

**Notice of Public Meeting**  
**School Environmental Health and Safety Rule Project**  
**Technical Advisory Committee**

Friday, October 4, 2024, 9:00 a.m. – 3:00 p.m.

Physical meeting location:  
 Icicle Village Resort  
 505 Highway 2  
 Leavenworth, WA 98826  
 Meeting Room: Tumwater Room  
 Virtual meeting: ZOOM Webinar  
 (hyperlink provided on next page)  
 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. Environmental Health Storytelling	Karen Langehough, Facilitator
10:40 a.m.	Break	
10:50 a.m.	6. Language: Imminent Health Hazards	Karen Langehough, Facilitator
11:10 a.m.	7. Language: Site Assessments	Karen Langehough, Facilitator
11:50 p.m.	Lunch	
12:20 p.m.	8. Language: Construction – New, Alterations and Portables	Karen Langehough, Facilitator
1:10 p.m.	9. Language: Showers and Restrooms	Karen Langehough, Facilitator
1:50 p.m.	Break	
2:00 p.m.	10. Language: Routine Inspections	Karen Langehough, Facilitator
2:20 p.m.	11. Open Discussion/Questions	Karen Langehough, Facilitator
2:40 p.m.	12. Recap	Karen Langehough, Facilitator
2:50 p.m.	13. Next Steps	Andrew Kamali, Project Manager
3:00 p.m.	Adjournment	

To access the meeting online and to register:

[https://us02web.zoom.us/webinar/register/WN\\_7qJD6SBKQneZPXZLtuMWIQ](https://us02web.zoom.us/webinar/register/WN_7qJD6SBKQneZPXZLtuMWIQ)

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

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Webinar ID: 847 7335 5642

Passcode: 627104

**Important Meeting Information:**

- 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.

**Public comments and recommendations.** You can comment on the draft rule in December 2024 during focus groups, or you can submit comments online by going to [School Environmental Health and Safety School Rule comment form](#).

**Aviso de reunión pública**  
**Proyecto de normas de salud y seguridad ambiental escolar**  
**Comité de Asesoramiento Técnico**

Viernes 4 de octubre de 2024, de 9:00 a. m. a 3:00 p.m.

Lugar de la reunión:

Icicle Village Resort

505 Highway 2

Leavenworth, WA 98826

Sala de reunión: Tumwater Room

Reunión virtual: seminario web por Zoom  
 (hipervínculo en la página siguiente)

Servicios de interpretación 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. Historias sobre salud ambiental	Karen Langehough, facilitadora
10:40 a.m.	Receso	
10:50 a.m.	6. Contenido: peligros inminentes para la salud	Karen Langehough, facilitadora
11:10 a.m.	7. Contenido: evaluaciones de sitio	Karen Langehough, facilitadora
11:50 p.m.	Almuerzo	
12:20 p.m.	8. Contenido: construcción (obras nuevas, reformas y móviles)	Karen Langehough, facilitadora
1:10 p.m.	9. Contenido: duchas y baños	Karen Langehough, facilitadora
1:50 p.m.	Receso	
2:00 p.m.	10. Contenido: inspecciones de rutina	Karen Langehough, facilitadora
2:20 p.m.	11. Debate abierto y preguntas	Karen Langehough, facilitadora
2:40 p.m.	12. Resumen	Karen Langehough, facilitadora
2:50 p.m.	13. Próximos pasos	Andrew Kamali, gerente de proyectos
3:00 p.m.	Levantamiento de la sesión	

Para acceder a la reunión en línea y registrarse:

[https://us02web.zoom.us/webinar/register/WN\\_7gJD6SBKQneZPXZLtuMWIQ](https://us02web.zoom.us/webinar/register/WN_7gJD6SBKQneZPXZLtuMWIQ)

También puede participar por teléfono, mediante la modalidad de solo escucha:

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Id. del seminario web: 847 7335 5642

Contraseña: 627104

### Información importante sobre la reunión:

- Los horarios son estimativos. Nos reservamos el derecho de modificar el orden de los puntos a tratar en la reunión.
- Se hará todo lo posible para proporcionar interpretación en español, lenguaje de señas americano (ASL, por su sigla en inglés) o servicios de transcripción en tiempo real (CART, por su sigla en inglés). 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.

**Comentarios públicos y recomendaciones.** Puede hacer comentarios sobre el proyecto de norma en diciembre de 2024 durante las reuniones de los grupos de enfoque, o puede enviar sus comentarios en línea accediendo al [formulario de comentarios sobre normas de salud y seguridad ambiental escolar](#) (solo en inglés).

PO Box 47990, Olympia, WA 98504-7990  
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**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

September 17, 2024

Hybrid Meeting

ASL (or CART)

Angel of the Winds Casino Resort

3438 Stoluckquamish Lane

Arlington, WA 98223

Meeting Rooms: Rivers Run 1

Virtual meeting: ZOOM Webinar

### Technical Advisory Committee members:

#### In-Room Participants

Patty Hayes, RN, MSN, Chair

Brian Buck, Lake Washington School District

Brian Freeman, Inchelum School District

Devon Kellogg, Washington State PTA (reside in Lake Washington SD)

Erin Hockaday, Benton Franklin Health District

Geoff Lawson, WAMOA and Auburn School District

Jared Mason-Gere, Washington Education Association

Gina Yonts, Association of Washington School Principals

Lauren Jenks, Washington State Department of Health

Laurette Rasmussen, Whatcom County Health & Community Services

Nicole Daltoso, Evergreen Public Schools (Clark County)

Pam Schwartz, Washington State Catholic Conference/Catholic Schools

Sharon Ricci, Washington Federation of Independent Schools

Tammy Allison, Washington Association of School Business Officials

#### Online Participants

Becky Doughty, Spokane Public Schools

Brook Wilkerson, School OPS

Kate Espy, South Kitsap School District

Kellie Lacey, Richland School District

Samantha Fogg, Washington State PTA (Seattle Public Schools)

Sandy Phillips, Spokane Regional Health District

Suzie Hanson, Washington Federation of Independent Schools

Tyler Muench, Office of Superintendent of Public Instruction (OSPI)

#### Technical Advisory Committee members absent:

Anders Lindgren, School OPS

Bailey Stranger, Benton Franklin Health District

Dan Steele, Washington Association of School Administrators (WASA)

David Hammond, Washington Association of School Administrators (WASA)

Doug Rich, Washington State Catholic Conference/Catholic Schools

Jacob Cook, Parent

Jaime Bodden, WSALPHO  
Jeff Rogers, WAMOA and Auburn School District  
Jessica Sankey, Bellingham Public School  
Julie Salvi, Washington Education Association  
Kelly Cooper, Washington State Department of Health  
Kelsey Greenough, Richland School District  
Kenney Johnson, Lake Washington School District  
Kevin Jacka, The Rural Alliance  
Laura Peterson, Washington State PTA (reside in Everett School District)  
Martin (Marty) Madarieta, Evergreen Public Schools (Clark County)  
Nicole Roel, Washington Association of School Business Officials  
Preet Singh, Bellingham Public School  
Randy Newman, Office of Superintendent of Public Instruction (OSPI)  
Richard Conley, The Rural Alliance  
Roz Thompson, Association of Washington School Principals  
Sandra Jarrard, Spokane Public Schools  
Steve Main, Spokane Regional Health District  
Susan Baird-Joshi, Washington State PTA (reside in Lake Washington SD)

#### Technical Advisory Committee staff present:

Andrew Kamali, Project Manager  
Nina Helping, Policy Advisor  
Marcus Dehart, Communications  
Anna Burns, Communications  
Mary Baechler, Community Outreach Coordinator  
Crystal Ogle, Administrative Assistant  
Melanie Hisaw, Administrative Assistant  
Shay Bauman, Policy Advisor  
Hannah Haag, Community Outreach Coordinator

#### Guests and other participants:

Karen Langehough, FirstRule, Facilitator

### 1. Review August 22, 2024, Meeting Minutes

Patty Hayes, Committee Chair, asked Committee Members to review the August 22 meeting minutes.

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

### 2. Reminders

Chair Hayes provided a land acknowledgment to the Stillaguamish Tribe of Indians, then asked Committee Members to introduce themselves. Each Committee Member, online and in-person, introduced themselves and their organization and answered the icebreaker question.

### 3. Introductions

Karen Langehough, Facilitator, asked Committee Members to introduce themselves. See the list of in-room and online participants above.

### 4. Objectives and Meeting Agreement

Facilitator Langehough reviewed meeting objectives, which included discussion and decisions regarding language:

- Definitions
- Complaints
- Variances
- Severability and Appeals

Facilitator Langehough:

- Explained that feedback from the last meeting was reviewed and considered. Committee Members are to focus on the intent of the language presented and to spend less time wordsmithing. There will be multiple opportunities to review the language later.
- Reviewed the voting methods that will be used today and then moved to the timeline. This is the third meeting of eight planned meetings in total. The final meeting will be on December 4, 2024, with two opportunities after that to review the work produced. Reviewing will occur in January 2025 and again at the end of February or the beginning of March before it moves to the Washington State Board of Health.
- Reviewed the TAC agreements and encouraged Committee Members to ask clarifying questions as needed.

### 5. Language: Definition – School

Facilitator Langehough introduced “school” as the first term to define.

#### Proposed Language

*“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.*

Facilitator Langehough asked for clarifying questions before voting.

Lauren Jenks, Committee Member, suggested including the term private institution to private school.

Andrew Kamali, Project Manager, commented that the language and terms used come directly from the Revised Code of Washington (RCWs).

Tammy Allison, Committee Member, suggested using existing definitions from other sources.

PM Kamali clarified that this exact definition does not exist, as it pertains to both public and private schools which have different definitions in other RCWs.

Samanatha Fogg, Committee Member, pointed out that using “K-12 and related activities” may not consider transition services, which go to age 22.

Sandy Phillips, Committee Member, asked if outdoor classes have been considered in this definition and stated that some schools have multi-age classrooms and do not have kindergarten or defined grades.

Facilitator Langehough added the topic of defining kindergarten and outdoor schools to the parking lot to discuss later and directed Committee Members to vote fist to five on the proposed definition.

### Voting Results

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

Facilitator Langehough reminded Committee Members that a consensus is when the majority of members vote 3-5 fingers. There was one fist, which means the person cannot support it in any way. Facilitator Langehough invited this person to speak to their concerns.

Kate Espy, Committee Member, explained that they have no objections and were confused with voting, that they meant to vote with 5 fingers.

Nina Helping, TAC staff, documented this and updated the vote accordingly as shown in the Voting Results above.

## 6. Language Definition - Preschool

Facilitator Langehough introduced two proposed language options. Option 1 closely mirrored Department of Children, Youth, and Families (DCYF) definition, and option 2 closely mirrored the definition in the 246-215 food code that is existing State Board of Health’s (Board) Washington Administrative Code (WAC).

### Proposed Language

#### Option 1

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

#### Option 2

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

Facilitator Langehough asked Committee Members for clarifying questions.

Laurette Rasmussen, Committee Member, and Sharon Ricci, Committee Member, discussed multiage classrooms and schools that don't have or define grades.

PM Kamali asked for clarification and suggested more research around such schools.

Gina Yonts, Committee Member, added that kindergarten isn't mandatory, and attendance is not taken.

Devon Kellogg, Committee Member, pointed out that even if a classroom is multi-age (e.g. ages 3--6), they may have some children that follow the kindergarten curriculum.

PM Kamali asked Tyler Muench, Committee Member, if they are aware of any Office of Superintendent and Public Instruction (OSPI) definitions for preschool.

Member Muench wasn't aware of any specific definition to reference. OSPI generally does not include preschool definitions.

Brian Freeman, Committee Member, referenced RCW 43.216.010, which addresses early learning and defines early learning as non-school age being "age 6 or younger and not enrolled in public or private school."

Facilitator Langehough called for a vote between the two options and for each option either as is, or with edits.

### Voting Results

Option 1 as is	Option 1 edits	Option 2 as is	Option 2 edits
8	5	4	7

Facilitator Langehough asked whether the committee would need another vote considering how close the options were.

Member Freeman commented that we shouldn't be defining preschool, but specifically a preschool within a K-12 school. Consideration should be given to adding preschool within a school.

Erin Hockaday, Committee Member, wasn't sure we should define preschool, that may be addressed later in the code, perhaps in the applicability section.

Facilitator Langehough suggested putting a specific definition of preschool in applicability in the parking lot to address later and move forward with using the results of the vote of option 1 as is.

The Committee took a break at 10:10 a.m. and reconvened at 10:25 a.m.

## 7. Language Definition – School Board

Facilitator Langehough introduced two proposed language options to define "School Board."

## Proposed Language

### Option 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.*

### Option 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.*

Facilitator Langehough reviewed both definition options and asked for any questions.

Laurette Rasmussen, Committee Member, asked about private schools. Option 1 mentioned superintendent, option 2 says public schools. Are private schools covered? The group agreed that this definition is specific for public schools.

Member Hockaday asked what the appropriate body is in a private school to which they should send reports.

Member Ricci said the person who is on file with the State Board of Education official records.

Tami Allison, Committee Member, said the auditors (from option 2) use RCW 28-A.

Member Hockaday preferred option 2 and suggested that the school board reference was inclusive of private schools.

Facilitator Langehough recommended keeping the two separate and to clarify private schools when needed.

## Voting Results

Option 1 as is	Option 1 edits	Option 2 as is	Option 2 edits
1	0	22	0

## 8. Language Definition – School Facility

Facilitator Langehough introduced the proposed language for “School Facility” and asked for context of where the term might be used.

### Proposed Language

*“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.*

Member Hockaday cited sections that use the term regarding inspections and repairs.

Member Muench would like to add context of whether to include or exclude portables.

PM Kamali stated that portables still fall under the scope of this rule when they are used primarily for educational purposes.

Member Jenks questioned the longevity of portable usage.

Member Muench clarified that portables are often long-term solutions, but in some cases, they may be in place for the duration of construction or other events that might disrupt the use of facilities. OSPI makes the distinction based on whether there is a permanent foundation.

Member Hockaday emphasized that some portables may be used as labs and science classrooms and should be captured under this RCW.

Member Freeman mentioned that the kitchen is a key area.

PM Kamali confirmed that the kitchen falls under food safety.

Member Phillips suggested that sports fields may be too narrow.

PM Kamali replied that the language “but not limited to” covers additional spaces and that pools are covered under 246-260 or 246-262 WAC. Storage facilities that don’t have the primary purpose of education would fall under the Department of Labor and Industries (L&I).

Member Hockaday was concerned about unsafe practices outside of the scope of this rule that pose a health hazard to students (e.g. flammable materials stored next to heating source

### Voting Results

As is	With edits
21	2

## 9. Language Definition – Portables

Facilitator Langehough introduced the proposed language for “Portables.”

### Proposed Language

#### 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.*

Facilitator Langehough listed the options. The first closely mirrors 366 and 366A. The second is a definition from Texas state law for comparison.

Member Allison asked if this applies to offices for staff.

PM Kamali said staff spaces are covered by L&I. This refers to portables used for educational space.

Member Allison said a lot of work, money, permits, and logistics (water, etc) go into relocating a portable.

Member Hockaday suggested aligning this with the L&I definition.

Member Phillips said that not all are prefabricated. Option 1 talks about additional space. Sometimes that's the whole school (eg: attached to a church).

PM Kamali specified buildings that are shipped based on the L&I definition.

Member Hockaday referred to WAC 296 150 F, section 0020, Temporary Structure, that a portable is not set on a permanent foundation.

Jared Mason-Gere, Committee Member, asked if the Board has encountered issues with defining portables in WACs and what kind of problems they encounter.

PM Kamali asked local health partners in the committee.

Member Hockaday said their jurisdiction has not encountered significant issues. They have had some questions about food programs such as non-permanent structures. L&I will not claim authority for it if it's not on an axle or movable. And same with the building council, which won't claim authority.

Brian Buck, Committee Member, said that many of their portables are required to be on a permanent foundation. They can be prefabricated. They agreed with Member Allison that whether its relocatable or not isn't the large issue.

Member Freeman asked Member Muench how OSPI defines modular for building facilities they aren't included.

Member Muench said OSPI only tracks permanent, brick-and-mortar facilities. A modular structure can be built on top of a permanent foundation and a portable is a prefabricated structure that can be set on the ground. The OSPI tracks those on permanent foundations, therefore some modulares can be considered if built on a permanent foundation.

Member Hockaday said it may not be worth going into the semantics. Structures with foundations would already be included in this rule. This language clarifies that structures without a found would also be included. One section in 366 references portables moved and built before 1990 as being exempt from certain sections of the rule.

Member Allison stated that risk management includes all portables in their square footage.

Member Muench agreed with Member Hockaday's comments but added that sometimes when the legislature issues money for capital repairs, it's for permanent structures.

Facilitator Langehough reminded the committee's purpose for this meeting was to get intent and called Committee Members to vote.



## Voting Results

Option 1 as is	Option 1 edits	Option 2 as is	Option 2 edits
12	3	6	1

### 10. Language: Complaints

Facilitator Langehough recapped the survey that was sent to Committee Members regarding the Complaint Process and invited comments on the feedback including structure, timelines, turnaround, and definitions. Additional feedback focused on the TAC processes. Facilitator Langehough encouraged Committee Members to contact Chair, Patty Hayes for any concerns regarding the TAC.

Facilitator Langehough introduced the proposed language for Complaints.

#### Proposed Language

- 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.*

Facilitator Langehough emphasized that the proposal shows two different paths based on whether the complaint is an imminent health hazard (IHH) or not.

Member Jenks asked how much of the language is new and how much is already in 366A.

PM Kamali said that 366 does not have a complaint process. Some of the language comes from 366A.

Facilitator Langehough clarified that the intent is for each school to have a written complaint process.

Member Freeman argued that the proposed language would be very difficult. There are currently 13 or 14 state or federal complaint process requirements and it's not feasible to put all on the front page of the school website. Each has a different process.

Member Freeman questioned whether the goal is to solve the problem or to hold schools accountable. Schools need a process that will facilitate problem solving, not reprimand schools.

PM Kamali said it's important to have some kind of complaint process, but this shouldn't be the first step for parents or those filing a complaint. This might be where we see further guidance from the Department of Health (Department) program, such as large school vs. small school and capacity. The process needs to be flexible, and it's not unrealistic to have a formal process if parents have an issue with public safety. Good to have consistency that provides flexibility for districts.

Facilitator Langehough reminded the committee that the intent is for resolution and accountability.

Nicole Daltoso, Committee Member, said that the written complaint process would be general, such as “dependent on the complaint, the process will follow...” The school could call local health jurisdiction (LHJ) for guidance. Look at the overall umbrella and not get too specific.

Member Hockaday agreed that it should not be too prescriptive but to allow flexibility, where a larger school system might have something more complex. Sometimes the Department gives guidance (templates), with flexibility to tailor the process (such as with food). The intent is collaboration for safety and making sure parents are heard.

Member Allison suggests changing “shall” to “may.”

Member Rasmussen recommends keeping “shall.” The process doesn’t need to be prescriptive. It needs to ensure that an IHH includes the proper resources.

Pam Schwartz, Committee Member, said that working with 74 principles will result in questions about IHH.

Member Jenks asked Member Freeman for more information.

Member Freeman gave the example of smudging with a Native culture class. They asked students to step outside if they had asthma. They decided within 36 hours that complied with Americans with Disabilities Act (ADA) standards and cultural accommodations. If that was a written complaint, they would still be dealing with it today.

Member Hockaday shared a local health perspective. If a parent wanted to complain, but there was no process, they would go around the school directly to the LHJ. Member Hockaday suggested the school alert the LHJ in advance to notify them so they can confirm with the parent that they are aware of the issue. Collaboration between entities saves time for all vs. triangulating by the parents.

Member Jenks asked if a parent could just call instead of filing a written complaint.

Member Freeman said yes, it can be verbal. They must follow the process. A written complaint can also be oral.

Member Buck said that 246-366 has no documentation for a complaint process and questioned whether to include it. Have there been issues with reporting complaints?

Member Hockaday has seen issues, especially for IHHs. Some issues (water or electrical) may go beyond the school facilities. It’s not atypical to find out afterwards and it takes time to bounce back.

Laura Peterson, Committee Member, brought up the distinction between short-term and long-term situations.

PM Kamali reminded the committee that they will address the IHH piece. The school will work with the LHJ to determine if it is an IHH and whether to act. This should be a collaborative process between LHJ and schools.

Member Freeman asked to wait until we can define IHH.

Facilitator Langehough asked how waiting would help when IHH is not in this language.

Chair Hayes responded to Member Buck's comments stating that 246-366 was never implemented. They asked what the issue is with having it in the rules.

Member Hockaday has not observed an issue with parents not knowing where to go.

Member Freeman pointed to section (3)(d) and said it's important to know what we're talking about.

Facilitator Langehough asked if this rule should have a written complaint process.

Member Daltoso clarified that they already received complaints. Is this going to be a formal process and what does it cover? Member Freeman's example of the smudging issue was not an IHH. There may be other issues that could go to schools first vs LHJ.

Chair Hayes asked what the risk is of not having a formal complaint process.

Member Rasmussen asked if a school has a complaint process and if it gets to an IHH, do they contact the LHJ.

Member Phillips agreed with the idea of a formal complaint process. Maybe a complaint has been filed, but not to the appropriate person, and it hasn't gotten an appropriate answer. Based on the flow chart, maybe all complaints would be forwarded to LHJ.

Member Allison expressed concern about schools being required to have a written process and will auditors be asking where the written process is.

Member Jenks said that schools would be accountable for the steps we are discussing if in the WAC. Eventually, folks will ask how the rules are enforced. It comes back around to the process. A formal process can live with the school or the LHJ. We should have a process, starting with a higher level not super complicated.

Member Ricci sees this as holding schools to the standards of the rules, not the standards of the complaints.

Member Hockaday explained that inspections don't capture student, teacher, and parent experiences and that their complaints can capture issues that an inspection might miss.

Chair Hayes said not having a policy for this work is ambiguous and wonders what the value is for having the requirement.

PM Kamali asked LHJ if this process would be helpful to their work.

Member Hockaday said no, it would not have an impact for the school to have a written policy.

Member Rasmussen agreed stating that schools have procedures.

Member Phillips agreed but added that it might be beneficial to parents.

PM Kamali asked school representatives if this process be beneficial.

Member Buck said no.

Member Freeman said no. If this existed LHJs would be inundated with complaints.

Member Daltoso agreed.

Member Allison agreed adding that LHJs are already on it.

Member Lacey agreed.

PM Kamali asked parents if this process would be beneficial.

Member Kellog said that as a parent it would be helpful to have a complaint process, but it doesn't have to be specific.

Member Espy said there already are processes. The health department doesn't need additional information. A complaint process exists, and this would add more work.

Member Jenks acknowledges that there's already a complaint process. This is about an openness to information.

Member Kellog said the complaint process does not need to be separated. If there's an IHH, there are protocols to follow.

Chair Hayes recommended tabling the topic for now.

Facilitator Langehough agreed. Recommended moving to IHH.

The Committee took a break at 12:30 p.m. and reconvened at 1:00 p.m.

## **11. Language: Variances**

### Section (1)(a)(i) – (iv) School Officials

Facilitator Langehough introduced the purpose of this section. There are requirements for variances and how to request approval to deviate from the WAC. The language closely mirrors 366A but not identical and the committee will be looking at this by the roles of the school officer and the health official.

#### **Proposed Language**

*(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.

Member Freeman discussed a classroom remodeling project as an example of a variance.

PM Kamali answered that for a variance to be approved, it must reach the intent of this rule; local health jurisdictions will work with school districts to identify what that might look like.

Facilitator Langehough commented that this starts with the role of the school official indicating that they may submit a variance to the local health officer and how the variance still meets the Intent.

Member Ricci asked if this is specifically for physical buildings.

Facilitator Langehough replied that it could be for things that don't have to do with the physical building; it's for any of the regulations: the physical environment, the safety minimum specifications.

Member Schwartz asked what if there is no alternative for the variance, as an example, that buildings are required to have air conditioning.

Member Hockaday answered that the LHJ considers whether solution mitigates the hazard; that if there is no alternative to mitigate the hazard, the answer would be no. They added that when people come to the LHJ with variances, they usually have an alternative that balances the safety.

Member Schwartz expressed concern about schools getting boxed into something expensive.

Member Hockaday mentioned that this process is probably in place in all LHJs.

Member Schwartz asked if this would go to an individual or a committee to decide.

Member Hockaday answered that each LHJ will have their own processes.

Member Rasmussen said that their LHJ does code variances often, and they are able to work something out about the intent. It shouldn't be complicated, and they would discuss it.

Facilitator Langehough called for a vote.

### Voting Results

As is	With edits
22	1

Facilitator Langehough announced consensus for language as is.

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

Facilitator Langehough read the proposed language, discussing that this establishes minimum requirements, and the local health officer can grant a school official an emergency waiver for some or all of these rules for temporary use of a facility or site as a school.

### Proposed Language

*(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.*

Member Jenks described situations when a school district is over the boundary of more than one local health jurisdiction. Group discussion continued with examples of schools that are in two counties (on the boundary).

PM Kamali clarified that for districts that are split, it's based on the address of the school as to which local health jurisdiction will be responsible for that unless otherwise agreed upon.

Member Hockaday had concerns regarding Subsection (b) for imminent health hazard; that it may be approving the use of a temporary facility as a site in the case of having to relocate the whole school, or doing a temporary waiver for staying in operation, during an imminent health hazard. Member Hockaday said that they often don't have a 60-day turnaround to review that variant; e.g. a "boil water" or no power event. Member Hockaday suggested addressing that in subsection (b). Discussion continued regarding the use of 60 days, how much time to respond to the variance; clarifying that they can still respond to it quicker.

Chair Hayes said that because there is no language connecting A and B, they are not interdependent and suggested adding a word in (b) like "may grant"; also adding imminent health hazard, giving the school even more flexibility.

PM Kamali asked if it was helpful to have a timeline in (b) or better to leave it vague so the local health can work with the school to set up that timeframe.

Facilitator Langehough asked for the vote for language as is or language with edits.

### Voting Results

As is	With edits
8	16

Facilitator Langehough recommended going back to the language and section (b) for revisions.

Member Hockaday suggested, “The local health officer may grant a school official an emergency waiver from some or all the requirements in these rules in the case of an IHH or the temporary use of the facility as a site.”

Nina Helping, TAC staff, asked for examples such as a school needing to relocate because the building isn’t suitable if the variance allows for them to stay in the premises or move when there isn’t an IHH.

Facilitator Langehough replied that LHJ could grant the school official a temporary emergency waiver and asked if that was the intent.

Member Hockaday said that would fall under (a) not an emergency and that B is kept for emergencies. The committee discussed temporary emergencies.

Chair Hayes clarified that there are two situations to define. When is it an imminent health hazard and when is there a need for the temporary use of a facility or site.

There was more discussion of a facility, formatting the document, indenting, to cleaning it up. Section language was modified on screen.

PM Kamali discussed that the TAC staff will make changes discussed and bring it to the committee once updated.

Member Freeman suggested that an emergency waiver should not be in the timeframe of 60 days.

Member Hockaday replied that the 60 days is the length of time to respond to the variance, but that it does not stop them from responding quicker.

Member Kellogg asked what the steps were to allow students to remain in school. How would this work in practice for a situation like an earthquake?

Member Hockaday replied that it depends on the impact on the school, the school would need to collaborate with their local health jurisdiction. There was further discussion of the impacts in a severe emergency.

Member Daltoso gave an example of the discovery of lead-based paint, and that they created a variance with the local health department to make it safe enough to continue.

Facilitator Langehough said that the staff will bring this modified language back next time and call for a vote on the agreed intent of this section, with more language changes to come.

### **Voting Results**

<b>Fist</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
0	0	0	4	12	8

Facilitator Langehough announced consensus for language intent with upcoming edits.

## 12. Language: Severability

Facilitator Langehough set context for severability as a common language in regulations. The intention of severability is for the remainder of the language to stay intact if a portion of the rule is found at any point to be invalid. Appeals are to identify the contact for the local level authority. Facilitator Langehough also adds that Appeals are a separate, standalone section of the rule. They asked if there are any questions or clarification needed about severability and appeals. Having heard none, Facilitator Langehough calls for Committee Members to cast their votes on the Proposed Language.

### Proposed Language

*(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.*

Facilitator Langehough announced that the vote was unanimous for keeping the language as is.

### Voting Results

As is	With edits
23	0

## 13. Language: Appeals

Facilitator Langehough introduced the proposed language for Appeals and asked for questions or clarifications.

### Proposed Language

*(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.  
Committee Members voted through a QR code and online meeting poll.*

Member Hockaday described their process. They would go through the environmental health director first who would work with the health officer on the decision. This language is straightforward.

Member Rasmussen added context that if there is no agreement that the LHJ would go to the Board of Health, the hearing examiner, or other mechanisms.

Facilitator Langehough called for a vote.



## Voting Results

As is	With edits
24	0

Facilitator Langehough announced that the vote was unanimous for keeping the language as is.

The Committee took a break at 1:45 p.m. and reconvened at 1:55 p.m.

### 14. Open Discussion / Questions

Facilitator Langehough: To recap, the complaint process has been removed; we are not bringing language back. What will come back is the procedure for responding to an imminent health hazard and steps to validate that it is an imminent health hazard. That's the language to be brought back the next time we meet. Any questions or concerns about that?

Discussion continued about the procedures for schools when there is an imminent health hazard like heat advisories or air quality advisories;

Member Hockaday pointed out that there are larger frameworks and guidance for schools and public health officials from the Department.

Facilitator Langehough opened the floor for discussions and comments.

PM Kamali said that this is also a great opportunity for feedback on how you think things are going, or if there are any process changes you would like to see.

Member Allison said that it went smoothly, and we had 100% agreement on two questions, so it is going well.

Member Hockaday said that dealing with definitions first would be helpful in the future.

Member Kellogg appreciated how this was laid out in the notes with the comparative columns for easy reference.

PM Kamali asked if Committee Members would like to see all the definitions first, and then go into the language.

Member Hockaday asked if the committee would be altering all the definitions.

PM Kamali said, no, not all. There will be some definitions that don't change or exist in other places.

Member Hockaday discussed presenting it in a way that's easiest to understand.

Facilitator Langehough asked if the printed materials were helpful.

Member Allison said that the QR code did not work. Others agreed while some said the QR code worked on paper, not on screen. Others said it worked fine for them.

Member Allison suggested that the minutes are not needed, they are given ahead of time.

Facilitator Langehough revisited two items in the parking lot:

- Bringing back a definition for kindergarten.
- Confirmation of language around outdoor school settings.

Member Kellogg asked whether the Applicability section was going to include preschools that are part of another facility.

Facilitator Langehough added that to the parking lot. Further discussion included preschools and 18- to 22-year-old transition programs.

PM Kamali shared feedback from OSPI that these programs are considered in the K-12 range.

## **15. Next Steps**

Facilitator Langehough asked for final comments and instructions.

Chair Hayes expressed gratitude and excitement to be working with the Committee Members. Chair Hayes emphasized the importance of having an open and transparent process and to circle back around to make decisions together for the best interest of the health and safety of our kids.

PM Kamali reminded the committee that the next meeting would be on October 4 in Leavenworth. At that time, the committee will go over additional topics, connect with environmental health directors from across the state, and learn about the partnership building between school districts and local health jurisdictions. It will be a different process next time. Board of Health staff will get the language out at least 70 hours in advance for your review. Member should notify as soon as possible if they have any changes or are not able to attend in person.

## **16. ADJOURNMENT**

Chair Hayes adjourned the meeting at 2:12 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)<sup>[1]</sup> 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

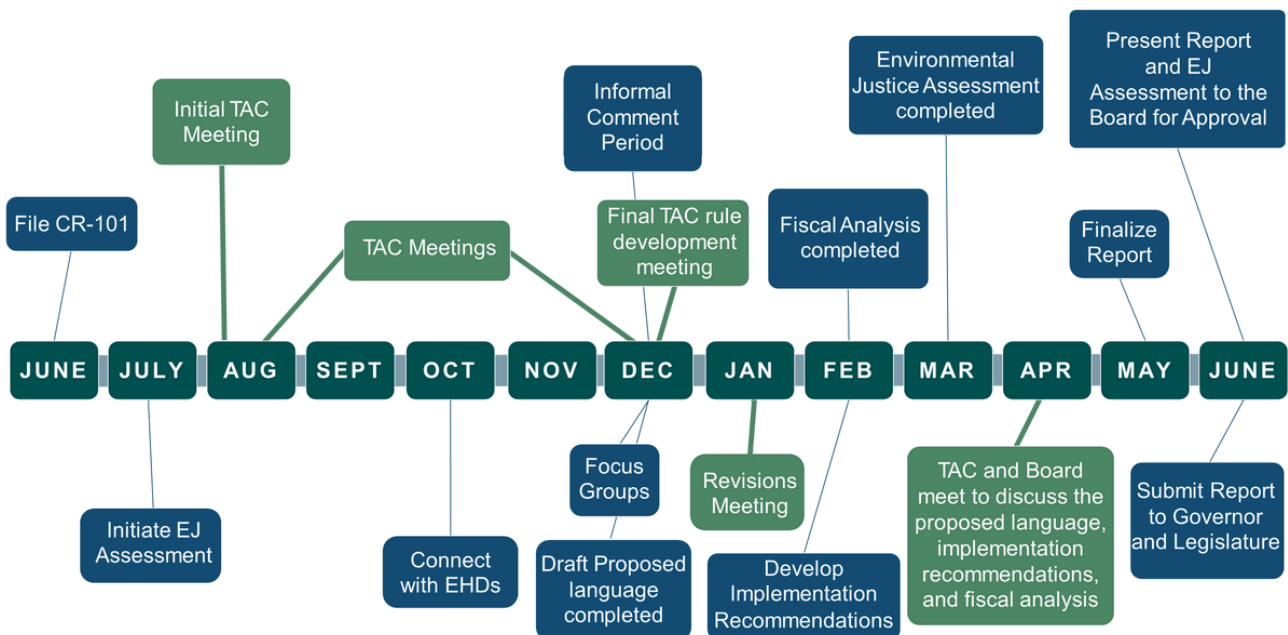
#### Date & Location

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>

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

### Proposed Language for WAC 246-370 October 4, 2024, TAC

#### WAC 246-370-XXX Imminent Health Hazard Procedure

This section is similar to chapter 246-366A WAC. The language was simplified, roles were defined, and records retention requirements were removed.

- (1) If a school identifies a condition that could pose an imminent health hazard, the school shall:
  - (a) Immediately consult with the local health officer to investigate the suspected hazard;
  - (b) Take immediate action to mitigate hazards and prevent exposure if an imminent health hazard is confirmed; and
  - (c) Within one business day of confirming the imminent health hazard:
    - (i) Inform the school facility, students, and parents about the imminent health hazard conditions and actions taken to correct the hazard. A school may consult with the local health officer in developing appropriate health and safety messages.
- (2) If a local health officer identifies a condition that is an imminent health hazard at a school, the local health officer shall:
  - (a) Immediately inform school officials of the imminent health hazard;
  - (b) Take action in consultation with school officials to mitigate hazards and prevent exposure; and
  - (c) If requested, assist school officials in developing health and safety messages for school faculty, students, and parents.

#### WAC 246-370-XXX Site Assessment

This section outlines when a ground site assessment might be required. This language is similar to chapter 246-366A WAC. Record retention requirements were removed.

- (1) A local health officer shall conduct a site assessment when:
  - (a) The construction is for a new school facility on a site that was previously undeveloped or developed for other purposes; or
  - (b) An existing structure is converted for primary use as a school facility.
- (2) A local health officer may conduct a site assessment when a school district is constructing:
  - (a) A new school facility on an existing school site; or
  - (b) An addition to an existing school facility.
- (3) A site assessment must include:
  - (a) A Phase 1 Environmental Site Assessment (ESA) that meets the requirements of the American Society for Testing and Materials (ASTM) Standard #1527-21 (published December 2021);
  - (b) Sampling and analysis of potential contaminants if the Phase 1 ESA indicates that hazardous materials may be present. Sampling and analysis must comply with the applicable rules of the Washington state department of ecology;

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

- (c) A noise assessment.<sup>1</sup>
- (4) School officials shall:
  - (a) Notify the local health officer within ninety days of starting the preliminary planning for school construction that may require a review and approval of a site assessment by a local health officer.
  - (b) Consult with the local health officer throughout the plan development phase regarding the scope of the site assessment and the timeline for completion of the site assessment.
  - (c) Submit a written report to the local health officer assessing the potential impact of health and safety risks presented by the proposed site, including, but not limited to the following:
    - (i) The findings and results obtained under subsection (3) of this section;
    - (ii) An analysis of the findings;
    - (iii) A description of any mitigation proposed to address identified health and safety risks present at the site; and
    - (iv) Any site assessment-related information requested by the local health officer to complete the site assessment review and approval process.
  - (d) Obtain site review and written site approval from the local health officer when required under subsection (1) or (2) of this section.
- (5) The local health officer shall:
  - (a) When notified by the school, conduct an inspection of the proposed site;
  - (b) Review the site assessment for environmental health and safety risk;
  - (c) For site assessments according to subsection (1) of this section, provide written approval, describe site deficiencies needing mitigation to obtain approval, or deny use of the proposed school facility site within sixty days of receiving a complete request unless the school officials and the local health officer agree to a different timeline; and
  - (d) For site assessments according to subsection (2) of this section, provide written approval or describe site deficiencies needing mitigation to obtain approval of the proposed school facility site within sixty days of receiving a complete request unless the school officials and the local health officer agree to a different timeline.
- (6) If school officials notified the local health officer in writing prior to the effective date of this section that construction is planned for a particular site, the site review requirements in effect at the time of notification apply provided that school officials comply with all agreed on timelines for completion.

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<sup>1</sup> A noise assessment should be required, and we will address the appropriate language when we discuss noise on October 31, 2024.

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

### 246-370-XXX Construction Plan Review - New, Alterations, and Portable

This section outlines the requirements for a construction plan review. This language is similar to chapter 246-366A WAC. Language was simplified and specific measurable requirements were added.

- (1) The following school construction projects must be reviewed and approved by the local health officer:
  - (a) Construction of a new school facility;
  - (b) Schools established in all or part of any existing structures previously used for other purposes;
  - (c) Additions or alterations consisting of more than five thousand square feet of floor area or more than 20 percent of the total square feet of an existing school facility, whichever is less; and
  - (d) Installation or construction of a portable.
- (2) The school officials shall:
  - (a) Consult with the local health officer during preliminary planning for school construction projects that are subject to the requirements of this section;
  - (b) Invite the local health officer to a predevelopment conference with school officials and project design professionals to participate in the discussion about the preliminary design to highlight health and safety matters and requirements of these rules;
  - (c) Obtain construction project review and written approval from the local health officer regarding environmental health and safety requirements in these rules before starting construction;
  - (d) Provide construction documents to the local health officer at the same time as the local building official to facilitate a concurrent and timely review;
  - (e) Provide additional documents requested by the local health officer, which may include, but are not limited to, written statements signed by the project's licensed professional engineer verifying that design elements comply with requirements specified by these rules;
  - (f) Obtain a preoccupancy inspection by the local health officer conducted in coordination with a final inspection by the local building official, in order to ensure imminent health hazards are corrected before allowing school facilities to be occupied; and
  - (g) Notify the local health officer at least five business days before a desired preoccupancy inspection.
- (3) The local health officer shall:
  - (a) Consult with school officials and determine what is required for plan review and approval;
  - (b) Review construction documents to confirm that the health and safety requirements of these rules are met;
  - (c) Identify and request any additional documents required to determine compliance with requirements specified by these rules; and
  - (d) Provide written approval, or describe plan deficiencies needing change to obtain approval, of the construction project within sixty days of receiving all documents needed to complete the review, unless the school officials and the local health officer agree to a different timeline; and

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

- (e) Conduct inspections:
  - (i) In a coordinated effort with the on-site project manager or other appropriate person identified by school officials;
  - (ii) At any point during the construction period to verify compliance with the requirements of this chapter;
  - (iii) Before the completed construction project is occupied and not more than five business days after the date requested by school officials or as otherwise agreed to by the school officials and the local health officer.
    - (A) If an imminent health hazard is identified, a solution must be identified and agreed to by school officials, the local health officer, and the local building official and implemented by school officials before the affected portion of the building is occupied.
    - (B) If other conditions of noncompliance with this chapter are identified, school officials shall be provided with a written list of items and consulted in developing a correction schedule based on the level of risk to health and safety.
  - (iv) To confirm satisfactory correction of the items identified under (iii) of this subsection.

### 246-370-XXX Construction Plan Review – Showers and Restrooms

This section outlines requirements for a plan review for new or renovated showers or restrooms. This language is similar to chapter 246-366A WAC. Language was simplified and specific measurable requirements were added.

- (1) When new installation or renovation of an existing shower or restroom facility is planned, school officials shall:
  - (a) Consult with the local health officer to confirm if a construction review and plan approval is required.
  - (b) Provide shower facilities for grades nine and above for classes in physical education and for team sports that:
    - (i) Automatically maintains hot water between 100° F and 120° F;
    - (ii) Meet a ratio of one shower per 10 individuals of each sex participating in physical education classes or team sports;<sup>2</sup>
    - (iii) Meet the requirements of the uniform plumbing code set forth in chapter 51-56 WAC;
    - (iv) Provide floor surfaces in shower areas that are water-impervious, slip-resistant, and sloped to floor drains. Walls must be water-impervious up to showerhead height. Upper walls and ceilings must have an easily cleanable surface;
    - (v) If provided, have drying areas adjacent to showers and locker or dressing rooms. Walls and ceilings must have an easily cleanable surface and floor surfaces must be water impervious, slip-resistant, and sloped to floor drains; and

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<sup>2</sup> Per L&I shower requirements for employees [WAC 296-800-23065](#).



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

- (vi) Provide locker or dressing rooms adjacent to showers or drying rooms. Walls and ceilings must have an easily cleanable surface. When drying areas are provided, floor surfaces in locker or dressing rooms must be appropriate for the intended use, easily cleanable and dryable to effectively inhibit mold growth. When drying areas are not provided, locker or dressing room floor surfaces must be water-impervious, slip-resistant, and sloped to floor drains.
- (c) Provide restrooms:
  - (i) That automatically maintain hot water between 100° F and 120° F;
  - (ii) At a ratio of one toilet per 15 individuals of each sex;<sup>3</sup>
  - (iii) Meet the requirements of the uniform plumbing code set forth in chapter 51-56 WAC
  - (iv) That provide water-impervious floor surfaces that are slip-resistant and sloped to floor drains;
  - (v) With walls that are water-impervious up to water splash height. Upper walls and ceilings must have an easily cleanable surface; and
  - (vi) With soap and single-use or disposable towels or blower or equivalent hand-drying device.
- (2) If a new installation or renovation of an existing shower or restroom facility requires local health officer review and approval, the local health officer shall follow the construction plan review requirements for new construction or alterations set forth in WAC 246-370-XXX.

### WAC 246-370-XXX Routine Inspections

This section outlines when and how a routine site inspection must be conducted. This language is similar to chapter 246-366A WAC. Language was simplified and specific measurable requirements were added.

- (1) Responsibilities of the local health officer.
  - (a) Conduct an environmental health and safety inspection of each school facility within their jurisdiction every (insert number) years.
  - (b) Routine inspections may be more frequent if determined necessary by the local health officer.
  - (c) Notify school officials at the time of discovery, or immediately following the inspection, if conditions that pose an imminent health hazard are identified and follow the imminent health hazard requirements set forth in WAC 246-370-XXX.
  - (d) Consult with school officials upon completion of the inspection about findings and recommended follow-up actions and, if necessary, collaborate with school officials to develop a remediation schedule.
  - (e) Develop draft and final inspection reports, in consultation with school officials, within sixty days following an inspection. The report must include inspection findings related to this chapter and any required remediation.
  - (f) Confirm, as needed, that corrections are accomplished.

<sup>3</sup> Per L&I specs for # of toilets in [WAC 296-800-23020](#).

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

**Imminent Health Hazard Procedure**

This section is similar to chapter 246-366A WAC. The language was simplified, roles were defined, and records retention requirements were removed.

Proposed Language	WAC 246-366	WAC 246-366A-020(1)
(1) If a school identifies a condition that could pose an imminent health hazard, the school shall:		
(b) Take immediate action to mitigate hazards and prevent exposure if an imminent health hazard is confirmed; and		(c) When conditions are identified that pose an imminent health hazard: (i) Take immediate action to mitigate hazards and prevent exposure;
(a) Immediately consult with the local health officer to investigate the suspected hazard;		(ii) Promptly notify the local health officer; and
(c) Within one business day of confirming the imminent health hazard: (i) Inform the school facility, students, and parents about the imminent health hazard conditions and actions taken to correct the hazard. A school may consult with the local health officer in developing appropriate health and safety messages.		(iii) Promptly inform school facility staff, students, and parents about the conditions and actions taken in response.
		(d) Retain for at least six years, unless otherwise required by other state or federal laws, records pertaining to:(ii) Imminent health hazards identified under this section and WAC 246-366A-190, and actions taken in response;

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

Proposed Language	WAC 246-366	WAC 246-366A-020(1)
<p>(2) If a local health officer identifies a condition that is an imminent health hazard at a school, the local health officer shall:</p> <p>(a) Immediately inform school officials of the imminent health hazard;</p> <p>(b) Take action in consultation with school officials to mitigate hazards and prevent exposure; and</p> <p>(c) If requested, assist school officials in developing health and safety messages for school faculty, students, and parents.</p>		

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

### Site Assessment

This section outlines when a ground site assessment might be required. This language is similar to chapter 246-366A WAC. Record retention requirements were removed.

Proposed Language	WAC 246-366-030	WAC 246-366A-030
<p>(1) A local health officer shall conduct a site assessment when:</p> <p>(a) The construction is for a new school facility on a site that was previously undeveloped or developed for other purposes; or</p> <p>(b) An existing structure is converted for primary use as a school facility.</p> <p>(2) A local health officer may conduct a siteassessment when a school district is constructing:</p> <p>(a) A new school facility on an existing school site; or</p> <p>(b) An addition to an existing school facility.</p>	<p>(1) Before a new school facility is constructed, an addition is made to an existing school facility, or an existing school facility is remodeled, the board of education shall obtain written approval from the health officer that the proposed development site presents no health problems. The board of education may request the health officer make a survey and submit a written health appraisal of any proposed school site.</p>	<p>(1) A full site assessment and local health officer review and approval to determine environmental health and safety risk, is required for:</p> <p>(a) Constructing a new school facility on a site that was previously undeveloped or developed for other purposes; or</p> <p>(b) Converting an existing structure for primary use as a school facility.</p> <p>(2) The local health officer shall determine, in consultation with school officials, the need for and scope of the site assessment, review, and approval process for:</p> <p>(a) Constructing a new school facility on an existing school site;</p> <p>(b) Constructing an addition to an existing school facility; or</p> <p>(c) Converting part of an existing structure primarily used for other purposes into a school facility.</p>
	<p>(2) School sites shall be of a size sufficient to provide for the health and safety of the school enrollment.</p>	
<p>(c) A noise assessment. (Language around what a noise assessment is will be developed at our October 31, 2024, TAC Meeting)</p>	<p>(3) Noise from any source at a proposed site for a new school, an addition to an existing school, or a portable classroom shall not exceed an hourly average of 55 dBA (Leq 60 minutes) and shall not exceed an hourly maximum (Lmax) of 75 dBA during the time of day the school is in session; except sites exceeding these sound levels are acceptable if a plan for sound reduction is included in the new construction proposal and the plan for sound reduction is approved by the health officer.</p>	<p>(c) A noise assessment. Noise from any source must not exceed an hourly average of 55 dBA (the mean sound energy level for a specified time (Leq60 minutes)) and must not exceed an hourly maximum (the maximum sound level recorded during a specified time period (Lmax)) of 75 dBA during the time of day the school is in session. Sites exceeding these sound levels are acceptable if a plan for noise reduction is included in the new</p>

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

Proposed Language	WAC 246-366-030	WAC 246-366A-030
(3) A site assessment must include: (a) A Phase 1 Environmental Site Assessment (ESA) that meets the requirements of the American Society for Testing and Materials (ASTM) Standard #1527-21 (published December 2021);		(3) A full site assessment must include: (a) A Phase 1 Environmental Site Assessment (ESA) that meets the requirements of the American Society for Testing and Materials (ASTM) Standard #1527-05 (published November 2005);
(b) Sampling and analysis of potential contaminants if the Phase 1 ESA indicates that hazardous materials may be present. Sampling and analysis must comply with applicable rules of the Washington state department of ecology;		(b) Sampling and analysis of potential contaminants if the Phase 1 ESA indicates that hazardous materials may be present. Sampling and analysis must comply with applicable rules of the Washington state department of ecology;
(4) School officials shall: (a) Notify the local health officer within ninety days of starting the preliminary planning for school construction that may require a review and approval of a site assessment by a local health officer.		(4) School officials shall: (a) Notify the local health officer within ninety days of starting preliminary planning for school construction that may require a site assessment with local health officer review and approval.
(b) Consult with the local health officer throughout the plan development phase regarding the scope of the site assessment and the timeline for completion of the site assessment.		(b) Consult with the local health officer throughout the plan development phase regarding the scope of the site assessment and the timeline for completion of the site assessment.
		(c) Have a site assessment completed when required under this section.
(c) Submit a written report to the local health officer assessing the potential impact of health and safety risks presented by the proposed site, including, but not limited to the following: (i) The findings and results obtained under subsection (3) of this section;		(d) Submit a written report to the local health officer assessing the potential impact of health and safety risks presented by the proposed site, including, but not limited to the following: (i) The findings and results obtained under subsection (3) of this section;
(ii) An analysis of the findings;		(ii) Analysis of the findings;
(iii) A description of any mitigation proposed to address identified health and safety risks present at the site; and		(iii) Description of any mitigation proposed to address identified health and safety risks present at the site; and

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

Proposed Language	WAC 246-366-030	WAC 246-366A-030
(iv) Any site assessment-related information requested by the local health officer to complete the site assessment review and approval process.		(iv) Any site assessment-related information requested by the local health officer to complete the site assessment review and approval process.
		(e) Obtain site review and written site approval from the local health officer when required under subsection (1) or (2) of this section.
		(d) Retain for at least six years, unless otherwise required by other state or federal laws, records pertaining to: (iii) Site assessment, review, and approval as required under WAC 246-366A-030;
(5) The local health officer shall: (a) When notified by the school, conduct an inspection of the proposed site;		(5) The local health officer shall: (a) Conduct an inspection of the proposed site;
(b) Review the site assessment for environmental health and safety risk;		(b) Review the site assessment for environmental health and safety risk;
(c) For site assessments according to subsection (1) of this section, provide written approval, describe site deficiencies needing mitigation to obtain approval, or deny use of the proposed school facility site within sixty days of receiving a complete request unless the school officials and the local health officer agree to a different timeline; and		(c) For site assessments according to subsection (1) of this section, provide written approval, describe site deficiencies needing mitigation to obtain approval, or deny use of the proposed school facility site within sixty days of receiving a complete request unless the school officials and the local health officer agree to a different timeline; and
(d) For site assessments according to subsection (2) of this section, provide written approval or describe site deficiencies needing mitigation to obtain approval of the proposed school facility site within sixty days of receiving a complete request unless the school officials and the local health officer agree to a different timeline.		(d) For site assessments according to subsection (2) of this section, provide written approval or describe site deficiencies needing mitigation to obtain approval of the proposed school facility site within sixty days of receiving a complete request unless the school officials and the local health officer agree to a different timeline.

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

Proposed Language	WAC 246-366-030	WAC 246-366A-030
<p>(6) If school officials notified the local health officer in writing prior to the effective date of this section that construction is planned for a particular site, the site review requirements in effect at the time of notification apply provided that school officials comply with all agreed on timelines for completion.</p>		<p>(6) If school officials notified the local health officer in writing prior to the effective date of this section that construction is planned for a particular site, the site review requirements in effect at the time of notification apply, provided that school officials comply with all agreed on timelines for completion.</p>

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

### Construction Plan Review - New, Alterations, and Portables

This section outlines the requirements for a construction plan review. This language is similar to chapter 246-366A WAC. Language was simplified and specific measurable requirements were added.

Proposed Language	WAC 246-366-20	WAC 246-366A-040 & 050
<p>(1) The following school construction projects must be reviewed and approved by the local health officer:</p> <ul style="list-style-type: none"> <li>(a) Construction of a new school facility;</li> <li>(b) Schools established in all or part of any existing structures previously used for other purposes;</li> <li>(c) Additions or alterations consisting of more than five thousand square feet of floor area or more than 20 percent of the total square feet of an existing school facility, whichever is less; and <sup>1</sup></li> <li>(d) Installation or construction of a portable.</li> </ul>	<p>(1) Any board of education, before constructing a new facility, or making any addition to or major alteration of an existing facility or any of the utilities connected with the facility, shall:</p> <ul style="list-style-type: none"> <li>(a) First submit final plans and specifications of such buildings or changes to the jurisdictional health officer;</li> </ul>	<p>(1) The following school facility construction projects must be reviewed by the local health officer:</p> <ul style="list-style-type: none"> <li>(a) Construction of a new school facility;</li> <li>(b) Schools established in all or part of any existing structures previously used for other purposes;</li> <li>(c) Additions or alterations consisting of more than five thousand square feet of floor area or having a value of more than ten percent of the total replacement value of an existing school facility;</li> <li>(d) Any construction of a shop or laboratory for use by students; and</li> <li>(e) Installation of a portable.</li> </ul> <p>(2) Review and approval requirements for installation of a playground are established in WAC 246-366A-150.</p>

<sup>1</sup> (c) is similar to the definition of an alteration level 3 (section 604.1) of the WA State Building [CHAPTER 6 CLASSIFICATION OF WORK - 2021 WASHINGTON STATE EXISTING BUILDING CODE \(iccsafe.org\)](#).

Level 3 alterations apply when one of the following criteria is exceeded:

1. The work meets or exceeds the threshold of either substantial improvements or substantial damage.\*
2. The alteration exceeds 50% of the building area.

\*Damage or improvement costs are equal to or exceeds 50% of the value of the building



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

Proposed Language	WAC 246-366-20	WAC 246-366A-040 & 050
<p>(2) The school officials shall:            (a) Consult with the local health officer during preliminary planning for school construction projects that are subject to the requirements of this section;            (b) Invite the local health officer to a predevelopment conference with school officials and project design professionals to participate in the discussion about the preliminary design to highlight health and safety matters and requirements of these rules;</p>	<p>(b) Shall obtain the health officer's recommendations and any required changes, in writing;</p>	<p>(3) School officials shall:            (a) Consult with the local health officer during preliminary planning for school construction projects that are subject to the requirements of this section;            (b) Invite the local health officer to a predevelopment conference with school officials and project design professionals to participate in the discussion about the preliminary design to highlight health and safety matters and requirements of these rules;</p>
<p>(c) Obtain construction project review and written approval from the local health officer regarding environmental health and safety requirements in these rules before starting construction;            (d) Provide construction documents to the local health officer at the same time as the local building official to facilitate a concurrent and timely review;            (e) Provide additional documents requested by the local health officer, which may include, but are not limited to, written statements signed by the project's licensed professional engineer verifying that design elements comply with requirements specified by these rules;</p>	<p>(c) Shall obtain written approval from the health officer, to the effect that such plans and specifications comply with these rules and regulations.</p>	<p>(c) Obtain construction project review and written approval from the local health officer regarding environmental health and safety requirements in these rules before starting construction;            (d) Provide construction documents to the local health officer at the same time as the local building official to facilitate a concurrent and timely review; and            (e) Provide additional documents requested by the local health officer, which may include, but are not limited to, written statements signed by the project's licensed professional engineer verifying that design elements comply with requirements specified by these rules.</p>

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

Proposed Language	WAC 246-366-20	WAC 246-366A-040 & 050
<p>(f) Obtain a preoccupancy inspection by the local health officer conducted in coordination with a final inspection by the local building official, in order to ensure imminent health hazards are corrected before allowing school facilities to be occupied; and                      (g) Notify the local health officer at least five business days before a desired preoccupancy inspection.</p>		<p>(1) School officials shall:                      (a) Obtain a preoccupancy inspection by the local health officer of construction projects subject to WAC 246-366A-040(1), conducted in coordination with a final inspection by the local building official, in order to ensure imminent health hazards are corrected before allowing school facilities to be occupied; and                      (b) Notify the local health officer at least five business days before a desired preoccupancy inspection.</p>
		<p>(d) Retain for at least six years, unless otherwise required by other state or federal laws, records pertaining to:(iv) Construction project plan review and approval as required under WAC 246-366A-040;</p>
<p>(3) The local health officer shall:                      (a) Consult with school officials and determine what is required for plan review and approval;                      (b) Review construction documents to confirm that the health and safety requirements of these rules are met;                      (c) Identify and request any additional documents required to determine compliance with requirements specified by these rules; and                      (d) Provide written approval, or describe plan deficiencies needing change to obtain approval, of the construction project within sixty days of receiving all documents needed to complete the review, unless the school officials and the local health officer agree to a different timeline; and</p>	<p>(2) The health officer shall:                      (a) Conduct a preoccupancy inspection of new construction to determine its conformity with the approved plans and specifications.</p>	<p>(4) The local health officer shall:                      (a) Consult with school officials and determine what is required for plan review and approval;                      (b) Review construction documents to confirm that the health and safety requirements of these rules are met;                      (c) Identify and request any additional documents required to determine compliance with requirements specified by these rules; and                      (d) Provide written approval, or describe plan deficiencies needing change to obtain approval, of the construction project within sixty days of receiving all documents needed to complete the review, unless the school officials and the local health officer agree to a different timeline.</p>

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

Proposed Language	WAC 246-366-20	WAC 246-366A-040 & 050
<p>(e) Conduct inspections:</p> <p>(i) In a coordinated effort with the on-site project manager or other appropriate person identified by school officials;</p> <p>(ii) At any point during the construction period to verify compliance with the requirements of this chapter;</p> <p>(iii) Before the completed construction project is occupied and not more than five business days after the date requested by school officials or as otherwise agreed to by the school officials and the local health officer.</p> <p>(A) If an imminent health hazard is identified, a solution must be identified and agreed to by school officials, the local health officer, and the local building official and implemented by school officials before the affected portion of the building is occupied.</p> <p>(B) If other conditions of noncompliance with this chapter are identified, school officials shall be provided with a written list of items and consulted in developing a correction schedule based on the level of risk to health and safety.</p> <p>(iv) To confirm satisfactory correction of the items identified under (iii) of this subsection.</p>	<p>(b) Make periodic inspections of each existing school within his jurisdiction, and forward to the board of education and the administrator of the inspected school a copy of his findings together with any required changes and recommendations.</p>	<p>(2) The local health officer:</p> <p>(a) Shall coordinate all construction-related inspections with the on-site project manager or other appropriate person identified by school officials.</p> <p>(b) May inspect for compliance with these rules during the construction phase.</p> <p>(c) Shall conduct a preoccupancy inspection for construction projects subject to WAC 246-366A-040(1) to verify compliance with these rules before the building is occupied and not more than five business days after the date requested by school officials or as otherwise agreed to by the school officials and the local health officer.</p> <p>(i) If an imminent health hazard is identified, a solution must be identified and agreed to by school officials, the local health officer, and the local building official and implemented by school officials before the affected portion of the building is occupied.</p> <p>(ii) If other conditions of noncompliance with these rules are identified, school officials shall be provided with a written list of items and consulted in developing a correction schedule, based on the level of risk to health and safety.</p> <p>(d) May reinspect to confirm satisfactory correction of the items identified under (c) of this subsection.</p>

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

### Construction Plan Review - Showers and Restrooms

This section outlines requirements for a plan review for new or renovated showers or restrooms. This language is similar to chapter 246-366A WAC. Language was simplified and specific measurable requirements were added.

Purposed Language	WAC 246-366-060	WAC 246-366A-120
<p>(1) When new installation or renovation of an existing shower or restroom facility is planned, school officials shall:</p> <p>(a) Consult with the local health officer to confirm if a construction review and plan approval is required;</p> <p>(b) Provide shower facilities for grades nine and above for classes in physical education and for team sports that:</p> <p>(i) Automatically maintains hot water between 100° F and 120° F;</p>	<p>(4) Showers:</p> <p>(a) Showers shall be provided for classes in physical education, at grades 9 and above. An automatically controlled hot water supply of 100 to 120 degrees Fahrenheit shall be provided. Showers with cold water only shall not be permitted.</p>	<p>School officials shall:</p> <p>(1) Provide shower facilities for grades nine and above for classes in physical education and for team sports. Showers must supply hot water between one hundred and one hundred twenty degrees Fahrenheit.</p>
<p>(ii) Meet a ratio of one shower per 10 individuals of each sex participating in physical education classes or team sports;<sup>2</sup></p>		
<p>(iii) Meet the requirements of the uniform plumbing code set forth in chapter 51-56 WAC;</p>		
<p>(v) If provided, have drying areas adjacent to showers and locker or dressing rooms. Walls and ceilings must have an easily cleanable surface and floor surfaces must be water impervious, slip-resistant, and sloped to floor drains; and.</p>	<p>(b) Drying areas, if provided, shall be adjacent to the showers and adjacent to locker rooms. Shower and drying areas shall have water impervious nonskid floors. Walls shall be water impervious up to showerhead heights. Upper walls and ceiling shall be of smooth, easily washable construction.</p>	<p>(3) Locate drying areas, if provided, adjacent to showers and locker or dressing rooms. Walls and ceilings must have an easily cleanable surface and floor surfaces must be water impervious, slip-resistant, and sloped to floor drains.</p>

<sup>2</sup> Per L&I shower requirements for employees [WAC 296-800-23065](https://www.wa.gov/leg/wac/default.aspx?cite=296-800-23065).

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

Purposed Language	WAC 246-366-060	WAC 246-366A-120
(iv) Provide floor surfaces in shower areas that are water-impervious, slip-resistant, and sloped to floor drains. Walls must be water-impervious up to showerhead height. Upper walls and ceilings must have an easily cleanable surface;	(c) Locker and/or dressing room floors shall have a water impervious surface. Walls shall have a washable surface. In new construction, floor drains shall be provided in locker and dressing areas.	(2) Provide floor surfaces in shower areas that are water impervious, slip-resistant, and sloped to floor drains. Walls must be water impervious up to showerhead height. Upper walls and ceilings must have an easily cleanable surface.
(vi) Provide locker or dressing rooms adjacent to showers or drying rooms. Walls and ceilings must have an easily cleanable surface. When drying areas are provided, floor surfaces in locker or dressing rooms must be appropriate for the intended use, easily cleanable and dryable to effectively inhibit mold growth. When drying areas are not provided, locker or dressing room floor surfaces must be water-impervious, slip-resistant, and sloped to floor drains.	(d) If towels are supplied by the school, they shall be for individual use only and shall be laundered after each use.	(4) Provide locker or dressing rooms adjacent to showers or drying rooms. Walls and ceilings must have an easily cleanable surface. When drying areas are provided, floor surfaces in locker or dressing rooms must be appropriate for the intended use, easily cleanable and dryable to effectively inhibit mold growth. When drying areas are not provided, locker or dressing room floor surfaces must be water impervious, slip-resistant, and sloped to floor drains.
	(d) If towels are supplied by the school, they shall be for individual use only and shall be laundered after each use.	
(c) Provide restrooms: (i) Automatically maintains hot water between 100° F and 120° F; (ii) At a ratio of one toilet per 15 individuals of each sex; <sup>3</sup> (iii) Meet the requirements of the uniform plumbing code set forth in chapter 51-56 WAC; (iv) That provide water-impervious floor surfaces that are slip-resistant and sloped to floor drains; (v) With walls that are water-impervious up to water splash height. Upper walls and ceilings must have an easily cleanable surface; and		

<sup>3</sup> Per L&I specs for # of toilets in [WAC 296-800-23020](https://www.wa.gov/legislative-services/wac).

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

Purposed Language	WAC 246-366-060	WAC 246-366A-120
<p>(vi) With soap and single-use or disposable towels or blower or equivalent hand-drying device.</p>	<p>(3) Toilet and handwashing facilities.            (a) Adequate, conveniently located toilet and handwashing facilities shall be provided for students and employees. At handwashing facilities soap and single-service towels shall be provided. Common use towels are prohibited. Warm air dryers may be used in place of single-service towels. Toilet paper shall be available, conveniently located adjacent to each toilet fixture.</p>	
	<p>(b) The number of toilet and handwashing fixtures in schools established in existing structures, previously designed or utilized for other purposes shall be in accordance with the state building code. However, local code requirements shall prevail, when these requirements are more stringent or in excess of the state building code.</p>	
<p>(2) If a new installation or renovation of an existing shower or restroom facility requires local health officer review and approval, the local health officer shall follow the construction plan review requirements for new construction or alterations set forth in WAC 246-370-XXX.</p>		

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

### Inspections

This section outlines when and how a routine site inspection must be conducted. This language is similar to chapter 246-366A WAC. Language was simplified and specific measurable requirements were added.

Proposed Language	WAC 246-366-040	WAC 246-366A-120
(1) Responsibilities of the local health officer. (a) Conduct an environmental health and safety inspection of each school facility within their jurisdiction every (insert number) years. (b) Routine inspections may be more frequent if determined necessary by the local health officer.	(b) Make periodic inspections of each existing school within his jurisdiction, and forward to the board of education and the administrator of the inspected school a copy of his findings together with any required changes and recommendations.	(2) Responsibilities of the local health officer. (a) Except as provided in (b) of this subsection, the local health officer shall: (i) Periodically conduct an environmental health and safety inspection of each school facility within his or her jurisdiction. Beginning one year after the effective date of this section, those inspections must be conducted at least once each year.
(c) Notify school officials at the time of discovery, or immediately following the inspection, if conditions that pose an imminent health hazard are identified and follow the imminent health hazard requirements set forth in WAC 246-370-XXX.		(ii) Notify school officials at the time of discovery or immediately following the inspection if conditions that pose an imminent health hazard are identified, and recommend actions to mitigate the hazards and prevent exposure.
(d) Consult with school officials upon completion of the inspection about findings and recommended follow-up actions and, if necessary, collaborate with school officials to develop a remediation schedule.		(iii) Consult with school officials upon completion of the inspection about findings and recommended follow-up actions and, if necessary, develop a correction schedule. Approaches and timelines used to address noncompliant conditions will depend on the level of risk to health and safety presented by the condition, and may include consideration of low-cost alternatives.
(e) Develop draft and final inspection reports, in consultation with school officials, within sixty days following an inspection. The report must include inspection findings related to this chapter and any required remediation.		(iv) Develop draft and final inspection reports, in consultation with school officials, within sixty days after conducting an inspection. The report must include inspection findings related to this rule and any required correction schedule.

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

Proposed Language	WAC 246-366-040	WAC 246-366A-120
(f) Confirm, as needed, that corrections are accomplished.		(v) Confirm, as needed, that corrections are accomplished.
		(vi) Retain for at least six years, unless otherwise required by other state or federal laws, records pertaining to: (A) Health and safety inspections of the school facilities performed by the local health officer, including, but not limited to, the final inspection report and correction schedules; and
		(B) Imminent health hazards identified under this section and WAC 246-366A-190, and local health officer actions taken in response.
		(vii) Have the records described in this subsection available to the public, except where otherwise provided by applicable public disclosure law.
		(b) The local health officer may allow a school official or qualified designee to conduct a required inspection under a program approved by the local health officer not more than two out of every three years. The program must include provisions for: (i) Assuring that the school official or designee conducting the inspection has attended training in the standards, techniques, and methods used to conduct an environmental health and safety inspection;
		(ii) Completing a standardized checklist at each inspection;
		(iii) Providing a written report to the local health officer about the findings of the inspection;



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

Proposed Language	WAC 246-366-040	WAC 246-366A-120
		(iv) Notifying the local health officer regarding any identified imminent health hazards and coordinating with the local health officer to mitigate hazards and prevent exposure; and
		(v) Consulting with the local health officer on follow-up and corrective actions needed to address noncompliant conditions that do not pose an imminent health hazard.

# 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.



# School Environmental Health and Safety Rule Project

## Technical Advisory Committee Meeting

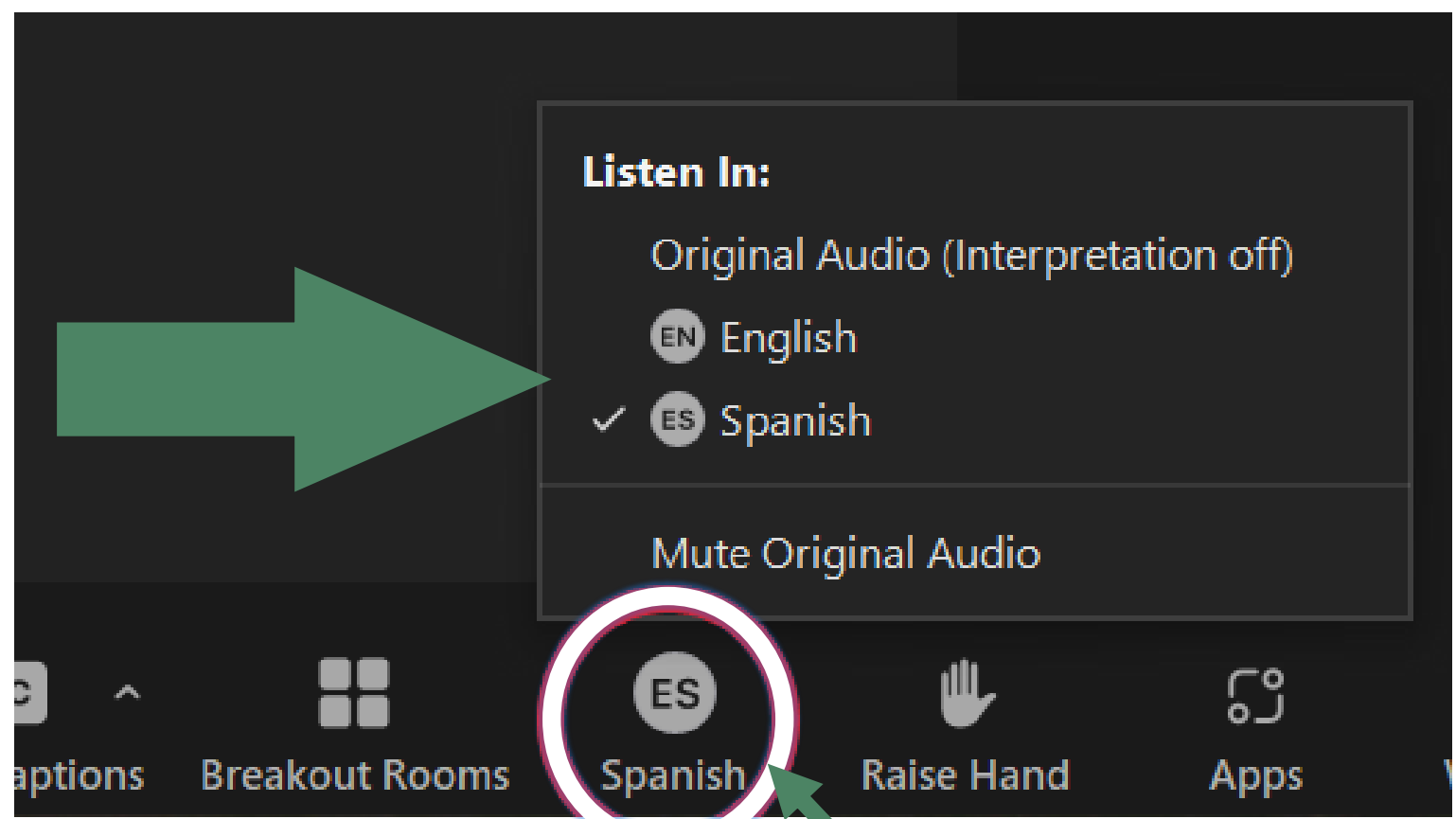
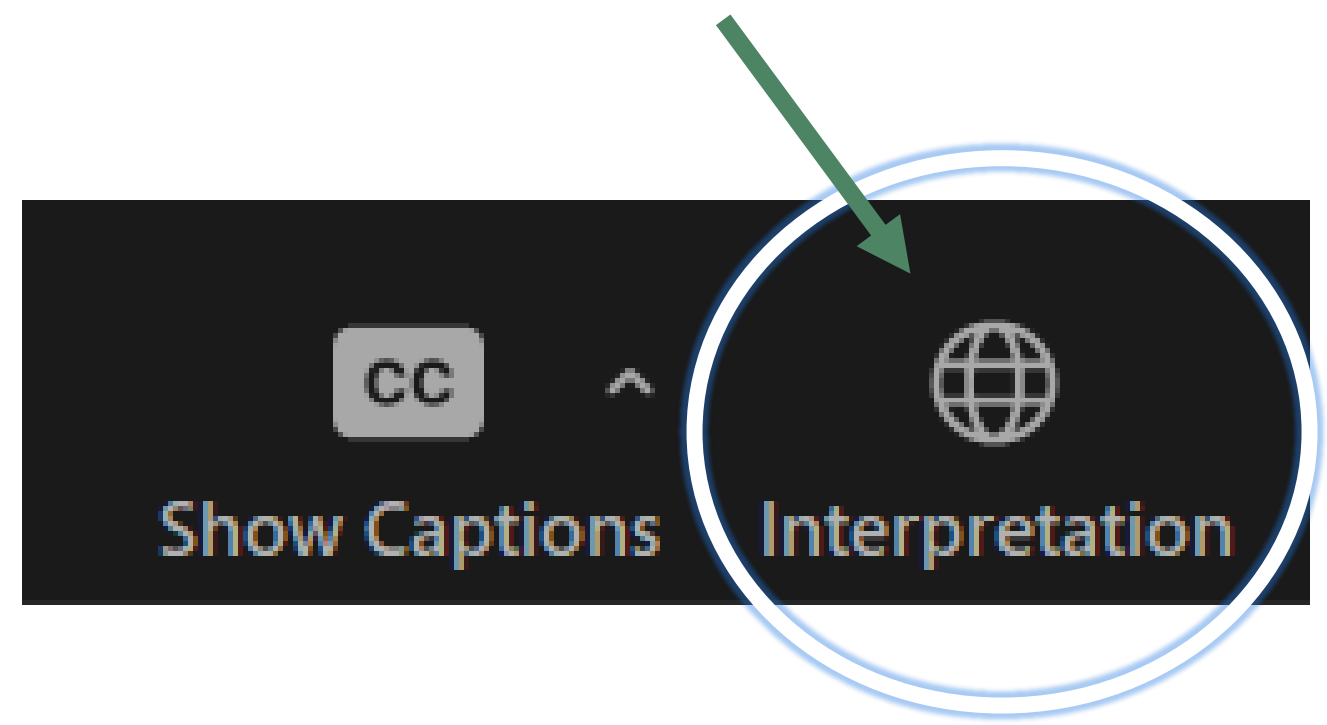
Leavenworth, October 4, 2024

WASHINGTON STATE   
**BOARD OF HEALTH**

# Canales de Idioma de Zoom

## Zoom Language Channels

**Canales de idioma**  
Language channels



**Elige un idioma**  
Choose a language

# Minutes Review

# Reminders

# Introductions

- Your Name
- Your Organization
- Ice Breaker – What's the most memorable trip you've ever taken?

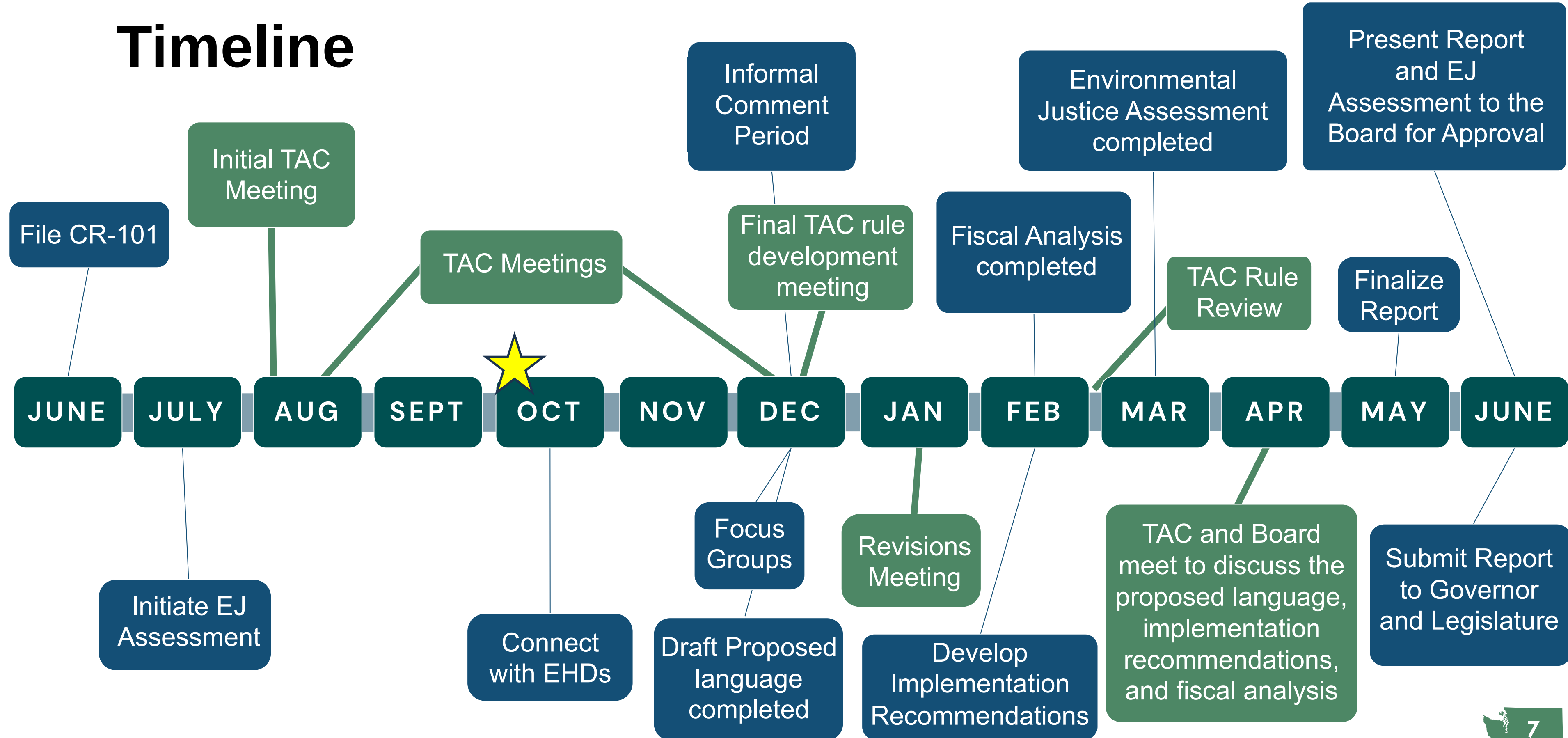
# Today's Objectives

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

- Imminent Health Hazard Procedures
- Site Assessment
- Construction – New, Alterations, and Portables
- Construction – Showers and Restrooms
- Routine Inspections



# 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

# Environmental Health Storytelling

10-Minute Break  
Return at 0:00 a.m.

# Proposed Rule Section: Imminent Health Hazard Procedures

## Imminent Health Hazard – Section (1)

- 1) If a school identifies a condition that could pose an imminent health hazard, the school shall:
  - a) Immediately consult with the local health officer to investigate the suspected hazard;
  - b) Take immediate action to mitigate hazards and prevent exposure if an imminent health hazard is confirmed; and
  - c) Within one business day of confirming the imminent health hazard:
    - i. Inform the school facility, students, and parents about the imminent health hazard conditions and actions taken to correct the hazard. A school may consult with the local health officer in developing appropriate health and safety messages.



## Imminent Health Hazard – Section (2)

- 2) If a local health officer identifies a condition that is an imminent health hazard at a school, the local health officer shall:
  - a) Immediately inform school officials of the imminent health hazard;
  - b) Take action in consultation with school officials to mitigate hazards and prevent exposure; and
  - c) If requested, assist school officials in developing health and safety messages for school faculty, students, and parents.



## Imminent Health Hazard – Section (2) Second Vote

- 2) If a local health officer identifies a condition that is an imminent health hazard at a school, the local health officer shall:
  - a) Immediately inform school officials of the imminent health hazard;
  - b) Take action in consultation with school officials to mitigate hazards and prevent exposure; and
  - c) If requested, assist school officials in developing health and safety messages for school faculty, students, and parents.





# Proposed Rule Sections: Site Assessment

## Shall vs. May – Sections (1) & (2)

- 1) A local health officer shall conduct a site assessment when:
  - a) The construction is for a new school facility on a site that was previously undeveloped or developed for other purposes; or
  - b) An existing structure is converted for primary use as a school facility.
- 2) A local health officer may conduct a site assessment when a school district is constructing:
  - a) A new school facility on an existing school site; or
  - b) An addition to an existing school facility.



## Requirements – Sections (3)

- 3) A site assessment must include:
  - a) A Phase 1 Environmental Site Assessment (ESA) that meets the requirements of the American Society for Testing and Materials (ASTM) Standard #1527-21 (published December 2021);
  - b) Sampling and analysis of potential contaminants if the Phase 1 ESA indicates that hazardous materials may be present. Sampling and analysis must comply with the applicable rules of the Washington state department of ecology;
  - c) A noise assessment.



## School Officials – Section (4)

- 4) School officials shall:
  - a) Notify the local health officer within ninety days of starting the preliminary planning for school construction that may require a review and approval of a site assessment by a local health officer.
  - b) Consult with the local health officer throughout the plan development phase regarding the scope of the site assessment and the timeline for completion of the site assessment.
  - c) Submit a written report to the local health officer assessing the potential impact of health and safety risks presented by the proposed site, including, but not limited to the following:
    - i. The findings and results obtained under subsection (3) of this section;
    - ii. An analysis of the findings;
    - iii. A description of any mitigation proposed to address identified health and safety risks present at the site; and
    - iv. Any site assessment-related information requested by the local health officer to complete the site assessment review and approval process.
  - d) Obtain site review and written site approval from the local health officer when required under subsection (1) or (2) of this section.



## Local Health Officer – Section (5)

- 5) The local health officer shall:
- a) When notified by the school, conduct an inspection of the proposed site;
  - b) Review the site assessment for environmental health and safety risk;
  - c) For site assessments according to subsection (1) of this section, provide written approval, describe site deficiencies needing mitigation to obtain approval, or deny use of the proposed school facility site within sixty days of receiving a complete request unless the school officials and the local health officer agree to a different timeline; and
  - d) For site assessments according to subsection (2) of this section, provide written approval or describe site deficiencies needing mitigation to obtain approval of the proposed school facility site within sixty days of receiving a complete request unless the school officials and the local health officer agree to a different timeline.



## Effective Date – Sections (6)

- 6) If school officials notified the local health officer in writing prior to the effective date of this section that construction is planned for a particular site, the site review requirements in effect at the time of notification apply provided that school officials comply with all agreed on timelines for completion.



30-Minute Break for Lunch  
Return at 0:00 p.m.

# Proposed Rule Section Construction – New, Alterations and Portables



## Required Plan Review – Section (1)

- 1) The following school construction projects must be reviewed and approved by the local health officer:
  - a) Construction of a new school facility;
  - b) Schools established in all or part of any existing structures previously used for other purposes;
  - c) Additions or alterations consisting of more than five thousand square feet of floor area or more than 20 percent of the total square feet of an existing school facility, whichever is less; and
  - d) Installation or construction of a portable.



## School Officials – Section (2)

- 2) The school officials shall:
  - a) Consult with the local health officer during preliminary planning for school construction projects that are subject to the requirements of this section;
  - b) Invite the local health officer to a predevelopment conference with school officials and project design professionals to participate in the discussion about the preliminary design to highlight health and safety matters and requirements of these rules;
  - c) Obtain construction project review and written approval from the local health officer regarding environmental health and safety requirements in these rules before starting construction;
  - d) Provide construction documents to the local health officer at the same time as the local building official to facilitate a concurrent and timely review;
  - e) Provide additional documents requested by the local health officer, which may include, but are not limited to, written statements signed by the project's licensed professional engineer verifying that design elements comply with requirements specified by these rules;
  - f) Obtain a preoccupancy inspection by the local health officer conducted in coordination with a final inspection by the local building official, in order to ensure imminent health hazards are corrected before allowing school facilities to be occupied; and
  - g) Notify the local health officer at least five business days before a desired preoccupancy inspection.



## Local Health Officer – Section (3)

- 3) The local health officer shall:
  - a) Consult with school officials and determine what is required for plan review and approval;
  - b) Review construction documents to confirm that the health and safety requirements of these rules are met;
  - c) Identify and request any additional documents required to determine compliance with requirements specified by these rules; and
  - d) Provide written approval, or describe plan deficiencies needing change to obtain approval, of the construction project within sixty days of receiving all documents needed to complete the review, unless the school officials and the local health officer agree to a different timeline; and
  - e) Conduct inspections:
    - i. In a coordinated effort with the on-site project manager or other appropriate person identified by school officials;
    - ii. At any point during the construction period to verify compliance with the requirements of this chapter;
    - iii. Before the completed construction project is occupied and not more than five business days after the date requested by school officials or as otherwise agreed to by the school officials and the local health officer.
      - A. If an imminent health hazard is identified, a solution must be identified and agreed to by school officials, the local health officer, and the local building official and implemented by school officials before the affected portion of the building is occupied.
      - B. If other conditions of noncompliance with this chapter are identified, school officials shall be provided with a written list of items and consulted in developing a correction schedule based on the level of risk to health and safety.
    - iv. To confirm satisfactory correction of the items identified under (iii) of this subsection.



# Proposed Rule Sections: Construction – Showers and Restrooms

## Required Plan Review – Section (1)(a)

- 1) When new installation or renovation of an existing shower or restroom facility is planned, school officials shall:
  - a) Consult with the local health officer to confirm if a construction review and plan approval is required.



## Showers – Section (1)(b)

- b) Provide shower facilities for grades nine and above for classes in physical education and for team sports that:
  - i. Automatically maintains hot water between 100° F and 120° F;
  - ii. Meet a ratio of one shower per 10 individuals of each sex participating in physical education classes or team sports;
  - iii. Meet the requirements of the uniform plumbing code set forth in chapter 51-56 WAC;
  - iv. Provide floor surfaces in shower areas that are water-impervious, slip-resistant, and sloped to floor drains. Walls must be water-impervious up to showerhead height. Upper walls and ceilings must have an easily cleanable surface;
  - v. If provided, have drying areas adjacent to showers and locker or dressing rooms. Walls and ceilings must have an easily cleanable surface and floor surfaces must be water impervious, slip-resistant, and sloped to floor drains; and
  - vi. Provide locker or dressing rooms adjacent to showers or drying rooms. Walls and ceilings must have an easily cleanable surface. When drying areas are provided, floor surfaces in locker or dressing rooms must be appropriate for the intended use, easily cleanable and dryable to effectively inhibit mold growth. When drying areas are not provided, locker or dressing room floor surfaces must be water-impervious, slip-resistant, and sloped to floor drains.



## Showers – Section (1)(b)

- b) Provide shower facilities for grades nine and above for classes in physical education and for team sports that:
  - i. Automatically maintains hot water between 100° F and 120° F;
  - ii. Meet a ratio of one shower per 10 individuals of each sex participating in physical education classes or team sports;
  - iii. Meet the requirements of the uniform plumbing code set forth in chapter 51-56 WAC;
  - iv. Provide floor surfaces in shower areas that are water-impervious, slip-resistant, and sloped to floor drains. Walls must be water-impervious up to showerhead height. Upper walls and ceilings must have an easily cleanable surface;
  - v. If provided, have drying areas adjacent to showers and locker or dressing rooms. Walls and ceilings must have an easily cleanable surface and floor surfaces must be water impervious, slip-resistant, and sloped to floor drains; and
  - vi. Provide locker or dressing rooms adjacent to showers or drying rooms. Walls and ceilings must have an easily cleanable surface. When drying areas are provided, floor surfaces in locker or dressing rooms must be appropriate for the intended use, easily cleanable and dryable to effectively inhibit mold growth. When drying areas are not provided, locker or dressing room floor surfaces must be water-impervious, slip-resistant, and sloped to floor drains.

## Second Vote



## Restrooms – Section (1)(c)

- c) Provide restrooms:
- i. That automatically maintain hot water between 100° F and 120° F;
  - ii. At a ratio of one toilet per 15 individuals of each sex;
  - iii. Meet the requirements of the uniform plumbing code set forth in chapter 51-56 WAC
  - iv. That provide water-impervious floor surfaces that are slip-resistant and sloped to floor drains;
  - v. With walls that are water-impervious up to water splash height. Upper walls and ceilings must have an easily cleanable surface; and
  - vi. With soap and single-use or disposable towels or blower or equivalent hand-drying device.





## If Plan Review Required – Section (2)

- 2) If a new installation or renovation of an existing shower or restroom facility requires local health officer review and approval, the local health officer shall follow the construction plan review requirements for new construction or alterations set forth in WAC 246-370-XXX.



15-Minute Break  
Return at 0:00 a.m.

# Proposed Rule Sections: Routine Inspections

## Local Health Officers – Section (1)

- 1) Responsibilities of the local health officer.
  - a) Conduct an environmental health and safety inspection of each school facility within their jurisdiction every (insert number) years.
  - b) Routine inspections may be more frequent if determined necessary by the local health officer.
  - c) Notify school officials at the time of discovery, or immediately following the inspection, if conditions that pose an imminent health hazard are identified and follow the imminent health hazard requirements set forth in WAC 246-370-XXX.
  - d) Consult with school officials upon completion of the inspection about findings and recommended follow-up actions and, if necessary, collaborate with school officials to develop a remediation schedule.
  - e) Develop draft and final inspection reports, in consultation with school officials, within sixty days following an inspection. The report must include inspection findings related to this chapter and any required remediation.
  - f) Confirm, as needed, that corrections are accomplished.



# Open Discussion and Comments

# Recap

# Parking Lot



# 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

# THANK YOU

To request this document in an alternate format, please contact the Washington State Board of Health at 360-236-4110, or by email at [wsboh@sboh.wa.gov](mailto:wsboh@sboh.wa.gov) | TTY users can dial 711

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  - 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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