLER, HANSEN, VINEHOUT, LASSA, TAYLOR, DARLING, ERPENBACH, SCHULTZ, RISSER and LEHMAN, cosponsored by Representatives GRIGSBY, POPE-ROBERTS, CULLEN, HILGENBERG, BLACK, BENEDICT, FIELDS, BERCEAU, MASON, TOLES, HINTZ, MOLEPSKE JR., ZEPNICK, HEBL, POCAN, PARISI, MILROY, ROYS and HIXSON. Referred to Committee on Education.

1     **AN ACT to amend** 119.04 (1); and **to create** 118.075 and 119.23 (7) (g) of the  
2             **statutes; relating to:** indoor environmental quality in public and private  
3             schools.

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### *Analysis by the Legislative Reference Bureau*

This bill directs the state superintendent of public instruction to establish the Indoor Environmental Quality in Schools Task Force consisting of the state superintendent, the secretary of commerce, the secretary of health services, and eleven members representing various school or health-related groups and associations.

The bill directs the task force to make recommendations to the Department of Public Instruction (DPI) for the development of a model management plan for maintaining indoor environmental quality in public and private schools. After the task force submits its findings and recommendations, DPI must establish a model management plan and practices for maintaining indoor environmental quality in public and private schools. After the establishment of the model plan, each school board and the governing body of each private school that is participating in the Milwaukee Parental Choice Program must implement a plan for maintaining indoor environmental quality in its school or schools.

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

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

1           **SECTION 1.** 118.075 of the statutes is created to read:

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

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

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

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

10          3. The secretary of health services or his or her designee.

11          4. One member who is a representative of the Wisconsin Association of School  
12 Boards.

13          5. One member who is a representative of the Wisconsin Association of School  
14 District Administrators.

15          6. Three members who are representatives of the Wisconsin Association of  
16 School Business Officials and who have expertise in indoor environmental quality  
17 in schools.

18          7. One member who is a representative of the Wisconsin Council of Religious  
19 and Independent Schools.

20          8. One member who is a representative of the Wisconsin Association of School  
21 Nurses.

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

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

5           11. One member who is an occupational health physician or allergist and who  
6 has expertise in indoor environmental quality in schools.

7           12. One member who is registered as an architect under ch. 443 and who has  
8 expertise in school design and construction.

9           13. One member who is registered as a professional engineer under ch. 443 and  
10 who has expertise in the design of mechanical systems for schools.

11           14. Two members who are industrial hygienists certified by the American  
12 Board of Industrial Hygiene and who have expertise in indoor environmental quality  
13 in schools.

14           (b) The state superintendent shall appoint the members of the task force  
15 specified in par. (a) 4. to 14., shall appoint or determine the method of appointment  
16 of the officers of the task force, and shall call the first meeting of the task force.

17           (c) The department shall provide administrative support services to the task  
18 force. The task force may call upon any state agency or officer to assist the task force,  
19 and those agencies or officers shall cooperate with the task force to the fullest extent  
20 possible. The department may contract with professionals who are knowledgeable  
21 and experienced in indoor environmental quality management in schools to assist  
22 the task force in making its recommendations under par. (e) 1.

23           (d) The department of administration shall reimburse members of the task  
24 force for their actual and necessary expenses incurred in carrying out their functions  
25 from the appropriation account under s. 20.505 (1) (ka).

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

2 1. Make recommendations to the department for the development of a model  
3 management plan for maintaining indoor environmental quality in public and  
4 private schools that reflects best management practices. The task force shall  
5 consider including in its recommendations all of the following components:

6 a. Designating a school district or private school employee as the indoor  
7 environmental quality contact for the school district or private school.

8 b. Establishing an indoor environmental quality committee composed of school  
9 administrators, teachers, educational support professionals, and custodial and  
10 maintenance staff.

11 c. Developing a plan for communicating with school district or private school  
12 employees, pupils, and parents and guardians of pupils about indoor environmental  
13 quality problems, including test results, and proposed schedules for remediation.

14 d. Identifying procedures for handling complaints about indoor environmental  
15 quality.

16 e. Acknowledging that the school district or private school will continue to meet  
17 all health and safety laws or codes that apply to the school district or private school.

18 f. Developing a plan for addressing indoor environmental quality issues noted  
19 during an evaluation of building systems performed in accordance with department  
20 rules on safe and healthful facilities.

21 g. Providing for an annual review of the management plan by the indoor  
22 environmental quality contact and the school board or private school governing  
23 board.

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

4           3. Recommend educational materials relating to indoor environmental quality  
5 in schools.

6           4. Recommend model specifications for the design and construction of school  
7 facilities and for additions and structural alterations to school facilities that promote  
8 indoor environmental quality and that ensure that the building's systems are  
9 planned, designed, installed, tested, operated, and maintained to perform efficiently  
10 and to meet the school district's or private school's needs.

11           (f) Upon completing its duties under par. (e), the task force shall report its  
12 findings and recommendations to the appropriate standing committees of the  
13 legislature under s. 13.172 (3) and to the governor. The task force shall cease to exist  
14 on the date on which the department issues its model management plan under sub.  
15 (3).

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

22           **(4) SCHOOL DISTRICT PLANS.** (a) By the first day of the 3rd month beginning after  
23 the month in which the department establishes the model management plan and  
24 practices under sub. (3), each school board shall provide for the development of a plan  
25 for maintaining indoor environmental quality in its schools.

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1 (b) By the first day of the 12th month beginning after the month in which the  
2 department establishes the model management plan and practices under sub. (3),  
3 each school board shall implement a plan for maintaining indoor environmental  
4 quality in its schools.

5 (c) Each school board shall provide a copy of the plan implemented under par.  
6 (b) to any person upon request.

7 **SECTION 2.** 119.04 (1) of the statutes is amended to read:

8 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
9 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
10 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, ~~115.445~~, 115.45, 118.001 to 118.04,  
11 118.045, 118.06, 118.07, 118.075, 118.10, 118.12, 118.125 to 118.14, 118.145 (4),  
12 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1),  
13 (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51,  
14 118.52, 118.55, 120.12 (5) and (15) to (26), 120.125, 120.13 (1), (2) (b) to (g), (3), (14),  
15 (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are  
16 applicable to a 1st class city school district and board.

17 **SECTION 3.** 119.23 (7) (g) of the statutes is created to read:

18 119.23 (7) (g) 1. By the first day of the 3rd month beginning after the month  
19 in which the department establishes the model management plan and practices for  
20 maintaining indoor environmental quality in public and private schools under s.  
21 118.075 (3), or by October 1 of a private school's first school year of participation in  
22 the program under this section, whichever is later, the private school shall provide  
23 for the development of a plan for maintaining indoor environmental quality in the  
24 private school.

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1           2. By the first day of the 12th month beginning after the month in which the  
2 department establishes the model management plan and practices for maintaining  
3 indoor environmental quality in public and private schools under s. 118.075 (3), or  
4 by the beginning of the 2nd school year of participation in the program under this  
5 section, whichever is later, the private school shall implement a plan for maintaining  
6 indoor environmental quality in the private school.

7           3. Each private school participating in the program under this section shall  
8 provide a copy of the plan implemented under subd. 2. to any person upon request.

9           **SECTION 4. Effective date.**

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

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(END)