

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

Fist	1	2	3	4	5
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

Patty Hayes, Chair

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