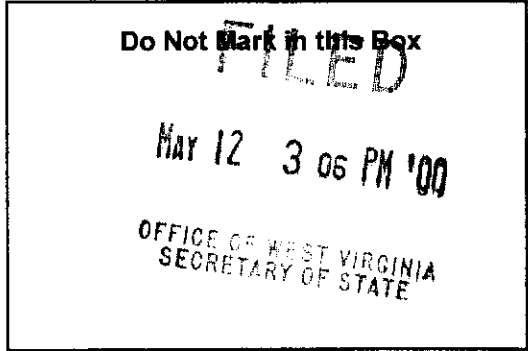


WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2



NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

RULE TYPE: Legislative; CITE AUTHORITY: W.Va. Constitution, Article XII, §2; W.Va. Code §18-2-5 and §18-9E-3

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 173

TITLE OF RULE BEING PROPOSED: Floor Covering in Public Schools (6201)

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON June 12, 2000 AT 4:45 p.m.. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Bill Elswick, Coordinator


West Virginia Department of Education

Office of School Transportation & Facilities

1900 Kanawha Blvd. Bldg. 6, Room 215

Charleston, West Virginia 25305-0330

THE ISSUES TO BE HEARD WILL BE LIMITED TO THIS PROPOSED RULE.



Dr. David Stewart
State Superintendent of Schools

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

4.00

**EXECUTIVE SUMMARY
WEST VIRGINIA DEPARTMENT OF EDUCATION**

POLICY NUMBER AND TITLE: Policy 6201 (Revised)
Floor Covering in Public Schools

PUBLIC COMMENT PERIOD ENDS: _____ **ADOPTED:** _____

BACKGROUND:

The Air Quality in New Schools Act (House Bill 2401) has evolved due to the work completed by the Radon Committee to enhance air quality in schools. Policy 6201 (Carpet in Public Schools) has been written in consultation with the Department of Health, SBA and others that makes specific recommendations for the installation and/or replacement of floor covering in public schools.

PURPOSE:

To assist county school systems in the proper selection and care of floor covering in school facilities.

126CSR173

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 173
CARPET FLOOR COVERING IN PUBLIC SCHOOLS (6201)

§126-173-1. General.

1.1. Scope. – This legislative rule provides for the ~~minimized use of carpet selection of the appropriate floor covering~~ in West Virginia's public schools. This rule also provides the parameters for to use carpet of floor covering in schools based on user needs and the performance specification of the ~~carpet~~ floor covering.

1.2. Authority. – W. Va. Code §18-9E-3 (Revised)

1.3. Filing Date. – July 16, 1999

1.4. Effective Date. – August 15, 1999

§126-173-2. Program Regulation

2.1. ~~When floor covering is utilized in any public school building in compliance with Policy 6200, it is highly recommended that carpeting be restricted to the following areas: in classrooms for grades K-2, computer labs, libraries/media centers, teachers lounges, auditorium aisles and walkways, music rehearsal rooms, and administrative offices.~~ When floor covering is selected for installation or replacement in any public school building in compliance with Policy 6200, it is highly recommended that special consideration be given to maintenance and health concerns with respect to the following areas: in classrooms for grades K-2, computer labs, libraries/media centers, teachers lounges, auditorium aisles and walkways, music rehearsal rooms, and administrative offices.

2.2. ~~If the use of carpeting is proposed in an existing and/or new facility, documentation must be provided to the School Building Authority and the West Virginia Department of Education by the local education agency and/or its architect that such use will enhance the effectiveness of the teaching environment.~~ When floor covering is proposed for installation or replacement in an existing and/or new facility, documentation must be provided to the School Building Authority and the West Virginia Department of Education by the local education agency and/or its architect that such use will enhance the effectiveness of the teaching environment.

~~2.3 When carpeting is in use in any new or existing school facility, custodial staff for that facility will receive instruction on maintenance of the carpet and on the manufacturer's industry's recommended frequency and methods of care.~~ When floor covering is in use in any new or existing school facility, custodial staff for that facility will receive instruction on maintenance of the floor covering and on the manufacturer's/industry's recommended frequency and methods of care.

~~2.4 All carpet must meet federal, state and local regulatory requirements for school applications. The carpet specified and carpet installation must meet industry standards including, but not limited to, off gas release, the reduction of microbial growth, and must be specifically designed and endorsed for this application.~~ All floor covering must meet federal, state, and local regulatory requirements for school applications. The floor covering specified and floor covering installation must meet industry standards including, but not limited to, off gas release, the reduction of microbial growth, and must be specifically designed and endorsed for this application.

1 H. B. 4787

2 (By Delegates Mezzatesta and Williams)

3
4 (Originating in the House Committee on Education)

5 [February 29, 2000]

6
7
8
9
10 A BILL to amend and reenact section three, article nine-e,
11 chapter eighteen of the code of West Virginia, one thousand
12 nine hundred thirty-one, as amended, relating to the school
13 building authority; air quality; radon testing; mitigation;
14 rules; heating, ventilating and air-conditioning; design and
15 construction of new schools; investigation; and authorizing
16 the use of any appropriate floor covering in public school
17 buildings.

18 *Be it enacted by the Legislature of West Virginia:*

19 That section three, article nine-e, chapter eighteen of the
20 code of West Virginia, one thousand nine hundred thirty-one, as
21 amended, be amended and reenacted to read as follows:

22 **ARTICLE 9E. AIR QUALITY IN NEW SCHOOLS ACT.**

23 **§18-9E-3. Air quality in new schools.**

24 (a) In an effort to create well ventilated school

1 environments, and notwithstanding any other provision of this
2 code to the contrary, any new school building designed and
3 constructed in the state by a county board, ~~after the first day~~
4 ~~of July, one thousand nine hundred ninety-eight~~ regardless of the
5 funding source, shall be designed and constructed in compliance
6 with the current standards of the American society of heating,
7 refrigerating and air conditioning engineers handbook (ASHRAE),
8 the national fire protection association code (NFPA) and the code
9 of the building officials and code administrators (BOCA).

10 (b) Upon notice from the school building authority that a
11 new public school building is occupied, the division of health
12 shall perform radon testing in the school within the first year
13 after occupancy and at least every five years thereafter. The
14 county school board shall provide such reasonable assistance to
15 the division of health as may be necessary to perform the radon
16 testing. The radon testing shall include all major student
17 occupied areas at or below grade level. If it is determined that
18 radon is present in amounts greater than the amount determined to
19 be acceptable by the rules promulgated by the school building
20 authority, pursuant to subsection (d) of this section, any
21 industry accepted mitigation technique shall be utilized to
22 reduce the radon level to the level or below the level determined
23 acceptable by the school building authority.

24 (c) If the school building authority determines that it is

1 feasible to test for radon prior to the construction of a school
2 building, the school building authority may cause preconstruction
3 site testing for radon to be performed.

4 (d) The school building authority shall promulgate rules
5 pursuant to article three-a, chapter twenty-nine-a of this code
6 to assure that any new school building designed after the
7 effective date of this article is designed and constructed in
8 accordance with the current ASHRAE, NFPA and BOCA standards. The
9 school building authority shall promulgate rules, pursuant to
10 article three-a, chapter twenty-nine-a of this code that
11 establish standards for safe levels of radon for public school
12 buildings. ~~The school building authority shall submit the rules~~
13 ~~for approval to the legislative oversight commission on education~~
14 ~~accountability on or before the first day of July, one thousand~~
15 ~~nine hundred ninety-nine.~~ The rules shall include the
16 requirement that county boards submit all new school designs to
17 the school building authority for review and approval for
18 compliance with current education standards and design
19 efficiencies prior to preparation of final bid documents.

20 (e) The state board shall promulgate rules, pursuant to
21 article three-b, chapter twenty-nine-a of this code, in
22 consultation with the division of health, that ~~minimize~~ authorize
23 the use of ~~carpeting~~ any appropriate floor covering in public
24 school buildings, based on user needs and performance

1 specifications of the carpeting. The state board shall submit
2 the rules to the legislative oversight commission on education
3 accountability on or before the first day of July ~~one thousand~~
4 ~~nine hundred ninety-nine~~ two thousand.

FISCAL NOTE WORKSHEET
(Submit 4 Copies)

HD NO _____ DRAFT NO _____ BILL NO HB 2401 RESOLUTION NO _____

SUBJECT Floor Covering in Public Schools FUND _____

SOURCE OF REVENUE: GENERAL FUND SPECIAL OTHER (SPECIFY) _____

COST OF ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
2. ESTIMATED TOTAL REVENUES	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

No cost to state.

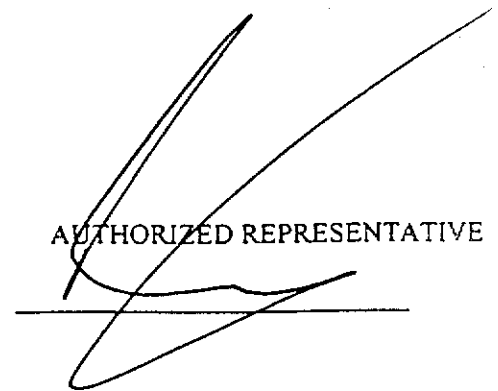
DATE

4/18/2000

AGENCY

Education

AUTHORIZED REPRESENTATIVE



**COMMENT SHEET
FLOOR COVERING IN PUBLIC SCHOOLS
(POLICY 6201)**

Directions: Please use this form when commenting on the proposed policy and regulations on Floor Covering in Public Schools.

NAME OF INDIVIDUAL/ORGANIZATION _____

ADDRESS _____

Section 2.1	
Section 2.2	
Section 2.3	
Section 2.4	

Return before to:
Bill Elswick, Coordinator
West Virginia Department of Education
Office of School Transportation and Facilities
1900 Kanawha Blvd., E, Bldg. 6, Room 215
Charleston, WV 25305-0330
FAX: (304) 558-8867
email: cwelswic@access.k12.wv.us