

WASHINGTON STATE BOARD OF HEALTH

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

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

Technical Advisory Committee members present:

In-Room Participants

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

Online Participants

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

Technical Advisory Committee members absent:

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

Technical Advisory Committee staff present:

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

Guests and other participants:

Karen Langehough, FirstRule, Facilitator

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

1. Welcome Video

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

2. Review of August 1, 2024, Meeting Minutes

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

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

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

3. Meeting Objectives

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

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

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

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

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

4. Introductions

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

5. Board Authority and Rule Scope

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

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

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

6. Language: Purpose

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

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

Proposed Language

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

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

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

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

- Member Jenks: I accidently voted twice.

Voting Results

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

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

School Rule Project staff inserted the word “environmental.”

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

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

Revised Language (draft 2)

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

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

Voting Results

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

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

Revised Language (draft 3)

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

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

Voting Results

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

- Karen Langehough: We have a consensus.

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

7. Language: Applicability

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

Section 1 – Applicability section one (exclusions):

Proposed Language

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

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

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

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

Voting Results:

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

- Karen Langehough: We have a consensus.

Section(1)(a) – Private residences

Proposed Language

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

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

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

Voting Results

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

- Karen Langehough: We have a consensus.

Section(1)(b) – Other facilities

Proposed Language

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

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

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

Voting Results

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

- Karen Langehough: We have consensus.

Section(1)(c) – Tutoring facilities

Proposed Language

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

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

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

Voting Results

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

- Karen Langehough: We have a consensus.

Section(1)(d) – Secondary Schools

Voting Results

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

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

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

Voting Results

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

- Karen Langehough: We have a consensus.

Section(1)(e) – Tribal Compact

Proposed Language

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

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

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

Voting Results

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

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

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

Section (2) – Applicability additional rules

Proposed Language

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

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

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

Voting Results

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

- Karen Langehough: We have a consensus.

Section (2) Food Safety

Proposed Language

Option 1

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

Option 2

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

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

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

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

Voting Results

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

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

Section (2) Aquatic Center

Proposed Language

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

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

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

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

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

Voting Results

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

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

Section (2) Sewer

Proposed Language

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

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

Voting Results

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

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

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

Section (2) – Water Supply

Proposed Language

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

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

Voting Results

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

- Karen Langehough: We have a consensus.

Section (2)(h) – Additional Water Supply

Proposed Language

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

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

Voting Results

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

- Karen Langehough: We have a consensus.

Section (2)(i) – Additional Water Supply

Proposed Language

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

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

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

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

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

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

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

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

Proposed Language

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

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

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

Voting Results

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

- Karen Langehough: We have a consensus.

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

Proposed Language

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

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

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

Voting Results

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

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

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

Proposed Language

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

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

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

Voting Results

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

- Karen Langehough: We have a consensus.

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

11. Open Discussion and Questions

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

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

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

12. Next Steps

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

ADJOURNMENT

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

WASHINGTON STATE BOARD OF HEALTH

Patty Hayes, Chair

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