

## Proposed Chapter 246-366A WAC, Primary and Secondary Schools Web Comments Received by September 4, 2008

Aug 8 2008 1:46PM

WAC 246-366A-115(1): Table 2 lists minimum lighting intensities for several types of spaces in the school. Recommend reducing the minimum illumination level for shower rooms and locker rooms from 20 footcandles to 10 footcandles. Note that these are not average illumination levels, but minimum levels. The minimum lighting levels generally occur along the edges of the room, especially in the corners. State inspectors measure the illumination levels at various points where tasks are being performed in a room, not necessarily in the corners. Depending on the reflectance of the paint on the walls, it is often necessary to provide an average illumination nearly double the specified minimum levels in order to achieve the required minimum levels along the edges of the room. Nevertheless, in most cases the minimum levels specified in Table 2 are reasonable. The objection here is to the requirement for 20 footcandles minimum in shower rooms and locker rooms. IESNA is an organization that publishes design and application recommendations for the lighting industry. IESNA recommends 10 footcandles for locker rooms, and we have seen locker rooms lit to that level where the lighting was more than adequate for the tasks to be performed. If the minimum level in Table 2 for locker rooms were dropped to 10 footcandles, to achieve that minimum level, the average illumination in the locker rooms would still be in the 15 to 20 footcandles range. The current requirement for 20 footcandles minimum is overkill. Lowering the minimum illumination level in these spaces would allow for energy savings without compromising the health or safety of the students. In spite of the above comment, in the other cases the minimum levels specified in Table 2 seem reasonable. For reading #2 pencil, ball-point pen and 8-point to 10-point type, IESNA recommends 30 footcandles of illumination, which corresponds to the 30 footcandles required by Table 2 for classrooms. For laboratory work, rough bench or machine work, drafting on high-contrast media, and graphic design in moderate detail with photographs, IESNA recommends 50 footcandles of illumination, which corresponds to the 50 footcandles required by Table 2 for science laboratories, shops, drafting rooms, and arts and crafts rooms. For gymnasiums in educational facilities where basketball is to be played, the illumination recommended by IESNA is 50 footcandles, which is higher than the 20 footcandles minimum level for gymnasiums in Table 2; but the minimum level normally occurs around the edges of the gymnasium, not on the playing court, so 20 footcandles minimum for a gymnasium is still quite reasonable. Thus these minimum levels seem appropriate enough, except for the 20 footcandles minimum for shower rooms and locker rooms.

Aug 8 2008 1:51PM

WAC 246-366A-060(3): This paragraph requires sun control to exclude direct sunlight, but only for angles higher than 42 degrees. This does not seem to make sense for Washington. Recommend that this paragraph be rewritten to clarify the intent. This paragraph does not require the sun control to be fixed, so presumably blinds would meet the requirement. But why would sun angles below 42 degrees be an exception? In Spokane, even at noon the sun never reaches an angle of 42 degrees above the horizon from September 22 to March 19, which is most of the school year. Fixed-position shading for March 21 to September 21 is already covered in IEQ1.2 of the Washington Sustainable Schools Protocol, where it is optional. Such fixed shading may not always make sense for Washington schools. The idea may have originated from a California requirement that applies to south-facing windows, and is designed to reduce air conditioning

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costs. Air conditioning is not as big of an issue in Washington as in California. Much of the school year we are heating the school buildings. If our state is going to have a rule regarding sun control, more thought should go into writing the rule so that it applies specifically to the needs of schools in our state.

Aug 28 2008 9:14AM

To all the members of the Board of Health: As a parent and citizen, I am unhappy and outraged that my child and other children have been set out to possible health risks in public schools that have not been held to the highest standards of health and safety. Our government agencies were trusted to enforce superior standards, not only some outdated and narrow minimum. Recent publicity has shown our trust to have been misplaced until the recent effort to finally improve on this backwardness in Washington State. Please do the right thing and approve the proposed updates. Thank you and sincerely, Gretchen Bennett Guethner Mother and Aunt of school-aged children Member, Shorecrest High School PTSA

Aug 28 2008 5:43PM

A new subsection to WAC 246-366A-020 needs to be added, to clarify where the statutory authority and responsibilities of school officials and local health officers are derived from. Suggested addition: (g) WAC 246-366A was promulgated under RCW 43.20.050, and is enforceable under RCW 43.20.050(4). This addition to WAC 246-366A-020 will clarify the intent of the revised WAC code. Most importantly, it will allow all interested parties to identify the relevant RCW that pertains to the actions and responsibilities of school officials and local health officers. RCW 43.20.050(4) is not currently transparent in the WAC code. Conflicts are likely to arise if the RCW pertaining to the authority and responsibilities of school officials and local health officers are not explicitly referenced in WAC 246-366A-020.

Sep 3 2008 3:31PM

If there had been a choice to select "Concur with comments", I would have selected that choice. But it appears that "Concur" means the reader doesn't need to review the comments. Bellarmine Preparatory School is in favor of the effort to update rules to better ensure the safety of students in public and private schools. Though it is difficult to evaluate all the consequences of the proposed rules changes, they do seem for the most part to be enforcing reasonable standards for the health and safety of school children. Our main concern is that private schools and their families not be required to pay for testing and monitoring requirements of the new rules. The "Preliminary Small Business Economic Impact Statement's" claim that the costs can simply be passed along to the family's paying tuition fails to recognize that many are exercising their right to choose the education for their children at great sacrifice. Family budgets and school financial aid programs are strained to the limit in many cases, and for some this could really spell the difference between being able to exercise that choice or not. Safety and Health issues should be state funded whether schools are public or non-public. We also believe that consideration should be given to further extending the time-line for any construction due to the impact of new requirements. Jack Peterson, President Bellarmine Preparatory School

Sep 4 2008 12:50PM

While many of us in the private school community join our colleagues in the state-funded schools in supporting provisions that promote safe and healthy environments for our students and

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staff, I ask that the Board not enact these particular rule changes at this time. Though well intended, the economic impact, as outlined, would seriously impair the ability of both public and private schools to meet their mission of educating the K-12 population of this state. In particular, I refer to the Small Business Impact Statement of August 2008. In agreeing that there are possible ways that the burden could be mitigated for the private sector at the local level, our experience shows that each of these local agencies interprets the application of these types of Rules in such a wide variant - and with little consistency - that there would be no guarantee that our schools could expect any form of equitable application - or cost. I have heard statements made that our public schools shouldn't worry so much about the changes because, even if enacted, there would be little chance of funding being appropriated to cover the increased costs. Perhaps an exaggeration, but it illustrates, once again, that a double standard would be established where one sector could be forced into compliance while another might avoid the increased burden. All that said, the most distressing point made in the Impact Statement appears on page 7 - Jobs Created or Lost as a Result of the Rule. "The department assumes that any additional costs incurred by private schools will be passed on to parents via increased tuition rates." My question would be: "And that makes it OK?" Our parents are already burdened with "dual" taxation; once to support students in attending the state system via the current property tax structure and a second time when they exercise their right to choose a different form of schooling in a privately funded institution. Contrary to the myth, the majority of these families do not qualify in the highest tax brackets nor do they meet any possible definition of "rich." In many of our schools - mine is an example - more than eighty percent of families are on some form of tuition assistance. They are already contributing more than their fair share in this state because of long-standing misapplications of overly restrictive constitutional language. Adding to that abuse of their civil right to access an affordable educational alternative of their choice is irresponsible. Regardless of one's point of reference in that debate, what many fail to grasp is that each time regulations are passed that increase operating costs in the "nonpublic" sector, schools close. The five hundred private schools in this state (by way of their parents and supporters) currently save taxpayers more than a half billion dollars each year in operating costs alone. Figuring in the additional costs of transportation, capital construction and associated services should these schools close their doors tomorrow, is that really a bill Olympia wants to receive? Please do not approve these changes until more specific language and guarantees regarding equitable application can be crafted.