

2009 DRAFTING REQUEST

Bill

Received: **09/12/2008**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Jim Sullivan (608) 266-2512**

By/Representing: **Nicole Hudzinski**

This file may be shown to any legislator: **NO**

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - school boards**
Education - state superintendent

Extra Copies: **TKK**

Submit via email: **YES**

Requester's email: **Sen.Sullivan@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Indoor environmental quality in schools

Instructions:

2007 SB 535 with changes

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 10/23/2008	bkraft 10/28/2008		_____			S&L
/P1	pgrant 12/08/2008	bkraft 12/09/2008	jfrantze 10/29/2008	_____	lparisi 10/29/2008		S&L
/1	pgrant 12/10/2008	bkraft 12/10/2008	rschluet 12/10/2008	_____	mbarman 12/10/2008		S&L
/2			rschluet	_____	mbarman	cduerst	

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			12/10/2008 _____		12/10/2008	01/27/2009	

FE Sent For: "1/2" @ intro . 2/4/09 <END>

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1/2 bjk 12/10



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/P1			jfrantze 10/29/2008	_____	lparisi 10/29/2008		

FE Sent For:

1 bjk 12/8

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nat

<END>

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/?	pgrant	/PI bjk 10/29		JG/md 1/28			
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FE Sent For:

<END>

Grant, Peter

From: Hudzinski, Nicole
Sent: Friday, September 12, 2008 12:41 PM
To: Grant, Peter
Subject: Indoor air compromise bill
Attachments: IAQ Compromise Bill 091008.pdf

Attached are the new drafting instructions.

Thanks,
Nicole

1 **Proposed Substitute Amendment to**
2 **2007 SENATE BILL 535**
3
4

5 AN ACT to amend 119.04 (1); and to create 118.075 of the statutes; relating to indoor
6 environmental quality in schools.

7
8 *Analysis*
9

10 Under current law, a school board is required to provide safe and healthful
11 facilities. This bill creates various provisions relating to indoor environmental
12 quality in public schools.
13

14 For further information see the *state and local* fiscal estimate, which will be
15 printed as an appendix to this bill.
16

17 *The people of the state of Wisconsin, represented in senate and assembly, do*
18 *enact as follows:*
19

20 **SECTION 1. 118.075 of the statutes is created to read:**
21

22 **118.075 Indoor environmental quality in schools. (1) DEFINITIONS.**

23 (a) In this section, "task force" means the indoor environmental quality in schools task
24 force created under sub. (2).

25 (b) In this section, "school" means a public school or a private school, as defined in s.
26 115.001(3r).
27

28 **(2) TASK FORCE.** (a) The state superintendent shall establish a special
29 committee under s. 15.04 (1) (c) to be called the indoor environmental quality in
30 schools task force. The task force shall consist of the following members:
31

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

- 1 ✓2. The secretary of commerce or his or her designee.
- 2 ✓3. The secretary of health and family services or his or her designee.
- 3 ✓4. One member who is a representative of the Wisconsin Association of School Boards.
- 4 ✓5. One member who is a representative of the Wisconsin Association of School
- 5 District Administrators.
- 6 ⑥. Three members who are representatives of the Wisconsin Association of School
- 7 Business Officials and who have expertise in indoor environmental quality in schools.
- 8 ⑦. One member who is a representative of the Wisconsin Council of Religious and
- 9 Independent Schools.
- 10 ⑧. One member who is a representative of the Wisconsin Association of School Nurses.
- 11 ✓9. One member who is a representative of the largest statewide labor
- 12 organization representing teachers.
- 13 ✓10. One member who is a representative of the largest statewide organization
- 14 representing parents of pupils.
- 15 ⑪. One member who is an occupational health physician or allergist and who has
- 16 expertise in indoor environmental quality in schools.
- 17 ✓12. One member who is a registered professional engineer under ch. 443 and who has
- 18 expertise in mechanical systems design of school facilities.
- 19 ✓13. One member who is a registered architect under ch. 443 and who has expertise in
- 20 school design and construction.
- 21 14. Two members who are certified industrial hygienists and who have expertise in
- 22 indoor environmental quality in schools.

23

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

27

28 (c) The department shall provide administrative support services to the task
29 force. The task force may call upon any other state agency or officer to assist the task
30 force, and those agencies or officers shall cooperate with the task force to the fullest
31 extent possible. The department of public instruction may contract with professionals

1 who are knowledgeable and experienced in indoor environmental quality management in
2 schools to assist the task force in performing its duties under par. (e) 1.

3

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

8

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

10 1. Make recommendations for the development of the model management plan for
11 maintaining indoor environmental quality under sub. (3) that reflect best management
12 practices. The task force shall consider including in its recommendations the
13 following elements for individual school districts:

14

15 a. Identify a school district employee as the indoor environmental quality
16 contact for the school district.

17

18 b. Establish a district indoor environmental quality committee composed of school
19 administrators, educators, and custodial and maintenance staff.

20

21 c. Include a plan for communicating with school district employees, pupils, and
22 parents and guardians of pupils about indoor environmental quality problems, including
23 test results, and proposed schedules for remediation.

24

25 d. Identify procedures for handling complaints about indoor environmental quality.

26

27 e. Include a statement that the district will remain in compliance with all applicable
28 Wisconsin Administrative Code provisions for schools.

29

30 f. Include a plan for addressing indoor environmental quality issues noted during any
31 periodic

*schools
PPP*

designate one?
not coordinator
ind. professionals (educational support professionals of teacher aides)
]

1 evaluation of building systems performed in accordance with Department rules on safe
2 and healthful facilities.

3
4 g. Provide for an annual review of the management plan by the indoor
5 environmental quality contact and the school board.

6
7 2. Make recommendations for indoor environmental quality training for school
8 district employees who are responsible for the operation and maintenance of schools.

9 3. Make recommendations for educational materials relating to indoor environmental
10 quality in schools.

11 4. Develop guideline specifications (model language) for the design and construction of
12 school facilities and for additions and structural alterations to school facilities to promote
13 indoor environmental quality in schools, including model language addressing building
14 commissioning, operation and maintenance.

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

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

26
27 (4) SCHOOL DISTRICT POLICIES. (a) By the first day of the 3rd month beginning after the
28 month in which the department establishes the model management plan and practices
29 under sub. (3), each school board shall adopt a policy that provides for the development
30 of a plan for maintaining indoor environmental quality in district schools. By the first
31 day of the 12th month beginning after the month in which the department establishes the

*schools
corp?*

P v P

public?

adopt a plan

1 model management plan and practices under sub. (3), the district shall ~~have in place~~ a
2 plan for maintaining indoor air quality in district schools.

implement?

3
4 (b) By the first day of the 3rd month beginning after the month in which the
5 department establishes the model management plan and practices under sub. (3), the
6 governing body of each private school that participates in the Milwaukee parental choice
7 program under s. 119.23 shall adopt a policy that provides for the development of a plan
8 for maintaining indoor environmental quality in the private school. By the first day of the
9 12th month beginning after the month in which the department establishes the model
10 management plan and practices under sub. (3), each private school participating in the
11 program under s. 119.23 shall have in place a plan for maintaining indoor air quality in
12 the private school.

implement?

13
14 (c) Each school district, and each private school that participates in the Milwaukee
15 parental choice program under s. 119.23, shall make its indoor environmental quality
16 plan available to the public.

17
18 **SECTION 2.** 119.04 (1) of the statutes, as affected by 2007 Wisconsin Act 20, is
19 amended to read:

20 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
21 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
22 115.345, 115.361, 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045, 118.06,
23 118.07, 118.075, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153,
24 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6)
25 and (8), 118.245, 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55,
26 120.12 (5) and (15) to (26), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19),
27 (26), (34), (35), (37), (37m), and (38), 120.14, and 120.25 are applicable to a 1st class
28 city school district and board.

29
30 **SECTION 3. Effective date.**

31 (1) INDOOR ENVIRONMENTAL QUALITY IN SCHOOLS. This act takes effect on the first

1 day of the 2nd month beginning after publication.

2

1. School will private school ?
 BUT - rel. clause p. 1 l. 12
 - p. 3 l. 16
 - p. 3 l. 21
 - p. 3 l. 27
 - p. 4 l. 5
 - p. 4 l. 8
 - ~~l. 29~~
~~p. 5 l. 1~~

will perform same

2. p. 3 l. 15 "id" instead of "designate" (p. 4 l. 5)

3. p. 3 l. 19 : "educator" instead of teacher - why? ~~not~~ not believe

4. p. 3 l. 27-28 why? sch. distr. must comply anyway

5. p. 4 l. 11 : same as "develop specifications" ?

p. 4 l. 14 : "commissioning" ?

6. p. 4 l. 28 } "and practices" ~~keep~~
 p. 5 l. 1 }

7. p. 5 l. 1 - "have in place" mean in place ?

8. why delete am of 119, 16(3)(a) - 120, 13(9) ?

Grant, Peter

From: Sybell, Debra [SybellD@weac.org]
Sent: Wednesday, October 22, 2008 1:53 PM
To: Hudzinski, Nicole; Grant, Peter
Subject: School Indoor Air Quality Bill - Responses to drafter's questions

Attachments: IAQ Bill draft questions.doc



IAQ Bill draft
questions.doc (...)

Nicole and Peter,

Please find attached responses to the questions posed regarding the school indoor air quality bill draft. The responses reflect input from the coalition that helped develop the bill.

If you have any other questions, please feel free to contact me.

Deb Sybell
WEAC Legislative Program Coordinator
33 Nob Hill Road
P.O. Box 8003
Madison, WI 53708-8003
(608) 298-2327
(800) 362-8023 x227
sybelld@weac.org

-----Original Message-----

From: Hudzinski, Nicole [mailto:Nicole.Hudzinski@legis.wisconsin.gov]
Sent: Wednesday, October 15, 2008 3:18 PM
To: Sybell, Debra
Subject: RE: Indoor air compromise bill

That's great. I thought we were going to have to check in with all the constituencies after we had a draft, but if you're already doing that then I'm not worried about not having a draft yet.

-----Original Message-----

From: Sybell, Debra [mailto:SybellD@weac.org]
Sent: Wednesday, October 15, 2008 3:15 PM
To: Hudzinski, Nicole
Subject: RE: Indoor air compromise bill

Nicole,

I am waiting for the Wisconsin School Boards Association to get back to me. Sheri Krause said it would not be much longer. I will check in again with her. Since this is a coalition product, I want to make sure everyone is on board in our responses to the drafter's questions.

I will be in touch soon!

Sent from my GoodLink synchronized handheld (www.good.com)

-----Original Message-----

From: Hudzinski, Nicole [mailto:Nicole.Hudzinski@legis.wisconsin.gov]
Sent: Wednesday, October 15, 2008 03:03 PM New Central Standard Time
To: Sybell, Debra
Subject: RE: Indoor air compromise bill

Hey Deb, I checked in with the drafters today and they said they're still waiting for you to call them about the bill. I know you're busy with other things right now, but do you think you could have someone call them?

-----Original Message-----

From: Sybell, Debra [mailto:SybellD@weac.org]
Sent: Monday, September 15, 2008 1:03 PM
To: Hudzinski, Nicole
Subject: RE: Indoor air compromise bill

Yes.

Deb Sybell
WEAC Legislative Program Coordinator
33 Nob Hill Road
P.O. Box 8003
Madison, WI 53708-8003
(608) 298-2327
(800) 362-8023 x227
sybellD@weac.org

-----Original Message-----

From: Hudzinski, Nicole [mailto:Nicole.Hudzinski@legis.wisconsin.gov]
Sent: Monday, September 15, 2008 11:55 AM
To: Sybell, Debra
Subject: RE: Indoor air compromise bill

The drafters are asking who to call with questions. Can I send them your way?

-----Original Message-----

From: Sybell, Debra [mailto:SybellD@weac.org]
Sent: Friday, September 12, 2008 1:11 PM
To: Hudzinski, Nicole
Subject: RE: Indoor air compromise bill

Great! Thanks Nicole!

Sent from my GoodLink synchronized handheld (www.good.com)

-----Original Message-----

From: Hudzinski, Nicole [mailto:Nicole.Hudzinski@legis.wisconsin.gov]
Sent: Friday, September 12, 2008 12:47 PM New Central Standard Time
To: Sybell, Debra
Subject: FW: Indoor air compromise bill

Hi Deb, just wanted to let you know I sent this to drafting. I'll let you know when I hear back from them.

From: Craney, Diane [mailto:CraneyD@weac.org]
Sent: Thursday, September 11, 2008 3:30 PM
To: Hudzinski, Nicole
Subject: Indoor air compromise bill

Hi Nicole,

Attached please find the compromise version of the indoor air quality bill that I mentioned yesterday. We've worked on with the other school groups and according to Jennifer Kammerud, DPI is also OK with this language.

If you need additional information or have any questions, please contact Deb Sybell as I will be on leave until the end of October.

Thanks very much!

Diane Craney

Government Relations Program Specialist

Wisconsin Education Association Council

1-800-362-8034 ext. 256

1-608-298-2356

(fax) 608-276-8203

Responses to drafter's questions:

Page 3, line 19, Drafter questions the use of the word "educator" which has no definition under the statutes.

Instead of using the word "educator," use "teachers and aides." PI 34 defines both:

4) "Aide" means a school employe who works under the direct supervision of a licensed teacher in a school or district whose responsibilities include, but are not limited to, supporting the lesson plan of the licensed teacher, providing technical assistance to the teacher, helping with classroom control or management, and other duties as assigned. Aides may not serve as substitute teachers.

(58) "Teacher" has the meaning defined under s. 40.02 (55), Stats. For the purposes of licensing under this chapter, "teacher" also means a person who demonstrates the knowledge, skills, and dispositions outlined in s. PI 34.02 to improve pupil learning through the exercise of any educational function, including instructing pupils or administering, directing, or supervising any educational activity.

Page 3, line 15: Why the change from "designate" to "identify"? Why the change from indoor environmental quality "coordinator" to "contact"?

It is okay to keep the word "designate" as used in the bill from last session.

We do, however, have a very strong preference for "contact." In our minds, the term "coordinator" conveys a certain amount of responsibility for taking action. Concerns were raised that if we used a term such as "coordinator" this might be construed as suggesting that this be a new position or job title as opposed to simply designating someone who is currently in an existing position to simply fulfill this role. We noted that districts have different personnel configurations and that not every district might want to handle this in the same way.

Page 3, line 27-28: The drafter feels that this is unnecessary since school districts are expected to be in compliance with the law.

This language was put in the draft to serve as a statement of intent or an affirmation of the **existing** obligation of schools to provide safe and healthful facilities. (One might think of it as a reminder to anyone who reads this section of the statutes without referring to other statutes or administrative rules that govern schools.)

Page 4 line 11: Drafter suggests just using "specifications" and dropping "guideline" and "model language" since the task force cannot force school districts to do anything, just provide recommendations.

We are firm about keeping "guiding specifications" or "model language," or something similar to that in the draft.

The facilities managers who advised us expressed strong concerns that “specifications” is a term of art used by architects and engineers to mean specific blueprints. We were advised that using the word “specifications” without adding a modifier such as “guideline” or “model” would be read literally to establish a rigid mandate that would require adherence to a specific blueprint. We want some room for the reasonable exercise of discretion by professionals.

Page 4, line 13-14: Drafter questions the use of the word “building commissioning.” Did we intend to drop this? If not, the drafter has no idea what “building commissioning” refers to.

“Building commissioning” is the term that the district facilities managers who advised us used to describe the process of getting a building ready for use including making sure everything checks out and is in working order. We believe this is also a term of art in the profession. Its usage in this context is similar to the way one might describe the “commissioning” of a ship in the sense of putting a ship (or in this case, a building) in commission. Perhaps we can put our heads together or the drafter can come up with some better terminology.

Page 4, line 23: This only references “model management plan” when the rest of the draft references “model management plan and practices.” Drafter recommends using “model management plan and practices” for consistency.

We are in agreement that we should select the term that best describes what we want to be in place when all is said and done. We note that if the change is made on p. 4, l. 23, then a similar change should probably be made from “plan” to “plan and practices” at the end of p. 4, l. 24 as well.

The language of the draft bill at p. 3, lines 10-12, directs the DPI task force to “[M]ake recommendations for the development of the model management plan for maintaining indoor environmental quality under sub. (3) that reflect best management practices.” Although one could argue from this description that the practices are intended to be subsumed under or incorporated into the plan, we are willing to opt for consistency if that makes it easier for the drafter.

Page 5, line 1: Drafter questions the phrasing, “the district shall have in place a plan”. Even though school boards adopt policies and districts implement plans based on the policy, the drafter recommends referencing “school board” and not the “district” since the district answers to the school board.

Given that the school board must adopt a policy that provides for the development of a plan, we don’t see that it makes much difference whether the draft says the “school board” or the “district” here.

Is the bill intended to apply to schools that participate in the Milwaukee Parental Choice Program.

Yes. The bill is intended to apply to voucher schools as well and the draft should be written to reflect that. We look for the drafter's guidance for language to accomplish this.

Building commissioning provides documented confirmation that building systems function according to criteria set forth in the project documents to satisfy the owner's operational needs. Commissioning existing systems may require developing new functional criteria to address the owner's current requirements for system performance.

Building Commissioning is a systematic and documented process of ensuring that the owner's operational needs are met, building systems perform efficiently, and building operators are properly trained.

Building commissioning for new buildings "focuses on verifying and documenting that the facility and all of its systems and assemblies are planned, designed, installed, tested, operated, and maintained to meet the owner's project requirements."

- ASHRAE Draft Guideline 0-2003

ASHRAE Guideline 0, The Commissioning Process, defines commissioning as "a quality-oriented process for achieving, verifying, and documenting that the performance of facilities, systems, and assemblies meets defined objectives and criteria". Commissioning is therefore an "umbrella" process for all the planning, delivery, verification, and managing risks to critical functions performed in, or by, facilities. Commissioning uncovers deficiencies in design or installation using peer review and field verification. Commissioning also accomplishes higher energy efficiency, environmental health, and occupant safety and improves indoor air quality. Commissioning is a quality assurance-based process that delivers preventive and predictive maintenance plans, tailored operating manuals, and training procedures. Essentially, the commissioning process formalizes review and integration of all project expectations during planning, design, construction, and occupancy phases by inspection and functional performance testing, and oversight of operator training and record documentation.

Commissioning Process: A quality focused process for enhancing the delivery of a project. The process focuses upon verifying and documenting that the facility and all of its systems and assemblies are planned, designed, installed, tested, operated, and maintained to meet the Owner's Project Requirements.

Commissioning is a quality-assurance process that increases the likelihood that a new building will meet the client's expectations.

Total Building Commissioning

To assure a high standard of excellence, GSA utilizes a Total Building Commissioning Process. Total Building Commissioning is the Public Buildings Service's (PBS) process for quality assurance in new construction and facility modernization. It is the process for achieving, validating and documenting that the performance of the total building and its systems meet the design intent and requirements of the owner.

The National Conference on Building Commissioning has established an official definition of 'Total Building Commissioning' as follows:

"Systematic process of assuring by verification and documentation, from the design phase to a minimum of one year after construction, that all facility systems perform interactively in accordance with the design documentation and intent, and in accordance with the owner's operational needs, including preparation of operation personnel"

15/23/08

TC w/ Deb Sydell, WEAAC

- draft 10 applies to both public & private schools

- p. 5 l. "here in place" means "implement"

- p. 4 l. 29-30

just have sch. bd (s. prov. ed.)

accept a plan

Grant, Peter

From: Sybell, Debra [SybellD@weac.org]
Sent: Thursday, October 23, 2008 1:56 PM
To: Sybell, Debra; Hudzinski, Nicole; Grant, Peter
Cc: Craney, Diane
Subject: RE: School Indoor Air Quality Bill - Responses to drafter's questions

Nicole and Peter,

Regarding the timing of a school board developing an indoor air quality management policy/plan and the subsequent implementation, here is an excerpt from correspondence with the Wisconsin Association of School Boards explaining the proposed language:

"This language (see below) would allow districts three months from the time DPI establishes the model management plan to adopt a board policy. The district would then have nine additional months to develop and put in place its plan.

We think this is in keeping with WEAC's original intent in that it would give districts the same amount of time from the date that the task force issues its recommendations to develop their own plans. (In reality, boards could adopt their plans anytime before this deadline and the districts could have plans in place before the task force even gets done. In recognition of this we use the words "have in place" rather than the word "establish" because there may be some districts out there that will have a suitable indoor environmental quality plan in place sooner.)

Note that the language below would bring the MPCP voucher schools under the bill.

4. SCHOOL DISTRICT POLICIES.

(a) By the first day of the 3rd month beginning after the month in which the department establishes the model management plan and practices under sub. (3), each school board shall adopt a policy that provides for the development of a plan for maintaining indoor environmental quality in district schools. By the first day of the 12th month beginning after the month in which the department establishes the model management plan and practices under sub. (3), the district shall have in place a plan for maintaining indoor air quality in district schools.

(b) By the first day of the 3rd month beginning after the month in which the department establishes the model management plan and practices under sub. (3), the governing body of each private school that participates in the Milwaukee parental choice program under s. 119.23 shall adopt a policy that provides for the development of a plan for maintaining indoor environmental quality in the private school. By the first day of the 12th month beginning after the month in which the department establishes the model management plan and practices under sub. (3), each private school participating in the program under s. 119.23 shall have in place a plan for maintaining indoor air quality in the private school.

(c) Each school district, and each private school that participates in the Milwaukee parental choice program under s. 119.23, shall make its indoor environmental quality plan available to the public."

10/23/2008

2009 BILL

2007 SENATE BILL 535

Inserts

LRB-0215/P, 1
PG:bjk

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.

SAV
X-ref ✓

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.

public and private

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.

regen.

SENATE BILL 535

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:

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

This is a preliminary draft for review. It does not include an analysis.

LPS - use anal: prelim component

SENATE BILL 535

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 ^{established} 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.~~

16 ⁴⁰² One member who is a representative of the Wisconsin Association of School
17 Boards.

18 ⁵⁰⁸ 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.~~ an occupational health physician or
allergist and who has expertise in indoor
environmental quality in schools.

3-19 →

SENATE BILL 535

SECTION 1

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~~ ^{has expertise in} school design and
 3 construction.

4 13. One member who is ~~a contractor actively engaged in school construction,~~ ^{registered as a professional engineer under ch. 443 and who has expertise in the design of mechanical systems for schools}

5 14. Two members who have expertise in indoor environmental quality ^{in schools}

6 (b) The state superintendent shall appoint the members of the task force
 7 specified in par. (a) ~~1~~ ⁴⁻⁵ 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~~ ^{in schools}
 15 environmental quality management to assist the task force in ~~performing its duties~~ ^{making recommendations}
 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~~ ^{make recommendations to} the department ~~in~~ the development of ~~the~~ ^a model management plan
 23 ~~to improve~~ ^{for maintaining} indoor environmental quality in public schools ~~and best management~~ ^{and private}
 24 ~~practices under sub. (a)~~ that reflects best management practices. ^{The task force shall consider including in its recommendations all of the following:}

INS. FROM PP. 5-6

~~individual school districts~~

SENATE BILL 535

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

5-5

move to p. 4 after line 24

contact

or private school

and practices

INS. 5-21

INS. 5-23

Designating

coordinator

or private school

or private school

for maintaining

and private

AND PRIVATE SCHOOL PLANS - CS.

3rd

its school or

provide for the development of a for maintaining maintaining

management plan to monitor and improve indoor environmental quality in district

SENATE BILL 535

SECTION 1

1 ^{bo} 2 Establish an indoor environmental quality committee composed of school administrators, teachers, ^{educational support professionals,} and custodial and maintenance staff. ^{or private school}

3 ^{co} 3. Include a plan for communicating with school district employees, pupils, and parents and guardians of pupils about indoor ^{environmental} air quality problems. ^{including test results and proposed schedules for remediation}

4 ^{do} 4. ~~Include a policy on and~~ ^{Identifying} procedures for handling complaints about indoor environmental quality. ^{remediation}

6-6 → 5. ~~Include a plan for complying with the most recent version of air quality standards approved by the American National Standards Institute and the American Society of Heating, Refrigerating and Air-Conditioning Engineers.~~

10 ^{move to p. 4} 6. ^{any an edu} Include a plan for addressing ^{indoor environmental} air quality issues noted during ~~an annual~~ ^{evaluation of building systems} performed in accordance with department rules on safe and healthful facilities.

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

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

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

10 ^{go} 10. ^{Providing for} ~~Require~~ an annual review of the management plan by the indoor environmental quality ^{of contact} ~~coordinator~~ and the school board ^{or private school governing board}

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

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

SENATE BILL 535

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

SENATE BILL 535

SECTION 1

maintaining the new school, addition, or alteration 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.

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

SECTION 2. 119.04 (1) of the statutes, as affected by 2007 Wisconsin Act 20, is

amended to read:

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

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

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

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

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

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SENATE BILL 535

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) ✓

3-19

¶ 60 Three ^{members} members who are representatives of the Wisconsin Association of School Business Officials and ^{who} have expertise in indoor environmental quality in schools.

¶ 70 One member who is a representative of the Wisconsin Council of Religious and Independent Schools.

¶ 80 One member who is a representative of the Wisconsin Association of School Nurses.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

4-5

not are industrial hygienists certified by
 the American Board of Industrial Hygiene
the American Board of Industrial Hygiene
 and who

5-5

§ 40 [✓] Recommend model specifications for the
 design and construction of school facilities
 and for additions and structural alterations
 and for additions and structural alterations to
 school facilities that promote indoor environmental
 quality including model specifications
~~addressing building operation and maintenance~~

and that ensure that the buildings systems
 are planned, designed, installed, tested, operated,
 and maintained to perform efficiently and to
 meet the school districts or
 private schools needs.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

5-21

No # and the governing body of each
 private school governing body of each
 private school ~~participating in the~~
~~program under s. 119.23~~

5-23

[✓]
 (b) By the first day of the 12th month
 beginning after the month in which the
 department establishes the model management
 plan [✓] and practices
 under sub (3), each school board
 shall implement ^{g a} ~~the~~ plan adopted under for
 maintaining indoor environmental quality in its
~~par (a)~~ school or schools.

(c) The governing body of each
 private school participating in the
~~program under s. 115.23~~ shall provide the
 plan ^g implemented ^(b)
~~adopted~~ under par (b) to any
 person upon request.

and the governing body of each private school
 and the governing body of each private school

school participating in the program under:
 s. 115.23

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

6-6

A e. Including a statement that the school district or private school will continue to meet all health and

safety laws or codes that apply to the school district or private school.
district or private school.

8-8

Section #. 119.04 (1) of the statutes

118,075 ↑

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

NOTE: Sub. (1) is shown as affected by 4 acts of the 2007 Wisconsin legislature and as merged by the legislative reference bureau under s. 13.92 (2) (i). The language in brackets was inserted by 2007 Wis. Act 220 without being underscored. No change was intended. Corrective legislation is pending.

History: 1971 c. 152 s. 38; 1971 c. 154 s. 80; 1973 c. 89 s. 20 (1); 1973 c. 90; 1973 c. 188 s. 6; 1973 c. 243, 254, 290, 307, 333; 1975 c. 39, 41, 95, 220, 379, 395, 422; 1977 c. 29; 1977 c. 203 s. 106; 1977 c. 206, 284, 447; 1979 c. 20; 1979 c. 34 s. 2102 (43) (a); 1979 c. 221, 298, 331; 1979 c. 346 s. 15; 1979 c. 355; 1981 c. 59; 1981 c. 241 s. 4; 1983 a. 193; 1983 a. 339 s. 10; 1983 a. 374 s. 12; 1983 a. 412, 489, 538; 1985 a. 29 s. 3202 (43); 1985 a. 56 s. 43; 1985 a. 214 s. 4; 1985 a. 225, 332; 1987 a. 27, 187, 285, 386, 403; 1989 a. 31, 120, 121, 122, 201, 209, 359; 1991 a. 39, 42, 189, 269; 1993 a. 16, 334, 377, 491; 1995 a. 27, 225; 1997 a. 27, 77, 113, 240, 252, 335; 1999 a. 9, 32, 73; 1999 a. 150 ss. 631, 672; 1999 a. 186; 2005 a. 99, 290, 346; 2007 a. 20, 97, 220, 222; s. 13.92 (2) (i).

Grant, Peter

From: Sybell, Debra [SybellD@weac.org]
Sent: Friday, December 05, 2008 4:00 PM
To: Grant, Peter
Cc: Hudzinski, Nicole
Subject: RE: School Indoor Air Quality Bill Draft

Regarding Page 3, lines 19-20, one of our attorneys thought that the transition into the recommended individual components of the plan was "awkward" – maybe too much editing on her part. I defer to you.

I agree with you about requiring school boards to make their plans available upon request as well.

Deb Sybell
 WEAC Legislative Program Coordinator
 33 Nob Hill Road
 P.O. Box 8003
 Madison, WI 53708-8003
 (608) 298-2327
 (800) 362-8023 x227
 sybelld@weac.org

From: Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]
Sent: Friday, December 05, 2008 3:53 PM
To: Sybell, Debra
Cc: Hudzinski, Nicole
Subject: RE: School Indoor Air Quality Bill Draft

Debra, I don't understand item #1. Page 3, lines 17-19, already says that the task force is to "make recommendations...for the development of a model management plan for maintaining indoor environmental quality in public and private schools...." Why repeat all that in the next sentence?

On page 5, line 21, it might be a good idea to require school boards to make their plans available upon request as well, even though they would probably have to anyway. This way, there's no balancing test. I'll do that if you don't object.

Peter

From: Sybell, Debra [mailto:SybellD@weac.org]
Sent: Friday, December 05, 2008 2:52 PM
To: Hudzinski, Nicole; Grant, Peter
Subject: School Indoor Air Quality Bill Draft

Hi Nicole and Peter,

After reviewing the School Indoor Air Quality draft with the coalition, we request the following changes:

1. Page 3, line 19-20, delete "The task force shall consider including in its recommendations all of the following:" and substitute "The task force shall consider including all of the following components in its recommendations for a model management plan for school districts and private schools to maintain indoor environmental quality:"
2. Page 4, line 1, substitute "Developing" for "Including"
3. Page 4, line 6, substitute "Acknowledging" for "Including a statement"
4. Page 4, line 9, substitute "Developing" for "Including"
5. Page 5, lines 12-22: Modify to only apply to public schools and private schools that participate in the Milwaukee Parental Choice Program under sec. 119.23, Wis. Stats.

Thus the task force will develop a model management plan that school districts and private schools can use as a guide; however, only public schools and private schools under the voucher program will be required to develop a model management plan.

12/05/2008

If you have any questions, please feel free to contact me.

Deb Sybell
WEAC Legislative Program Coordinator
33 Nob Hill Road
P.O. Box 8003
Madison, WI 53708-8003
(608) 298-2327
(800) 362-8023 x227
sybelld@weac.org

5500m
DN

LRB-0215/1
PG:bjk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAV
X-refv

Inserts

regen.

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

Analysis by the Legislative Reference Bureau

change
component

~~This is a preliminary draft. An analysis will be provided in a later version.~~

(see attached)

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:

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

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

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

- 1 1. The state superintendent or his or her designee.
- 2 2. The secretary of commerce or his or her designee.
- 3 3. The secretary of health services or his or her designee.
- 4 4. One member who is a representative of the Wisconsin Association of School
5 Boards.
- 6 5. One member who is a representative of the Wisconsin Association of School
7 District Administrators.
- 8 6. Three members who are representatives of the Wisconsin Association of
9 School Business Officials and who have expertise in indoor environmental quality
10 in schools.
- 11 7. One member who is a representative of the Wisconsin Council of Religious
12 and Independent Schools.
- 13 8. One member who is a representative of the Wisconsin Association of School
14 Nurses.
- 15 9. One member who is a representative of the largest statewide labor
16 organization representing teachers.
- 17 10. One member who is a representative of the largest statewide organization
18 representing parents of pupils.
- 19 11. One member who is an occupational health physician or allergist and who
20 has expertise in indoor environmental quality in schools.
- 21 12. One member who is registered as an architect under ch. 443 and who has
22 expertise in school design and construction.
- 23 13. One member who is registered as a professional engineer under ch. 443 and
24 who has expertise in the design of mechanical systems for schools.

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

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

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

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

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

17 1. Make recommendations to the department for the development of a model
18 management plan for maintaining indoor environmental quality in public and
19 private schools that reflects best management practices. The task force shall
20 consider including in its recommendations all of the following: ^{components}

21 a. Designating a school district or private school employee as the indoor
22 environmental quality contact for the school district or private school.

23 b. Establishing an indoor environmental quality committee composed of school
24 administrators, teachers, educational support professionals, and custodial and
25 maintenance staff.

1 c. ^{g Developing} ~~Including~~ a plan for communicating with school district or private school
2 employees, pupils, and parents and guardians of pupils about indoor environmental
3 quality problems, including test results, and proposed schedules for remediation.

4 d. Identifying procedures for handling complaints about indoor environmental
5 quality.

6 e. ^{g Acknowledging} ~~Including a statement~~ that the school district or private school will continue
7 to meet all health and safety laws or codes that apply to the school district or private
8 school.

9 f. ^{g Developing} ~~Including~~ a plan for addressing indoor environmental quality issues noted
10 during an evaluation of building systems performed in accordance with department
11 rules on safe and healthful facilities.

12 g. Providing for an annual review of the management plan by the indoor
13 environmental quality contact and the school board or private school governing
14 board.

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

18 3. Recommend educational materials relating to indoor environmental quality
19 in schools.

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

1 (f) Upon completing its duties under par. (e), the task force shall report its
2 findings and recommendations to the appropriate standing committees of the
3 legislature under s. 13.172 (3) and to the governor. The task force shall cease to exist
4 on the date on which the department issues its model management plan under sub.
5 (3).

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

12 (4) SCHOOL DISTRICT AND PRIVATE SCHOOL PLANS. (a) By the first day of the 3rd
13 month beginning after the month in which the department establishes the model
14 management plan and practices under sub. (3), each school board ~~and the governing~~
15 ~~body of each private school~~ shall provide for the development of a plan for
16 maintaining indoor environmental quality in its ~~school or~~ schools.

17 (b) By the first day of the 12th month beginning after the month in which the
18 department establishes the model management plan and practices under sub. (3),
19 each school board ~~and the governing body of each private school~~ shall implement a
20 plan for maintaining indoor environmental quality in its ~~school or~~ schools.

21 ~~The governing body of each private school~~ shall provide ~~the~~ plan
22 implemented under par. (b) to any person upon request.

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

24 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
25 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,

a copy of

Each school board

1 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, ~~115.445~~, 115.45, 118.001 to 118.04,
2 118.045, 118.06, 118.07, 118.075, 118.10, 118.12, 118.125 to 118.14, 118.145 (4),
3 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1),
4 (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51,
5 118.52, 118.55, 120.12 (5) and (15) to (26), 120.125, 120.13 (1), (2) (b) to (g), (3), (14),
6 (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are
7 applicable to a 1st class city school district and board.

6-7 →

8 **SECTION 3. Effective date.**

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

11 (END)

D-note

(6-7:1)

X

§ SEC. CR. 119.23 (7) (g)

§ 119.23 (7) (g) 1. ^(B) By the first day of the

3rd month beginning after the month in

which the department establishes the ^{model} model

management plan and practices for maintaining

indoor environmental quality in public and

private schools, under s. 118.075 (3), or by

October 1 of a private school's first school

year of participation in the program under

this section, whichever is later, the private

school shall provide for the development of a

plan for maintaining indoor environmental

quality in the private school.

§ 2. By the first day of the 12th
month beginning after the month in which

6-7:2

The department establishes the model management plan and practices for maintaining indoor environmental quality in public and private schools under s. 118.075 (3), or by the beginning of the 2nd school year of participation in the program under this section, whichever is later, the private school shall implement a plan for maintaining indoor environmental quality in the private school.

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

DN

It occurred to me while writing the bill analyzing that a private school may not begin to participate in the Milwaukee Parental Choice Program (MPCP) until after the deadline for implementing a plan for maintaining indoor environmental quality in the private school has passed. I decided to move the requirement for the choice schools to the statutory section that relates to the MPCP (S. 119.23) and to establish a slightly different timeline for the choice schools.

Let me know if you need any changes.

In addition, let me know if you would like to

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

amend s. 119.23 (10) authorizing
DOH to bar a private school from
participating in the mpec for failure
to implement a plan for maintaining
indoor environmental quality in the private
school.⓪

PL

Analysis

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. ~~to the task force~~

Atter submitts its findings and recommendations

DPI must establish a model management

plan and practices for maintaining indoor
environmental quality in public and
private schools ~~within one year~~. After
the establishment of the ^{model} plan, each
school board and each private school that
is participating in the Milwaukee Parental
Choice Program must implement a plan for
~~development~~ maintaining indoor
environmental quality in its school or schools. ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0215/1dn
PG:bjk:rs

December 10, 2008

While writing the bill analysis, it occurred to me that a private school may not begin to participate in the Milwaukee Parental Choice Program (MPCP) until after the deadline for implementing a plan for maintaining indoor environmental quality in the private school has passed. I decided to move the requirement for the choice schools to the statutory section that relates to the MPCP (s. 119.23) and to establish a slightly different timeline for the choice schools. Let me know if you need any changes.

In addition, let me know if you would like to amend s. 119.23 (10), authorizing DPI to bar a private school from participating in the MPCP for failure to implement a plan for maintaining indoor environmental quality in the private school.

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.wisconsin.gov

S057
DN

Stay

2009 BILL

P.S

SAV

regen.

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.

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.

BILL

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:

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.

BILL

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).

BILL

- 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.

BILL

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 AND PRIVATE SCHOOL PLANS.** (a) By the first day of the 3rd
23 month beginning after the month in which the department establishes the model
24 management plan and practices under sub. (3), each school board shall provide for

BILL

1 the development of a plan for maintaining indoor environmental quality in its
2 schools.

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

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

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

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

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

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

BILL

1 for the development of a plan for maintaining indoor environmental quality in the
2 private school.

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

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

11 **SECTION 4. Effective date.**

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

14 (END)

D-note

DN

This redraft corrects the title of
S. 118. 075 (4) ✓

PG

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0215/2dn
PG:bjk:rs

December 10, 2008

This redraft corrects the title of s. 118.075 (4).

Peter R. Grant
Managing Attorney
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Basford, Sarah

From: Handler, Amy
Sent: Monday, January 26, 2009 5:36 PM
To: LRB.Legal
Subject: Jacket Request IEQ in Schools

Hi,

We're ready to move forward with LRB 0215/2, just wondering what we need to do in order to get it jacketed and the next step after that...thanks!

Amy Handler
Office of State Senator Jim Sullivan
State Capitol, Room 15 South
P.O. Box 7882
Madison, WI 53707
608-266-2512