

WASHINGTON STATE BOARD OF HEALTH

Minutes for School Environmental Health and Safety Rule Project Technical Advisory Committee Meeting

January 16, 2025

Hybrid Meeting

ASL (or CART)

Seattle Airport Marriot

3201 South 176th St,

Seattle, WA 98188

Snoqualmie Ballroom

Virtual meeting: ZOOM Webinar

Technical Advisory Committee Members:

In Person Participants

Patty Hayes, RN, MSN, Chair

Becky Doughty, Spokane Public Schools

Brian Freeman, Inchelum School District

David Hammond, Washington Association of School Administrators (WASA)

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

Erin Hockaday, Benton Franklin Health District

Geoff Lawson, WAMOA and Auburn School District

Gina Yonts, Association of Washington School Principals

Laura Peterson, Washington State PTA

Lauren Jenks, Washington State Department of Health

Laurette Rasmussen, Whatcom County Health & Community Services

Pam Schwartz, Washington State Catholic Conference/Catholic Schools

Tammy Allison, Washington Association of School Business Officials

Online Participants

Brian Buck, Lake Washington School District

Brook Wilkerson, School OPS

Samantha Fogg, Washington State PTA (Seattle Public Schools)

Sandy Phillips, Spokane Regional Health District

Suzie Hanson, Washington Federation of Independent Schools

Technical Advisory Committee members absent:

Anders Lindgren, School OPS

Bailey Stanger, Benton Franklin Health District

Dan Steele, Washington Association of School Administrators (WASA)

Doug Rich, Washington State Catholic Conference/Catholic Schools

Jacob Cook, Parent

Jaime Boddin, WSALPHO

Jared Mason-Gere, Washington Education Association

Jeff Rogers, WAMOA and Auburn School District

Jessica Sankey, Bellingham Public School

Julie Salvi, Washington Education Association

Kate Espy, South Kitsap School District

Kellie Lacey, Richland School District

Kelly Cooper, Washington State Department of Health

Kelsey Greenough, Richland School District
Kenney Johnson, Lake Washington School District
Kevin Jacka, The Rural Alliance
Morgan Powell, Office of Superintendent of Public Instruction (OSPI)
Nicole Daltoso, Evergreen Public Schools (Clark County)
Nicole Roel, Washington Association of School Business Officials
Preet Singh, Bellingham Public School
Randy Newman, OSPI
Richard Conley, The Rural Alliance
Roz Thompson, Association of Washington School Principals
Sandra Jarrard, Spokane Public Schools
Sharon Ricci, Washington Federation of Independent Schools
Steve Main, Spokane Regional Health District
Susan Baird-Joshi, Washington State PTA (reside in Lake Washington SD)
Ted Dehnke, Evergreen Public Schools (Clark County)
Tyler Muench, OSPI

Technical Advisory Committee staff present:

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

Guests and other participants:

Karen Langehough, FirstRule, Facilitator
Ali Boris, Department of Health

1. Recap from Day 1

Karen Langehough, Facilitator, reviewed the discussion and decisions from day one.

2. Reminders

Patty Hayes, Board Chair, reminded the committee that the meeting would be recorded and posted online shortly after the meeting.

Chair Hayes congratulated Brian Freeman, Committee Member, for testing and implementing some of the requirements, saying they modeled the way by showing leadership and transparency.

Chair Hayes said the staff worked late into the night to capture the cost information discussed yesterday. They expressed appreciation to the staff and committee members for this important work and noted concern for children and families affected by it. They had shared these thoughts with Senator Robinson, who recognized the tough challenge regarding the timeline of this work.

3. Objectives and Meeting Agreement

Facilitator Langehough reviewed the meeting objectives and previously discussed committee agreements. The committee will review the material section by section. Staff will briefly describe how the calculation was done and any background information. No decisions needed to be made

today. This review was to build understanding. There were a few areas the committee still needed additional feedback on. The afternoon would be to gather information on any barriers.

Facilitator Langehough asked for member introductions online and in the room.

4. Fiscal Report Review

Facilitator Langehough said they'll use the Assumptions and Duty Code Definitions that were sent to committee members before the meeting.

Andrew Kamali, Project Manager, discussed costs, detailing both the one-time updated costs and the reoccurring costs every five years.

Ali Boris, Subject Matter Expert (SME), discussed the substantial time it took to update this year's costs.

PM Kamali opened it up for questions.

Laurette Rasmussen, Committee Member, asked about the timing of salary increases.

PM Kamali and Nina Helpling, Policy Advisor, explained that this is based on the current high end of salary ranges. They would rather overestimate than underestimate costs.

Lauren Jenks, Committee Member, asked if benefits and indirect costs were built in.

PA Helpling said it is the wages plus 26% for indirect income.

PM Kamali said for the Department of Health (Department) and the Office of Superintendent and Public Instruction (OSPI), we don't have the info included. But for school officials, it was added to the grid. We will add OSPI costs later.

PM Kamali reviewed the site assessment discussion and conclusions.

No questions from the committee.

PM Kamali discussed the additional labor hours.

Erin Hockaday, Committee Member, said in general the number of hours is from the paperwork that comes in, then any follow-up and testing results. The hourly wage shown includes the benefits (the wages alone are not \$100 per hour).

Member Rasmussen said some county employees make closer to \$80/hour with costs.

PM Kamali said these figures came from a document staff obtained. The committee can adjust it if the average is at the low end based on their working knowledge.

Member Jenks didn't think those numbers looked off.

Member Hockaday thought \$120/hour might be closer to accurate.

PM Kamali reminded committee members these are preliminary numbers and a rough estimate.

Sharon Ricci, Committee Member, asked if the costs were for the school.

PM Kamali said the vendor is the contractor that schools coordinate with for the phase one site assessment and that is not typically the local health jurisdiction—it would be to a third party. The

additional labor hours were the amount of time it would take them. Not all jurisdictions charge schools for those costs. The school official's piece shows the cost to schools.

Member Ricci said it could cost more than \$2,000 in Pierce and Clark counties. They asked for the statewide baseline.

PM Kamali said typically site assessments are a one-time cost when schools do construction. They wondered if Member Ricci was referring to routine inspections. The costs we are looking at are the difference between the current costs with the existing rule and the new costs with the updated rule.

Facilitator Langehough asked for more questions.

Member Allison asked if the school official was a 260-day employee.

PM Kamali said for each position, they researched how many days and calculated the hourly rate for an eight-hour day.

Member Freeman asked if that includes benefits.

PM Kamali said yes.

Member Freeman said they thought they needed approval to have playground equipment.

Member Rasmussen said that construction includes a playground.

Chair Hayes said Member Freeman was correct.

Construction Plan Review New, Alterations, and Portables

Member Hockaday said the language for 030 Construction Plan Review New, Alterations, and Portables, is uniform across jurisdictions.

Chair Hayes said the old rule was interpreted in a certain way and the new rule needs to be adjusted.

Member Allison asked about the school official increase, noting that 17 hours times the estimated hourly wage with benefits of \$106 equals \$1,835.07.

PM Kamali said the hourly wage shows total compensation.

Member Freeman said some things are not 50%, such as playgrounds and portables.

Member Hockaday agreed. There might be some savings in some areas, because of the 5,000 square feet clause.

Member Hockaday said that with closer connections between the jurisdictions and schools, more may come in.

Sandy Phillips, Committee Member, agreed. Since they've been requesting 50% plans, there might be an increase if it's required.

Member Hockaday asked how we are considering jurisdictions that don't currently have a program.

Chair Hayes said with the new rule, we must build a fiscal analysis. The report will transparently show the former rule has not been administered across the state, and our gap has been larger over time.

PM Kamali said there are jurisdictions that do a plan review even though they don't have a formal program.

Chair Hayes said we cannot build in any assumption to a current rule that is not happening.

PM Kamali asked if 10 hours was a better figure than 17 for the Construction Plan Review.

Member Buck said it depends if they're talking about each project or annually and the complexity of the prep and meeting.

David Hammond, Committee Member, said the variables are hard, and that 17 hours is not the norm across the state, so on average it may be lower.

Geoff Lawson, Committee Member, agreed.

PM Kamali said we could eliminate the "Annual," and was more comfortable with 10 hours if it's per review.

Member Rasmussen said that if there are more meetings, there will be more costs.

Nicole Daltoso, Committee Member, said if it goes beyond the scope, there is potential for additional proposals and costs.

Member Hockaday said this isn't necessarily an addition, it's part of the process and it balances. Maybe it takes a bit more time with meetings but ultimately it saves time.

PM Kamali asked if the cost is less than 17 hours.

Member Freeman said it depends. Playgrounds and portables won't be large, but other construction requires more time.

The committee lowered it to 10 hours.

Increase in Cost for Routine Inspections

Member Allison asked about the cycle of the old rule.

PM Kamali said in 1991 it was changed to "periodic" and that's why we have discrepancies throughout the state. The new rule would require inspections every three years.

Member Freeman asked why they would need training if the jurisdiction is doing the inspection.

PM Kamali said training is required if they are doing their own inspection. The costs are in addition to the current costs per inspection.

Member Freeman asked what the cost of routine inspection is. Cost doesn't change. Frequency may change.

Chair Hayes said good point. The current rule has a vague, undefined term. We've chosen to revise for clarity, especially for those who know nothing about what the schools or jurisdictions already do.

Facilitator Langehough said this increase is calculating costs from 366 to 366A.

PM Kamali said with a three-year inspection cycle, we are expecting to increase the jurisdictions to 200 hours and explained the chart.

Member Hockaday said it's important to reflect in the report how many counties already do the work in comparison to those that do not.

Member Ricci asked about the annual basis and chart.

PM Kamali explained the chart and gave an example that 30 inspections would be an additional \$626 per year.

Members Freeman and Member Ricci said it's more understandable, clear, and helpful to separate the training costs from the other hours.

Member Jenks asked about in-person versus virtual training and follow-up.

Member Phillips thinks the four hours reflect the in-person workshop they offer. Maybe add another hour for travel then follow-up email with videos and materials. Discussion ensued about the work and time.

Member Hammond said the increased cost is coming from the change in frequency. Inspections are the same. It's the frequency that's changing and needs to be noted.

Handwashing Sinks and Hot Water

PA Helpling asked several questions for feedback, so we could develop costs.

Member Ricci said many portables don't have hot water. Studies of hot and cold water and soap.

Pam Schwartz, Committee Member, thanked staff and talked about the time to get water hot flowing—sometimes five minutes in older buildings. The age of a facility is a huge factor.

Member Hockaday said it is a requirement in WAC 366 that we have hot water.

PM Kamali talked about studies that show hot or cold water works fine. Others say warm emulsifies the soap. If the water is cold, will children keep their hands in water for 20 seconds?

PM Kamali said the temperature is based on the food code. We are reducing it to 85 degrees from 100 degrees.

Member Hockaday said the current rule says not over 100 degrees, but it doesn't talk about a minimum.

Chair Hayes said Member Jenks pulled up the Center for Disease Control (CDC) guidelines which say hot or cold water is fine for washing hands. PM Kamali is correct that warmer water encourages hand washing. Based upon the CDC guidelines, Chair Hayes doesn't see the need to start driving the requirement for water temp with the rule.

PM Kamali said Member Hockaday's point is we already require hot water in our code and cautions of change.

Member Ricci asked if it should be guidance, not a requirement.

Facilitator Langehough mentions future meetings for revisions since we are still open for comments.

Member Hockaday talked about the science of water temperature but cautioned about certain areas such as a greenhouse with cold water, whereas kitchens and bathrooms are different.

Member Ricci, agreed saying that portables often have a small tank under the sink and older schools need to run a significant amount of time before reaching temp.

Break from 9:29 a.m. to 9:45 a.m.

5. Fiscal Report Review

Facilitator Langehough welcomed everyone back from the break.

Showers and Restrooms

PM Kamali introduced the topic of showers and restrooms and the cost estimate for a one-time update.

Member Freeman explained the requirements for bathrooms and showers. The OSPI guidance has always required toilets.

PM Kamali clarified that the draft increases the requirement and that is the basis of the cost. The requirement is more stringent than OSPI guidance.

Chair Hayes asked whether this applies only to new construction.

PM Kamali confirmed.

Chair Hayes responded that this is important for the room to remember in discussion.

Member Allison asked whether this ratio applies to the number of students in physical education programs, not the total number of students.

Facilitator Langehough confirmed.

Member Buck asked why the Department must provide a minimum requirement for something existing in the code and stated that the Department does not understand what happens in schools. This is a cost that does not provide more value. They clarified that the cost is solely for adding the fixture, not for connections to utilities or utility operating costs. 5,000 seems like an underestimate. Older schools are asking them to remove showers due to the need for additional space and lack of use.

Chair Hayes explained that this is an agenda item for the February meeting and that the 1:15 was a compromise agreed to by the committee. This was not the Department's suggestion, but a consensus from the committee. If it needs to be revisited, it can be considered next month. The additional cost considerations are helpful.

PM Kamali clarified that the cost is for installation only and asked Member Buck to provide the team with some information about the cost of the use with utilities so that the estimates could be included in the work.

Member Buck responded they would gather information from recent builds to provide.

Member Freeman asked whether the showers were solely for ninth through twelfth grade.

PM Kamali confirmed.

Member Freeman clarified additional details that make up the ratio.

Member Allison asked whether the building code has anything around showers.

PM Kamali responded that there is no mandate for showers but does have requirements for when provided.

SME Boris confirmed.

Indoor Air Quality

PM Kamali introduced the topic of indoor air quality and asked everyone to read the summary of changes.

Member Buck asked about the requirement to contain emissions from construction.

PM Kamali clarified this is already being done but not expressly stated and requires that construction materials be contained from the student population.

Member Buck asked whether this required consideration for occupied versus non-occupied times and stated there needs to be a clear understanding of what this means.

Member Hockaday stated that when construction is happening and students are occupying the space, they provide some sort of mitigation plan if the materials can be hazardous, such as harsh chemicals or particulate matter. Requires forethought and planning to ensure students aren't impacted if they occupy the space.

Member Buck stated that "contain emissions" is very generalized and doesn't reflect Member Hockaday's comments, with which they agree.

Facilitator Langehough stated that the text on the screen was a summary and not the whole section wording, which the team can review before the next meeting.

PM Kamali explained the indoor air quality task table and cost estimates.

Member Freeman commented on the average hourly total compensation to develop an integrated pest management plan.

PM Kamali stated that the numbers provided are an average of estimates provided in the survey.

Member Ricci asked about the estimates to implement a radon plan annually and what it refers to.

Member Daltoso answered that the estimate is based on a five-year testing plan where 20% of each building is tested each year. If a building has a mitigation system installed, those areas must be tested annually to ensure efficacy.

Member Lawson asked about the 140 hours to integrate a pest management plan and suggested it probably should be more.

PM Kamali responded that it is an average of numbers provided and could be adjusted if needed.

Member Lawson clarified that the education aspect plays into that too. It may be closer to 200 hours on the high end.

Member Daltoso added that the education piece is ongoing, and they often send reminders throughout the year.

Facilitator Langehough adjusted the estimates.

Member Freeman clarified that they currently must mitigate against pests even without the plan.

PM Kamali responded yes, but the current language is vague.

Member Lawson clarified additional details related to integration saying that education reduces the need for pest control.

Chair Hayes asked how an annual average cost is extrapolated to the number of schools statewide. If that assumption is accurate, does the team have the data needed or does the committee need to help so information can be adjusted for districts that already have this? Accurate costs relate to the impact on schools that don't have this and for which this is new work.

PM Kamali responded that the team does not have that data.

Member Lawson responded that when they have their conference, they teach classes on integrated pest control to encourage school districts to do it.

Member Freeman stated that the difference is for schools that don't have a plan, it is currently reactive. School districts that are reactive are likely to spend more money than if they had a plan. The development of the plan is a cost. What is the difference between implementing a plan and reacting?

Chair Hayes asked whether there is some assumption language that we could use or whether members could do a survey to help us better understand the numbers. They asked the committee to provide numbers to help the report if possible.

PM Kamali asked the group if they could share a survey that the team developed.

Member Lawson and Member Schwartz offered to share the survey.

Temperature

PM Kamali explained the key differences in the new language and the cost estimates.

Member Freeman stated that the number may not be representative of the actual cost. The plan development is a small part of the cost compared to the cost of enforcing a maximum temperature.

Chair Hayes stated that the agreement from the committee was a plan. This WAC allows schools to work with local health jurisdictions to try and achieve better temperature outcomes.

Member Buck agreed with Chair Hayes. There is not a required threshold, but if 79 degrees is exceeded there must be a plan that helps to accommodate whatever measures that will be implemented to adjust.

Facilitator Langehough stated that there are no fiscal impacts for the noise changes or lighting.

Injury Prevention & Imminent Health Hazards

PM Kamali introduced the topic and explained that schools are already following the requirements and there is no cost estimate. The same applies to imminent health hazards.

Member Hockaday argued that there would likely be a cost impact on local health due to the reporting of hazards that previously were not required.

PM Kamali asked whether the team could reach out to identify the costs.

Member Hockaday stated that information was sent previously but would follow up.

Facilitator Langehough asked whether the information was needed by others.

PM Kamali responded they would reach out to all jurisdictions to get information about what it might look like across the board.

Playgrounds

Facilitator Langehough stated that the team is still working to gather the cost estimates for playgrounds.

PM Kamali asked the group about current practices.

Member Hockaday stated that for them there would be no change. While it is a national voluntary standard, it has been utilized as a legal standard. Most jurisdictions use the two standards already as the basis for inspections.

Member Phillips agreed and stated training costs might be required.

Member Hockaday stated that the training is about \$900, not including travel.

Specialized Rooms

PM Kamali explained that specialized room requirements are unique, and cost estimates are still being worked through. The team has visited shops and career technical education (CTE) rooms at schools to see how they work and will be reaching out for cost estimates.

Member Freeman asked whether these were general statements. The actual language requires eye-washing stations in some rooms.

Member Hockaday clarified that these requirements are in the Department of Labor and Industries (L&I) standards. They are not new in practice but are stated more explicitly than the code.

Member Freeman did not realize the group agreed to towels and handwashing facilities. The understanding was the ability to dry.

PM Kamali indicated that the group preferred single-use towels because they are more effective and noted that the L&I requirements are specifically referenced, but only refer to the staff, not the students.

Member Schwartz asked whether the group should notate or otherwise state that the cost would be incurred for schools that have dryers but not towels.

Variances and Emergency Waivers

PM Kamali explained that the requirement for variances to go to the Board is not efficient, and new requirements would go to the local health officer. The estimated cost is on the jurisdiction side, but the team questioned whether school officials expect additional time because of the changes.

Member Ricci stated they were not aware of a school's requirement to apply for a waiver right now.

PM Kamali provided an example of when a waiver would be requested.

Member Freeman gave an example of a shower remodel and communications with the Department.

Member Allison stated that the waiver cost would come when fixes are needed, otherwise it is just a conversation.

Member Hockaday stated that it was not clear where emergency and permanent variance would be required here. A permanent variance would take more time.

Chair Hayes replied that the group clarified this in the rule. Normally variances are for more permanent situations.

PM Kamali explained the current rules. The exemption process requires an appeal to the Board, which is what these changes replace. They asked whether anyone has had to make a permanent request.

Member Hockaday said that they have never reviewed a formal variance. It is usually a more casual conversation with the Department.

Chair Hayes stated that it would be strange for the local health officer to build in these hours when it doesn't happen and would rather have the process available.

Member Freeman suggested the cost should be per waiver, not per year. The time depends on what is being waived.

Member Hockaday said the additional jurisdiction time comes from the required research on their end that goes into work on variances.

PM Kamali suggested the team rebuild the cost estimates here, because waivers and variances are quite different, and require different time commitments.

Member Buck agreed.

Member Rasmussen suggested there would be a startup cost for schools without these programs.

PM Kamali explained there is no fiscal impact from severability or appeals. Asked the committee about how often appeals occur, if at all.

Member Allison asked whether they'd even have the right to appeal if there is a health hazard.

PM Kamali stated not in the event of an imminent health hazard but in situations such as variance denials.

Member Phillips referred to experience with variance in water recreation and there was never an appeal. Unlikely to happen. Committee members agreed.

PM Kamali asked whether we should still assume some cost here, or if it is appropriate to assume zero.

Member Allison stated that the appeal could cost a lot of money based on the time it takes to appeal.

Lunch Break from 11:30 to 12:00.

6. Implementation Barriers

Facilitator Langehough asked committee members to brainstorm about anticipated barriers such as budget or political issues.

PM Kamali discussed funding being a barrier. Funding doesn't just affect schools; it also affects local health. For example, our local health partners see issues with their boards getting fees approved and assessed or what their processes might be. Or school districts see issues with their boards around implementation.

We have some understanding of the issues with clean building standards. We want to take this chance to highlight any other issues there might be. Other issues might be political. In some parts of the state, we don't refer to climate change, we refer to extreme weather events.

Chair Hayes asked if we could have a blank slide and put up the number one thing, money. The clean building standards are another, and then we can add to it. A second issue is whether we want a section that discusses barriers or do we want to integrate barriers along the way of the report. As we list barriers, does that help us to say what should go first or last? Our plan or recommendation should reflect that our process included this conversation more than once. I think we need to call out the difference with the private schools, so it is not just a matter of the Legislature providing more money. That doesn't necessarily address the barrier that the private schools, the Catholic schools would have with their funding issues.

Member Lawson mentioned that besides the bond requiring 60%, which is a major barrier for schools, there is something called the School Construction Assistant Program (SCAP) to make up for construction needs. That program is not well funded. That fund is very limited and a lot of schools compete for it. That will be an issue if we need to make some physical changes to buildings to meet the standards.

Member Ricci said that the funding differences between public and private schools also apply to the difference between large and very small schools that have under 50 students and schools that might have 1,500 students or more. Have we discussed waivers or exemptions for small schools?

Member Allison asked if SCAP had a time limitation where you can only apply every few years. Does something similar exist for the square footage that they allow?

Member Freeman confirmed that SCAP has the square footage per student that they allow, which doesn't meet school needs. They thought it was \$385/foot. Construction costs are three times that. Schools also need local funds. Human capacity is another limitation. In a larger district, the work is going to be distributed, but it's still work. If we exceed the minimum standards, that could be a barrier to getting the Legislature to approve it. An example that we are working on is the airflow standard. If the airflow minimum standard is the maximum allowed by the energy code, then that's not a minimum standard, that's a maximum standard.

Brook Wilkerson, Committee Member, said that even though charter schools are recognized as public schools, there are many things that they do not qualify for. They don't get the same funding.

Member Fogg added that SCAP and levy failures are ongoing issues in Washington. Looking at disparities, we rely on property tax. Across our state, legislators are not going into our buildings. They imagine that things are much better than they are. When you say how bad it is, it's unbelievable. I think if we push to have legislators visit schools, we can make a real difference. We have buildings with problems that have gone on so long that we've gotten used to it. I would love legislators to see this and then ask, why did we let our buildings get to this?

Member Lawson commented that the Washington Association of Maintenance and Operation Administrators (WAMOA) is working with legislators who want to do building walks, and Member Fogg is correct—there is a real impact. We take them to a new building that is funded by bonds and then to an old building that, for lack of better words, is falling apart. The impact is deep. Member Daltoso just pulled this up: Last year, we did 14 school visits with 16 legislators. We need to get the legislators into the buildings to see the effect it has on students and staff in the mindset, growth, and learning in a new building versus a building that's old. Some of our buildings were built differently back then, and they don't have the amenities that they need. There are no outside windows in some of these places and buildings are falling apart. We need to get our legislators out to those buildings, that will be important.

Chair Hayes asked the committee to bookmark this concept of taking legislators to schools. This could be an incredible partnership between public health and schools, modeling talking about what we need, at that local level, to support families. And to start that in places where the relationship is strong and solid, where everyone's comfortable modeling talking about what we need at that local level to support families, schools, staff, and children.

Member Hockaday said that some jurisdictions may not have a program. This is an opportunity to promote public health workforce and workforce retention. It requires an incredible range of knowledge. It takes a long time to train. Funding for programs like Foundational Public Health Services (FPHS) supports these new programs because this position of environmental health department staff is one of the most technical positions that we have. It requires an incredible range of knowledge akin to an industrial hygienist. It's hard to retain these staff, and it takes a long time to train. When we don't have trained staff, we've heard some stories about the staff not knowing what to do. Staff are key to supporting the schools with the development of plans and procedures. Continuing to promote public health workforce retention ultimately supports the whole implementation of this rule.

Devon Kellogg, Committee Member, asked how much it costs to operate new buildings versus buildings that are falling apart. Can we capture incentivizing funding for these building upgrades so they can save on operating costs?

Chair Hayes discussed the bond capacity issue and that should be on the list.

Member Freeman commented about a recent forum where a senator advocated for summer school, as a year-round school. A superintendent asked the other superintendents who had air conditioning to stand up and very few stood up. This was in southwest Washington and very few superintendents stood up. The legislative district included Yakima County. Our legislators don't understand the operating costs for schools. Our non-voted debt capacity is under 500,000, so there is very little we can do to borrow money and have the cost savings that justify that. Heating and HVAC systems are \$3,000,000 or \$4,000,000 for one of our buildings. We cannot borrow money over our non-voted debt capacity. Legally, I cannot do it.

Member Kellogg added that they have been hearing about non-voted debt capacity and grants or credits can't be accessed without upfront funding.

Member Hammond commented on barriers to our labor partners. The money could be there, but the time isn't. We can't add more days. Someone mentioned safe schools, and that reminded me that our unions keep saying why, every year, we must watch so many videos. We must watch 120 to 150 minutes of videos. Looking at some of the things we are going to be implementing with videos or training, when are we going to have time to add more? When are we going to talk about mitigation for pests with our staff? It would be great to be proactive. At the same time, when do we do that? We just don't have the time during the day.

Member Peterson commented about capacity and having our districts bring people to the table who can help. A lot of us are left out of very important decisions that we could have solved quite easily except for the money; they didn't even think of asking us. They've had someone else come in and do the inspections that do not have the proper training and have made it worse instead of better.

Chair Hayes acknowledged that staff capacities are limited. Right now, it says staff capacities are limited to comply with the WAC, especially in small schools. We're talking about this in a larger perspective. We can call out each piece, but I think there are multiple layers to that.

Member Allison commented that for staff capacity, the professional development that OSPI says we must give three days, and it is six days. Those days are full due to compliance requirements. If we add more in there, everyone is going to want another day. The funding formula does not generate enough full-time equivalents (FTEs) for the number of classified staff required to implement any of these requirements.

Member Peterson commented that with staff capacity and professional development, OSPI requires three days, but they have six days, so those days are full. The funding formula does not generate enough FTEs for the number of classified staff required to implement any of these requirements.

Member Lawson commented that the prototypical funding model for maintenance and custodial is based on student count, not based on the size of the building. A new elementary school was built for 650 students but had only 300 students in the first year. The whole building was being used because they housed their internet academy there. The prototypical funding model said 1.4 custodians were there so the school district had to make up the funding to get to a decent level of cleaning.

Chair Hayes directed to have the notes reflect the difference between per student versus the building size for funding.

Member Lawson said that there are International Sanitary Supply Association cleaning times, which are industry standards for required cleaning and maintenance. No matter how many people use that building, we still must maintain that building whether it's 300 students or 650 students.

Member Freeman commented that it's the prototypical funding model. There's a small school factor and because we are so small, we don't generate a janitor in our building that is for 180 students. Because it's the small school funding factor it generates teaching units, but it doesn't have any impact on classified staff units.

Facilitator Langehough asked if we need to add that for prototypical funding, add by student's versus by building or school.

Member Fogg said that people don't understand that when we build, we are building for the long term. Over the next 100 years we are expecting these buildings to live much longer than this current

decline in enrollment. We need to maintain the buildings we have, thinking 50 or 100 years ahead. We don't have the kids today, but historically enrollment goes up and down. Our buildings are a long-term investment. We need our funding model to support that just because this year there are fewer kids, it doesn't mean that suddenly we don't need the lights on, or we don't need to repair the roof. There does seem to be a disconnect with some legislators because there aren't as many kids. We have buildings that can't afford copy paper, or that limit toilet paper. There is a vote "No" campaign on our Seattle capital levy, based on the idea of why put money into buildings when we have fewer kids. That's just a real disconnect from the way that investment in property and investment in facilities needs to happen.

Member Allison commented that Member Lawson talks about custodians, but for this whole WAC you're also talking about nurses, and they are not funded. There are one or two nurses per 5,000 kids.

Member Freeman commented on inequities, and that for Seattle, there are school districts that can construct a building not with a bond but with a capital levy. The capital levy that our district put forward is about a \$160,000 levy. With \$160,000, I can't even fix a roof. Other districts with their capital levies can build a comprehensive high school. The largest barrier is our tolerance in this state for inequities.

Member Lawson said when it comes to maintenance and operations, that staffing is for schools only. That doesn't account for the other buildings that are support buildings which get zero funding for maintenance or operations. It's still based on student count, so that comes out of the district coffers to support those buildings, so we can try to make those healthy for employees.

Member Hockaday said we haven't captured the local health jurisdiction perspective on staffing of those counties that don't have school programs and are going to need to stand them up, like Wahkiakum. Their department has 27 environmental health staff. They have a single person to do every single environmental topic. Staffing capacity is going to be a huge issue with a lot of local health jurisdictions if they don't have established programs.

Member Rasmussen commented that to start their program they are using FPHS funding. Right now, they are not charging fees. To continue to develop a program, they are going to have to charge fees, and to mention that to school administrators will damage their relationships.

Member Hockaday agreed, saying that their jurisdiction currently doesn't charge. If funding dries up, then it is the political will to get something like that past their board. When there is an alternate stream of funding, they can justify that. At a meeting in October, there was a consensus among jurisdictions that it would be great to find a funding model where they didn't have to charge fees.

Member Phillips commented that they have an existing program. Their board required them to recover 100% of the cost of the program. At one time they only collected 40%, then upped it to 60% and then to 100%. They would have had to reduce their time in schools or charge more. They were not allowed to do that to reduce the impact. It is challenging and something that they receive complaints about. They try hard to keep the fees from going up because they know schools don't have a lot.

Chair Hayes discussed larger historical barriers. Public health used to be funded by a mileage fee that all cities participated in. When the motor vehicle excise tax came into being, there was a portion that went to public health. For some jurisdictions, it was a large portion of their budget. When the motor vehicle excise tax went away, public health lost 30% or more of its funding. It shrunk flexible dollars for programs like this. That was over twenty years ago, and this reference to foundational public health services has been an effort we've been working on as a system that

includes the Tribes, the Department of Health, local public health, and the State Board of Health for more than 10 years to get to where we're at. The counties have a responsibility for public health, and we are a home rule state. In this context, the counties have a responsibility for public health but not required to pay for public health. That is a fact in our deliberations as it creates situations like in Spokane with a move by the local board of health for the 100% fee.

Public health will have to think about how to talk about fees because of the complexity. The Legislature took years to understand that for a set of defined services, the state should be required to fund that. That's why it's foundational.

When the steering committee allocated funds for public health to the school, local public health said we need some flexibility. Some jurisdictions use it for schools, others use it for other critical things that are ancillary. I want to honor that. That was a decision that the system made on those dollars for the best protection of the public's health. Being on the steering committee for 15 or 20 years, the committee needs to understand the complexities. For us to come together as a force of nature to make change, the more we understand all those complexities, the better we can support each other.

Member Kellogg commented that increasing weather extremes is going to be an implementation barrier.

Member Daltoso responded to Member Kellogg's comment that utility costs will increase on both gas and electrical. It's very much impacted by climate because if we don't have the snowpack then we don't have the water then we don't have the hydropower to create electricity. That's just one example of those impacts and increased utility costs on school districts.

Member Freeman commented that a huge barrier is the ability of older buildings to meet some of these requirements.

Member Allison added that some of the older buildings are made of stone. You can't even remodel some of them. You just do a quick fix.

Afternoon Break from 12:50 p.m. to 1:00 p.m.

7. Implementation Recommendations

PM Kamali explained that this discussion will help prepare for our next meeting topic of prioritizing implementation for the Legislature.

Chair Hayes urged committee members to take notes over the next couple of weeks to track what's important about implementing these rules. Are there things we can suggest that may need changes by the Legislature? Some committee members brought up the funding formula being flawed. Does that need changing and how? These things can be brought to the Board to be part of the report.

Member Freeman asked for clarification about prioritization and implementation. If some portions of the WAC will take effect at different times, will corresponding portions of 366 remain in effect until that portion takes effect in the new WAC?

PM Kamali answered that as a section in 370 gets implemented, the corresponding section of 366 will go away. If the section in 370 is not implemented, then 366 will apply. We will go section by section, not line by line. Staff will send a survey to committee members to stack rank sections. For the survey, committee members will prioritize based on the impact on environmental health and safety. Cost will be factored in once we complete the fiscal analysis.

Member Jenks added considerations such as feasibility and time to implement.

PM Kamali said that the amount of time it takes to implement it may be a consideration. We will discuss this on February 6, 2025. We can recommend having it funded and implemented by a certain date. The survey that goes out will be simple, just ranking priorities. The final prioritization will be more detailed. The survey will provide staff with consistent themes to prioritize.

Member Freeman wondered if certain parts that overlap with others could be implemented at the same time, such as indoor air quality and the clean energy bill.

PM Kamali said they would have to confirm with the attorney general, but it might be feasible.

Member Freeman asked if we could hypothetically connect section (6)(b) to the clean energy bill. We have a date we must complete it. Can we have an implementation when another WAC is being implemented?

PM Kamali said they would need to confirm with our assistant attorney general, but that it might be feasible.

Member Lawson asked if funding models would be part of the ranking system. Most positions are funded based on the number of students. However, the size of the building requires specific staffing volumes to maintain them. Will that be part of the survey? It's an important part.

PM Kamali stated that the initial survey will only address the health and safety of the students, or the risks associated with each section. The survey will go out within the next day or two and will need to be completed by January 28.

8. Recap/Next Steps

PM Kamali reviewed the next steps for the committee. The committee will meet virtually on February 6, February 26, and a date in March that is to be determined. The committee and the Board will meet in-person for about three and a half hours on April 9. Staff will send a survey to committee members about attendance and travel needs.

ADJOURNMENT

Chair Hayes adjourned the meeting at 1:21 p.m.

WASHINGTON STATE BOARD OF HEALTH

Patty Hayes, Chair

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