



School Environmental Health and Safety Rule Newsletter & Notice of Public Hearing

Issue #5—July 30, 2008



Board Files Formal Rule Proposal for School Environmental Health and Safety

After more than four years of working with stakeholders through a variety of workgroups and discussion drafts, the Washington State Board of Health has filed an official proposal for updating its K-12 school environmental health and safety rule.

On July 23, the Board, working in collaboration with the Department of Health (DOH), filed a document called a “CR-102—Proposed Rule Making” with the state’s Office of the Code Reviser. That document, which will be published on August 6, 2008 in the *Washington State Register*, provides legal notice that the Board is considering rule adoption and includes the specific language under consideration (see reverse for a listing of some of the new provisions being proposed).

The filing also includes a draft “small business economic impact statement.” A draft of another document—a “significant rule analysis”—that discusses whether the benefits of the rule can be expected to outweigh the costs, is available on the DOH Web site mentioned below.

The Board will hold a public hearing on **August 27** at the Red Lion Hotel at the Park, 303 W. North River Drive, Spokane. The hearing will be continued on **September 10** at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia. Both hearings start at 1 p.m.

Oral testimony will be accepted during the hearings. Written testimony may be submitted to the Board online through the DOH rule comment Web site, <http://www3.doh.wa.gov/policyreview/>, or by sending an e-mail to School.Rule@doh.wa.gov. Written comments will be accepted through September 10, 2008.

After the hearing the Board will decide whether to adopt the rule, with or without changes based on the testimony. It will also consider a request from legislators to delay adoption (see article to the right).

Notice of Public Hearings

August 27, 2008

Red Lion Hotel at the Park
303 W North River Drive
Spokane, WA

September 10, 2008

Red Lion Hotel
2300 Evergreen Park Drive
Olympia, WA

At both meetings, discussion of school rule-related issues will begin late morning and public testimony will be beginning at 1 p.m.

Legislative Interest in Rule Proposal

Several legislative committees concerned with school health and state funding for education have taken an interest in the K-12 school environmental health and safety rule. The Board’s executive director has participated, along with representatives of schools, parents, and school employees, in five hearings and works sessions over the past months.

- May 2, Interim Legislative Task Force on Comprehensive School Health Reform.
- June 18 and July 16, Joint Legislative Task Force on School Construction Funding
- July 8, Joint Task Force on Basic Education Finance
- July 14, House Appropriations Committee, Subcommittee on Education

Testimony focused on the need for the rules and on trying to identify the costs. On July 24, the Board received a request from members of the House Appropriations Subcommittee on Education asking the Board to delay action on the proposed rule until the Legislature has a chance to address the costs. The Board will consider the request at the hearings.

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Major New Provisions in Proposal

The Board's Environmental Health Committee has recommended an effective date for the rule of Sept. 1, 2010, with later dates for some requirements. New provisions being proposed include:

- DOH, along with the Office of Superintendent of Public Instruction, updates the *K-12 Health and Safety Guide* every four years
- DOH reports to Board every three years about status of implementation and variances
- School officials prepare annual reports to the public and school boards on health and safety
- Local health departments inspect schools annually by September 2011, or approve school programs for self-inspection two out of every three years
- Phase 1 Environmental Site Assessment conducted for new school sites
- Floor materials are to be easily cleanable and dryable (may include tightly woven carpets with water impervious backing)
- Standards for new health rooms, if provided
- Upholstered furniture allowed only if approved by school officials
- Moisture control and mold remediation required
- School officials have written policies for any animals allowed in school
- If air ducts are lined, lining materials must not release particles (applies to construction after September 2013)
- Use ducted air returns, not open plenums (applies to new schools constructed after September 2013)
- Restrict laminators to rooms with mechanical ventilation and maintain other office equipment
- Sample drinking water for lead and copper (phased in over four years, repeat lead every five)
- Playground equipment manufactured and installed according to national standards and guidelines
- Central emergency gas and electricity shut offs in laboratories and shops
- Health officer to provide emergency variances
- Schools have written complaint procedures



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Board Holds Briefing, Discusses Costs

At its June 11 meeting in Puyallup, the State Board of Health received a briefing from Board and DOH staff on a working draft of the updated school rule. That draft, which was very similar to the published draft (see reverse), was the result of extensive stakeholder input to the Board and the DOH. It specifically reflected input from meetings of a rule revision team convened in March 2008 (see earlier editions of this newsletter).

The briefing included a summary of changes to the text and a preliminary cost-benefit analysis. The Board also heard from the Office of the Education Ombudsman about its role to help resolve conflict between public schools and parents.

The increase in costs for schools to meet new construction provisions in the draft is estimated to be \$4-\$5 per square foot. The increase in costs for schools to meet new ongoing operation and maintenance provisions in the draft is estimated to be \$6-\$18 per student per year. There are likely to be additional start-up costs.

Board members said they were sensitive to cost concerns, but the draft contained reasonable measures to fill gaps needed to protect children. They expressed an interest in raising awareness of the need for adequate funding of both schools and local health school programs. After discussing possible effective dates, they asked the Environmental Health Committee to resolve the issue. The committee also agreed to consider ways to phase in the rule to lessen the financial hardships on schools.

Board members also agreed to keep the current framework for the proposed rule, which would replace the existing rule, chapter 246-366 WAC, with a newly numbered, chapter 246-366A WAC, with the same title. The new rule would be divided into sections that specifically address construction or operation and maintenance.

School Rule Revision Web Site

<http://www.sboh.wa.gov/rules/schooleh>