

**Environmental Health & Safety
Primary and Secondary Schools—Chapter 246-366A WAC**

School Rule Revision Team

Summary Meeting Notes – April 4, 2008

Facilitator: Greg Stack

Team members present:

Julie Awbrey	Patricia Jatzak	Craig McLaughlin	Jill Van Glubt
Eric Dickson	Gary Jefferis	Forrest Miller	Robert Van Slyke
Dave DeLong	Rod Leland	Marilee	Bob Wolpert
Ed Foster	Mary Sue Linville	Scarborough	
Linda Hanson	John Mannix	Mark Soltman	

001—Introduction and purpose:

Better that the rules allow you to accomplish something for the good, not penalize when attempting to fix something

005—Applicability:

Consider expanding scope of rule. A problem with considering expanding to broader applicability (P-20) is that separate preschools and higher education stakeholders have not been involved in the process before.

When would this rule apply?

Leased vs. owned
Detention centers, community colleges (running start programs)?
Contracts with other public facilities?
Emerging public school-non-profit cooperatives – e.g., with Boys and Girls Clubs?
Youth centers where schooling continues with K-12 staff?
Tutoring centers – grey area?

Perhaps should say “owned or operated” – but doesn’t get to all the issues. What does operate mean? Consider defining later.

Is focus to create safe facilities, or apply to groups of students? Intent is to regulate the facility, not programs. Who is accountable if something goes wrong?

Intent is to apply to facilities where principal purpose is education. If a school leases a facility for education, these rules would apply – existing or draft rule.

There is great variety in private schools. If it is a school – should meet minimum facility standards.

There has been allowance for interpretation by local health jurisdictions (LHJs). Intent is that detention facilities and running start programs (any programs at a college) are not schools.

Greg S – Perhaps we should use a subcommittee to deal with this. Make a list of those facilities that are not schools and are not covered by these rules – detention centers, tutoring centers. Come back to this later.

We can come back to things within reason and the timeframe.

Effective date of rule: Save discussion until end – after discussion of the whole rule.

Add exemption from site approval for properties on which land use permits have already been obtained.

Issues of commitment made to the community when bonds are passed at a fixed amount – not all of those projects will meet the timeline. WSSP was tied to bond passing for implementation.

Intent is that these rules kick in the same way as the International Building Code (IBC) regarding compliance of the whole facility when partial renovation or addition occurs – which is 50%+. Agreement reached on this concept.

Emergency clause. Provide exemption for when an emergency occurs and students have to be moved to a temporary location. Not asking for exemption on non-life threatening issues. Agreement reached that the rule should deal with this.

010—Definitions:

1. Addition – Agreed to definition because it is from the IBC.
2. Air contaminants – Why were some things removed? To be more precise. Agreement reached.
3. Alteration – from the IBC.
4. Construction – Took out new because it was confusing the issue. May have to return to this when we get into later sections.
5. Construction documents – derived from IBC.
 - a. May want a definition for “construction projects.”
 - b. “Construction certification” in earlier draft was removed – Term is not used in this draft.
6. Contaminant – Use term potentially hazardous. Consider adding irritants.” Consider again when we get to where term is used.
- 7-9. Agreement.
10. Emergency eye wash – Consistent with the L&I language except with the word tempered. Team agreed to remove tempered water for eyewashes.
11. Emergency shower – Also from L&I, except tempered water. Research needed about tempered water and if counter-indications for safety regarding acids outweigh issue of difficulty staying under cold water for 15 minutes.

13. Make wording consistent in definitions of “first draw sample” and “flush sample.”

LUNCH BREAK

Craig – suggests we deal with the rest of the definitions when they come up in the text, including definitions removed from earlier drafts.

19. Laboratory – Add may be before exposed and potential before health and safety hazards. Concern was expressed about use of term laboratory because some regulators (WISHA?) apply almost clean room standards to them.
26. Portable – Concern expressed about confusion between truly portable and modular. Add re-locatable into definition.
32. Shop – Look at this when get into specific provisions.
38. Very low lead plumbing fixture – 0.3% of what? DOH will confirm it means by weight.

Consider adding a definition for [building system](#) as we proceed.

Consider adding definition for [maintenance](#), which was in earlier draft.

015—Guidance for Implementation and compliance:

Is every 3 years too ambitious to revise K-12 Guide? It should be continuously updated and revised. Maybe have standing committee oversee revision. Carefully consider revisions – plaintive attorney’s use as a standard of practice. It was not supposed to be all inclusive – a working tool, not a cookbook. Maybe look at this in 2 pieces, one for construction, and one for M&O. Intent should be in the rule, guidance is for implementation. Discussion – at least every 3 years vs. something else. DOH and SBOH staff will discuss.

020—Responsibilities – General:

Craig – basic structure is not up for discussion, it is the intent of the Board to have annual inspections.

Standards for inspections are an issue. Nowhere does it say that the LHJ has to be trained prior to inspection. The K-12 Guide is the agreed document on implementation – so training needs to include the K-12 Guide. Lack of uniform statewide interpretation is also an issue. Where do you go if you have concerns about inconsistent enforcement/interpretation? Consider establishing an advisory committee. An advisory committee could create an element of trust to get new LHJ programs started. It might also give parents and staff someone to go to when they feel like no one is listening to them. This is about predictability.

Currently the DOH technical advisor helps with interpretation of the rule. An advisory committee might be used to deal with big issues.

DOH food program model – legislature passed a bill requiring consistent enforcement in the state – governor vetoed – so LHJs have authority for interpretation and enforcement. State advisory committee established (not in rule) to help with uniform interpretation. The DOH food program also issues “code clarification” statements when needed. Advisory committee deals with issues not easily clarified. LHJs are not required to agree with interpretations, but overwhelmingly do.

Greg – does either the Board or DOH have authority to do this? Craig – depends on what is being asked for. PH has the same local control issues as schools. Greg – Perhaps this is not the correct venue for this discussion. Craig – doesn't have the authority to authorize this idea – can take the recommendations from this group.

The rule needs to say more about training – Consider putting in rule a requirement for training of LHJ personnel. Concern that this not replace the inspection checklist.

Consider adding an advisory committee into the rule – to help achieve uniform implementation of the rule across the state. Discussion that this committee might hear appeals or act as a sounding board. Maybe look at the process of the State Building Code Council to deal with interpretation issues. Greg – there isn't a supreme authority to decide on interpretation of building codes. Another example is OSPI's Technical Advisory Committee. The committee needs to include representation from a wide variety of organizations. Need to understand further the proposed parameters for the advisory group. Issue of 1/3 years inspection schedule – how would school districts do that? School inspection staff should receive the same training as the LHJ staff – common training and knowledge.

Language in 020(1)(a) is not necessary – School officials are responsible for compliance with these rules, LHJ for enforcement. School Board sets policy and Superintendent is responsible for carrying out. There is no value added by 1a – it's redundant.

Imminent health hazard – Do they really need to call the LHJ? There is a judgment call – we will just have to work together. We have to be pragmatic. Imminent health hazard is probably as good a guideline as we're going to get. Dialogue will develop as people train and work together. Definition (18): Does significant refer to both threat and danger? Does or negate the adjective for the second category? Significant should apply to both threat and danger.

Teachers want to know that a situation exists, not after it's solved. How is it decided who are affected staff? There is a good practice standard that school districts keep staff and parents informed. However, there is concern about it not happening in all 295 school districts. Change affected to school facility.

Records retention for 5 years – need to check with the state law – might be 7 years. Private schools are not governed by the state public disclosure laws. Take out all to avoid requiring the keeping of all notes.

Property purchasing – Site assessment usually occurs when land is developed, not purchased. Purchasing is not addressed in the rule draft.

020(2)(b)(vi): School officials reporting at open public meeting of school boards – would be very laborious. This seems a lot to present at a meeting. Complaints might have already been reported to the board, along with other things required by the rule. Consider the goal and whether reporting to the school board is the best method to accomplish it. Information provided to the school board is a way for public notification. During the School Rule Development Committee (SRDC) process, there were concerns about open communication, making sure boards new what was going on. How is this different from the requirements in the 2nd draft? This is not as

prescriptive, but retains the concept of notification. Maybe specify a “summary” report. A school board might accept a report in a consent agenda – some disagreement on this. At the SBOH meetings, many have said that it was too hard to find out what has occurred, need to be able to shine light on these situations.

Potential for a minority report to the SBOH – Individuals can always contact the SBOH on their own with their concerns.

Greg – are there things we can take off the table – email Craig with items the team is OK with as written.

Parking Lot:

- 005(1) What facilities are exempt? Think about this and come back with proposal
- 005. Consider adding exemption for facilities used temporarily on emergency basis
- 015. K-12 Health and Safety Guide update frequency – 3-5 years
- 020. - Advisory committee for interpretations
- Training program for LHJs
- 020(1)(b)(vi). School officials reporting to school boards