

**2<sup>nd</sup> Review DRAFT  
Chapter 246-366 WAC  
PRIMARY AND SECONDARY SCHOOLS  
(August 3, 2007 Version)**

The Washington State Board of Health is seeking your assistance with review of the 2<sup>nd</sup> DRAFT of proposed changes to Chapter 246-366 Washington Administrative Code (WAC), State Board of Health School Rule for Environmental Health and Safety, Kindergarten -Twelfth Grade. This is a discussion draft, in need of your consideration and input.

**Written response is preferred. Please submit any observations, questions or ideas for the next draft, by October 12, 2007.**

Your input may be submitted on-line at: <http://www3.doh.wa.gov/policyreview/>  
or by email at: [School.Rule@doh.wa.gov](mailto:School.Rule@doh.wa.gov)

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***What's added? What's deleted? What is entirely new?***

Rule writing conventions used in this DRAFT include the numbering of sections (for example, WAC 246-366-001) and the use of two font attributes, underline and ~~strikeout~~:

- In existing sections of the rule, added text is shown with underline and deleted text is shown with ~~strikeout~~.
- When existing requirements are relocated from one existing section to another existing section:
  - Where the text currently exists, it is shown in ~~strikeout~~.
  - Where the text is being relocated to, it is shown in underline.
- New sections are noted with the heading, NEW SECTION.
- When existing requirements are relocated from one existing section to a NEW SECTION:
  - Where the text currently exists, it is shown in ~~strikeout~~.
  - Where the text is being relocated to, it is shown without attribute
- When new requirements are proposed in a NEW SECTION, the text is shown without attribute.

A draft with text presented in underline and ~~strikeout~~ can be difficult to read and to follow the differences between the draft and the original. It may be useful to have a copy of the existing rule available when reviewing the 2<sup>nd</sup> DRAFT rule. A copy of the existing Chapter 246-366 WAC is available on the Internet at:

<http://apps.leg.wa.gov/WAC/default.aspx?cite=246-366>

A copy of the 1<sup>st</sup> DRAFT rule is available on the Internet at:

<http://www.doh.wa.gov/ehp/ts/School/s-rdc/wac-246-366-informaldraft.doc>

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<b>WAC SECTIONS</b>	<b>SECTION TITLE</b>
	246-366-001 Introduction <u>and Purpose</u>
NEW SECTION	246-366-005 Applicability
	246-366-010 Definitions <u>and Acronyms.</u>
	246-366-020 <del>Substitutions</del>
NEW SECTION	246-366-025 Responsibilities — General
	246-366-030 Site Approval
	246-366-040 Plan Review and <u>Pre-Opening Inspection of Schools-New Construction</u>
NEW SECTION	246-366-045 General Design Requirements for New Construction
	246-366-050 <u>Buildings General Operation and Maintenance Requirements</u>
	246-366-060 <del>Plumbing, Water Supply, and Fixtures — Design, Operation and Maintenance</del>
NEW SECTION	246-366-065 Water Quality Monitoring for Lead
NEW SECTION	246-366-066 Water Quality Monitoring for Copper
NEW SECTION	246-366-067 Water Quality Monitoring for Other Contaminants
	<del>246-366-070 Sewage Disposal</del>
	<del>246-366-080 Ventilation</del>
NEW SECTION	246-366-085 Heating, Ventilation and Air Conditioning — Design Requirements for New Construction
	246-366-090 <u>Heating, Ventilation and Air Conditioning — Operation and Maintenance Requirements</u>
NEW SECTION	246-366-095 Mold Prevention and Remediation
	<del>246-366-100 Temperature Control</del>
	246-366-110 <u>SoundNoise Control — Design Requirements for New Construction</u>
NEW SECTION	246-366-115 Noise Control — Operation and Maintenance Requirements
	246-366-120 <u>Lighting — Design, Operation and Maintenance.</u>
	<del>246-366-130 Food Handling.</del>
	246-366-140 <u>Safety — Design, Operation and Maintenance</u>
NEW SECTION	246-366-144 Playgrounds — Design and Installation Requirements for New Construction
NEW SECTION	246-366-145 Playgrounds — Operation and Maintenance Requirements
	<del>246-366-150 Exemption</del>
NEW SECTION	246-366-160 Variances
NEW SECTION	246-366-165 Appeals
NEW SECTION	246-366-170 Complaints

**WAC 246-366-001 Introduction and Purpose** These rules ~~and regulations are~~ established as minimum environmental health and safety standards for schools educational facilities and do not necessarily reflect optimum standards for facility planning and operation. These rules are in addition to other applicable requirements including building and fire codes, and are intended to cover environmental health and safety matters not otherwise addressed. Compliance by school officials with these rules will help ensure a healthy and safe environment for students, parents and staff of school facilities.

**NEW SECTION  
246-366-005 Applicability**

(1) These rules apply to all publicly-financed or private schools, kindergarten through twelfth grade, and preschools that are part of schools.

(2) The following sections apply only to new construction authorized by school boards after the effective date of these rules.

246-366-030 Site Approval.

246-366-040 Plan Review and Pre-opening Inspection of New Construction

246-366-045 General Design Requirements for New Construction

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246-366-085 Heating, Ventilation and Air Conditioning — Design Requirements for New Construction

246-366-110 Noise Control — Design Requirements for New Construction

246-366-144 Playgrounds — Design and Installation Requirements for New Construction

(3) The following sections apply to new construction authorized by school boards after the effective date of these rules and to existing school facilities.

246-366-060 Plumbing and Fixtures — Design, Operation and Maintenance.

246-366-120 Lighting— Design, Operation and Maintenance

246-366-150 Safety — Design, Operation and Maintenance.

### **WAC 246-366-010 Definitions and Acronyms**

The following definitions ~~and acronyms shall~~ apply in the interpretation and the enforcement of these rules ~~and regulations~~:

- (1) “Accredited” means certification of laboratories for drinking water analyses by the Washington state department of ecology.
- (2) “Addition” means an extension or increase in:
  - (a) floor area, number of stories, or height of a building or structure;
  - (b) the area, height, or features of playgrounds or playground equipment, and,
  - (c) the area of athletic fields or school grounds.
- (3) “Air contaminants of public health importance” means... pollutants in the indoor air, naturally occurring or resulting from operational activity, including but not limited to:
  - (a) radon,
  - (b) asbestos,
  - (c) ozone,
  - (d) volatile organic compounds, including formaldehyde and benzene,
  - (e) combustion byproducts including carbon monoxide, nitrogen oxides, and carbon dioxide,
  - (f) metals and gases including lead, chlorine, and ozone,
  - (g) respirable particles,
  - (h) tobacco smoke,
  - (i) biological contaminants and micro-organisms, and,
  - (j) toxic gases, fumes or vapors associated with office equipment (copiers, printers, laminators, etc.), laboratories, art classes, or industrial art classes.
- (4) “Alteration” means any construction or renovation to an existing structure other than repair or addition, described by three levels of alteration:
  - (a) Level 1 alterations include the removal and replacement or the covering of existing materials, elements, equipment, or fixtures using new materials, elements, equipment, or fixtures that serve the same purpose.
  - (b) Level 2 alterations include the reconfigurations of space, the addition or elimination of any door or window, the reconfigurations or extension of any system or the installation of any additional equipment.
  - (c) Level 3 alterations apply where the work area exceeds 50 percent of the aggregate area of the building.
- (5) “Construction” means the process of building, erecting, or creating buildings, roads, landscapes or other structures.
- (6) “Construction certification” means a written statement, signed and stamped by a licensed architect or professional engineer, verifying that the school facility or parts thereof have been constructed according to the approved plans and specifications.
- (7) “Contaminant” means any hazardous substance that does not occur naturally or occurs at greater than natural background levels.
- (8) “Copper action level” means copper levels that equal 1.3 milligrams per liter or 1300 parts per billion.
- (9) “Decibel (dB)” means a standard unit of measurement of sound pressure level.
- (10) ~~(4)~~ “Decibel, A-weighted (dBA)” means a decibel measure that has been weighted in accordance with the A-weighting scale. The A-weighting adjusts sound level as a function of frequency to correspond approximately to the sensitivity of human hearing
- (11) “Department” means the Washington state department of health.
- (12) “Design certification” means a written statement, signed and stamped by a licensed architect or professional engineer, verifying

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that the plans and specifications meet or exceed the standards required in these rules.

- (13) "Emergency eye wash" means a hands-free device that:  
(a) Irrigates and flushes both eyes simultaneously with tempered potable water;  
(b) Activates an on-off valve in one second or less and remains on without user assistance until intentionally turned off; and,  
(c) Delivers at least 0.4 gallons (1.5 liters) of water per minute for fifteen minutes or more.
- (14) "Emergency shower" means a hand-activated shower that delivers tempered potable water to cascade over the user's entire body at a minimum rate of 20 gallons (75 liters) per minute for fifteen minutes or more.
- (15) "Environmental Site Assessment (ESA), Phase 1" means a preliminary assessment of a property, based on review of public and private records including but not limited to surveys, aerial photos, government files, and interviews of former and current property owners as outlined in ASTM Standard E1527-05. An Environmental Site Assessment Phase 1 does not require sampling or testing.
- (16) "Equivalent Sound Level (Leq)" means the mean sound energy level for a specified time period. As the mean sound energy level, the Leq is the level of a constant sound that, over a given time period contains the same amount of sound energy as the measured fluctuating sound.
- (17) "Existing structure" means any structure constructed or installed prior to the effective date of these rules.
- (18) "Follow-up sample" means collecting a water sample where the water has been sitting in the plumbing system no less than 8 hours and no more than 18 hours prior to sample collection, and where the water is run for at least 30 seconds from the cold-water faucet prior to collection.
- (19) "Foot-candle" means a unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot.
- (20) "Group A water system" means a public water system as defined in the 1996 amendments to the federal Safe Drinking Water Act (Public Law 104-182, Section 101, subsection b). Group A water systems are further defined as community and non-community water systems in chapter 246-290 WAC.
- (21) "Hazardous materials" means materials which pose a threat to human health and /or the environment. Typical hazardous materials are toxic, corrosive, ignitable, explosive, or chemically reactive.
- (22) "Imminent health hazard" means a significant threat or danger to the health or safety of school students caused by a practice, circumstance, or event that requires immediate correction to prevent serious illness or injury.
- (23) "Initial first draw sample" means a water sample that is collected when the water has been sitting in the plumbing system (i.e., no water passed through the outlet) no less than 8 hours and no more than 18 hours prior to sample collection.
- ~~(3) "Instructional areas" Space intended or used for instructional purposes.~~
- (24) "Lead action level" means lead levels that equal 0.02 milligrams per liter or 20 parts per billion.
- (25) "Least hazardous effective method" means a method of cleaning or a method of pest or weed control that accomplishes the desired level of control while posing the least potential risk to students and staff. Posing least potential risk is accomplished by preventing exposure to hazardous materials and / or using products with no or low toxicity. Low toxicity products have low or no acute or chronic toxicity to humans, affect a narrow range of species, have low persistence in the environment and are not prone to leaching into groundwater.
- (26) "Local board of health" means the county or district board of health as defined in RCW 70.05.010(3).
- ~~(27) (8) "Local Health Officer" means the legally qualified physician who has been appointed as the health officer for the city, town, county or district public health department as defined in RCW 70.05.010(2), or his or her authorized representative.~~
- (28) "Maintenance" means services and supplies necessary to keep real property in its existing state or condition. This includes replacement of components which have worn out or reached the end of their normal life expectancy with like or similar components. This is limited to items that can be replaced without the aid of architects and engineers and which do not affect codes or life-safety issues. Examples include replacing ventilation system air filters and repainting existing facilities.
- (29) "Material Safety Data Sheet" (MSDS) means a reference designed to provide both workers and emergency personnel with the proper procedures for handling or working with a particular substance. MSDS's include information such as physical data (melting point, boiling point, flash point etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill / leak procedures.
- (30) ~~(4)~~ "New construction" Shall include means the following:  
(a) Construction of new school facilities building.

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- (b) Additions or Level 2 or Level 3 alteration to existing schools.  
(c) ~~Renovation, other than minor repair, of existing schools.~~  
(c) ~~(d)~~ Schools established in all or part of any existing structures previously designed or utilized for other purposes.  
(d) ~~(e)~~ Installation or alteration of any equipment or systems, subject to these rules regulations, in schools.  
(e) ~~(f)~~ Portables constructed- used for instructional purposes and leased or purchased after the effective date of these rules regulations.
- (31) "Noise Criterion (NC)" means a system for rating the noise level in an occupied space by comparing actual or calculated sound level spectra with a series of established octave band spectra.
- (32) "Noise Criterion 35 (NC35)" means the curve for specifying the maximum permissible sound pressure level for each frequency band.
- ~~(5) "Occupied zone" Is that volume of space from the floor to 6 feet above the floor when determining temperature and air movement, exclusive of the 3 foot perimeter on the outside wall. Note: This term is not used in either the current or the proposed rule.~~
- (33) "Operation" means services (labor, time, or effort needed) and supplies necessary to keep real property functional or operational.
- (34) "Preschool" means an instructional curriculum and portion of a school facility designed to instruct children not old enough to attend kindergarten.
- ~~(7) "Portables" Any structure that is transported to a school site where it is placed or assembled for use as part of a school facility.~~
- (35) "Portable" means a transportable structure, designed to be used as an educational space with or without a permanent foundation, capable of being relocated to other locations as needs arise.
- (36) "Repair" means the restoration of any part of an existing school facility for the purpose of maintaining such components in good or sound condition with respect to existing loads or performance requirements, including the patching or restoration or replacement of damaged materials, elements, equipment or fixtures.
- (37) ~~(1)~~ "School" shall means any institution for instructing students, publicly financed or private, or parochial school or facility used for the purpose of school instruction, from the kindergarten through twelfth grade. This definition does not include a private residence in which parents teach their own natural or legally adopted children.
- (38) ~~(2)~~ "Board of education-School Board" means A-an appointedive or electedive board whose primary responsibility is to operate public or private or parochial schools or to contract for school services and includes the governing body or owner of a private school.
- (39) "School facility" means all buildings and grounds, equipment and accessories used in operating a school.
- (40) "School officials" means school administrators, or their designees, responsible to the school board or governing body.
- (41) ~~(9)~~ "Secretary" Mmeans the secretary of the Washington state department of health or the secretary's designee.
- (42) ~~(6)~~ "Site" Shall include means the areas used for buildings, playgrounds and other school functions.
- (43) "Variance" means an allowed deviation from specific standards that provides at least an equal level of protection as that provided by the standards established in this chapter.
- (44) "Volatile organic compounds" means organic chemical compounds that have high enough vapor pressures under normal conditions to significantly vaporize and enter the atmosphere.

### Acronyms

ANSI: American National Standards Institute

ASTM: American Society for Testing Materials

CO<sub>2</sub>: Carbon dioxide

CPR: Cardiopulmonary Resuscitation

CPSC: Consumer Product Safety Commission

dB: Decibel

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dBA: Decibel measure, with the "A" weighted scale adjustment

DOH: Department of Health

EPA: Environmental Protection Agency

ESA: Environmental Site Assessment (EPA and ASTM)

H&SG: DOH / OSPI K-12 Health & Safety Guide

HVAC: Heating, Ventilation, Air Conditioning

Leq: The mean sound energy level for a specified time period.

Lmax: The maximum sound level recorded during a specified time period.

MSDS: Material Safety Data Sheet

NC: Noise Criterion

NC35: Noise Criterion 35

NSF: National Science Foundation

RCW: Revised Code of Washington

WAC: Washington Administrative Code

~~**WAC 246-366-020 Substitutions.** The secretary may allow the substitution of procedures or equipment for those outlined in these regulations, when such procedures or equipment have been demonstrated to be equivalent to those heretofore prescribed. When the secretary judges that such substitutions are justified, he shall grant permission for the substitution in writing. Requests for substitution shall be directed to the jurisdictional health officer who shall immediately forward them, including his recommendations, to the secretary. All decisions, substitutions, or interpretations shall be made a matter of public record and open to inspection.  
Note: Replacing with WAC 246-366-160 Variances~~

## **NEW SECTION**

### **246-366-025 Responsibilities — General**

(1) Responsibilities of School Boards and School Officials.

- (a) The school board shall ensure that their schools comply with these rules.
- (b) School officials shall:
  - (i) Identify, assess and address health and safety hazards in their school facilities, establish necessary protective procedures, and use appropriate controls.
  - (ii) Respond to and investigate complaints received about conditions that may be inconsistent with these rules.
  - (iii) Promptly inform staff, students and parents about their mitigation plan and schedule when environmental health and safety risks are identified.
  - (iv) Retain records pertaining to compliance with this rule for at least five years.
  - (v) Retain records pertaining to health and safety hazards identified (see item (1)(b)(ii), above) for at least five years, or longer if required by other state or federal rules.
  - (vi) Have available for the public the documents relating to school inspections for environmental health and safety, including the findings, recommended actions, and correction schedules established in consultation with the local health officer.

(2) Responsibilities of the Local Board of Health and Local Health Officer.

- (a) The local board of health may implement fees to ensure that their school environmental health and safety program is

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adequately funded, as authorized in RCW 70.05.060(7).

- (b) The local health officer shall:
- (i) Ensure that environmental health and safety inspections of each school facility within his or her jurisdiction occur at least once each year. This may be accomplished by either or both of the following means:
    - (A) The inspection is conducted by the local health officer.
    - (B) The inspection is conducted by a school official or staff member within the framework of a school environmental health and safety program established cooperatively by the local health officer and one or more of the schools within the local health jurisdiction. Inspections by school officials or school staff may occur in place of inspection by the local health officer no more frequently than two out of three years. Two required components of such a program are:
      - a. The level and frequency of training required for persons conducting school environmental health and safety inspections is established; and,
      - b. A standardized inspection procedure and checklist is used.
  - (ii) When inspection reveals conditions that do not comply with these rules, develop a correction schedule in consultation with school officials that considers the degree of health and safety risk and competing demands for resources available to correct the problem.
  - (iii) Provide a report that includes inspection findings, recommended actions and a correction schedule to the school board and the school official of the inspected school.
  - (iv) Respond to and investigate complaints received about conditions that may be inconsistent with these rules.
- (3) Responsibilities of the Department of Health
- (a) The department shall:
- (i) Report to the State Board of Health at least once every two years, beginning two years after the effective date of these rules. The report shall include a summary and discussion of:
    - (A) variances granted
    - (B) the status of rule implementation.
  - (ii) Provide technical assistance and training about environmental health and safety in schools to personnel of local health jurisdictions, educational service districts, and schools
- (b) The department may, in cooperation with the local health officer, investigate environmental health and safety incidents that occur at schools within his or her jurisdiction.

### WAC 246-366-030 Site Approval

- (1) Responsibilities of School Boards — Before developing a site for proposed school construction, the school board shall ensure that:
- (a) A Phase I Environmental Site Assessment (ESA), that meets the requirements of ASTM Standard #1527-05, is completed.
  - (b) Samples of potentially contaminated soil are analyzed for the contaminants suspected if the site assessment indicates that hazardous materials may be present. Sampling and analysis shall comply with the rules and guidelines of the Washington state department of ecology.
  - (c) ~~(3)~~ Noise from any source at a proposed site for a new school, an addition to an existing school, or a portable classroom shall does not exceed an hourly average of 55 dBA (Leq<sub>60 minutes</sub>) and shall not exceed an hourly maximum (Lmax) of 75 dBA during the time of day the school is in session. ~~except s~~ Sites exceeding these sound levels are acceptable if a plan for ~~sound noise~~ reduction is included in the new construction proposal and the plan for ~~sound noise~~ reduction is approved by the local health officer.
  - (d) The site and surrounding area is evaluated for:
    - (i) the potential for radon infiltration where geological formations indicate that radon may be present;
    - (ii) nuisance odors and safety hazards;
    - (iii) industrial emissions that may impact health and safety; and,
    - (iv) its proximity to vehicle traffic.
  - (e) A request is submitted to the local health officer for site review and approval, along with documents relating to the site assessment that address the processes used, the findings obtained, including results of sampling conducted, and the

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analysis of the findings, and any other site assessment or site mitigation information requested by the local health officer.

- (f) ~~(f) Before a new school facility is constructed, an addition is made to the existing school facility, or an existing school facility is remodeled, the board of education shall obtain w~~ Written approval is obtained from the local health officer that the proposed development site does not presents no health problems. The board of education may request the health officer make a survey and submit a written health appraisal of any proposed school sites any conditions, as indicated in 1a-1d, above, that would prevent development of a school facility on the site or that the school board's plans for mitigation of the identified hazards are adequate to protect public health and safety.
- (g) Have available for the public documents relating to the site assessment that address the processes used, the findings obtained, including results of sampling conducted, analysis of the findings, and the site mitigation plan approved by the local health officer.
- (2) Responsibilities of the Local Health Officer — After receiving a written request for a proposed school site review and approval, the local health officer shall:
- (a) Review the documents relating to the site assessment that address the processes used, the findings obtained, including results of sampling conducted, and the analysis of the findings.
- (b) Conduct a physical inspection of the site.
- (c) Determine if any additional site information is needed to complete the review and may request additional site information from school officials.
- (d) Determine that the proposed site does not present any environmental health and safety concerns that cannot be mitigated.
- (e) Either grant or deny approval for the proposed site within thirty days of receiving the written request and any additional site information needed to complete the review, unless the school officials and the local health officer agree to a continuance.
- (f) Provide written approval to the school board for the proposed site and any necessary mitigation to correct environmental health and safety concerns identified.
- (g) Review any mitigation plans developed to address the environmental health and safety concerns identified. If the plans are satisfactory, written approval shall be given to the school board.

~~(2) School sites shall be of a size sufficient to provide for the health and safety of the school enrollment.~~

**WAC 246-366-040 Plan Review and Pre-opening Inspection of Schools-New Construction**

- (1) Responsibilities of School Boards and School Officials.
- (a) ~~(1)Any board of education, (b)Before starting new construction, as defined in this rule, constructing a new school facility, or making any addition to or major alteration of an existing facility, or any of the facilities, the school board shall ensure that:~~
- (i) ~~(a)First submit final p-Plans, and specifications, of such buildings or changes to the and design certification documents required by the local health officer attesting to design compliance with these rules, are submitted to the jurisdictional local health officer early in the planning process so that health and safety issues can be addressed when most cost-effective and achievable.~~
- (ii) ~~(b)Shall obtain t-The local health officer's recommendations and any required changes, are obtained in writing.~~
- (iii) ~~(c)Shall obtain w-Written approval is obtained from the local health officer, to the effect that such plans and specifications comply with these rules and regulations.~~
- (b) Before requesting a Temporary Occupancy Permit from the local building official to allow occupancy of new construction prior to final construction or installation of building components, school officials shall consult with the local health officer to ensure that environmental health and safety concerns are addressed.
- (2) Responsibilities of the Local Health Officer — After receiving a written request for review and approval of proposed school plans and specifications, the local health officer shall:
- (a) Review the plans and specifications for compliance with these rules.
- (i) Determine if any additional information is needed to complete the review and may request additional information, including design certification, from school officials.

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- (ii) Either grant or deny approval of the plans and specifications within thirty days of receiving the written request and any additional information needed to complete the review, unless the school officials and the local health officer agree to a continuance.
- (iii) Provide written approval to the school board for the plans and specifications with any necessary changes needed to achieve compliance with these rules or any recommendations regarding the proposed development.
- (b) ~~(a)~~ Conduct a preoccupancy inspection of new construction to determine its conformity with the approved plans and specifications.
  - (i) Determine if any additional information is needed to complete the inspection and may request additional information, including construction certification, from school officials.
  - (ii) If the construction is in compliance with the plans and specifications approved by the local health officer, written approval shall be given to the school board.

~~(b) Make periodic inspections of each existing school within his jurisdiction, and forward to the board of education and the administrator of the inspected school a copy of his findings together with any required changes and recommendations. (Moved to WAC 246-366-025.)~~

**NEW SECTION**  
**WAC 246-366-045 General Design Requirements for New Construction**

The school board shall ensure that:

- (1) School facilities are designed to comply with these rules and to minimize health and safety hazards.
- (2) All steps have non-slip treads.
- (3) The floors throughout the school facility are easily cleanable, durable and appropriate for the intended use. Carpets are low pile and tightly woven, with water impervious backing.
- (4) School facilities are designed to prevent the entrance and harborage of insects, rodents, birds and other pests of public health significance. *Design counterpart to 246-366-050 (5).*
- (5) Laboratories and shops where hazardous materials are used are provided with an emergency eyewash fountain and an emergency shower which have unobstructed access for flushing in cases of chemical spill and clothing fires. If more than one laboratory is provided, one of each fixture will be adequate if the fixtures are within 50 feet and can be reached by students within 10 seconds. Emergency showers shall be plumbed with waste drains designed to accept the rate of water flow anticipated.
- (6) Chemistry laboratories have emergency shut-offs for water, gas and electricity which are located in close proximity to the teaching station and have unobstructed access. The shut-off shall be identified with signage for immediate identification during an emergency.
- (7) Industrial arts shops with electrical equipment have emergency disconnects for electricity located in close proximity to the teaching station and have unobstructed access. Shut-offs shall be identified with signage for immediate identification during an emergency.
- (8) Sufficient space is provided for the storage of outdoor clothing, play equipment and instructional equipment. The space is easily accessible, well lighted, and ventilated. *Moved from WAC 246-366-050.*
- (9) Schools facilities are provided with windows sufficient in number, size, and location to permit students to see to the outside. Windows are optional in special purpose instructional areas including, but not limited to, theaters, music areas, multipurpose areas, gymnasiums, auditoriums, shops, libraries and seminar areas. No student shall occupy an instructional area without windows more than 50 percent of the school day. *Moved from WAC 246-366-050.*
- (10) Exterior sun control is provided to exclude direct sunlight from window areas and skylights of instructional areas, assembly rooms and meeting rooms during at least 80 percent of the normal school hours. Each area shall be considered as an individual case. Sun control is not required for sun angles less than 42 degrees up from the horizontal. Exterior sun control is not required if air conditioning is provided, or special glass installed having a total solar energy transmission factor less than 60 percent. *Moved from WAC 246-366-050.*
- (11) If health rooms are provided, their design shall address:

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- (a) visual supervision and confidentiality of room occupants;
  - (b) surfaces that can be cleaned and disinfected;
  - (c) proximity to restrooms; and,
  - (d) exhaust venting to the outside.
- (12) School facilities are designed to protect students from fall hazards, including:
- (a) Orchestra pits have a safety railing, which may be removed during performances
  - (b) Theater stages have traction strips two feet from the drop off edge to warn stage users when they are near the stage edge
  - (c) Retaining walls that exceed a height of 30 inches have top-of-wall surfaces that discourage climbing, sitting, standing, or sliding.
  - (d) Half-walls, rows of short lockers, or railings that provide the fall barrier above a lower floor are designed to discourage climbing, sitting, standing or sliding.

**WAC 246-366-050 Buildings General Operation and Maintenance Requirements**

School officials shall ensure that:

- (1) School facilities Buildings shall be are kept clean and in good repair.
- (2) Building entrances have walk-off mats that are:
  - (a) adequately sized to effectively capture dirt carried into the building; and,
  - (b) cleaned as needed to maintain their effectiveness in capturing dirt entering the building on footwear.
- ~~(3) All stairway[s] and steps shall have handrails and nonslip treads. Moved to 246-366-045 (2)~~
- (3) When sewage back-ups occur:
  - (a) immediate steps are taken to clean and disinfect the contaminated area and minimize human exposure
  - (b) the Local Health Officer is notified when conditions result from failure of an onsite sewage system serving the school facility or when the sewage back-up impacts student use areas outside of toilet rooms.
- ~~(2) Instructional areas shall have a minimum average ceiling height of 8 feet. Ceiling height shall be the clear vertical distance from the finished floor to the finished ceiling. No projections from the finished ceiling shall be less than 7 feet vertical distance from the finished floor, e.g., beams, lighting fixtures, sprinklers, pipe work.~~
- ~~(4) The floors shall have an easily cleanable surface. Moved to 246-366-045(3) School facility design and modified.~~
- (4) Conditions that attract, provide entry, harbor and promote propagation of insects, rodents and other pests of public health significance are effectively addressed.
- (5) When insects, rodents and other pests of public health significance are controlled, the least hazardous effective methods are used.  
~~(5) The premises and all buildings shall be free of insects and rodents of public health significance and conditions which attract, provide harborage, and promote propagation of vermin WAC 246-366-050 (5)~~
- (6) Weeds and unwanted vegetation are controlled using the least hazardous effective methods.
- ~~(6) All poisonous compounds shall be easily identified, used with extreme caution and stored in such a manner as to prevent unauthorized use or possible contamination of food and drink. Replaced with 246-366-050 (7), (8), (9)~~
- (7) All cleaning, sanitizing, and maintenance chemicals and compounds are clearly labeled, appropriate for the applications, used as directed on the product label, and safely stored.
- (8) Only cleaners, pesticides, art supplies, or hazardous materials approved by school officials are permitted.
- (9) When not in use, hazardous materials are stored so they are not accessible to students or unauthorized staff.
- (10) Cleaning tasks are accomplished using the least hazardous effective method.
- ~~(7) There shall be sufficient space provided for the storage of outdoor clothing, play equipment and instructional equipment. The space shall be easily accessible, well lighted, heated and ventilated. Moved to 246-366-045~~
- ~~(8) Schools shall be provided with windows sufficient in number, size and location to permit students to see to the outside. Windows are optional in special purpose instructional areas including, but not limited to, little theaters, music areas, multipurpose areas, gymnasiums, auditoriums, shops, libraries and seminar areas. No student shall occupy an instructional area without windows more than 50 percent of the school day. Moved to 246-366-045~~

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~~(9) Exterior sun control shall be provided to exclude direct sunlight from window areas and skylights of instructional areas, assembly rooms and meeting rooms during at least 80 percent of the normal school hours. Each area shall be considered as an individual case. Sun control is not required for sun angles less than 42 degrees up from the horizontal. Exterior sun control is not required if air conditioning is provided, or special glass installed having a total solar energy transmission factor less than 60 percent. Moved to 246-366-045~~

**WAC 246-366-060 Plumbing, Water Supply, and Fixtures — Design, Operation and Maintenance**

School officials shall ensure that:

~~(1) Plumbing: Plumbing shall be sized, installed and maintained in accordance with the state building code. However, local code requirements shall prevail, when these requirements are more stringent or in excess of the state building code.~~

~~(2) Water supply: The water supply system for a school shall be designed, constructed, maintained, and operated in accordance with chapter 246-290 WAC.~~

(1) Products used to coat, line, seal, or patch drinking water contact surfaces, or that will have substantial water contact within the drinking water collection, treatment, or distribution system at a school facility:

- (a) comply with the appropriate ANSI/NSF Standard 60 (2005) or 61(2003), and
- (b) are used according to the manufacturer's instructions.

(2) Cross connections between drinking water supply lines and lines carrying non-potable water are prevented.

~~(3) Toilet and handwashing facilities.~~

(3) ~~(a)~~ Adequate, conveniently located toilet and handwashing facilities ~~shall be~~ provided for students and employees. At handwashing facilities soap and single-service towels ~~shall be~~ provided. Common use towels are prohibited. Warm air dryers may be used in place of single-service towels. Toilet paper shall be available, conveniently located adjacent to each toilet fixture.

~~(b) The number of toilet and handwashing fixtures in schools established in existing structures, previously designed or utilized for other purposes shall be in accordance with the state building code. However, local code requirements shall prevail, when these requirements are more stringent or in excess of the state building code.~~

(4) Floors & walls near fixtures are water impervious and easily cleanable.

~~(5) (e)~~-Toilet and handwashing facilities must be accessible for use during school hours and scheduled events.

(6) ~~(d)~~. Handwashing facilities shall be provided with hot water at a maximum temperature of 120-degrees Fahrenheit. Fixtures that blend hot and cold water, and do not allow the user to select water temperature shall provide tempered water between 85 degrees Fahrenheit and 110 degree Fahrenheit. If hand operated self-closing faucets are used, they must be of a metering type capable of providing at least ten seconds of running water.

(7) Showers:

(a) Showers ~~shall be~~ provided for classes in physical education, at grades 9 and above. An automatically controlled hot water supply of 120 degrees Fahrenheit ~~shall be~~ provided. Showers with cold water only shall not be permitted.

(b) Drying areas, if provided, ~~shall be~~ adjacent to the showers and adjacent to locker rooms. Shower and drying areas shall have water impervious nonskid floors. Walls in shower rooms shall be water impervious up to showerhead heights. Upper walls and ceiling shall be of smooth, easily washable construction.

(c) Locker and/or dressing room floors shall have a water impervious surface. Walls shall have a washable surface. In new construction, floor drains shall be provided in locker and dressing areas.

(d) If towels are supplied by the school, they shall be for individual use only and shall be laundered after each use.

**NEW Section  
246-366-065 Water Quality Monitoring for Lead**

(1) Lead Water Quality Monitoring — School officials shall ensure that:

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- (a) The Environmental Protection Agency's (EPA) "3Ts For Reducing Lead in Drinking Water in Schools" (EPA publication 816-B-05-008) <sup>1</sup>, called "EPA 3Ts publication," is used to:
    - (i) design a sampling plan,
    - (ii) sample the water,
    - (iii) interpret test results,
    - (iv) inform the public, and
    - (v) correct any lead problems.
  - (b) A laboratory, accredited by a state agency to perform lead analysis according to EPA drinking water laboratory certification criteria, is used to analyze all samples.
  - (c) Sample sites consist of every outlet that is regularly used for cooking or drinking.
  - (d) A person is designated at each school facility that is responsible for collecting the water samples and ensuring the samples are properly tested. School officials shall ensure the designated person has sufficient training and knowledge to meet these responsibilities.
- (2) First Round Monitoring Components — School officials shall ensure that:
- (a) First Round Monitoring includes initial first draw samples and follow-up flush samples.
  - (b) School officials shall use sampling protocols from the EPA 3Ts publication to collect:
    - (i) initial first draw samples from every outlet regularly used for cooking or drinking, and
    - (ii) follow-up flush samples from any sample site with lead levels at or above the lead action level, within 30 days of getting sampling results.
- (3) First Round Monitoring Schedule — School officials shall ensure that:
- (a) First Round Monitoring is accomplished by sampling one-half of their school facilities within 1 year and one-half within 2 years of the effective date of this rule. School officials shall include in the 1st year those facilities used by young students or facilities most likely to have high lead results
  - (b) School officials may include samples collected after September 1, 2003 toward meeting the First Round Monitoring requirement if:
    - (i) samples were from sample sites regularly used for cooking and drinking.
    - (ii) samples were collected using the EPA sampling protocol.
    - (iii) samples were analyzed by a laboratory accredited by a state agency according to EPA drinking water laboratory certification criteria to perform lead analysis.
    - (iv) all sample locations with results at or above the action level for lead have been removed from service, or have been or are being addressed according to paragraph (5) Corrective Actions, below.
- (4) On-going Monitoring — School officials shall ensure that:
- (a) Lead monitoring is repeated every five years. School officials shall collect samples from:
    - (i) all sample sites from the previous round of monitoring with results at or above the lead action level,
    - (ii) enough sample sites in addition to those in (4)(a)(i) to total at least 50 percent of the number of first round monitoring sample sites. These additional samples shall come from sites used by young students, used most frequently or had results approaching the lead action level.
  - (b) If the water utility's corrosion control treatment or disinfection processes change, or the plumbing materials in the school change, all first round sample sites are resampled as soon as possible, and no later than 6 months after the changes are made.
- (5) Corrective Actions — School officials shall ensure that for all sample sites where initial first draw or follow-up sample results

<sup>1</sup> [http://www.epa.gov/safewater/schools/pdfs/lead/toolkit\\_leadschools\\_guide\\_3ts\\_leadschools.pdf](http://www.epa.gov/safewater/schools/pdfs/lead/toolkit_leadschools_guide_3ts_leadschools.pdf)

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are at or above the lead action level::

- (a) The most appropriate interim control measures from EPA's 3Ts publication are used
  - (b) These sites are shut off, if possible. If shutoff is not possible, they shall be posted with a sign that warns the water is not safe to drink.
  - (c) If bottled water is used as an interim control measure or a permanent remedy, it is produced by a Washington State Department of Agriculture-approved bottling operation or out-of-state or international bottler whose product meets federal Food and Drug Administration regulations.
  - (d) If flushing is used as a permanent remedy:
    - (i) a written flushing program exists (see EPA 3Ts publication for guidance)
    - (ii) sampling for lead occurs at least twice during the school year.
    - (iii) another permanent remedy is used if the water does not test below the lead action level by the end of that school year,
  - (e) Before treatment is used as a permanent remedy, an engineering project report is submitted to the department, per WAC 246-290-110
  - (f) If individual fixtures are replaced, the fixture meets the appropriate requirements under 246-366-060 WAC.
    - (i) only fixtures that yield sample results below the action level for lead may be placed back in service.
    - (ii) fixtures shall have sampling results below the action level for lead for four consecutive monthly samples before being placed permanently back in service and returned to on-going monitoring.
- (6) Notification Requirements — School officials shall ensure that staff, students and parents, and the local health officer are notified within 30 days of the school officials receiving lead sampling results at or above the lead action level.

**NEW SECTION**

**246-366-066 Water Quality Monitoring for Copper**

- (1) Copper Water Quality Monitoring — School officials shall ensure that samples are collected and tested for copper following the requirements of WAC 246-366-065 (1), (2) and (3) Water Quality Monitoring for Lead.
  - (2) Corrective Actions — School officials shall ensure that for all sample sites with results at or above the copper action level
    - (a) These sites are shut off, if possible. If shutoff is not possible, they shall be posted with a sign that warns the water is not safe to drink.
    - (b) If bottled water is used as an interim control measure or a permanent remedy, it is produced by a Washington State Department of Agriculture-approved bottling operation or out-of-state or international bottler whose product meets federal Food and Drug Administration regulations.
    - (c) If flushing is used as a permanent remedy:
      - (i) a written flushing program exists (see EPA 3Ts publication for guidance)
      - (ii) sampling for copper occurs at least twice during the school year.
      - (iii) another permanent remedy is used if the water does not test below the copper action level by the end of that school year,
    - (d) Before treatment is used as a permanent remedy, an engineering project report is submitted to the department, per WAC 246-290-110
    - (e) If individual fixtures are replaced, the fixture meets the appropriate requirements under 246-366-060 WAC.
      - (i) only fixtures that yield sample results below the action level for copper may be placed back in service.
      - (ii) fixtures shall have sampling results below the action level for copper for four consecutive monthly samples before being placed permanently back in service.
- (2) Notification Requirements — School officials shall ensure that Staff, students and parents, and the local health officer are notified within 30 days of the school officials receiving copper sampling results at or above the copper action level.

**NEW SECTION**

**246-366-067 Water Quality Monitoring for Other Contaminants**

- (1) The local health officer may require:
  - (a) Sampling of drinking water when public health concerns exist about other drinking water contaminants
  - (b) Corrective actions in response to sampling results for other contaminants
  - (e) Notification in response to sampling results for other contaminants, including those described in WAC 246-366-065 (6) Notifications.
- (2) School officials shall ensure that sampling for other drinking water contaminants, corrective action and notification is performed when directed by the local health officer to address public health concerns.

~~**WAC 246-366-070 Sewage disposal.** All sewage and waste water from a school shall be drained to a sewerage disposal system which is approved by the jurisdictional agency. On-site sewage disposal systems shall be designed, constructed and maintained in accordance with chapters 246-272A and or 173-240-246-272B WAC.~~

~~**WAC 246-366-080 Ventilation.**~~

- ~~(1) All rooms used by students or staff shall be kept reasonably free of all objectionable odor, excessive heat or condensation. Moved to 246-366-090(3) Heating, Ventilation and Air Conditioning — Operation and Maintenance~~
- ~~(2) All sources producing air contaminants of public health importance shall be controlled by the provision and maintenance of local mechanical exhaust ventilation systems as approved by the health officer. Moved to 246-366-090(2) Heating, Ventilation and Air Conditioning — Operation and Maintenance~~

**NEW SECTION**

**246-366-085 Heating, and Ventilation and Air Conditioning — Design Requirements for New Construction**

The school board shall ensure that:

- (1) The standards used for ventilation system design, construction, installation, and performance in school facilities address:
  - (a) special use areas, including health rooms; toilet and shower rooms, science and photo labs, art rooms, industrial arts and vocational instructional areas; and,
  - (b) local exhaust needs of equipment that produces toxic fumes, vapors or gases, including laminators, copiers, spray paint booths, welding booths, pottery kilns
- (2) Venting is located to prevent reentry of exhausted air contaminants.
- (3) Air intake is located so that air contaminants are not drawn into the building or ventilation system, with particular attention paid to potential air contaminant sources at loading docks, bus and vehicle loading and unloading, and exhaust vents.
- (4) The interior surfaces of air handling ducts are smooth, non-friable, and cleanable.

**WAC 246-366-090 Heating, Ventilation and Air Conditioning — Operation and Maintenance Requirements**

School officials shall ensure that:

- (1) The entire facility inhabited by students and employees shall be heated during school hours to maintain a minimum temperature of 65 degrees Fahrenheit except for gymnasiums which shall be maintained at a minimum temperature of 60 degrees Fahrenheit.
- (2) Heating, ventilating and/or air conditioning systems shall be equipped with automatic room temperature controls for each occupied area.
- (3) All rooms used by students or staff shall be kept reasonably free of all objectionable nuisance odors, air contaminants of public health importance, excessive heat or and condensation.

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- (4) All sources producing air contaminants of public health importance, including, but not limited to: laminators, copy machines, pottery kilns, spray paint booths and welding booths shall be controlled by the provision and maintenance of local mechanical exhaust ventilation systems as approved by the local health officer.
- (5) The intake of outdoor pollutants and re-intake of pollutants and moisture is prevented.
- (6) Heating, ventilation, and air conditioning (HVAC) systems operate as designed and are maintained in accordance with the manufacturer requirements.
- (7) Fresh air is provided consistent with the approved ventilation system design.
- (8) Carbon dioxide (CO<sub>2</sub>) levels in indoor air may be used as an indicator of the rate of incoming fresh air flow in a classroom or other occupied area. For CO<sub>2</sub> levels to be representative of incoming fresh air flow conditions, measurement must occur when the space is occupied in a manner that is typical of occupant load and use patterns. Levels of CO<sub>2</sub> consistently exceeding 700 parts per million above outside CO<sub>2</sub> levels indicate the need for further evaluation of ventilation system performance.

#### NEW SECTION

#### WAC 246-366-095 Mold Prevention and Remediation

School officials shall:

- (1) Monitor the school facility for water intrusion, moisture accumulation and mold growth.
- (2) When water intrusion or moisture accumulation is observed; begin corrective action within 48 hours from time of discovery to prevent and limit mold growth by:
  - (a) Identifying and eliminating the cause of the water intrusion and/or moisture accumulation; and
  - (b) Drying the affected portions of the school facility.
- (3) When mold growth is observed or suspected:
  - (a) Identify and eliminate the cause of the moisture or water contributing to the mold growth.
  - (b) Dry the affected portions of the school facility.
  - (c) Investigate the extent of the mold growth, including evaluation of potentially affected materials and surfaces inside walls when moisture or water has intruded those spaces.
  - (d) Promptly inform staff, students and parents of existing conditions and the plans and time frame for the mold remediation if the total surface area affected is greater than 10 square feet.
  - (e) Limit student and staff exposure to the mold until mold remediation is completed;
  - (f) Use recognized mold remediation procedures, such as that provided by the EPA (Mold Remediation in Schools and Commercial Buildings, EPA 402-K-01-001).

~~WAC 246-366-100 Temperature control. Heating, ventilating and/or air conditioning systems shall be equipped with automatic room temperature controls. Moved to 246-366-090(2) Heating, Ventilation, and Air Conditioning — Operation and Maintenance.~~

#### WAC 246-366-110 SoundNoise Control — Design Requirements for New Construction

- (1) The school board shall ensure that in new construction:
  - (a) ~~(1) In new construction, p~~Plans submitted under WAC 246-366-040 shall specify ventilation equipment and other mechanical noise sources in classrooms are designed to provide background sound which conforms to a noise criterion curve or equivalent not to exceed NC-35. The owner shall certify equipment and features are installed according to the approved plans.
  - (b) ~~(2) In new construction, t~~The actual background noise at any student location within the classroom shall not exceed ~~45~~ 40 dBA (Leg<sub>x</sub>) and 70 dB (Leg<sub>x</sub>) (unweighted scale) where x is thirty seconds or more. ~~The health officer shall determine e~~Compliance with this section shall be determined when the ventilation system and the ventilation system's noise generating components, for example, condenser, heat pump, etc., are in operation.
  - (c) ~~(4) In new construction, t~~The maximum ambient noise level in industrial arts, vocational agriculture and trade, ~~and~~ industrial classrooms and science laboratories shall not exceed 65 dBA when all fume and dust exhaust systems are operating.
- (2) ~~(3)~~Existing portable classrooms, constructed before January 1, 1990, moved from one site to another on the same school

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property or within the same school district are exempt from the requirements of this section if the portable classrooms meet the following:

- (a) Noise abating or noise generating features shall not be altered in a manner that may increase noise levels;
- (b) The portable classrooms were previously in use for general instruction;
- (c) Ownership of the portable classrooms will remain the same; and
- (d) The new site is in compliance with WAC 246-366-030 ~~(3)~~ (1)(c).

~~(5) The maximum noise exposure for students in vocational education and music areas shall not exceed the levels specified in Table 1.~~

*Moved to 246-366-115 Noise Control — Operation and Maintenance*

**TABLE 1**  
MAXIMUM NOISE EXPOSURES PERMISSIBLE

Duration per day (hours)	Sound Level (dBA)
8	85
6	87
4	90
3	92
2	95
1-1/2	97
1	100
1/2	105
1/4	110

*Moved to 246-366-115 Noise Control — Operation and Maintenance*

~~Students shall not be exposed to sound levels equal to or greater than 115 dBA.~~

*Moved to 246-366-115 Noise Control — Operation and Maintenance*

~~(6) Should the total noise exposure in vocational education and music areas exceed the levels specified in Table 1 of subsection (5) of this section, equipment hearing protectors, e.g., ear plugs, muffs, etc., shall be provided to and used by the exposed students. Hearing protectors, shall reduce student noise exposure to comply with the levels specified in Table 1 of subsection (5) of this section.~~

*Moved to 246-366-115 Noise Control — Operation and Maintenance*

**NEW SECTION  
WAC 246-366-115 Noise Control — Operation and Maintenance**

- (1) The maximum noise exposure for students shall not exceed the levels specified in Table 1.

**TABLE 1**  
MAXIMUM NOISE EXPOSURES PERMISSIBLE

Duration per day (hours)	Sound Level (dBA)
8	85
6	87
4	90

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3	92
2	95
1-1/2	97
1	100
1/2	105
1/4	110

- (2) Students shall not be exposed to sound levels equal to or greater than 115 dBA.
- (3) Should the total noise exposure exceed the levels specified in Table 1 of this section, personal protective equipment, for example, ear plugs, muffs, etc., shall be provided to and used by the exposed students. Personal protective equipment shall reduce student noise exposure to comply with the levels specified in Table 1 of this section.

**WAC 246-366-120 Lighting — Design, Operation and Maintenance**

- (1) The following maintained light intensities shall be provided as measured 30 inches above the floor or on working or teaching surfaces. General, task and/or natural lighting may be used to maintain the minimum lighting intensities.

**LIGHTING TABLE**

	Minimum Foot - candle Intensity
General instructional areas including: Study halls, lecture rooms, and libraries.	30
Special instructional areas where safety is of prime consideration or fine detail work is done including: Sewing rooms, laboratories (includes chemical storage areas), shops, drafting rooms and art and craft rooms.	50
Kitchen areas including: Food storage and preparation rooms.	30
Noninstructional areas including: Auditoriums, lunch rooms, assembly rooms, corridors, stairs, storerooms, and toilet rooms.	10
Gymnasiums: Main and auxiliary spaces, shower rooms, and locker rooms.	20

- (2) Excessive brightness and glare shall be controlled in all instructional areas. Surface contrasts and direct or indirect glare shall not cause excessive eye accommodation or eye strain problems.
- (3) Lighting shall be provided in a manner which minimizes shadows and other lighting deficiencies on work and teaching surfaces.

**~~WAC 246-366-130 Food handling.~~**

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~~(1) Food storage, preparation, and service facilities operated in conjunction with the school, including the cafeteria, school stores, concession stands and temporary food events shall be constructed and maintained and operated in accordance with chapters 246-215 and 246-217 WAC.~~

~~(2) When central kitchens are used, food shall be transported in tightly covered containers. Only closed vehicles shall be used in transporting foods from central kitchens to other schools.~~

**WAC 246-366-140 Safety — Design, Operation and Maintenance**

- (1) ~~The existence of u~~Unsafe conditions which present a potential hazard to occupants of the at a school facility are in violation of these rules, regulations
- (2) ~~(4)~~The secretary in cooperation with the state superintendent of public instruction shall review potentially hazardous conditions in schools which are in violation of good safety practice, especially in playgrounds, art classes, laboratories, industrial arts, vocational, theater, athletic and physical education instructional areas. They shall jointly prepare a guide that includes recommendations for safe facilities and safety practices for use by ~~department~~ personnel during:
- (a) routine school inspections in identifying violations of good safety practices, and
  - (b) the design of school facilities.

The guide should also include recommendations for safe facilities and safety practices.

- (3) School officials shall ensure that
- (a) Safety hazards impacting students are identified and mitigated, and students are protected or separated from identified hazards until mitigation is complete.
  - (b) Appropriate personal protective equipment is provided and used by students in areas including, but not limited to: laboratories, art classes, industrial arts, vocational instructional, physical education and athletics.
  - (c) Teachers in the disciplines of laboratory sciences, industrial arts, theater, vocational education and physical education; playground supervisors; coaches; bus drivers; and other school staff as needed receive training in:
    - (i) hazard identification and prevention; and,
    - (ii) first aid and cardio pulmonary resuscitation (CPR), specific to the needs of students.
  - (d) Least hazardous chemicals, supplies and materials are provided and used;
  - (e) Shop equipment is installed, used, and maintained in accordance with manufacturer's recommendations.
  - (f) Shops have safety provisions including, but not limited to:
    - (i) Established use zones;
    - (ii) Equipment safety guards
    - (iii) Means to secure unstable equipment
    - (iv) Material storage of suitable design and adequate capacity; and,
    - (v) Sawdust collection systems.
  - (g) Equipment, materials, and chemicals are stored to prevent health and safety hazards.
  - (h) Students are protected from fall hazards, including:
    - (i) Safety railings for orchestra pits, which may be removed during performances.
    - (ii) Traction strips for theater stages, placed two feet from the drop off edge to warn stage users when they are near the stage edge
    - (iii) Top-of-wall surfaces that discourage climbing, sitting, standing, or sliding for:
      - (A) retaining walls that exceed a height of 30 inches; and,
      - (B) half-walls, rows of short lockers, or railings that provide the fall barrier above a lower floor.

**NEW SECTION**

**246-366-144 Playgrounds — Design & Installation Requirements for New Construction**

The school board shall ensure that:

- (1) Plans and specifications for proposed playgrounds are reviewed and approved by the local health officer.
- (2) Playground equipment and surfaces are:

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- (a) constructed to meet the ASTM F 1487-01: Standard Consumer Safety Performance Specification for Playground Equipment for Public Use; and,
  - (b) installed consistent with the manufacturer's instructions and Consumer Product Safety Commission Handbook for Public Playground Safety, 1997
- (3) Before used or homemade playground equipment is installed, it is determined to comply with ASTM F 1487-01.
- (4) Chromated copper arsenate or creosote treated wood shall not be used in school facilities where accessible to students, including, but not limited to:
- (a) playground equipment
  - (b) repair or modification of existing playgrounds,
  - (c) landscape structures students may play on.

**NEW SECTION**

**WAC 246-366-145 Playgrounds — Operation and Maintenance Requirements**

School officials shall ensure that playgrounds are monitored to ensure that equipment is properly anchored, surfacing and use zones are maintained, and equipment is free of puncture, crushing, shearing, fall, entanglement and entrapment hazards.

~~**WAC 246-366-150 Exemption.** The board of health may, at its discretion, exempt a school from complying with parts of these regulations when it has been found after thorough investigation and consideration that such exemption may be made in an individual case without placing the health or safety of the students or staff of the school in danger and that strict enforcement of the regulation would create an undue hardship upon the school.~~

**NEW SECTION**

**WAC 246-366-160 Variances**

- (1) School officials may request a variance to requirements in this chapter from the local health officer if they wish to use an alternative means to meet the intent of these rules that is equally protective of public health.
- (a) The request for a variance shall describe:
    - (i) the specific requirement the variance is requested to meet
    - (ii) the reason for the variance
    - (iii) the variance requested and how it will achieve at least the same level of protection as the standards in these rules.
  - (b) The request for a variance shall be approved by the school board through a process that provides public review and comment before submitting the request to the local health officer.
- (2) The local health officer:
- (a) May grant a variance from this chapter if the variance is consistent with the standards in, and the intent of, these rules.
  - (b) May request additional information about the variance request from school officials.
  - (c) Upon receiving a request for a variance, shall:
    - (i) review the request and the supporting information provided by school officials and determine if the application is complete or if additional information is needed.
    - (ii) Notify the school officials if any additional information needed for completing the review
    - (iii) Consider the application complete when the additional requested information is received by the health officer and satisfies the health officer's need for additional information.
  - (d) Shall either grant or deny a request for a variance within thirty days of receiving a complete written request and any additional information requested by the local health officer unless school officials and the local health officer agree to a different timeline.
  - (e) Shall submit a written report to the Washington State Department of Health every year regarding variances approved or denied. The report shall be submitted by March 1<sup>st</sup> of each year and cover the calendar period January through December

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of the previous year.

- (3) The department shall:
- (a) Submit a written report to the State Board of Health every two years about variances to these rules. The report shall summarize the information submitted to the department by local health officers, and make any recommendations the department may have regarding the requirements of the rule typically addressed in variance requests or the approaches used to meet the intent of these requirements. The report shall be submitted by May 1<sup>st</sup> of every second year and cover the calendar period January through December of the previous two years.
  - (b) Provide technical assistance about variances to school officials and local health officers, upon request.

**NEW SECTION**  
**WAC 246-366-165 Appeals**

- (1) School officials may appeal decisions or actions of the local health officer to the local board of health.
- (2) The local board of health shall consider appeals of local health officer decisions or actions in a manner that is consistent with their established policy for resolving such disputes. These proceedings shall be open to public review and comment.

**NEW SECTION**  
**WAC 246-366-170 Complaints**

- (1) A person who believes that a school facility does not comply with these rules or that school officials have not fully met their responsibility to ensure that their school complies with these rules, may file a complaint with the principal, the local health officer, or both.
- (2) The school principal has the primary responsibility for addressing complaints and shall:
  - (a) Investigate all complaints to determine whether conditions exist that impact the health and safety of students in the school facility;
  - (b) Notify the local health officer within five working days that a complaint has been filed and the nature of the complaint;
  - (c) Take steps necessary to correct any conditions not in compliance with these rules;
  - (d) Notify the complainant and the local health officer of the findings of any investigation, including specific actions taken or proposed and timelines for proposed actions; and
  - (e) Inform the complainant of options for appealing the principal's response, including:
    - (i) filing an appeal with the school superintendent; and
    - (ii) if the complainant finds the superintendent's response to an appeal to be unsatisfactory, filing an appeal with the school board.
- (3) A local health officer who receives a complaint shall:
  - (a) Inform the school principal within five working days that a complaint has been filed and the nature of the complaint;
  - (b) Conduct a preliminary inquiry to determine:
    - (i) whether the complaint indicates that an imminent health hazard likely exists, based on the local health officer's professional judgment; and
    - (ii) whether school officials have had an opportunity to address the complaint.
  - (c) If an imminent health hazard likely exists, investigate the complaint in consultation with school officials;
  - (d) If an imminent health hazard does not appear to exist and school officials have not had a chance to address the complaint, refer the complaint to the school principal;
  - (e) If an imminent health hazard does not appear to exist and school officials have had an opportunity to address the complaint but their response was unsatisfactory to the complainant, investigate the complaint in consultation with school officials;
  - (f) Notify the complainant of the findings of any investigation and the local health officer's response to the complaint, including specific actions taken or proposed;

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- (g) Inform the complainant of options for appealing the local health officer's response, including notification to the local board of health; and
  - (h) Maintain a record of findings of complaint investigations.
- (4) A parent, legal guardian, or student may file a complaint with the Office of the Education Ombudsman if he or she believes:
- (a) Public school officials are not in compliance with these rules;
  - (b) A complaint was filed and public school officials failed to respond to the complaint or responded inappropriately; and
  - (c) Failure to comply with these rules has negatively affected the learning environment or academic performance of a student or a group of students.