

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In This Box

FILED

JUL 14 4 17 PM '00

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

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

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W.Va. Code §§29A-3B-1, et seq.; W.Va. Board of Education
v. Hechler, 180 W.Va. 451; 376 S.E.2d 839 (1988).

AMENDMENT TO AN EXISTING RULE: YES XX NO _____

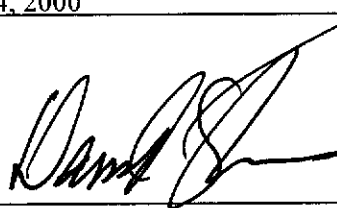
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 173

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

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

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS August 14, 2000.



Dr. David Stewart
State Superintendent of Schools

**EXECUTIVE SUMMARY
WEST VIRGINIA DEPARTMENT OF EDUCATION**

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

PUBLIC COMMENT PERIOD ENDS: June 12, 2000 **ADOPTED:** July 13, 2000

BACKGROUND:

House Bill 4787 requires that Policy 6201 be revised to include all floor covering in public schools. Policy 6201 (Flooring Covering in Public Schools) has been revised in consultation with the Department of Health, SBA, and others and 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
FLOOR COVERING IN PUBLIC SCHOOLS (6201)**

§126-173-1. General.

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

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

1.3. Filing Date. -- July 14, 2000

1.4. Effective Date. -- August 14, 2000

§126-173-2. Program Regulation

2.1. 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 health concerns and maintenance 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. 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 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 methods of care and frequency.

2.4. 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.

FISCAL NOTE WORKSHEET
(Submit 4 Copies)

HD NO _____ DRAFT NO _____ BILL NO HB 4787 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.

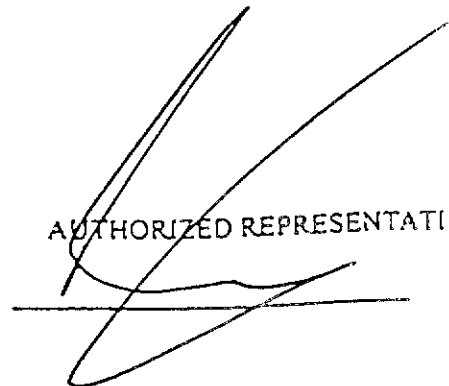
DATE

4/13/2000

AGENCY

Education

AUTHORIZED REPRESENTATIVE



COMMENTS AND SUGGESTIONS LOG
 REVISIONS FOR POLICY 6201
 FLOOR COVERING IN PUBLIC SCHOOLS

ACTION
 N: No Response
 NA: Not Accepted
 A: Accepted

TYPE
 - Negative
 + Positive
 • Neutral

<u>Date Received</u>	<u>Individual/Organization</u>	<u>Comments/Suggestions</u>	<u>Action/Type</u>	<u>Rationale</u>
May 24, 2000	Carol Hall, News Dir., Mountain Messenger	Under Sec. 2.1 Very comprehensive		
		Under Sec. 2.2 OK		
		Under Sec. 2.3 Very good if follow a cost saving issue		
		Under Sec. 2.4 Very good!		
June 4, 2000	Barbara Bayes, Exe. Dir., West Virginia Advocates	Under Sec. 2.1 Should read as follows: 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 must be given to health and safety concerns, <u>usability</u> by <u>people with mobility</u>		

impairments, and maintenance with respect to the following: in all classrooms for grades K-12, computer labs, libraries/media centers, teachers lounges, auditorium aisles and walkways, music rehearsal rooms, and administrative offices, and all other areas accessed by students, school personnel, and the general public.

June 4, 2000

Ohio County Schools

Under Sec.2.2 - Does this mean that each time we replace small amounts of floor tile or carpet we must write a letter or submit a form? This will take more time than changes.

Under Sec. 2.3 - the theory is great, however, funding, staff development, and equipment purchase for upkeep will be a local burden.

Under Sec. 2.4 - If floor coverings are WV fire marshal approved, this will happen anyway.

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

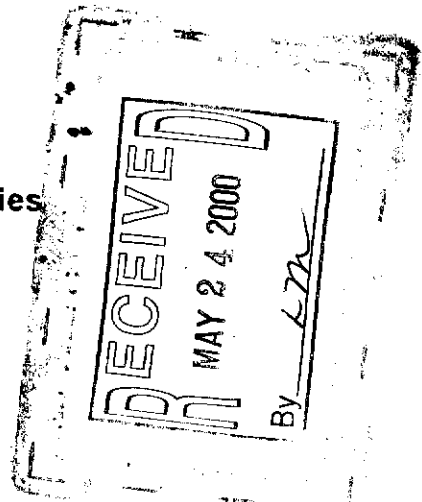
Directions: Please use this form when commenting on the proposed policy and regulations on Floor Covering in Public Schools.

NAME OF INDIVIDUAL/ORGANIZATION Carol M. Hall
ADDRESS Rt 2 Box 230 + Lewisburg WV (h)

Section 2.1 <i>Very comprehensive</i>	
Section 2.2 <i>OK</i>	
Section 2.3 <i>Very good</i>	<i>if followed - a cost saving issue.</i>
Section 2.4 <i>u u</i>	<i>u</i>

Return before June 12, 2000 to:

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



**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.

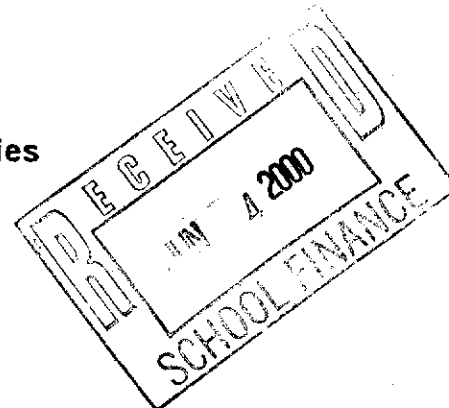
NAME OF INDIVIDUAL/ORGANIZATION OHIO COUNTY SCHOOLS

ADDRESS 2203 NATIONAL ROAD, WHEELING, WV 26003

Section 2.1	
Section 2.2 DOES THIS MEAN THAT EACH TIME WE REPLACE SMALL AMOUNTS OF FLOOR TILE OR CARPET WE MUST WRITE A LETTER OR SUBMIT A FORM?	WILL TAKE MORE TIME THAN CHANGES.
Section 2.3 THE THEORY IS GREAT, HOWEVER, FUNDING, STAFF DEVELOPMENT, AND EQUIPMENT PURCHASE FOR UPKEEP WILL BE A LOCAL BURDEN.	
Section 2.4 IF FLOOR COVERINGS ARE WV FIRE MARSHAL APPROVED, THIS WILL HAPPEN ANYWAY.	

Return before June 12, 2000 to:

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



**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.

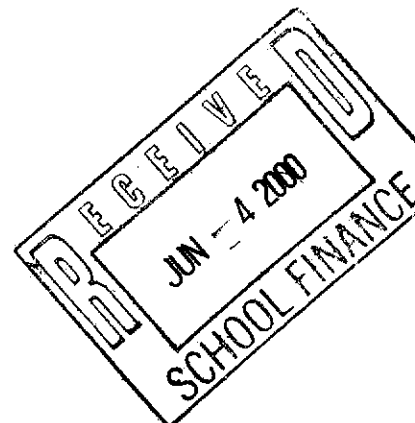
NAME OF INDIVIDUAL/ORGANIZATION WV Advocates, Inc

ADDRESS LITTON Building, 1207 Quarrier St Charleston WV 25301

Section 2.1 <i>See Attached Letter</i>	
Section 2.2 <i>No comment</i>	
Section 2.3 <i>No comment</i>	
Section 2.4 <i>No comment</i>	<i>ADAA G (28 CFR PART 36) requirements enclosed.</i>

Return before June 12, 2000 to:

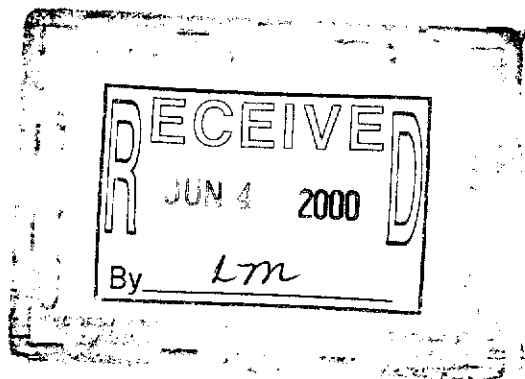
Bill Elswick, Coordinator
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1900 Kanawha Blvd, Bldg. 6, Room 215
Charleston, WV 25305-0330
FAX: 304-558-8867
email: cwelsw@access.k12.wv.us



WVA

West Virginia Advocates

The Protection and Advocacy System for West Virginia



25 May 2000

Bill Elswick, Coordinator
WV Dept. Of Education
Office of School Transportation & Facilities
1900 Kanawha Blvd. Building 6, Room 215
Charleston, WV 25305-0330

Re: Comments on Floor Covering in Public Schools

Dear Mr. Elswick,

West Virginia Advocates (WVA), designated by the state as the protection and advocacy system for people with disabilities, is a non-profit agency striving to make life better for people with disabilities. WVA works with state and local governments, businesses, schools, and other entities in West Virginia to assure citizens with disabilities have equal access to facilities and programs offered by those entities.

Although State Code specifies adherence to federal regulations as in Section 2.4, usability by persons with disabilities is often overlooked. We have enclosed, from 28 CFR Part 36, the Americans with Disabilities Act Accessibility Guidelines (ADAAG), Section 4.5 Guidelines for Floor Coverings.

We also recommend Section 2.1 read as follows:

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 must be

304-346-0847 or 1-800-950-5250 (V/TDD)

(Fax) 304-346-0867

Litton Building 4th Floor

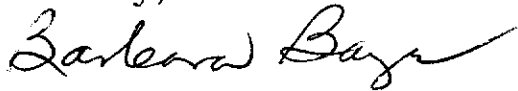
1207 Quarrier Street, Charleston, West Virginia 25301-1842

Bill Elswick
Comments on Floor Covering in Public Schools
Page 2
5/24/00

given to health and safety concerns, usability by people with mobility impairments, and maintenance with respect to the following: in all classrooms for grades K-2, computer labs, libraries/media centers, teachers lounges, auditorium aisles and walkways, music rehearsal rooms, and administrative offices, and all other areas accessed by students, school personnel, and the general public.

Thank you for this opportunity to comment on this issue.

Sincerely,



Barbara H. Bayes, Executive Director

Enclosures

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 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 health concerns and maintenance 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 methods of care and frequency.

~~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.

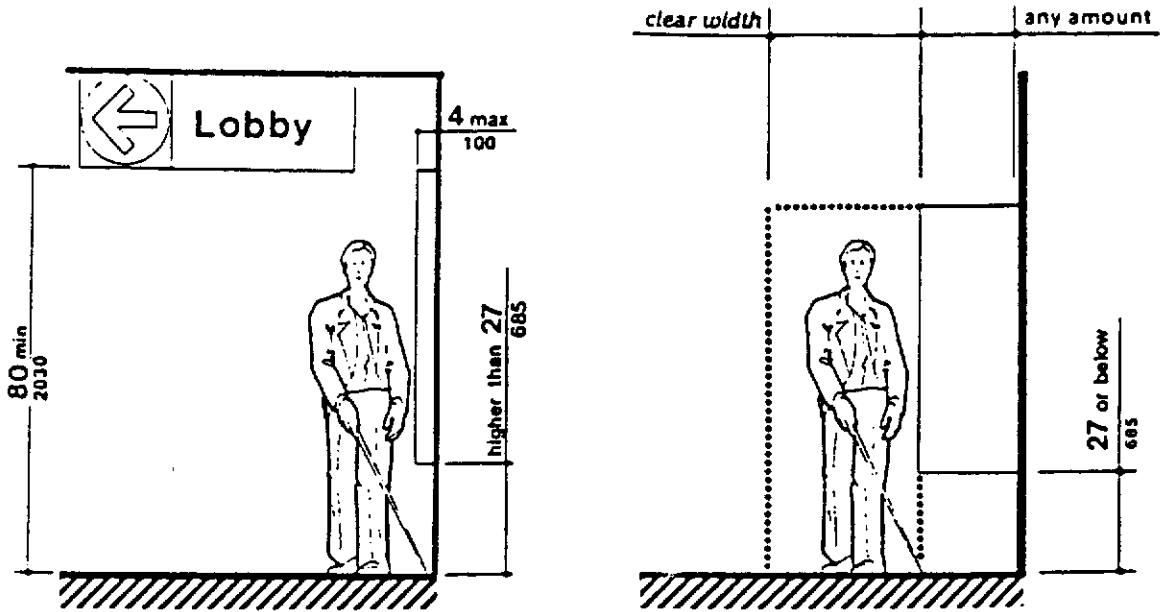


Fig. 8 (a)
Walking Parallel to a Wall

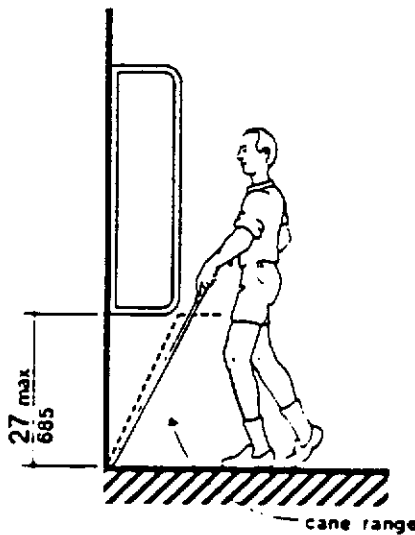


Fig. 8 (b)
Walking Perpendicular to a Wall

Fig. 8
Protruding Objects

finished floor (see Fig. 8(c) and (d)). Protruding objects shall not reduce the clear width of an accessible route or maneuvering space (see Fig. 8(e)).

4.4.2 Head Room. Walks, halls, corridors, passageways, aisles, or other circulation spaces shall have 80 in (2030 mm) minimum clear head room (see Fig. 8(a)). *If vertical clearance of an area adjoining an accessible route is reduced to less than 80 in (nominal dimension), a barrier to warn blind or visually-impaired persons shall be provided (see Fig. 8(c-1)).*

4.5 Ground and Floor Surfaces.

4.5.1* General. Ground and floor surfaces along accessible routes and in accessible rooms and spaces including floors, walks, ramps, stairs, and curb ramps, shall be stable, firm, slip-resistant, and shall comply with 4.5.

4.5.2 Changes in Level. Changes in level up to 1/4 in (6 mm) may be vertical and without edge treatment (see Fig. 7(c)). Changes in level between 1/4 in and 1/2 in (6 mm and 13 mm)

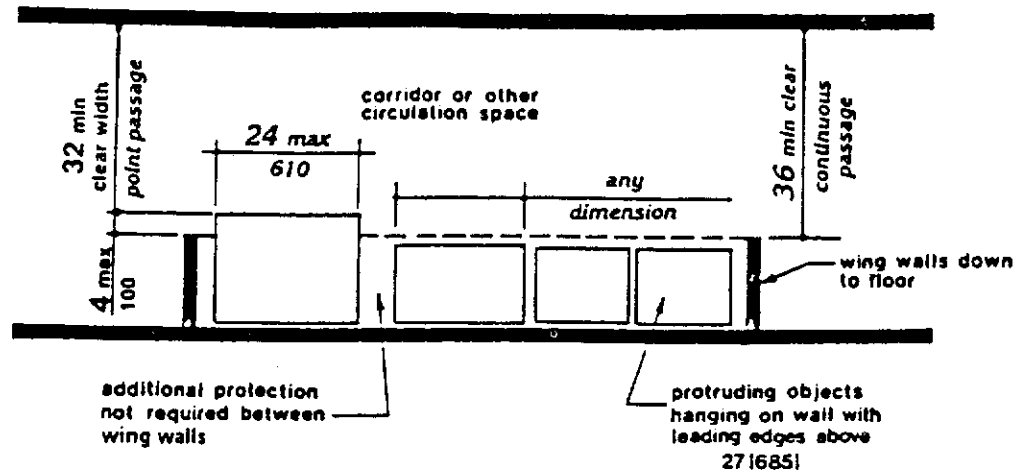


Fig. 8 (e)

Example of Protection around Wall-Mounted Objects and Measurements of Clear Widths

Fig. 8

Protruding Objects (Continued)

shall be beveled with a slope no greater than 1:2 (see Fig. 7(d)). Changes in level greater than 1/2 in (13 mm) shall be accomplished by means of a ramp that complies with 4.7 or 4.8.

4.5.3* Carpet. If carpet or carpet tile is used on a ground or floor surface, then it shall be securely attached; have a firm cushion, pad, or backing, or no cushion or pad; and have a level loop, textured loop, level cut pile, or level cut/uncut pile texture. The maximum pile thickness shall be 1/2 in (13 mm) (see Fig. 8(f)). Exposed edges of carpet shall be fastened to floor surfaces and have trim along the entire length of the exposed edge. Carpet edge trim shall comply with 4.5.2.

4.5.4 Gratings. If gratings are located in walking surfaces, then they shall have spaces no greater than 1/2 in (13 mm) wide in one direction (see Fig. 8(g)). If gratings have elongated openings, then they shall be placed so that the long dimension is perpendicular to the dominant direction of travel (see Fig. 8(h)).

4.6 Parking and Passenger Loading Zones.

4.6.1 Minimum Number. Parking spaces required to be accessible by 4.1 shall comply with 4.6.2 through 4.6.5. Passenger loading zones required to be accessible by 4.1 shall comply with 4.6.5 and 4.6.6.

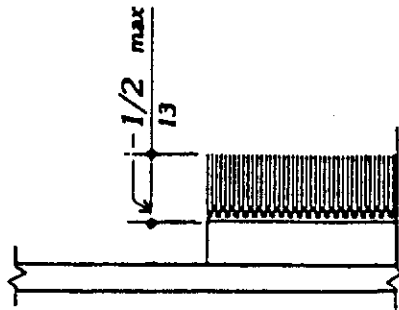


Fig. 8 (f)
Carpet Pile Thickness

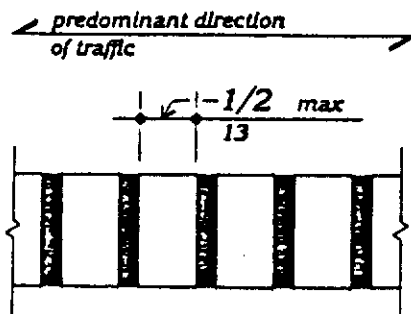


Fig. 8 (g)
Gratings

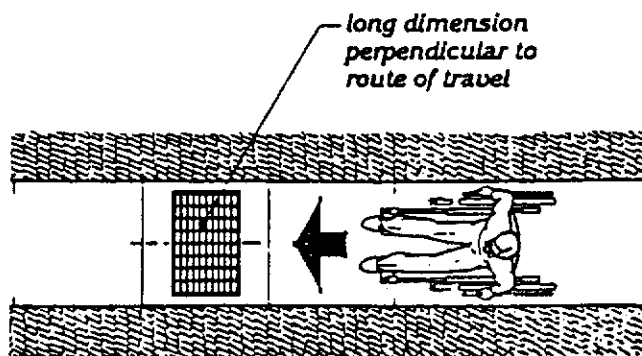


Fig. 8 (h)
Grating Orientation

4.6.2 Location. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

4.6.3* Parking Spaces. Accessible parking spaces shall be at least 96 in (2440 mm) wide. Parking access aisles shall be part of an accessible route to the building or facility entrance and shall comply with 4.3. Two accessible parking spaces may share a common access aisle (see Fig. 9). Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions.

4.6.4* Signage. Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility (see 4.30.7). Spaces complying with 4.1.2(5)(b) shall have an additional sign "Van-Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

4.6.5* Vertical Clearance. Provide minimum vertical clearance of 114 in (2895 mm) at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 4.1.2(5)(b), provide minimum vertical clearance of 98 in (2490 mm) at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).

4.6.6 Passenger Loading Zones. Passenger loading zones shall provide an access aisle at least 60 in (1525 mm) wide and 20 ft (240 in) (6100 mm) long adjacent and parallel to the vehicle pull-up space (see Fig. 10). If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with 4.7 shall be provided. Vehicle standing spaces and access aisles shall be level with