

**Notice of Public Meeting**  
**School Environmental Health and Safety Rule Project**  
**Technical Advisory Committee**  
 Tuesday, September 17, 2024, 9:00 a.m. – 3:00 p.m.  
 Physical meeting location:  
 Angel of the Winds Casino Resort  
 3438 Stoluckquamish Lane  
 Arlington, WA 98223  
 Meeting Rooms: Rivers Run 1  
 Virtual meeting: ZOOM Webinar  
 (hyperlink provided below)  
 Language interpretation available

### Agenda

Time	Agenda Item	Speaker
	Call to Order	Patty Hayes, TAC Chair
9:00 a.m.	1. Minutes Review	Patty Hayes, TAC Chair
9:10 a.m.	2. Reminders	Patty Hayes, TAC Chair
9:15 a.m.	3. Introductions	Karen Langehough, Facilitator
9:40 a.m.	4. Objectives and Meeting Agreement	Karen Langehough, Facilitator
9:50 a.m.	5. Language: Definition – School	Karen Langehough, Facilitator
10:05 a.m.	6. Language: Definition – Preschool	Karen Langehough, Facilitator
10:20 a.m.	Break	
10:30 a.m.	7. Language: Definition – School Board	Karen Langehough, Facilitator
10:45 a.m.	8. Language: Definition – School Facility	Karen Langehough, Facilitator
11:00 a.m.	9. Language: Definition – Portables	Karen Langehough, Facilitator
11:15 a.m.	10. Language: Complaints	Karen Langehough, Facilitator
12:30 p.m.	Lunch	
1:00 p.m.	11. Language: Variances	Karen Langehough, Facilitator
1:40 p.m.	12. Language: Severability	Karen Langehough, Facilitator
2:00 p.m.	13. Language: Appeals	Karen Langehough, Facilitator
2:20 p.m.	14. Open Discussion/Questions	Karen Langehough, Facilitator
2:50 p.m.	15. Next Steps	Karen Langehough, Facilitator
3:00 p.m.	Adjournment	

- To access the meeting online and to register:  
[https://us02web.zoom.us/webinar/register/WN\\_1wq45BpEQ1miq1dJOTdo\\_A](https://us02web.zoom.us/webinar/register/WN_1wq45BpEQ1miq1dJOTdo_A)

- You can also dial-in using your phone for listen-only mode:

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Webinar ID: 841 4643 7931  
Passcode: 627104

#### **Important Meeting Information to Know:**

- Times are estimates only. We reserve the right to alter the order of the agenda.
- Every effort will be made to provide Spanish interpretation, American Sign Language (ASL), and/or Communication Access Real-time Transcription (CART) services. Should you need confirmation of these services, please email [wsboh@sboh.wa.gov](mailto:wsboh@sboh.wa.gov) in advance of the meeting date.
- If you would like meeting materials in an alternate format or a different language, or if you are a person living with a disability and need [reasonable modification](#), please contact the State Board of Health at (360) 236-4110 or by email [wsboh@sboh.wa.gov](mailto:wsboh@sboh.wa.gov). Please make your request as soon as possible to help us meet your needs. Some requests may take longer than two weeks to fulfill.  
TTY users can dial 711.

#### **Information About Giving Written Public Comment:**

- Please visit the Board's [Public Comment webpage](#) for details.

**Aviso de reunión pública**  
**Salud y seguridad ambiental para las escuelas Proyecto de desarrollo de normas**  
**Comité de Asesoramiento Técnico**  
 Martes, 17 de septiembre de 2024,  
 de 9:00 a.m. a 3:00 p.m.  
 Lugar de la reunión:  
 Complejo turístico con casino Angel of the Winds  
 3438 Stoluckquamish Lane  
 Arlington, WA 98223  
 Salas de reunión: Rivers Run 1  
 Reunión virtual: Seminario web por Zoom  
 (hipervínculo proporcionado a continuación)  
 Hay servicios de interpretación lingüística disponibles

### Orden del día

Hora	Punto del orden del día	Orador
	Apertura	Patty Hayes, presidenta del TAC (por su sigla en inglés, Comité de Asesoramiento Técnico)
9:00 a.m.	1. Revisión de actas	Patty Hayes, presidenta del TAC
9:10 a.m.	2. Recordatorios	Patty Hayes, presidenta del TAC
9:15 a.m.	3. Presentaciones	Karen Langehough, facilitadora
9:40 a.m.	4. Objetivos y acuerdo de la reunión	Karen Langehough, facilitadora
9:50 a.m.	5. Contenido: Definición: educación escolar	Karen Langehough, facilitadora
10:05 a.m.	6. Contenido: Definición: educación preescolar	Karen Langehough, facilitadora
10:20 a.m.	Receso	
10:30 a.m.	7. Contenido: Definición: junta directiva escolar	Karen Langehough, facilitadora
10:45 a.m.	8. Contenido: Definición: centro escolar	Karen Langehough, facilitadora
11:00 a.m.	9. Contenido: Definición: salones móviles	Karen Langehough, facilitadora
11:15 a.m.	10. Contenido: Quejas	Karen Langehough, facilitadora
12:30 p.m.	Almuerzo	
1:00 p.m.	11. Contenido: Variaciones	Karen Langehough, facilitadora
1:40 p.m.	12. Contenido: Divisibilidad	Karen Langehough, facilitadora
2:00 p.m.	13. Contenido: Apelaciones	Karen Langehough, facilitadora
2:20 p.m.	14. Debate abierto y preguntas	Karen Langehough, facilitadora
2:50 p.m.	15. Próximos pasos	Karen Langehough, facilitadora
3:00 p.m.	Lentamente de la sesión	

- Para acceder a la reunión en línea y registrarse:  
[https://us02web.zoom.us/webinar/register/WN\\_1wq45BpEQ1miq1dJOTdo\\_A](https://us02web.zoom.us/webinar/register/WN_1wq45BpEQ1miq1dJOTdo_A)
- También puede participar por teléfono, mediante la modalidad de solo escucha:

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Id. del seminario web: 841 4643 7931  
Contraseña: 627104

#### Información importante de la reunión que debe saber:

- Los horarios son estimativos. Nos reservamos el derecho de modificar el orden de los puntos que se tratarán en la reunión.
- Se hará todo lo posible para proporcionar interpretación en español, ASL (por su sigla en inglés, Lenguaje de señas americano) o CART (por su sigla en inglés, Servicios de transcripción en tiempo real). Si necesita confirmación sobre estos servicios, envíe un correo electrónico a [wsboh@sboh.wa.gov](mailto:wsboh@sboh.wa.gov) antes de la fecha de la reunión.
- Si desea acceder a los materiales de la reunión en un formato alternativo o en otro idioma, o si tiene una discapacidad y necesita una [modificación razonable](#), comuníquese con la Mesa Directiva de Salud llamando al (360) 236-4110 o enviando un correo electrónico a [wsboh@sboh.wa.gov](mailto:wsboh@sboh.wa.gov). Le pedimos que presente su solicitud lo antes posible para ayudarnos a satisfacer sus necesidades. Es posible que algunas solicitudes tarden más de dos semanas en atenderse. Los usuarios de TTY pueden marcar el número 711.

#### Información para hacer comentarios públicos escritos:

- Visite la [página web de comentarios públicos](#) para obtener detalles.

**School Environmental Health and Safety Rule Project 2024 - 2025**

**TAC Membership**

MEMBER	ALTERNATE	REPRESENTING
<b>Patty Hayes</b> WSBOH Chair		Washington State Board of Health
<b>Tyler Muench</b> Director of Advocacy & External Affairs	<b>Randy Newman</b> Director of School Facilities & Organization	Washington State Office of Superintendent of Public Instruction
<b>Steve Main</b> Division Director, School Safety Lead	<b>Sandy Phillips</b> School Health and Safety Program Technical Advisor	Spokane Regional Health District
<b>Gina Yonts</b> Associate Director	<b>Roz Thompson</b> Director of Government Relations	Association of Washington School Principals
<b>Geoff Lawson</b> Operations Coordinator	<b>Jeff Rogers</b> Manager of Environmental Health & Safety	Washington Association of Maintenance and Operation Administrators & Tacoma School District
<b>Tammy Allison</b> Board Director – Region 121	<b>Nicole Roel</b> WASBO Board of Directors, Olympia ESD 114	Washington Association of School Business Officials
<b>David Hammond</b> School Construction Committee Chair	<b>Dan Steele</b> Assistant Executive Director, Government Relations	Washington Association of School Administrators
<b>Suzie Hanson</b> Executive Director	<b>Sharon Ricci</b> Community Relations	Washington Federation of Independent Schools
<b>Kate Espy</b> Board Member and Legislative Representative		South Kitsap School District
<b>Erin Hockaday</b> Senior Manager, Surveillance & Investigation	<b>Bailey Stanger</b>	Benton-Franklin Health District

**School Environmental Health and Safety Rule Project 2024 - 2025**

**TAC Membership**

MEMBER	ALTERNATE	REPRESENTING
<b>Laurette Rasmussen</b> School EH Specialist	<b>Jamie Bodden</b> WSALPHO Managing Director	Whatcom County Health & Community Services
<b>Lauren Jenks</b> Assistant Secretary, Environmental Public Health	<b>Kelly Cooper</b> Director, Policy and Legislative Relations	Washington State Department of Health
<b>Kevin Jacka</b> Executive Director	<b>Richard Conley</b> Consultant	The Rural Alliance
<b>Samantha Fogg</b> Co-President Seattle Council PTSA		Seattle Council PTSA
<b>Devon Kellogg</b> Volunteer WSPTA, Advocacy Committee	<b>Susan Baird-Joshi</b> Volunteer WSPTA	Washington State PTA
<b>Laura Peterson</b> Volunteer/Appointed Role WSPTA		Washington State PTA
<b>Brook Wilkerson</b> Director of Operational Supports	<b>Anders Lindgren</b> President	School Ops
<b>Preet Singh</b> Director of Health Services	<b>Jessica Sankey</b> Chief Operations Officer	Bellingham Public Schools
<b>Brian Buck</b> Executive Director of Support Services	<b>Kenny Johnson</b> Director of Maintenance & Operations	Lake Washington School District
<b>Kellie Lacey</b> Assistant Director of Human Resource	<b>Kelsey Greenough</b> Records Specialist	Richland School District
<b>Nicole Daltoso</b> Senior Director of Capital Facilities	<b>Theodore (Ted) Dehnke</b> Assistant Director of Maintenance	Evergreen Public Schools

**School Environmental Health and Safety Rule Project 2024 - 2025**

**TAC Membership**

MEMBER	ALTERNATE	REPRESENTING
<b>Brian Freeman</b> Superintendent		Inchelium School District
<b>Becky Doughty</b> Executive Director of School Support Services (Operations)	<b>Sandra Jarrad</b> Chief Communications Officer	Spokane Public Schools
<b>Jared Mason-Gere</b> Government Relations Staff	<b>Julie Salvi</b> Lobbyist/Government Relations	Washington Education Association
<b>Pam Schwartz</b> Assistant Superintendent	<b>Doug Rich</b> Superintendent	Washington State Catholic Conference
<b>Jake Cook</b> Public Advocate		Public

**School Rule Project Staff**

**Andrew Kamali**  
School Rule Project Manager

**Nina Helping**  
Policy Advisor

**Mary Baechler**  
Community Engagement Coordinator

**Marcus DeHart**  
Communications Consultant

**Crystal Ogle**  
Administrative Assistant

# GUIDANCE FOR SPEAKING WITH LANGUAGE INTERPRETATION

The Washington State Board of Health (Board) offers American Sign Language and Spanish interpretation during our regular public meetings. We do this as a part of our work towards increasing language access.

**We ask all speakers at Board meetings to follow this guidance to create an accessible meeting environment.** If you have any questions or need guidance for presenting, please contact Board staff for support.

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## WHAT TO EXPECT DURING A BOARD MEETING

- You will receive a simplified version of this document at your seat on the day of the Board meeting.
- Board staff or interpreters may give you cues to slow down your pace. The cues may include:
  - Raising a paddle sign to signal you to slow down.
  - Making a brief verbal interruption asking you to slow down.

## TIPS FOR SPEAKING AND PRESENTING DURING THE MEETING

We ask that you help us mitigate the need for interruptions by speaking at a comfortable pace. Our ASL and Spanish interpreters cannot deliver your message accurately if you speak too quickly.

- Take a breath after each sentence to give the interpreter time to deliver your message.
- If you are reading from a script, please be aware that you may read faster than you speak.
- To help the interpreters and audience identify you, state your name each time you begin talking.
- Wait until someone else finishes speaking before you speak. Interpreters can only choose one person to interpret at a time.
- Pause after introducing technical terms, proper nouns, dates, numbers, or figures to allow for interpretation.

## TIPS FOR TECHNICAL TERMS

- We recommend including a pause after introducing technical terms, proper nouns, dates, numbers, or figures.
  - Example: *“This briefing will discuss rulemaking around newborn screening for Ornithine Transcarbamylase Deficiency (OTCD) [pause for interpretation, wait for cue from interpreter to continue], Chapter 246-650 WAC [pause for interpretation, wait for cue from interpreter to continue].”*
- After you introduce technical terms or proper nouns use their acronyms for the remainder of the introduction.
  - Example: *“For the remainder of this discussion, I will refer to this condition as OTCD.”*
- If you are using visual materials (e.g., tables), incorporate descriptive language of the visual material.
  - Example: *“This is a table showing XXXX. And now, we’ll look at this part of the table...”*



# WASHINGTON STATE BOARD OF HEALTH

## Minutes for School Environmental Health and Safety Rule Project Technical Advisory Committee Meeting August 22, 2024

Hybrid Meeting  
ASL (or CART)  
Department of Health- Town Center East 2  
111 Israel Rd S.E.  
Tumwater, WA 98501  
Meeting Rooms: 166/167  
Virtual meeting: ZOOM Webinar

### Technical Advisory Committee members present:

#### In-Room Participants

Tammy Allison, Washington Association of School Business Officials  
David Hammond, Washington Association of School Administrators (WASA)  
Gina Yonts, Association of Washington School Principals  
Erin Hockaday, Benton Franklin Health District  
Jared Mason-Gere, Washington Education Association  
Brian Buck, Lake Washington School District  
Lauren Jenks, Washington State Department of Health  
Pam Schwartz, Washington State Catholic Conference/Catholic Schools  
Laurette Rasmussen, Whatcom County Health & Community Services  
Geoff Lawson, WAMOA and Auburn School District  
Suzie Hanson, Washington Federation of Independent Schools  
Nicole Daltoso, Evergreen Public Schools (Clark County)  
Tyler Muench, Office of Superintendent of Public Instruction (OSPI)  
Steve Main, Spokane Regional Health District  
Jeff Rogers, WAMOA and Auburn School District

#### Online Participants

Kellie Lacey, Richland School District  
Preet Singh, Bellingham Public School  
Becky Doughty, Spokane Public Schools  
Brook Wilkerson, School OPS  
Laura Peterson, Washington State PTA (reside in Everett School District)  
Samantha Fogg, Washington State PTA (Seattle Public Schools)  
Devon Kellogg, Washington State PTA (reside in Lake Washington SD)  
Jake Cook, Public Advocate  
Brian Freeman, Inchelum School District

### Technical Advisory Committee members absent:

Patty Hayes, RN, MSN, Chair  
Kate Espy, Board Member and Legislative Representative  
Kevin Jacka, The Rural Alliance

### **Technical Advisory Committee staff present:**

Andrew Kamali, School Rule Project Manager  
Nina Helpling, Policy Analyst  
Mary Baechler, Community Outreach Coordinator  
Marcus DeHart, Communications  
Anna Burns, Communications  
Heather Carawan, Communications  
Crystal Ogle, Administrative Assistant

### **Guests and other participants:**

Karen Langehough, FirstRule, Facilitator

Andrew Kamali, School Rule Project Manager, called the public meeting to order at 9:01 a.m. and read from a prepared statement (on file).

### **1. Welcome Video**

Andrew Kamali, School Rule Project Manager, opened the meeting with a video recording of Patty Hayes, TAC Chair welcoming the TAC members to their second meeting.

### **2. Review of August 1, 2024, Meeting Minutes**

Karen Langehough, Facilitator, asked TAC members to review the August 1 meeting minutes. Karen asked if there were any edits or corrections to the meeting minutes. There is no need for a vote of approval for the minutes.

Pam Schwartz, TAC member, received a request from Doug Rich, TAC member alternate, to add minority concerns to the meeting minutes.

TAC members agreed that minority concerns should be added to the minutes.

### **3. Meeting Objectives**

Karen Langehough, Facilitator, reviewed the TAC objectives for this meeting to ensure a shared understanding (presentation on file). Karen reviewed meeting objectives such as:

- The definitions discussed today will apply to the entire rule. The TAC will talk broadly about definitions today and agree on general terms. As we move forward through future language we will work on additional definitions.
- The TAC will discuss the appeal and complaint process. TAC members will brainstorm but not make any formal decisions on the complaint process today.

After discussing the meeting objectives, Karen reviewed additional items such as:

- The timeline for the School Rule Project. The goal is to develop language by the end of the TAC meetings in December.
- When the meetings conclude in December, we will continue to update TAC members on the process. After gaining feedback on the proposed language, the TAC will meet to review the feedback.
- The TAC charter agreement (on file). Karen highlighted TAC Member Cooks recommendation to add the first-to-five voting options on the name tents for members in person. For those online, we encourage you to pull up the first-to-five one-pager from the August 1 meeting.

- Fist-to-five voting (on file). A majority of three and above achieves consensus. For those who vote two and below, we will discuss the issues, make edits if necessary, and then vote again.

#### 4. Introductions

Karen Langehough, Facilitator asked TAC members to introduce themselves. Each TAC member, online and in-person, introduced themselves and their organization and answered the icebreaker question.

#### 5. Board Authority and Rule Scope

Karen Langehough, Facilitator, reviewed the State Board of Health's (Board) authority around rulemaking and what is in and out of the scope of the School Environmental Health and Safety rule. Karen highlighted that the Board's authority is over the physical environment in the school and the adoption of rules for the prevention of infectious and non-infectious diseases (on file).

Karen then opened it up for discussion and questions for the TAC members.

- Devon Kellog, TAC member: Are early learning standards for daycares out of scope?
- Andrew Kamali, School Rule Project Manager: Yes, other Washington Administrative Codes (WACs) cover early learning pieces. Based on the most recent Revised Code of Washington (RCW), we coordinate with partners to understand that scope. Our scope is kindergarten through 12-grade (K-12) school facilities.
- Samantha Fogg, TAC member: Regarding safety drills being out of our scope. Are accessible alarm systems in our scope?
- Andrew Kamali: Probably out of our scope.
- Member Fogg: Alarm systems in schools may not be accessible, lack of signals that are accessible, failure across the state.
- Tyler Muench, TAC member: That might be a building code issue. This is a great point. Will check and come back.
- Pam Schwartz, TAC member: There is an amended WAC on early learning that does include pre-school – p. 8 / applicability.
- Andrew Kamali: Clarified that if a preschool is not at a K-12 facility, our rules do not apply. If located at K-12, then our rules apply to the facility.
- Member Fogg: What about transition services facilities up to age 22? It may be in the same building, or in a different building, owned by a school.
- Karen Langehough clarified that the meeting would put a hold on transition services for language discussion. Karen discussed that some pieces about lead are under a different WAC and that if there are things that we come up with that should be addressed and are not in our scope, we will add to the “parking lot.”
- Andrew Kamali: Clarified the difference between RCWs and WACs; RCW is the law and WAC is the rule. Andrew said that WACs are under title 246, the Department of Health, in our case, we are using a new chapter, which will be Chapter 370.

#### 6. Language: Purpose

Karen Langehough, Facilitator, reviewed the anatomy of the Washington Administrative Code (WAC) and introduced the topic of reviewing the purpose of the proposed rule

section. Karen introduced the recommended language and opened it up for discussion among Technical Advisory Committee members:

### Proposed Language

*(1) The purpose of this chapter is to set minimum health and safety standards for school facilities operated for the primary purpose of providing education at the K-12 levels.*

- Laurette Rasmussen, TAC member: Why take out the word “environmental”?
- Karen Langehough: Is that important to you to have that in there?
- Member Rasmussen: Yes, it is important.
- Jake Cook, TAC member: Yes, I agree that environmental should be there, as safety is a completely different thing; environmental narrows that down.
- Tammy Allison, TAC member: Are we going to remove the 366 language and replace it with 370?
- Karen Langehough: Yes, that is the short answer.
- Andrew Kamali: To clarify we are creating new rules; this will replace all existing school environmental health and safety rules.
- Lauren Jenks, TAC member: What is striking me about the purpose is that this is focused on the facilities, which does assume the environment. Remembering our last meeting, that sense of purpose each of us had, that kids can learn.
- Karen Langehough: Lauren, is that a recommendation to add?
- Member Jenks: How do we know that we are at minimum standard—that kids are healthy and safe enough to learn. How do I know that I have hit that minimum standard? Before I make an actual recommendation, interested in feedback and discussion on this.
- Member Muench: I assume the purpose of this meeting is to create the best rules possible, rather than rules that might be quickly implemented. I notice we are removing the exemption, (reads the exemption 246, 366, until legislative action allows for partial implementation for this chapter). I understand why that needs to happen, if we are trying to do something we can implement. This can cause significant problems for a lot of stakeholders. Are we trying to talk about political ramifications? I’m guessing not, I want to help you pass rules quickly that will improve health outcomes for kids. Thank you.
- Andrew Kamali: That section and 246-366 was added because of the proviso put in place 14 years ago. We don’t want to include that kind of language in 370. As we move through this and we create effective minimum health and safety standards, that the Legislature will implement them. That’s why we don’t have that kind of language in this proposal.
- Karen Langehough: We’ve discussed the term facilities, specifically, and whether environment needs to be included, and discussion about the purpose, and the purpose of environment in supporting learning.
- Karen Langehough: Discussed more how to use the QR code. There are going to be multiple rounds. As we get more comfortable it will go faster. We have a first poll for you, a first vote. If you will use the QR code to get to the first voting. First vote, a “fist to 5” to use language as it is. So, you are responding to the language as it is. If you are looking for modifications, use for a 2. Any questions about how to respond to this first poll or vote?

- Devon Kellogg, TAC member: Broader than this purpose Part 1; concerns about funding aspects. Concern about the costs; where will that be addressed? I can envision a strong feeling about including something, and then concern about the cost.
- Karen Langehough: Fundamentally, the responsibility to fund the rules does not lie within this committee. It is a part of the equation. When we move into more specific rules, there will be a financial assessment process, and information will be brought back to this group as it develops. Andrew, can you speak about the financial component more effectively for me?
- Andrew Kamali: The financial piece is not in our purview. We must focus on here is developing those minimum health and safety standards. We will do that fiscal analysis in collaboration with the Office of Superintendent and Public Instruction (OSPI), with industry to determine what those costs are going to look like to implement them; that responsibility to fund lies solely with the Legislature.
- Suzie Hanson, TAC member: If the full funding is required to implement these set minimums implemented in a school building, then wouldn't it be all school buildings are funded for these, or if you're not funded then you are not in them?
- Karen Langehough: Is that a level of nuance that we would get to in Applicability and Definitions?
- Andrew Kamali: There are two provisos. The proviso that brought this group together; there is a proviso that is preventing new rules until it is funded.
- Member Schwartz: It's hard to agree without knowing if what we propose is not funded for private schools. Hard to vote if don't know what it means down the road. We don't have funding. If the Legislature looks at funding, will private schools be included?
- Andrew Kamali: If the Legislature funds, it's up to elected officials. Can't compel Legislature to fund anything.
- Member Schwartz: Funding puts an added burden on families using private schools.
- Karen Langehough: We acknowledge we will be voting before we have a price tag. When we have that, we will be able to revisit.
- Member Hanson: That puts an extra weight on the word minimum as the TAC walks through decisions.
- Member Jenks: The rules have always said minimum; it doesn't mean cheaper; it means what is the minimum standard to keep kids healthy and safe so they can learn. Can be difficult if requiring a specific temperature means a new HVAC system for a school.
- Member Hanson: Same thing on the difference between 78 to 80 degrees. Have to consider both the degree to which students feel the difference against whether it is cost-prohibitive for a school to comply.
- Andrew Kamali: Quick reminder: Please say your name; also, members of the public please don't vote, that's why we will ask your name so only the TAC members vote. We will have a range of costs that shows best-case, to worst-case scenario.
- Karen Langehough: Any questions before we vote?

TAC members voted through a QR code and online meeting poll for language as is.

- Member Jenks: I accidently voted twice.

## Voting Results

Fist	1	2	3	4	5
0	1	6	5	9	3

- Karen Langehough: Consensus of three and above for language as is. Asking for concerns from ones and twos.
- Member Cook: My major concern is that “safety” could be a huge door. Health could be chicken cooking temp. Safety could be a school resource officer. The language is not defined clearly.
- Karen Langehough: Is the absence of “environmental” the concern?
- Member Cook: Yes.
- Karen Langehough: Do we want to go back to the slide we are live editing. Would like to hear from ones and twos.
- Member Fogg: I notice that we have a change to specify K-12. Our public schools go up to age 22. I want to make sure we are not creating lower standards for disabled students who may be in a different building for transition services. I suggest K-12 and transition students or go back to schools.
- Kellie Lacey, TAC member: It’s important to include the word “environmental.” It focuses on scope.
- Erin Hockaday, TAC member: Applicability, would not supersede other standards.
- Member Allison: When it says grade 12, are transitional students considered in grade 12?
- Andrew Kamali: I think they are considered 12 plus?
- Nicole Daltoso, TAC member: That is what we do at our schools. Transitional students are still included in the count of K-12 portion but they have their own graduation ceremony.
- Karen Langehough: Getting into that level.
- Andrew Kamali: I suggest adding “environmental,” making the purpose more general.
- Member Hockaday: I agree. As written now, applicability is to the facility.
- Member Jenks: Changes from three to two.

School Rule Project staff inserted the word “environmental.”

- Member Fogg: If a facility is owned by a school district, serving transition services only is that considered K-12? Is a building owned by school district included?
- Karen Langehough: We will have that language in another section.
- Member Fogg: I’m still stuck on using K-12 rather than “schools,” in the Purpose. Suggesting including transitional.
- Andrew Kamali: Agree with what Samantha shared. Suggested wording facilities with primary purpose education. We would exclude bus farms, for example, which are not in our purview.
- Brian Buck, TAC member: Not in favor of striking K-12. Want to ensure the scope excludes preschools.
- Member Cook: I agree with Andrew, about removing K-12.
- Andrew Kamali: Actual types at schools/programs will be defined in the definition.

- Member Allison: Suggests definition of K-12 to include transitional.
- Karen Langehough: We can cover that in applicability.
- Member Jenks: Kid-centered language would be good in the Purpose.
- Member Hockaday: If we added more human-sided purpose, that would be more consistent.
- Member Kellogg: Could we clarify kindergarten through high school graduation?
- Andrew Kamali: If we keep this purpose section more generic, we can set the tone and define who it applies to (for example: what is a school?) in the definition section.
- Member Kellogg: Does environmental include siting?
- Karen Langehough: We'll add to the parking lot. Vote on revised Purpose language.

## Revised Language (draft 2)

*(1) The purpose of this chapter is to set minimum environmental health and safety standards for school facilities operated for the primary purpose of providing education to K through 12 grade and transitional students.*

TAC members voted through a QR code and online meeting poll.

## Voting Results

Fist	1	2	3	4	5
0	0	6	9	7	2

- Member Hanson: Suggest defining early learning, K-12. Back and forth does not help understand. Take it out. It is not clear when I read this. Who are we talking about?
- Member Muench: For example, a bus driver was assaulted in Yakima. The Legislature made a rule that no one above age 19 could enter bus. That created other problems. Suggested language: "All students using K-12 system."
- Member Fogg: Yes. Anything that acknowledges anyone using the school system, including transition. Rather have a broader purpose. Nail it down in definitions.
- Karen Langehough: Should we add K-12 and transitional?
- Member Hockaday: We are getting too specific here. They prefer a more generic version.
- Gina Yonts, TAC member: Suggests using inclusive.
- Member Cook: When we add definers on inclusive, we limit it.
- Member Hanson: Let's vote without inclusion.

## Revised Language (draft 3)

*(1) The purpose of this chapter is to set minimum environmental health and safety standards for school facilities operated for the primary purpose of providing education.*

TAC members voted through a QR code and online meeting poll.

## Voting Results

Fist	1	2	3	4	5
0	0	4	4	7	8

- Karen Langehough: We have a consensus.

The Committee took a break at 10:50 a.m. and reconvened at 11:00 a.m.

### 7. Language: Applicability

Karen Langehough, Facilitator, discussed developing Applicability and that in the proposed language, this applies to all facilities for the primary purpose of K-12. Karen notes that we just struck that (referring to K-12).

Section 1 – Applicability section one (exclusions):

#### Proposed Language

*(1) Chapter 246-370 WAC applies to all school facilities operated for the primary purpose of providing education, except:*

- Member Schwartz: Consider defining it as public or private.
- Member Daltoso: Are we to assume that this would not include other leases?
- Andrew Kamali: If for education and leased by the district, it's important to include it, regardless of whether it is owned or not. If the primary purpose is K-12 education, rules would apply.
- Laura Peterson, TAC member: If a private facility is leased and used for other purposes as well, is it under our rules? I thought we are trying to stay away from that.
- Karen Langehough: If the primary purpose of the facility is education, it would apply. We can address others, like a hospital, in exclusions.
- Member Buck: We have a skill center at a technical college. I assume it would be excluded.
- Steve Main, TAC member: We have several private schools that lease in a church, for example. The primary purpose may be different, but education is going on. We currently inspect those.
- Karen Langehough: If the primary purpose is not education, it will be excluded.
- Member Main: There is formalized instruction, but the building is used for something else. We want to make sure these are not exceptions to the rule.
- Karen Langehough: As these are minimum requirements, standard, that does not prevent you from going above and beyond.
- Andrew Kamali: The phrase "a primary purpose" is nuanced. If a section of a church is a school, it would apply to that section only. These school rules would apply to the area with the primary purpose being a school.
- Member Main: That is how we inspect as well. We have several small private schools subleasing rooms. We perform inspections of those classrooms used for instruction.



- Member Fogg: When we define primary purpose, is that based on time or the building as a whole—or as Steve pointed out, specific areas of a building used for education? Is it how many hours in a day, or how many hours in activity?
- Member Hanson: I appreciate the comment about the church. We require inspection, hoping we would be giving those kids the same standards.
- Member Hockaday: Any cross reference of state license, or definition of business.
- Karen Langehough: I will take note of that for the parking lot.
- Andrew Kamali: Private schools are regulated by the State Board of Education. We define a school using or registered with the State Board of Education, then subject to their rules.
- Member Jenks: I agree with where we are.
- Karen Langehough: Modify screen, all public and private facilities,
- Member Fogg: We have K-12 here, do we want to exclude preschool or define K-12 late?
- Karen Langehough: Says K-12.
- Member Schwartz: Struggling, we don't have the funding piece.
- Andrew Kamali: If these are funded tomorrow, applies regardless of funding. We can't compel the Legislature to supply funding, but we will have the opportunity to review. I think we need to prioritize health and safety; our primary focus is minimum health and safety standards.
- Member Schwartz: I agree. I have to consider how I respond when they ask how did you vote on this?
- Member Kellogg: Looking through the early learning, where is preschool going to be covered?
- Karen Langehough: These rules don't apply to all pre-kindergarten facilities. Other rules apply, for the facility transition.
- Andrew Kamali: I can also follow up with the Department of Children, Youth, and Families (DCYF), to learn more.
- Member Buck: I think it is important to include school facilities, otherwise Taekwondo.
- Member Daltoso: Haven't we already defined it in the purpose?
- Andrew Kamali: Simpler is better.
- Member Hanson: I would also say be consistent.
- Member Muench: They use school facilities in public Washington Administrative Codes (WAC).
- Andrew Kamali: We borrowed.

TAC members voted through a QR code and online meeting poll.

### Voting Results:

Fist	1	2	3	4	5
0	0	0	5	10	7

- Karen Langehough: We have a consensus.

## Section(1)(a) – Private residences

### Proposed Language

(1)(a) Private residences used for home-based instruction as defined by RCW 28A.225.010(4);

- Member Hanson: We don't have anyone from the Home School organization here. Homeschooling has changed, and they often use facilities outside the home.
- Member Cook: For homeschooling, they might meet at a different facility for a topic. Any way to use home-based instruction that homeschoolers utilize.
- Karen Langehough: Is it that any home-based location is exempt from these rules?
- Member Cook: Yes.
- Karen Langehough: That primary-based purpose defines.
- Member Cook: Should not include the space.
- Karen Langehough: This is based on space.
- Member Cook: If we leave it primary residence as an exemption, we are opening up homeschoolers to have other locations under the purview of this WAC. I suggest that home-based instruction is exempt.
- Member Hockaday: Respectfully disagree with removing private residences. We have some facilities for the primary purpose of facility of education that should be included.
- Member Fogg: I am in favor of leaving as is. If a student is going to a space, and the space primarily for education, would want it to meet these standards. Sometimes school districts have sites used by homeschoolers. Places students go should be safe.
- Member Main: I'm going to echo what Erin said. We have several facilities used by home-based instruction—I strongly prefer we maintain language as it is.
- Member Cook: We could add something having to do with the school component. If we nail it down to private residences, there will be an incidence where there is a homeschool family where whatever facility they're using – if it's not school related - will stop allowing them to be used because they don't want to be beholden to this WAC. Could we say "home-based instruction not occurring on school facilities is exempt"?
- Andrew Kamali: Primary facilities using tutoring, their primary purpose is not education, not sure that situation exists.
- Member Hockaday: We have a site like that. Home school students go to study.
- Andrew Kamali: I would be a little concerned if they are providing instruction to multiple students. It could be covered in subsection B or tutoring, Section C.
- Member Jenks: I think we intend to exclude things like libraries, and museums.
- Karen Langehough: We are ready to vote.

TAC members voted through a QR code and online meeting poll.

### Voting Results

Fist	1	2	3	4	5
0	0	0	3	7	11

- Karen Langehough: We have a consensus.

## Section(1)(b) – Other facilities

### Proposed Language

*(b) Facilities hosting educational programs where educational instruction is not a primary purpose, including, but not limited to, detention centers, jails, hospitals, mental health units, or long-term care facilities;*

- Member Hanson: Clarifying that we are saying places like hospitals and jails are covered by other rules, not that they should have no rules.
- Member Fogg: There may be rooms within a facility but some rooms are specific for education. For example, Seattle Children’s Hospital has a room for education in the hospital.
- Andrew Kamali: The health and safety requirements for hospitals are beyond what we require. Our minimum standards would be met and surpassed if it were in a hospital facility.
- Member Fogg: Is that true for jails?
- Karen Langehough: Out of the scope of what we are addressing.
- Member Jenks: I would say they’re just different. We haven’t written our rules yet, so we can’t say they surpass our rules. They’re just different facilities with different expectations.
- Member Kellogg: What about examples of where a church is hosting?
- Member Hanson: If approved, it needs to be inspected.
- Member Cook: It might behoove us to include private facilities, like a pottery shop. Not allowing for private facilities exempt.
- Karen Langehough: We should keep definitions in the definition’s sections, like facilities definition.
- Member Cook: We do not have a definition of a facility. Current definitions do not define the private side of facilities.
- Andrew Kamali: In a later section, we will use the definitions of schools and licensed private schools. I don’t know that we can list every facility type of exemption.
- Member Hockaday: If not defined, we need to be cautious about being too wordy.

TAC members voted through a QR code and online meeting poll.

### Voting Results

Fist	1	2	3	4	5
0	0	0	3	9	10

- Karen Langehough: We have consensus.

## Section(1)(c) – Tutoring facilities

### Proposed Language

| (c) *Private facilities where tutoring is the primary purpose;*

- Member Allison: What if it's solely a tutoring facility?
- Andrew Kamali: If solely a tutoring facility?
- Member Schwartz: My question too. I'm curious if this is about tutoring facilities or one-on-one tutoring.
- Member Hanson: Private schools are not required to be there either. Students typically are in and out. I don't know how businesses like Sylvan are set up. I would not add things just to add things.
- Member Hockaday: I agree with Suzie. Maybe this is where we would define tutoring.
- Andrew Kamali: A tutoring center does not fulfill any mandatory requirements.

TAC members voted through a QR code and online meeting poll.

### Voting Results

Fist	1	2	3	4	5
0	0	0	0	12	9

- Karen Langehough: We have a consensus.

## Section(1)(d) – Secondary Schools

### Voting Results

| (d) *Public or private post-secondary education facilities providing instruction to students primarily enrolled in secondary school; and*

- Member Hanson: Is this section duplicative?
- Member Daltoso: This covers programs like running start and students at a post-secondary school.

TAC members voted through a QR code and online meeting poll.

### Voting Results

Fist	1	2	3	4	5
0	0	0	3	8	10

- Karen Langehough: We have a consensus.

## Section(1)(e) – Tribal Compact

### Proposed Language

*(e) State-Tribal education compact schools as defined by RCW 28A.715, State-Tribal Education Compacts Authority.*

- Member Muench: I support this fully.
- Andrew Kamali: It explains about Sovereign Tribal schools.
- Member Hanson: Are they funded?
- Member Muench: There is a 65-year backlog of progress for Bureau of Indian Education (BIE) schools and the politics that go with it. The state has given them some resources since 2020. Office of Superintendent of Public Instruction (OSPI) and a few others asked to fund them. We are picking up where the federal government left off.
- Brian Freeman, TAC member: Some Tribes are treaty Tribes. Some have assurance of education. Some Tribes like Colville do not have the same rights because of Presidential or Congressional action. The main point is they are Sovereign Nations. It is clear we must accept this.
- Andrew Kamali: We wish we could offer more funding to Tribal compact schools for environmental health safety.

TAC members voted through a QR code and online meeting poll.

### Voting Results

Fist	1	2	3	4	5
0	0	0	1	2	18

- Karen Langehough: We have a consensus.
- Member Kellogg: I feel that I had not looked into Tribal education enough before I voted.
- Karen Langehough: It's not within our purview. Our vote is an exercise. We cannot change impacting those schools. Also, when we get financial information, we will come back to review it.
- Member Kellogg: If there are no options.
- Andrew Kamali: The State-Tribal Education Compact Schools (STEC) are run by sovereign nations. They do have health and safety rules. For example, the Affiliated Tribes for Northwest Indian, or other Native organizations provide rules and inspections.
- Member Kellogg: These are not in the previous WACs.
- Andrew Kamali: They are new.
- Member Freeman: On the Colville reservation there are two flagpoles. We have a flagpole with the U.S. flag, a state flag, and then a separate flagpole for the Tribe. It is not a subsidiary of the U.S. or state; it is a Sovereign Nation. Just like Canada is a Sovereign Nation.
- Karen Langehough: We can talk about Sovereign Nations at another time.
- Member Kellogg: My concern is that students should not be excluded.

The Committee took a break at 12:20 p.m. and reconvened at 12:50 p.m.

## Section (2) – Applicability additional rules

### Proposed Language

*(2) Additional environmental health and safety rules that apply to school facilities include, but are not limited to:*

- Karen Langehough: Read through the section. We are going to be voting on it piece by piece. We are going to discuss each one, Option one, as is, Option two, as is, Option two with edits.
- Jeff Rogers, TAC member: Question about water systems. I feel this should not be included. Where do we stop this?
- Member Jenks: Lead and water are unique to schools, if the school is running a water system, they have that responsibility. Can have to do with location, the only thing that is additional for schools is lead.
- Andrew Kamali: Noted we are focused on the applicability section, we can discuss subsections later.
- Member Freeman: We also had copper.

TAC members are voting through a QR code and online meeting poll.

### Voting Results

Fist	1	2	3	4	5
0	0	1	1	5	14

- Karen Langehough: We have a consensus.

## Section (2) Food Safety

### Proposed Language

#### Option 1

- (a) Chapter 246-215 WAC Food services;*
- (b) Chapter 246-217 WAC Food worker cards;*

#### Option 2

- (a) Facility and equipment sanitation, food preparation, food storage, and food temperature control must follow the requirements of chapter 246-215 WAC, Food Service.*
- (b) Food Service employees, including contracted staff, must maintain a current food worker card per chapter 246-217 WAC, Food Worker Cards.*

- Member Hockaday: I have concerns about “food service employees,” Sometimes there are students or parent volunteers; is that captured? Suggested language for food service worker rather than employee, consistent with 217.
- Jared Mason, TAC member: Is there a benefit to using the simpler option?

- Andrew Kamali: Explained using shorter language (option one) in case the reference WACs change. But the State Board of Health may prefer the other language with more context.
- Member Daltoso: As a reviewer of the WACs, agrees with Andrew that more context guides further research.
- Member Rogers: Why are there only eight items? Shouldn't there be an indefinite number of items that Environmental Health and Safety would apply to, like asbestos and other critical items?
- Andrew Kamali: That is why we say, "not limited to." Schools may have pools, public water supplies, these may be part of the school realm. The items here are some of the most critical.
- Member Jenks: What else is missing? What's top of mind for you?
- Member Rogers: Ongoing improvements are missing. Are your new buildings asbestos-free? The other item is athletics, but it does tie into your recreational items.
- Andrew Kamali: There are rules for new construction. Those rules already address asbestos. A lot of these rules apply to existing structures. It might not be covered here since it's covered under different rules.
- Karen Langehough: Explained the voting for vote options.

TAC members voted through a QR code and online meeting poll.

### Voting Results

Option	Fist	1	2	3	4	5
1 As Is	3		4		4	3
1 Edits	3		3	4	2	1
2 As Is	1		3	3	5	2
2 Edits	1		3	3	8	5

- Member Allison: No specific language but want to recommend alignment with edits.
- Karen Langehough: Any concerns with going with option two, making sure language aligns with WACs.
- Member Peterson: We need to make sure that student and parent volunteers are covered and aligned.
- Andrew Kamali: Option one is aligned; Option two can say food service workers.
- Karen Langehough: We have a consensus on edits to option two with edits.

### Section (2) Aquatic Center

#### Proposed Language

*(c) Aquatic centers located inside of school facility buildings must follow the requirements of chapters 246-260 WAC, Water Recreational Facilities, and 246-262 WAC, Recreational Water Contact Facilities.*

- Karen Langehough: We have two options here. Option one references the WAC.
- Member Buck: Is it necessary to even look at option one, since we have two already set up?

- Member Cook: With edits, does this include aligning with WACs as standard practice?

School rule staff removed option one from the remaining sections slides under Section(2).

TAC members are voted through a QR code and online meeting poll.

### Voting Results

Fist	1	2	3	4	5
0	0	1	0	12	7

- Karen Langehough: We have a consensus.
- Member Yonts: Are only covered pools covered?
- Andrew Kamali: No.
- Member Hanson: Not on topic, what about residential international students? It might be helpful to have inspectors be able to inspect.
- Andrew Kamali: We have schools for the deaf or blind. We're still working through it and will put in the parking lot.

### Section (2) Sewer

#### Proposed Language

- (d) Supply sewer and liquid waste disposal that:
  - (i) Is connected to a municipal sewage disposal system according to chapter 173-420 WAC, if available; or
  - (ii) Is connected to an on-site sewage disposal system designed, constructed, and maintained as required by chapters 246-272A and 246-272B, and local ordinances.

TAC members are voting through a QR code and online meeting poll.

### Voting Results

Fist	1	2	3	4	5
0	0	0	0	9	12

- Karen Langehough: We have a consensus.
- Member Hanson: I'm relying on members to say if there are complaints about this.
- Andrew Kamali: Any local health folks present?
- Member Hockaday: Explained water from a well for schools (Group A and Group B). Only a few of those are in their county. These rules are far more protective than what we have today.
- Member Rasmussen: No requirement for wells, really concerned.
- Andrew Kamali: We can't discuss requirements for group B. We can discuss this when we come to water quality in November.
- Karen Langehough: We can capture that topic, so we don't forget. How many schools are on these systems?
- Andrew Kamali: I don't think we know.



- Member Muench: I will be looking.
- Member Rogers: In Tacoma, we have one school with a well.
- Member Yonts: What is the difference between Group A and Group B?
- Member Rasmussen: Explained what that involves.
- Andrew Kamali: Group B includes really small places with not a lot of people.
- Member Rasmussen: Yes. Group B is six homes, for example. They must test at the beginning, but not later.
- Member Hanson: We need to find out how many people we are impacting.
- Member Hockaday: It may sound like we are adding more testing. But it's under the Department of Health and local health departments.
- Andrew Kamali: The Office of Drinking Water confirmed a very low number.

## Section (2) – Water Supply

### Proposed Language

- (e) Meet the provisions of chapter 246-290 WAC, Group A public water supplies or chapter 246-291 WAC, Group B public water systems;*
- (f) Meet the requirements of the uniform plumbing code outlined in chapter 51-56 WAC;*
- (g) Follow the lead in drinking water requirements in RCW 43.70.830 through 43.70.845 if the facility was built or the plumbing was replaced before 2016;*

TAC members voted through a QR code and online meeting poll.

### Voting Results

Fist	1	2	3	4	5
0	0	1	3	11	6

- Karen Langehough: We have a consensus.

## Section (2)(h) – Additional Water Supply

### Proposed Language

- (h) Have vacuum breakers or backflow prevention devices installed on hose bibs and supply nozzles used to connect hoses or tubing to housekeeping sinks;*

TAC members voted through a QR code and online meeting poll.

### Voting Results

Fist	1	2	3	4	5
0	0	1	1	11	10

- Karen Langehough: We have a consensus.

## Section (2)(i) – Additional Water Supply

### Proposed Language

*Have signs on all accessible non-potable water supplies that:*

*(A) Read “DO NOT DRINK. DO NOT USE FOR WASHING. DO NOT USE FOR PREPARING FOOD.”;*

*(B) Are printed in English and in the primary languages spoken by the individuals attending the school; and*

*(C) Are marked with easily understood pictures or symbols.*

- Member Hockaday: Does signage apply to irrigation sprinklers on recreational fields?
- Andrew Kamali: That would be difficult to enforce.
- Member Hockaday: It's important to update languages in a timely manner. How might we set expectations?
- Andrew Kamali: That falls into a complaint. We cannot implement with all languages.
- Member Rogers: For science labs, the teacher addresses at the beginning of the year. Focuses back to the educators themselves.
- Member Daltoso: I agree with that. The district must show a good faith effort; that is where the good faith effort comes in.
- Member Hockaday: Must demonstrate that they are working on getting the language.
- Member Buck: Are all irrigation systems non-potable water? A field has 40 sprinkler heads, around the field. Where do we put signage?
- Andrew Kamali: Placement that is visible for people who are using the space. Needs to be visible. Part of best effort. Schools could work with local health jurisdictions.
- Member Cook: Are we providing the schools with funding to implement this? Schools may have thousands of outlets. Are we signing them up to pay more money?
- Member Hockaday: I tend to agree with Brian's comment. What purpose is this going to be for? Suggests clarifying anything that can be confused with a drinking water source.
- Member Daltoso: It's huge when it is drinking water. The signs do not have to be fancy if they fulfill the intent. One other thing, we have sinks in classrooms used for handwashing.
- Member Hockaday: There's a big difference between lead and bacteria.
- Member Buck: What system are we talking about?
- Andrew Kamali: I think this per fixture, because of the lead issues.
- Member Buck: We don't test all fixtures—only those for drinking water.
- Member Rasmussen: This may not be about lead—that is covered. This is more likely about faucets in chemistry labs that introduce chemical hazards.
- Member Buck: I'm concerned we are adding additional language to the lead legislation.
- Member Jenks: Is this a new or an existing rule?
- Nina Helpling, Policy Advisor: It says it is an existing rule.
- Member Buck: I just want to make sure that we don't have to put additional signage on irrigation systems. Could be looking at a lot of money.
- Member Jenks: This is just a reference to something that should already exist.

- Nina Helpling: I will double-check where it came from.
- Andrew Kamali: We will get the WAC this came from and can talk about it more in the water quality section.

Voting on this sub-section did not take place. The committee will vote when they get more information about the source of the rule.

### Section (3) – Will not replace or supersede Title 296 WAC

#### Proposed Language

*(3) These rules are not intended to replace or supersede the department of labor and industries' authority and jurisdiction under Title 296 WAC over employee safety and health.*

- Member Rogers: This is focused on the staff. OSPI is focused on the children.

TAC members voted through a QR code and online meeting poll.

#### Voting Results

Fist	1	2	3	4	5
0	0	0	4	6	11

- Karen Langehough: We have a consensus.

### Section(4) – Will not replace or supersede Title 51 WAC

#### Proposed Language

*(4) These rules are not intended to replace building code council requirements under Title 51 WAC. In the event this chapter is more stringent to protect health and safety it may supersede Title 51 WAC.*

- Member Cook: Should we change from “may not” to “will not” supersede?
- Member Jenks: These rules can supersede.
- Member Kellogg: I would have problems with that.
- Andrew Kamali: We wrote it this way because this chapter may be more stringent than Title 51 WAC. We would only supersede in specific occasions. We don't want to lower their requirements if Title 51 WAC becomes stricter. In the event this chapter is more stringent to protect, it may supersede Title 51.
- Member Kellogg: Clarifying the use of words like may or shall.
- Andrew Kamali: After we draft the language, the Attorney General will review it and will say if it should be may or shall.

TAC members voted through a QR code and online meeting poll.

#### Voting Results

Fist	1	2	3	4	5
0	2	0	2	14	4

- Karen Langehough: We have a consensus. What are the concerns of members who voted one?
- Member Kellogg: My concerns have already been expressed.

Section(5) chapter 246-366 WAC still effective until 370 adopted

### Proposed Language

*(5) If the local permitting jurisdiction received a complete building permit application for school construction before the effective date of any construction-related requirements of this chapter, the construction-related requirements of chapter 246-366 WAC and this chapter in effect at the time of application apply unless otherwise specified in this chapter.*

- Andrew Kamali: If a district gets construction approved before this rule is adopted, the existing WAC applies.
- Member Hockaday: HVAC. Add a line unless otherwise specified.
- Andrew Kamali: Agreed.
- Member Muench: I'm concerned that gives them pause, because that gives no assurance for schools doing construction.
- Member Cook: Unless otherwise specified in this chapter.

TAC members voted through a QR code and online meeting poll.

### Voting Results

Fist	1	2	3	4	5
0	0	0	4	11	7

- Karen Langehough: We have a consensus.

Due to time constraints, agenda items 8 through 10 will be addressed in the next TAC meeting on September 17, 2024.

### 11. Open Discussion and Questions

Karen Langehough, Facilitator, requested feedback from TAC members on this process.

- Member Allison: I think a lot of the wordsmithing should be done offline.
- Member Hanson: I appreciate what Tammy is saying.
- Member Daltoso: Everything we did today, do we get to review?
- Andrew Kamali: Yes. Also, it goes through the Attorney General. You will get to see it more than once.
- Member Peterson: The QR code for voting is awesome. I'm just annoyed to have to enter my name each time.
- Member Lacey: My smartphone kept opening tabs for each vote, which slowed it down. I closed the tabs after each vote, and it went faster.

- Karen Langehough: We ask for names to ensure only the TAC members vote. We could put a number in instead of a name.
- Member Hanson: I just used my initials.

## 12. Next Steps

Andrew Kamali, School Rule Project Manager discussed the next Technical Advisory Committee (TAC). The TAC will meet on September 17 at the Angel of Winds Casino in Arlington. Andrew requested TAC members to reach out to the School Rule team for their statewide vendor number for any reimbursement.

## ADJOURNMENT

Andrew Kamali, School Rule Project Manager adjourned the meeting at 2:38 p.m.

WASHINGTON STATE BOARD OF HEALTH

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Patty Hayes, Chair

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## School Environmental Health and Safety Rule Project 2024 - 2025

### Technical Advisory Committee (TAC) Charter

**Start Date:** August 1, 2024

**End Date:** June 30, 2025

**Members:** See TAC Membership Addendum A

### Objective

To review and update the rule for school environmental health and safety. The State Board of Health (Board) and the Department of Health (Department) shall conduct the review with a multi-disciplinary technical advisory committee (TAC). The proposed new rule shall establish the minimum statewide health and safety standards for schools. The TAC will help the Board consider the size of school districts, regional cost differences, the age of the schools, the feasibility of implementing the proposed rule by section or subject area, and any other variables that may affect the implementation of the rule.

### Team Expectations

We will:

- Be respectful of all perspectives and opinions.
- Communicate openly and respectfully, disagree without being disagreeable.
- Assume positive intent and ask for clarification.
- Share the air—allow everyone to share insights, one person speaking at a time.
- Ask questions and seek to understand.
- Be on time for meetings and calls.
- Be present and actively participate (no multitasking during meetings).
- Be efficient with our meeting time.
- Meet deadlines and commitments.
- Support the final decisions of the TAC.
- Stay focused on the goals and objectives of the committee.

### Decision Making

- The committee will use Fist to Five and Ranked Choice Voting to make decisions.
- Primary or Alternate member voting: Both may attend, but the Primary speaks and votes. The alternate only speaks and votes when Primary is not in attendance.

### Information Sharing

Board Project Team will:

- Email meeting materials 72 hours before the scheduled meeting
- Email updates and notices to TAC members and designated alternates
- Post information on [2024-2025 School Rule Review Project | SBOH \(wa.gov\)](https://sboh.wa.gov/rulemaking/agency-rules-and-activity/2024-2025-school-rule-review-project)[1] to keep the public informed.

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[1] <https://sboh.wa.gov/rulemaking/agency-rules-and-activity/2024-2025-school-rule-review-project>

## School Environmental Health and Safety Rule Project 2024 - 2025

### Reference Materials

- [Chapter 246-366 WAC\[2\]](#) Primary and Secondary Schools
- [Chapter 246-366A WAC\[3\]](#) Environmental Health and Safety Standards for Primary and Secondary Schools
- [Chapter 296-800 WAC\[4\]](#) Safety and Health Core Rules
- [Title 110 WAC\[5\]](#) Children, Youth, and Families, Department of

### TAC Timeline

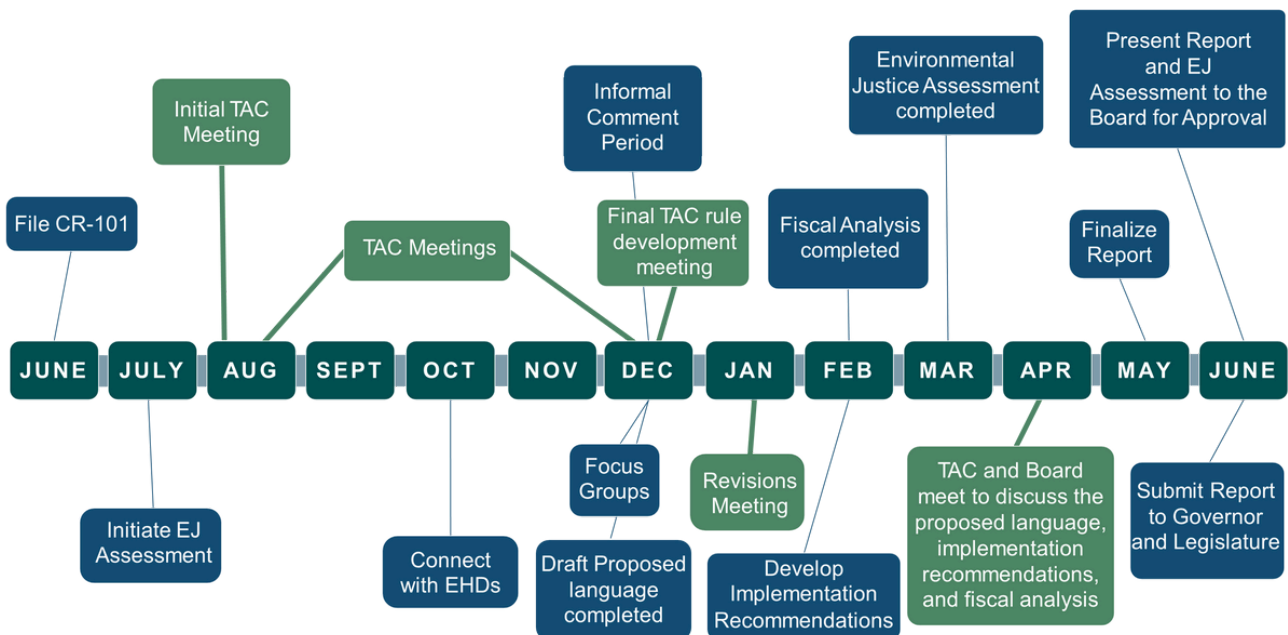
#### Date & Location

Thursday, August 1, 2024  
 Thursday, August 22, 2024  
 Tuesday, September 17, 2024  
 Friday, October 4, 2024  
 Thursday, October 17, 2024  
 Thursday, October 31, 2024  
 Wednesday, November 20, 2024  
 Wednesday, December 4, 2024

#### Location

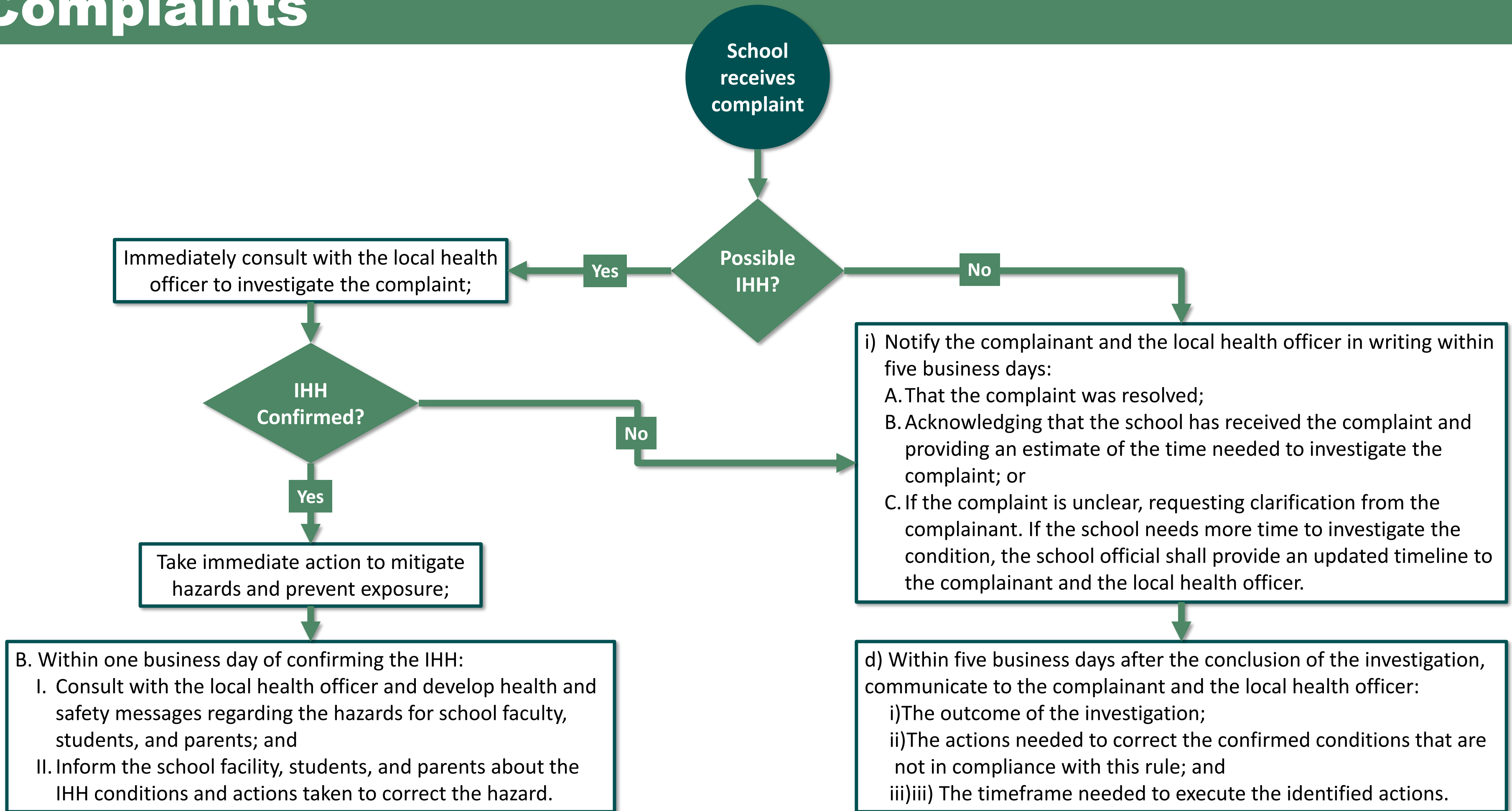
Wenatchee  
 Olympia  
 Arlington  
 Leavenworth  
 Olympia  
 Olympia  
 Spokane  
 Olympia

### Project Timeline



[2] <https://app.leg.wa.gov/WAC/default.aspx?cite=246-366&full=true&pdf=true>  
 [3] <https://app.leg.wa.gov/WAC/default.aspx?cite=246-366A&full=true&pdf=true>  
 [4] <https://apps.leg.wa.gov/WAC/default.aspx?cite=296-800&full=true&pdf=true>  
 [5] <https://apps.leg.wa.gov/wac/default.aspx?cite=110&pdf=true>

# Complaints





## School Environmental Health and Safety Rule Project 2024 - 2025

### Proposed Language for WAC 246-370

#### WAC 246-370-XXX Definitions

##### School

1. "School" means any building, facility, or physical location where the primary purpose is educational instruction for children in any grade from kindergarten through grade twelve and related activities by the public school as defined in RCW 28A.150.010 and any private school or private institution regulated by Chapter 28A.195 RCW subject to approval by the state board of education.

##### Preschool

1. "Preschool" means an educational establishment or learning space offering early childhood education to children not old enough to attend kindergarten.
2. "Preschool" means a program that provides organized care and education for children below the age required for kindergarten entry.

##### School Board

1. "School Board" means an appointed or elected board of individuals who set goals, conduct strategic planning, hire and oversee the superintendent, adopt the school district budget, and create policies that promote the education and daily physical activity of students.
2. "School Board" means an appointed or elected board of individuals who adopt policies consistent with state and federal laws that provide for the development and implementation of programs, activities, services, or practices that promote the education and daily physical activity of students in public schools or promote the effective, efficient, or safe management and operation of the school district.

##### School Facility

1. "School facility" means all buildings and land intended primarily for student use including, but not limited to portables, sports fields, playgrounds, classrooms, and common areas.

##### Portable

1. "Portable" means any school building with a prefabricated structure that can be transported and installed on-site to provide additional educational space.
2. "Portable" means a modular building capable of being relocated, regardless of whether the facility is built at the installation site, that is used primarily as an educational building.

## School Environmental Health and Safety Rule Project 2024 - 2025

### WAC 246-370-XXX Complaints

- 1) School officials shall:
  - a) Have a published written complaint process that explains:
    - i) How an individual can file a written complaint to identify a condition that may be an environmental health and safety hazard for students;
    - ii) The steps the school will take to process the complaint; and
    - iii) The appeals process.
  - b) If a complaint identifies a condition that could pose an imminent health hazard:
    - i) Immediately consult with the local health officer to investigate the complaint;
      - A. If the investigation confirms that there is an imminent health hazard, take immediate action to mitigate hazards and prevent exposure; and
      - B. Within one business day of confirming the imminent health hazard:
        - I. Consult with the local health officer and develop health and safety messages regarding the hazards for school faculty, students, and parents; and
        - II. Inform the school facility, students, and parents about the imminent health hazard conditions and actions taken to correct the hazard.
  - c) If the complaint does not identify a condition that could pose an imminent health hazard:
    - i) Notify the complainant and the local health officer in writing within five business days:
      - A. That the complaint was resolved;
      - B. Acknowledging that the school has received the complaint and providing an estimate of the time needed to investigate the complaint; or
      - C. If the complaint is unclear, requesting clarification from the complainant. If the school needs more time to investigate the condition, the school official shall provide an updated timeline to the complainant and the local health officer.
  - d) Within five business days after the conclusion of the investigation, communicate to the complainant and the local health officer:
    - i) The outcome of the investigation;
    - ii) The actions needed to correct the confirmed conditions that are not in compliance with this rule; and
    - iii) The timeframe needed to execute the identified actions.

## School Environmental Health and Safety Rule Project 2024 - 2025

- 2) If a local health officer receives a complaint, the local health officer shall:
  - a) Immediately inform school officials that a complaint was filed with the local health officer;
  - b) Conduct a preliminary investigation in consultation with school officials to determine if an imminent health hazard exists;
    - i) If an imminent health hazard exists:
      - A. Take immediate action in consultation with school officials to mitigate hazards and prevent exposure;
      - B. Assist school officials in developing health and safety messages regarding the hazards for school faculty, students, and parents.
      - C. School officials shall inform the school facility, students, and parents about the conditions and actions taken in response to the hazards per (1)(b) of this section.
    - ii) If the Local Health Officer determines there is not an imminent health hazard:
      - A. Refer the complaint to the school officials or complete the investigation in consultation with the school officials as required in subsection (1)(c), (1)(d), and (1)(e).

### **If the variance section contains imminent health hazard here are possible definitions**

1. "Imminent health hazard" means a condition that threatens students' health and safety and requires immediate correction or cessation of operation to prevent injury, illness, or death. It may include fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, the onset of an apparent foodborne disease outbreak, gross unsanitary occurrence or condition, or other circumstances that might endanger public health.
2. "Imminent health hazard" means a significant threat or significant danger to health or safety that requires immediate action to prevent serious illness, injury, or death.

### **WAC 246-370-XXX Variances**

- (1) School officials may:
  - (a) Submit a written variance for approval to the local health officer if there is an alternative that meets the intent of chapter 246-370 WAC. The variance request must include:
    - (i) The specific regulations that the variance would replace;
    - (ii) The alternative that will be used to replace the required regulation;
    - (iii) A description of how the variance meets the minimum requirements of the regulation that it will replace;
    - (iv) Any clarifying documentation needed to support the request including but not limited to engineering reports, scientific data, or photos.

## School Environmental Health and Safety Rule Project 2024 - 2025

- (2) The local health officer shall:
  - (a) Provide written approval or denial of a request for a variance to the school applicant and the department within sixty days of receiving a complete written variance request, unless the school official and the local health officer agree to a different timeline.
  - (b) The local health officer may grant a school official an emergency waiver from some or all of the requirements in these rules for the temporary use of a facility or site as a school when the facility normally used by the school is not safe to be occupied.

### WAC 246-370-XXX Severability

- (1) If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

### WAC 246-370-XXX Appeals

- (1) Environmental health and safety decisions or actions taken by a school official may be appealed to the local health officer.
- (2) Environmental health and safety decisions or actions of the local health officer may be appealed to the local board of health.
- (3) Environmental health and safety appeals will be conducted in a manner consistent with the written procedure within each office.

**School Environmental Health and Safety Rule Project 2024 - 2025**

**Definitions**

Terms used in the rule that have specific meaning and application in the context of this project.

Proposed Language	WAC 246-366-010	WAC 246-366A-010
<p>“School” means any building, facility, or physical location where the primary purpose is educational instruction for children in any grade from kindergarten through grade twelve and related activities by the public school as defined in RCW 28A.150.010 and any private school or private institution regulated by Chapter 28A.195 RCW subject to approval by the state board of education.<sup>1</sup></p>	<p>The following definitions shall apply in the interpretation and the enforcement of these rules and regulations:</p> <p>(1) "School" - Shall mean any publicly financed or private or parochial school or facility used for the purpose of school instruction, from the kindergarten through twelfth grade. This definition does not include a private residence in which parents teach their own natural or legally adopted children.</p>	<p>The following definitions apply to these rules:(30) "School" means any public, religious-affiliated, or private institution for instructing students in any grade from kindergarten through twelfth grade.</p>
<p><b>Option 1</b></p> <p>“Preschool” means an educational establishment or learning space offering early childhood education to children not old enough to attend kindergarten.<sup>2</sup></p> <p><b>Option 2</b></p> <p>“Preschool” means a program that provides organized care and education for children below the age required for kindergarten entry.<sup>3</sup></p>		<p>(27) "Preschool" means an instructional curriculum and portion of a school facility designed to instruct children not old enough to attend kindergarten.</p>

<sup>1</sup> Closely mirrors OPSI definition of School

<sup>2</sup> Closely mirrors existing definition with dept of children youth and families <https://apps.leg.wa.gov/rcw/default.aspx?cite=43.216.010>

<sup>3</sup> As defined in [WAC 246-215-01115](#) (food code)

**School Environmental Health and Safety Rule Project 2024 - 2025**

Proposed Language	WAC 246-366-010	WAC 246-366A-010
<p><b>Option 1</b>                      “School Board” means an appointed or elected board of individuals who set goals, conduct strategic planning, hire and oversee the superintendent, adopt the school district budget, and create policies that promote the education and daily physical activity of students. <sup>4</sup></p> <p><b>Option 2</b>                      “School Board” means an appointed or elected board of individuals who adopt policies consistent with state and federal laws that provide for the development and implementation of programs, activities, services, or practices that promote the education and daily physical activity of students in public schools or promote the effective, efficient, or safe management and operation of the school district.<sup>5</sup></p>	<p>(2) "Board of education" - An appointive or elective board whose primary responsibility is to operate public or private or parochial schools or to contract for school services.</p>	<p>(31) "School board" means an appointed or elected board whose primary responsibility is to operate schools or to contract for school services and includes the governing body or owner of a private school.</p>
<p>“School facility” means all buildings and land intended primarily for student use including, but not limited to portables, sports fields, playgrounds, classrooms, and common areas.</p>		<p>(32) "School facility" means buildings or grounds owned or leased by the school or donated to the school for the primary purpose of student use including, but not limited to, portables, playgrounds and sports fields.</p>

<sup>4</sup> From the WA State Gov Office of the Education Ombuds website How Does a School District Work? | Washington State Governor's Office of the Education Ombuds

<sup>5</sup> Closely mirrors the definition in [28A.320.015 \(1\)\(a\)](#)  
 RCW 28A.320.015: School boards of directors—Powers—Notice of adoption of policy. (wa.gov)

**School Environmental Health and Safety Rule Project 2024 - 2025**

Proposed Language	WAC 246-366-010	WAC 246-366A-010
<p><b>Option 1</b>                      “Portable” means any school building with a prefabricated structure that can be transported and installed on-site to provide additional educational space.<sup>6</sup></p> <p><b>Option 2</b>                      “Portable” means a modular building capable of being relocated, regardless of whether the facility is built at the installation site, that is used primarily as an educational building.<sup>7</sup></p>	<p>(7) "Portables" - Any structure that is transported to a school site where it is placed or assembled for use as part of a school facility.</p>	<p>(28) "Portable" means any relocatable structure that is transported to a school site and is placed or assembled there for use by students as part of a school facility.</p>

<sup>6</sup> Closely mirrors 246-366 and 246-366A

<sup>7</sup> Defined by Texas state law <https://www.tdlr.texas.gov/ihb/pdf/ihb033.pdf>

**School Environmental Health and Safety Rule Project 2024 - 2025**

**Complaints**

Complaint proposed language closely mirrors 246-366A and took into consideration recommendations to include a structured timeline with more defined turnaround times.

Proposed Language	WAC 246-366	WAC 246-366A-190
<p>1) School officials shall:</p> <p>a) Have a published written complaint process that explains:</p> <p>i) How an individual can file a written complaint to identify a condition that may be an environmental health and safety hazard for students;</p> <p>ii) The steps the school will take to process the complaint; and</p> <p>iii) The appeals process.</p> <p>b) If a complaint identifies a condition that could pose an imminent health hazard:</p> <p>i) Immediately consult with the local health officer to investigate the complaint;</p> <p>A. If the investigation confirms that there is an imminent health hazard, take immediate action to mitigate hazards and prevent exposure; and</p> <p>B. Within one business day of confirming the imminent health hazard:</p> <p>I. Consult with the local health officer and develop health and safety messages regarding the hazards for school faculty, students, and parents; and</p> <p>II. Inform the school facility, students, and parents about the imminent health hazard conditions and actions taken to correct the hazard.</p> <p>c) If the complaint does not identify a condition that could pose an imminent health hazard:</p>		<p>(1) School officials shall establish a written complaint process, if such a written process does not already exist. The complaint process must clearly describe the means for a person to file a written complaint concerning failure to comply with a provision of these rules that jeopardizes the health and safety of students. At a minimum, the process shall provide for:</p> <p>(a) Promptly investigating all complaints;</p> <p>(b) Correcting conditions not in compliance with these rules within an appropriate time frame given the level of risk to health and safety;</p> <p>(c) Providing notification for imminent health hazards in accordance with WAC 246-366A-020;</p> <p>(d) Promptly communicating with the complainant regarding the outcome of the investigation, and the actions and time frame proposed to address any verified conditions not in compliance with these rules; and</p> <p>(e) Communicating with the local health officer about the outcome of complaint investigations referred to school officials by the local health officer.</p>



**School Environmental Health and Safety Rule Project 2024 - 2025**

Proposed Language	WAC 246-366	WAC 246-366A-190
<p>i) Notify the complainant and the local health officer in writing within five business days:</p> <p>A. That the complaint was resolved;</p> <p>B. Acknowledging that the school has received the complaint and providing an estimate of the time needed to investigate the complaint; or</p> <p>C. If the complaint is unclear, requesting clarification from the complainant. If the school needs more time to investigate the condition, the school official shall provide an updated timeline to the complainant and the local health officer.</p> <p>d) Within five business days after the conclusion of the investigation, communicate to the complainant and the local health officer:</p> <p>i) The outcome of the investigation;</p> <p>ii) The actions needed to correct the confirmed conditions that are not in compliance with this rule; and</p> <p>iii) The timeframe needed to execute the identified actions.</p>		

**School Environmental Health and Safety Rule Project 2024 - 2025**

Proposed Language	WAC 246-366	WAC 246-366A-190
<p>2) If a local health officer receives a complaint, the local health officer shall:</p> <p>a) Immediately inform school officials that a complaint was filed with the local health officer;</p> <p>b) Conduct a preliminary investigation in consultation with school officials to determine if an imminent health hazard exists;</p> <p>i) If an imminent health hazard exists:</p> <p>A. Take immediate action in consultation with school officials to mitigate hazards and prevent exposure;</p> <p>B. Assist school officials in developing health and safety messages regarding the hazards for school faculty, students, and parents.</p> <p>C. School officials shall inform the school facility, students, and parents about the conditions and actions taken in response to the hazards per (1)(b) of this section.</p> <p>ii) If the Local Health Officer determines there is not an imminent health hazard:</p> <p>A. Refer the complaint to the school officials or complete the investigation in consultation with the school officials as required in subsection (1)(c), (1)(d), and (1)(e).</p>		<p>(2) The local health officer who receives a complaint concerning failure to comply with a provision of these rules that jeopardizes the health and safety of students shall:</p> <p>(a) Promptly inform school officials that a complaint was filed with the local health officer;</p> <p>(b) Conduct a preliminary inquiry to determine if an imminent health hazard exists;</p> <p>(c) Investigate the complaint in consultation with school officials if an imminent health hazard exists;</p> <p>(d) Either refer the complaint to school officials or investigate the complaint in consultation with school officials if an imminent health hazard does not appear to exist; and</p> <p>(e) Communicate with the complainant about the outcome of the complaint investigation.</p>

## School Environmental Health and Safety Rule Project 2024 - 2025

### Variations

The purpose of the “Variance” section of a WAC is to clearly state the requirements for an individual to request approval to deviate from the current WAC requirements with an option that provides a comparable level of protection. The proposed language closely mirrors chapter 246-366A WAC.

Proposed Language	WAC 246-366-20	WAC 246-366A
<p>(1) School officials may:            (a) Submit a written variance for approval to the local health officer if there is an alternative that meets the intent of chapter 246-370 WAC. The variance request must include:</p>	<p>The secretary may allow the substitution of procedures or equipment for those outlined in these regulations, when such procedures or equipment have been demonstrated to be equivalent to those heretofore prescribed. When the secretary judges that such substitutions are justified, he shall grant permission for the substitution in writing. Requests for substitution shall be directed to the jurisdictional health officer who shall immediately forward them, including his recommendations, to the secretary. All decisions, substitutions, or interpretations shall be made a matter of public record and open to inspection.</p>	<p>-170(1) School officials:            (a) May request a variance from requirements in these rules from the local health officer if they wish to use an alternative to meet the intent of these rules.</p>
<p>(i) The specific regulations that the variance would replace;</p>		<p>(i) The request for a variance must be in writing and describe:            (A) The specific requirement the variance is requested to replace;</p>
<p>(ii) The alternative that will be used to replace the required regulation;</p>		<p>(B) The alternative proposed to meet the specific requirement; and</p>
<p>(iii) A description of how the variance meets the minimum requirements of the regulation that it will replace;</p>		<p>(C) How the proposed alternative will provide at least a comparable level of protection as that provided by the specific requirement.</p>

**School Environmental Health and Safety Rule Project 2024 - 2025**

Proposed Language	WAC 246-366-20	WAC 246-366A
(iv) Any clarifying documentation needed to support the request including but not limited to engineering reports, scientific data, or photos.		(ii) The request for a variance must include information as needed to support and clarify the request, such as material descriptions and specifications, engineering reports, photos, drawings, or sketches.
		(b) May implement a variance only after obtaining approval from the local health officer.
		-170(2) The local health officer shall: (a) Initially review documents submitted with the request for a variance and inform school officials if additional information is required.
		(b) Compare the health and safety aspects of the specific requirement being addressed and the variance proposal to determine if the proposal provides at least a comparable level of protection as that provided by the specific requirement.
(2) The local health officer shall: (a) Provide written approval or denial of a request for a variance to the school applicant and the department within sixty days of receiving a complete written variance request, unless the school official and the local health officer agree to a different timeline.		(c) Provide written approval or denial of a request for a variance within sixty days of receiving a complete written request, unless school officials and the local health officer agree to a different timeline.

**School Environmental Health and Safety Rule Project 2024 - 2025**

Proposed Language	WAC 246-366-20	WAC 246-366A
		<p>(d) Submit an annual written report to the department regarding all variance requests. The report must be submitted by March 1st of each year, beginning the third year after the effective date of this section, and cover the calendar period January through December of the previous year.</p>
<p>(b) The local health officer may grant a school official an emergency waiver from some or all of the requirements in these rules for the temporary use of a facility or site as a school when the facility normally used by the school is not safe to be occupied.</p>		<p>-175 The local health officer may grant school officials an emergency waiver from some or all of the requirements in these rules for the temporary use of a facility or site as a school when the facility normally used by the school is not safe to be occupied due to a natural or man-made disaster.</p>
		<p>-150 The board of health may, at its discretion, exempt a school from complying with parts of these regulations when it has been found after thorough investigation and consideration that such exemption may be made in an individual case without placing the health or safety of the students or staff of the school in danger and that strict enforcement of the regulation would create an undue hardship upon the school.</p>

**School Environmental Health and Safety Rule Project 2024 - 2025**

Proposed Language	WAC 246-366-20	WAC 246-366A
<p><b>Option 1</b>                      "Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that included, but not limited to, the practice, circumstance, or event that creates a situation that requires immediate correction or cessation of operation to prevent injury based on a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, the onset of an apparent foodborne disease outbreak, gross unsanitary occurrence or condition, or other circumstance that might endanger public health." <sup>8</sup></p> <p><b>Option 2</b>                      "Imminent health hazard" means a significant threat or significant danger to health or safety that requires immediate action to prevent serious illness, injury, or death.<sup>9</sup></p>		<p>-010(19) "Imminent health hazard" means a significant threat or significant danger to health or safety that requires immediate action to prevent serious illness, injury, or death.</p>

<sup>8</sup> Closely mirrors [246-215 food code](#)

<sup>9</sup> Taken from 246-366A-010(19)

## School Environmental Health and Safety Rule Project 2024 - 2025

### Severability

The “Severability” section of a WAC is used in administrative regulations when the agency wants to make it clear that if one or more of the regulations is found invalid or stayed by a court it intends for the remaining regulations to remain in effect.

Purposed Language	WAC 246-366	WAC 246-366A
(1) If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.	-160 If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.	-200 If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

### Appeals

The purpose of the “Appeals” section of a WAC is to identify who an individual might contact if they do not agree with a decision made at the local level and would like the decision reconsidered.

Proposed Language	WAC 246-366	WAC 246-366A
(1) Environmental health and safety decisions or actions taken by a school official may be appealed to the local health officer. (2) Environmental health and safety decisions or actions of the local health officer may be appealed to the local board of health. (3) Environmental health and safety appeals will be conducted in a manner consistent with the written procedure within each office.t		-180 Decisions or actions of the local health officer may be appealed to the local board of health in a manner consistent with their established procedure.

## In-Person Reminders

- TAC members, please sign in at the information table and take your name card to your place at the table.
- Either the primary or the alternate representative may sit at the table and participate by speaking and voting during each meeting.
- When speaking, turn on your microphone, bring it close to your mouth and state your name.
- Have your phone ready to use QR codes for voting. Wait for the facilitator to call for a vote before using the QR code.



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## School Environmental Health and Safety Rule Project

### Technical Advisory Committee Meeting

Angel of the Winds Casino  
Arlington, September 17, 2024

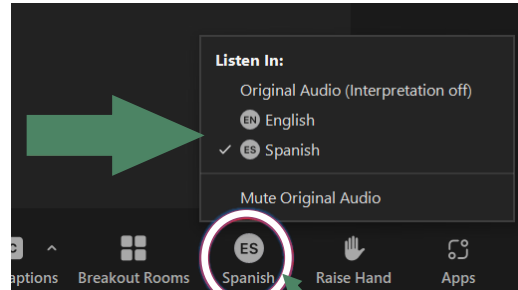
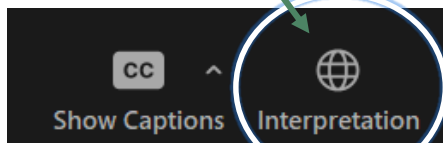
WASHINGTON STATE   
**BOARD OF HEALTH**

1



## Canales de Idioma de Zoom Zoom Language Channels

Canales de idioma  
Language channels



Elige un idioma  
Choose a language

[www.sboh.wa.gov](http://www.sboh.wa.gov) | [Facebook/WASBOH](https://www.facebook.com/WASBOH)

2

## Introductions

- Your Name
- Your Organization
- Ice Breaker – What is your superpower?

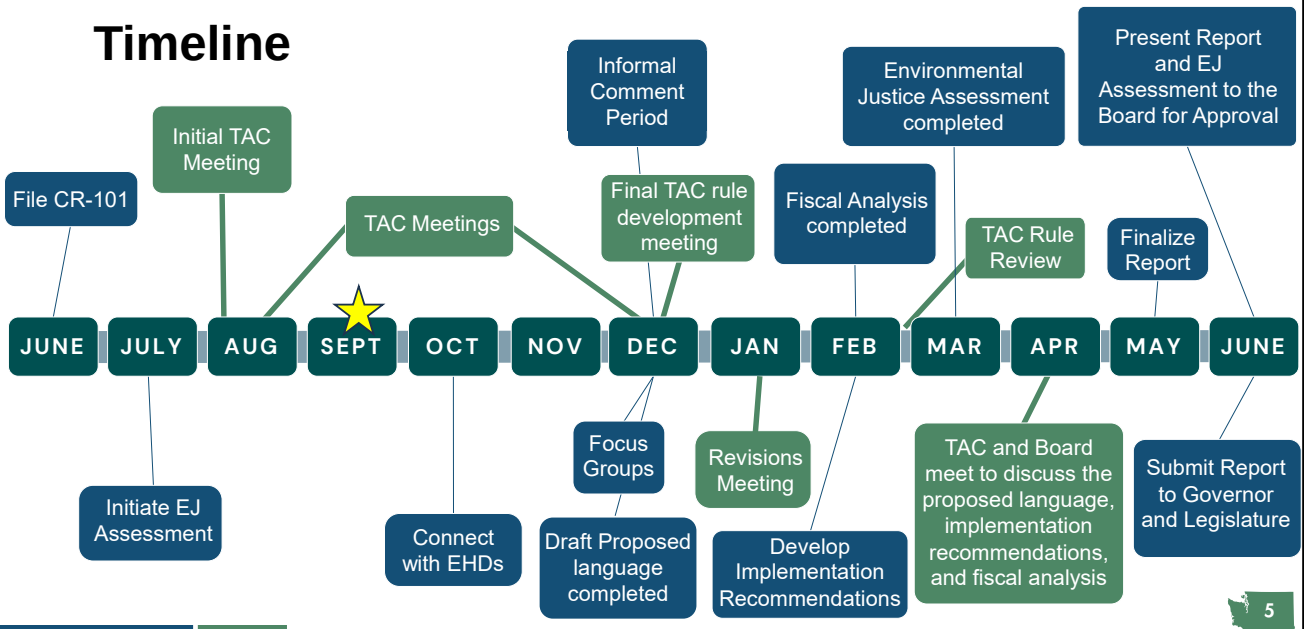
3

# Today's Objectives

Review and develop language for the following sections of the rule:

- Definitions
- Complaints
- Variance
- Severability and Appeals

# Timeline



## TAC Agreements

- Be respectful of all perspectives and opinions
- Communicate openly and respectfully, disagree without being disagreeable
- Assume positive intent and ask for clarification
- Share the air; allow everyone to share insights, one person speaking at a time
- Ask questions and seek to understand
- Be on time for meetings/calls
- Be present and actively participate (no multitasking during meetings)
- Be efficient with our meeting time
- Meet deadlines and commitments
- Support the final decisions of the TAC
- Stay focused on the goals and objectives of the committee



6

## Proposed Rule Section: Definitions



7

## Definitions

### “School”

“School” means any building, facility, or physical location where the primary purpose is educational instruction for children in any grade from kindergarten through grade twelve and related activities by the public school as defined in RCW 28A.150.010 and any private school or private institution regulated by Chapter 28A.195 RCW subject to approval by the state board of education.



## Definitions

### “School”

"School" means any building, facility, or physical location where the primary purpose is educational instruction for children in any grade from kindergarten through grade twelve and related activities by the public school as defined in RCW 28A.150.010 and any private school or private institution regulated by Chapter 28A.195 RCW subject to approval by the state board of education.

### Second Vote



## Definitions

“School”

Third Vote



## Definitions

“Preschool”

**Option One**

“Preschool” means an educational establishment or learning space offering early childhood education to children not old enough to attend kindergarten.

**Option Two**

“Preschool” means a program that provides organized care and education for children below the age required for kindergarten entry.



## Definitions

### “Preschool”

“Preschool” means an educational establishment or learning space offering early childhood education to children not old enough to attend kindergarten.

“Preschool” means a program that provides organized care and education for children below the age required for kindergarten entry.

### Second Vote



12

12

## Definitions

### “Preschool”

### Third Vote



13

13

## Definitions

### “School Board”

#### Option One

“School Board” means an appointed or elected board of individuals who set goals, conduct strategic planning, hire and oversee the superintendent, adopt the school district budget, and create policies that promote the education and daily physical activity of students.

#### Option Two

“School Board” means an appointed or elected board of individuals who adopt policies consistent with state and federal laws that provide for the development and implementation of programs, activities, services, or practices that promote the education and daily physical activity of students in public schools or promote the effective, efficient, or safe management and operation of the school district.



## Definitions

### “School Board”

“School Board” means an appointed or elected board of individuals who set goals, conduct strategic planning, hire and oversee the superintendent, adopt the school district budget, and create policies that promote the education and daily physical activity of students.

“School Board” means an appointed or elected board of individuals who adopt policies consistent with state and federal laws that provide for the development and implementation of programs, activities, services, or practices that promote the education and daily physical activity of students in public schools or promote the effective, efficient, or safe management and operation of the school district.

### Second Vote



## Definitions

### “School Board”

### Third Vote



16

16

## Definitions

### “School Facility”

“School facility” means all buildings and land intended primarily for student use including, but not limited to portables, sports fields, playgrounds, classrooms, and common areas.



17

17



## Definitions

### “School Facility”

“School facility” means all buildings and land intended primarily for student use including, but not limited to portables, sports fields, playgrounds, classrooms, and common areas.

### Second Vote



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## Definitions

### “School Facility”

### Third Vote



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## Definitions

### “Portable”

#### Option One

“Portable” means any school building with a prefabricated structure that can be transported and installed on-site to provide additional educational space.

#### Option Two

“Portable” means a modular building capable of being relocated, regardless of whether the facility is built at the installation site, that is used primarily as an educational building.



## Definitions

### “Portable”

“Portable” means any school building with a prefabricated structure that can be transported and installed on-site to provide additional educational space.

“Portable” means a modular building capable of being relocated, regardless of whether the facility is built at the installation site, that is used primarily as an educational building.

### Second Vote



## Definitions

“Portable”

Third Vote



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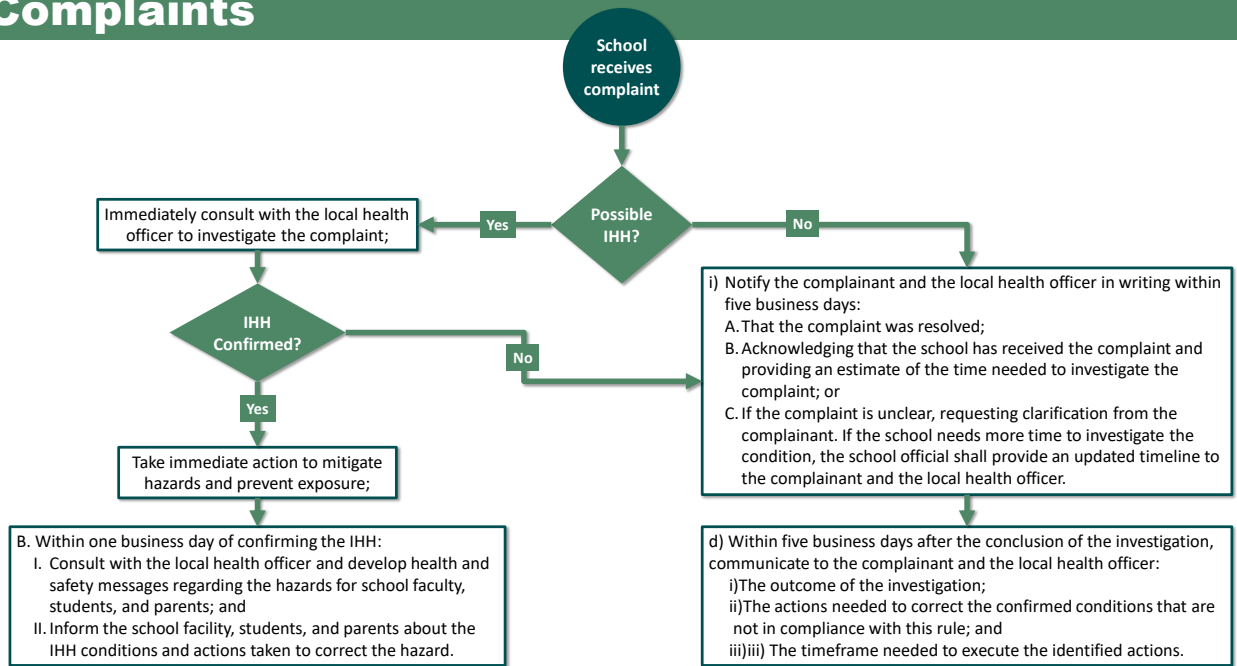
22

# Proposed Rule Sections: Complaints Schools Role

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## Complaints



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## Complaints

### Written Process: Section (1)(a)(i)-(iii)

1. School officials shall:
  - a) Have a published written complaint process that explains:
    - i. How an individual can file a written complaint to identify a condition that may be an environmental health and safety hazard for students;
    - ii. The steps the school will take to process the complaint; and
    - iii. The appeals process.



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## Complaints

### Written Process: Section (1)(a)(i)-(iii)

1. School officials shall:
  - a) Have a published written complaint process that explains:
    - i. How an individual can file a written complaint to identify a condition that may be an environmental health and safety hazard for students;
    - ii. The steps the school will take to process the complaint; and
    - iii. The appeals process.

### Second Vote



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## Complaints

### Written Process: Section (1)(a)(i)-(iii)

### Third Vote



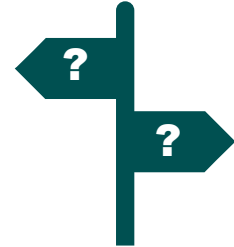
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## Section (1)(b) Imminent Health Hazard (IHH)

A term used in the next section is “imminent health hazard”:

- An imminent health hazard is something that poses an immediate threat and must be rectified as soon as possible.
- If the TAC chooses to keep this term in this section, the TAC will discuss a definition for imminent health hazard to be included in the definition section of WAC.



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## Complaints

### IHH: Section (1)(b)(i)(A)

- b) If a complaint identifies a condition that could pose an imminent health hazard:
- i) Immediately consult with the local health officer to investigate the complaint;
    - A. If the investigation confirms that there is an imminent health hazard, take immediate action to mitigate hazards and prevent exposure; and



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## Complaints

### IHH: Section (1)(b)(i)(A)

- b) If a complaint identifies a condition that could pose an imminent health hazard:
  - i) Immediately consult with the local health officer to investigate the complaint;
    - A. If the investigation confirms that there is an imminent health hazard, take immediate action to mitigate hazards and prevent exposure; and

### Second Vote



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## Complaints

### IHH: Section (1)(b)(i)(A)

### Third Vote



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## Complaints

### IHH: Section (1)(b)(i)(B)

- b) If a complaint identifies a condition that could pose an imminent health hazard:
- i) Immediately consult with the local health officer to investigate the complaint;
    - A. If the investigation confirms that there is an imminent health hazard, take immediate action to mitigate hazards and prevent exposure; and
    - B. Within one business day of confirming the imminent health hazard:
      - I. Consult with the local health officer and develop health and safety messages regarding the hazards for school faculty, students, and parents; and
      - II. Inform the school facility, students, and parents about the imminent health hazard conditions and actions taken to correct the hazard.



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## Complaints

### IHH: Section (1)(b)(i)(B)

- b) If a complaint identifies a condition that could pose an imminent health hazard:
- i) Immediately consult with the local health officer to investigate the complaint;
    - A. If the investigation confirms that there is an imminent health hazard, take immediate action to mitigate hazards and prevent exposure; and
    - B. Within one business day of confirming the imminent health hazard:
      - I. Consult with the local health officer and develop health and safety messages regarding the hazards for school faculty, students, and parents; and
      - II. Inform the school facility, students, and parents about the imminent health hazard conditions and actions taken to correct the hazard.

### Second Vote



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## Complaints

### IHH: Section (1)(b)(i)(B)

- b) If a complaint identifies a condition that could pose an imminent health hazard:
- i) Immediately consult with the local health officer to investigate the complaint;
    - A. If the investigation confirms that there is an imminent health hazard, take immediate action to mitigate hazards and prevent exposure; and

### Third Vote



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## Complaints

### Non-IHH: Section (1)(c)(i)(A) – (C)

If the complaint does not identify a condition that could pose an imminent health hazard:

- i) Notify the complainant and the local health officer in writing within five business days:
  - A. That the complaint was resolved;
  - B. Acknowledging that the school has received the complaint and providing an estimate of the time needed to investigate the complaint; or
  - C. If the complaint is unclear, requesting clarification from the complainant. If the school needs more time to investigate the condition, the school official shall provide an updated timeline to the complainant and the local health officer.



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## Complaints

### Non-IHH: Section (1)(c)(i)(A) – (C)

If the complaint does not identify a condition that could pose an imminent health hazard:

- i) Notify the complainant and the local health officer in writing within five business days:
  - A. That the complaint was resolved;
  - B. Acknowledging that the school has received the complaint and providing an estimate of the time needed to investigate the complaint; or
  - C. If the complaint is unclear, requesting clarification from the complainant. If the school needs more time to investigate the condition, the school official shall provide an updated timeline to the complainant and the local health officer.

### Second Vote



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## Complaints

### Non-IHH: Section (1)(c)(i)(A) – (C)

If the complaint does not identify a condition that could pose an imminent health hazard:

- i) Notify the complainant and the local health officer in writing within five business days:
  - A. That the complaint was resolved;
  - B. Acknowledging that the school has received the complaint and providing an estimate of the time needed to investigate the complaint; or
  - C. If the complaint is unclear, requesting clarification from the complainant. If the school needs more time to investigate the condition, the school official shall provide an updated timeline to the complainant and the local health officer.

### Third Vote



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## Complaints

### Conclusion: Section (1)(d)(i) – (iii)

- d) Within five business days after the conclusion of the investigation, communicate to the complainant and the local health officer:
- i) The outcome of the investigation;
  - ii) The actions needed to correct the confirmed conditions that are not in compliance with this rule; and
  - iii) The timeframe needed to execute the identified actions.



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## Complaints

### Conclusion: Section (1)(d)(i) – (iii)

- d) Within five business days after the conclusion of the investigation, communicate to the complainant and the local health officer:
- i) The outcome of the investigation;
  - ii) The actions needed to correct the confirmed conditions that are not in compliance with this rule; and
  - iii) The timeframe needed to execute the identified actions.

### Second Vote



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## Complaints

Conclusion: Section (1)(d)(i) – (iii)

d)

Third Vote



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WASHINGTON STATE  
BOARD OF HEALTH

# Proposed Rule Section Complaints: Local Health Officers (LHO) Role

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## Complaints

### LHO: Section (2)(a) – (b)

- 2) If a local health officer receives a complaint, the local health officer shall:
- a) Immediately inform school officials that a complaint was filed with the local health officer;
  - b) Conduct a preliminary investigation in consultation with school officials to determine if an imminent health hazard exists;



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## Complaints

### LHO: Section (2)(a) – (b)

- 2) If a local health officer receives a complaint, the local health officer shall:
- a) Immediately inform school officials that a complaint was filed with the local health officer;
  - b) Conduct a preliminary investigation in consultation with school officials to determine if an imminent health hazard exists;

### Second Vote



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## Complaints

### LHO: Section (2)(a) – (b)

- 2) If
  - a) Immediately
  - b) Conduct

### Third Vote



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## Complaints

### LHO IHH: Section (2)(b)(i)(A) – (C)

- 2) If a local health officer receives a complaint, the local health officer shall:
  - a) Immediately inform school officials that a complaint was filed with the local health officer;
  - b) Conduct a preliminary investigation in consultation with school officials to determine if an imminent health hazard exists;
    - i) If an imminent health hazard exists:
      - A. Take immediate action in consultation with school officials to mitigate hazards and prevent exposure;
      - B. Assist school officials in developing health and safety messages regarding the hazards for school faculty, students, and parents.
      - C. School officials shall inform the school facility, students, and parents about the conditions and actions taken in response to the hazards per (1)(b) of this section.



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## Complaints

### LHO IHH: Section (2)(b)(i)(A) – (C)

- 2) If a local health officer receives a complaint, the local health officer shall:
- a) Immediately inform school officials that a complaint was filed with the local health officer;
  - b) Conduct a preliminary investigation in consultation with school officials to determine if an imminent health hazard exists;
    - i) If an imminent health hazard exists:
      - A. Take immediate action in consultation with school officials to mitigate hazards and prevent exposure;
      - B. Assist school officials in developing health and safety messages regarding the hazards for school faculty, students, and parents.
      - C. School officials shall inform the school facility, students, and parents about the conditions and actions taken in response to the hazards per (1)(b) of this section.

### Second Vote



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## Complaints

### LHO IHH: Section (2)(b)(i)(A) – (C)

- 2) If a local health officer receives a complaint, the local health officer shall:
- a) Immediately inform school officials that a complaint was filed with the local health officer;
  - b) Conduct a preliminary investigation in consultation with school officials to determine if an imminent health hazard exists;
    - i) If an imminent health hazard exists:
      - A. Take
      - B. Assist
      - C. School

### Third Vote



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## Complaints

### LHO Non-IHH: Section (2)(b)(ii)(A)

- 2) If a local health officer receives a complaint, the local health officer shall:
- a) Immediately inform school officials that a complaint was filed with the local health officer;
  - b) Conduct a preliminary investigation in consultation with school officials to determine if an imminent health hazard exists;
    - ii) If the Local Health Officer determines there is not an imminent health hazard:
      - A. Refer the complaint to the school officials or complete the investigation in consultation with the school officials as required in subsection (1)(c), (1)(d), and (1)(e).



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## Complaints

### LHO Non-IHH: Section (2)(b)(ii)(A)

- 2) If a local health officer receives a complaint, the local health officer shall:
- a) Immediately inform school officials that a complaint was filed with the local health officer;
  - b) Conduct a preliminary investigation in consultation with school officials to determine if an imminent health hazard exists;
    - ii) If the Local Health Officer determines there is not an imminent health hazard:
      - A. Refer the complaint to the school officials or complete the investigation in consultation with the school officials as required in subsection (1)(c), (1)(d), and (1)(e).

### Second Vote



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## Complaints

### LHO Non-IHH: Section (2)(b)(ii)(A)

- 2) If a local health officer receives a complaint, the local health officer shall:
- a) Immediately inform school officials that a complaint was filed with the local health officer;
  - b) Conduct a preliminary investigation in consultation with school officials to determine if an imminent health hazard exists;
    - ii) If
      - A. Refer

### Third Vote



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## Definitions

### Imminent Health Hazard

#### Option One

1. "Imminent health hazard" means a condition that threatens students' health and safety and requires immediate correction or cessation of operation to prevent injury, illness, or death. It may include fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, the onset of an apparent foodborne disease outbreak, gross unsanitary occurrence or condition, or other circumstances that might endanger public health.

#### Option Two

2. "Imminent health hazard" means a significant threat or significant danger to health or safety that requires immediate action to prevent serious illness, injury, or death.



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## Definitions

### Imminent Health Hazard

"Imminent health hazard" means a condition that threatens students' health and safety and requires immediate correction or cessation of operation to prevent injury, illness, or death. It may include fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, the onset of an apparent foodborne disease outbreak, gross unsanitary occurrence or condition, or other circumstances that might endanger public health.

"Imminent health hazard" means a significant threat or significant danger to health or safety that requires immediate action to prevent serious illness, injury, or death.

### Second Vote



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## Definitions

### Imminent Health Hazard

### Third Vote



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# Proposed Rule Sections: Variances

## Variances

### (1)(a)(i) – (iv) School officials

#### (1) A school official may:

- (a) Submit a written variance for approval to the local health officer if an alternative meets the intent of chapter 246-370 WAC. The variance request must include:
  - (i) The specific regulations that the variance would replace;
  - (ii) The alternative that will be used to replace the required regulation;
  - (iii) A description of how the variance meets the minimum requirements of the regulation that it will replace;
  - (iv) Any clarifying documentation needed to support the request including but not limited to engineering reports, scientific data, or photos.



## Variations

### (1)(a)(i) – (iv) School officials

(1) A school official may:

(a) Submit a written variance for approval to the local health officer if an alternative meets the intent of chapter 246-370 WAC. The variance request must include:

- (i) The specific regulations that the variance would replace;
- (ii) The alternative that will be used to replace the required regulation;
- (iii) A description of how the variance meets the minimum requirements of the regulation that it will replace;
- (iv) Any clarifying documentation needed to support the request including but not limited to engineering reports, scientific data, or photos.

### Second Vote



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## Variations

### (1)(a)(i) – (iv) School officials

### Third Vote



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## Variations

### (2)(a)&(b) Local Health Officer

#### (2) The local health officer shall

- (a) Provide written approval or denial of a request for a variance to the school applicant and the department within sixty days of receiving a complete written variance request, unless the school official and the local health officer agree to a different timeline.
- (b) The local health officer may grant a school official an emergency waiver from some or all of the requirements in these rules for the temporary use of a facility or site as a school when the facility normally used by the school is not safe to be occupied.



## Variations

### (2)(a)&(b) Local Health Officer

#### (2) The local health officer shall

- (a) Provide written approval or denial of a request for a variance to the school applicant and the department within sixty days of receiving a complete written variance request, unless the school official and the local health officer agree to a different timeline.
- (b) The local health officer may grant a school official an emergency waiver from some or all of the requirements in these rules for the temporary use of a facility or site as a school when the facility normally used by the school is not safe to be occupied.

### Second Vote



## Variations

(2)(a)&(b) Local Health Officer

Third Vote



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# Proposed Rule Sections: Severability and Appeals

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## Severability and Appeals

### Severability

(1) If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.



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## Severability and Appeals

### Severability

(1) If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

### Second Vote



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## Severability and Appeals

### Severability

### Third Vote



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## Severability and Appeals

### Appeals

- (1) Environmental health and safety decisions or actions taken by a school official may be appealed to the local health officer.
- (2) Environmental health and safety decisions or actions of the local health officer may be appealed to the local board of health.
- (3) Environmental health and safety appeals will be conducted in a manner consistent with the written procedure within each office.



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## Severability and Appeals

### Appeals

- (1) Environmental health and safety decisions or actions taken by a school official may be appealed to the local health officer.
- (2) Environmental health and safety decisions or actions of the local health officer may be appealed to the local board of health.
- (3) Environmental health and safety appeals will be conducted in a manner consistent with the written procedure within each office.

### Second Vote



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## Severability and Appeals

### Appeals

- (1)

### Third Vote



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# Open Discussion and Comments

# Next Steps

## Meeting Dates and Locations

Date	Location
✓ Thursday, August 1	Wenatchee
✓ Thursday, August 22	Olympia
✓ Tuesday, September 17	Arlington
Friday, October 4	Leavenworth
Thursday, October 17	Olympia
Thursday, October 31	Olympia
Wednesday, November 20	Spokane
Wednesday, December 4	Olympia

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# THANK YOU

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- Our agency, website, and online services follow the Americans with Disabilities (ADA) standards, Section 508 of the Rehabilitation Act of 1973, Washington State Policy 188, and Web Content Accessibility Guidelines (WCAG) 2.0, level AA. We regularly monitor for compliance and invite our users to submit a request if they need additional assistance or would like to notify us of issues to improve accessibility.
- We are committed to providing access to all individuals visiting our agency website, including persons with disabilities. If you cannot access content on our website because of a disability, have questions about content accessibility or would like to report problems accessing information on our website, please call (360) 236-4110 or email [wsboh@sboh.wa.gov](mailto:wsboh@sboh.wa.gov) and describe the following details in your message:
  - The nature of the accessibility needs
  - The URL (web address) of the content you would like to access
  - Your contact information

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