

37.111.801 DEFINITIONS (1) "Department" means the Department of Public Health and Human Services.

(2) "School" means a building or structure or portion thereof occupied or used at least 180 days per year for the teaching of individuals, the curriculum of which satisfies the basic instructional program approved by the Board of Public Education for pupils in any combination of kindergarten through grade 12, but excludes home schools as that term is defined in 20-5-102(f), MCA.

(3) "Fixtures" means a shower, toilet, toilet seat, urinal, lavatory, drinking fountain, kitchen sink, janitor and custodial sink, utensil sink, and all exposed plumbing integral to them.

(4) "Floors" means floor covering of all rooms including stairways, hallways, and lobbies.

(5) "Furnishings" means draperies, curtains, blinds, light fixtures, chairs, tables, desks, shelves, and bookcases.

(6) "Local health authority" means a local health officer, local sanitarian, or their authorized agents.

(7) "Sanitarian" means the person who is qualified under Title 37, chapter 40, part 3, MCA, and represents the health officer.

(8) "School site" means the ground immediately adjacent to a school used on a regular basis for school-related activity. (History: 50-1-206, MCA; IMP, 50-1-203, 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.804 PRECONSTRUCTION REVIEW (1) Before construction commences, plans for construction of a new school or an addition to or an alteration of an existing school must be submitted to the department or local health authority for review and approval. Plans must include the following where applicable:

(a) location and detail of classrooms used for science or science laboratories, home economics, and shop, including location and venting detail of lockable storage area of chemicals and other hazardous products;

(b) location and detail of janitorial facilities;

(c) specifications for the sewage treatment and disposal system to serve the school, except as provided in (2);

(d) specifications for the water supply to serve the school, except as provided in (2);

(e) location and detail of laundry facilities including description of equipment and a flow chart indicating the route of laundry through sorting, washing, drying, ironing, folding, and storage;

(f) specifications for the final finishes of floors, walls and ceilings in toilet, locker and shower rooms, laundries, and janitorial closets.

(g) a statement from the designer of the facilities that lighting capable of meeting the minimum requirements of ARM 37.111.830 will be provided;

(h) location and detail of the solid waste storage facilities;

(i) name of department-approved sanitary landfill which will receive solid waste from the school;

(j) specifications for a food service to serve the school unless the food service has been previously approved by the department;

(k) any other information requested by the department or local health authority relating to the health, sanitation, safety, and physical well being of the teachers, staff, and students.

(2) If the sewage treatment or disposal system or water supply has been previously approved by the department and is designed to handle any increased load necessitated by the school's use, the applicant need not submit system specifications, but must submit written certification that the owner of the system has agreed to provide service.

(3) Construction may not commence until all plans required by (1) of this rule have been approved by the department or local health authority. The department or local health authority shall complete this review within 60 days after submission to them of complete plans and specifications. Construction must be in accordance with the plans as approved unless permission is granted in writing by the department or local health authority to make changes.

(4) Approval will be granted for a period not to exceed 3 years, after which, if construction has not been completed, plans must again be submitted to the department or local health authority for re-evaluation. (History: 50-1-206, MCA; IMP, 50-1-203, 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.805 EXISTING BUILDING: CHANGE OF USE (1) An existing building not currently used as a school may not be used as a school without the prior approval of the department or local health authority.

(a) When a proposal to use an existing building as a school involves physical modification, plans meeting the requirements of (1) of ARM 37.111.804 must be submitted to the department or local health authority for review and approval. If no physical modification is involved, the department or local health authority may waive the requirement for submission of plans if an inspection by the department or local health authority indicates that the proposed school meets the requirements of this subchapter.

(2) Whenever compliance with this subchapter requires capital expenditures for the modification of an existing building currently being used as a school on April 11, 1986, compliance with such requirements must be achieved no later than December 31, 1987. (History: 50-1-206, MCA; IMP, 50-1-203, 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.806 STATE-LOCAL COORDINATION (1) If plans for a new or existing building are submitted for review to the local health authority pursuant to ARM 37.111.804 or 37.111.805 and the local health authority determines that it will be unable to conduct the review within a reasonable period of time, the local authority shall transmit the plans to the department within ten days after receipt, and shall notify the applicant that the review will be conducted by the department.

(2) If a local health authority conducts a plan review pursuant to ARM 37.111.804 or 37.111.805 and approves the plans, the local health authority shall submit written certification of such approval to the department no later than 30 days

following such approval. (History: 50-1-206, MCA; IMP, 50-1-203, 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.810 INSPECTION (1) Representatives of the department or local health authority must be permitted to enter any school at any reasonable time for the purpose of making inspections to determine compliance with this subchapter. Such inspections should be conducted as frequently as possible and appropriate, ideally at least once in every 12 months. The department or local health authority may determine that special circumstances or local conditions warrant inspections with greater or less frequency.

(2) Immediately following each inspection, representatives of the department or local health authority shall give the school administration a copy of an inspection report which notes any deficiencies and sets a time schedule for compliance. (History: 50-1-206, MCA; IMP, 50-1-203, 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.811 PHYSICAL REQUIREMENTS (1) A school must comply with the following physical requirements:

(a) Adequate and convenient janitorial facilities including a sink and storage area for equipment and chemicals must be provided.

(b) Floors, walls, and ceilings in toilet, locker, and shower rooms, laundries, janitorial closets, and similar rooms subject to large amounts of moisture must be maintained in a smooth and non-absorbent condition. Non-absorbent, non-skid floor matting may be used where appropriate to prevent injury.

(c) Adequate wrap and book storage for each pupil must be provided.

(2) In addition to compliance with this subchapter, school officials should also be aware of the need to comply with the Building and Fire Safety Codes administered by the State Building Codes Division and the State Fire Marshal or by local building officials (see Title 50, chapters 60 and 61, MCA, and rules adopted thereunder). (History: 50-1-206, MCA; IMP, 50-1-203, 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.812 SAFETY REQUIREMENTS (1) Janitorial and other storage areas that contain toxic or hazardous materials must be kept locked between periods of use.

(2) All cleaning compounds and other toxic chemicals not stored in the product container or package in which it was obtained must be stored in a labeled container that clearly identifies the product by name.

(3) Water provided to handsinks and shower facilities may not exceed a temperature of 120°F.

(4) Gas supply lines serving science laboratories, home economics, shops, and other rooms utilizing multiple outlets must have a master shutoff valve that is readily accessible to the instructor or instructors in charge.

(5) Shops and other rooms using electrically operated instruction equipment which presents a significant safety hazard to the student utilizing such equipment must be supplied with a master electric switch readily accessible to the instructor or instructors in charge.

(6) The school site must be free of objects or conditions which create unreasonable or unnecessary dangers to health or safety.

(7) The topography of the site must permit good drainage of surface water to eliminate significant areas of standing water.

(8) Playground equipment must be maintained in a safe condition. (History: 50-1-206, MCA; IMP, 50-1-203, 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.825 HEALTH SUPERVISION AND MAINTENANCE (1) Soap and disposable towels or other hand-drying devices must be available at all handwashing sinks. Common-use cloth towels are prohibited.

(2) Sanitary napkin disposal must be provided for girls of age ten or older and in teachers' toilet rooms and nurses' toilet rooms. The school must provide either sanitary napkin dispensers in the girls', nurses', and teachers' toilet rooms or some other readily available on-site access to sanitary napkins.

(3) If a child develops symptoms of illness while at school, the responsible school officials shall do the following:

(a) isolate the child immediately from other children in a room or area segregated for that purpose; and

(b) inform the parent or guardian as soon as possible about the illness and request him or her to pick up the child.

(4) Schools shall develop and enforce policies on first aid which include, at a minimum, the following:

(a) obtaining emergency phone numbers for parents or guardians;

(b) procedures to be followed in the event of accidents or injuries; and

(c) emergency coverage, including the presence of a person with a currently valid American red cross standard first aid card or current certification from an equivalent first aid course, during school-sponsored activities, including field trips, athletic, and other off-campus events. Recommendations for first aid supplies and policies may be secured from the Department of Public Health and Human Services, Public Health and Safety Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951.

(5) Smoking must be prohibited during school hours in rooms and any other areas used by children, and no smoking signs must be posted in each hallway, entryway, gymnasium, lunchroom, and restroom, though not in each classroom. Smoking must be prohibited in school vehicles while used by children for school-related functions.

(6) In addition to the requirements of this rule, school officials should also be aware of the need to comply with the laws and rules relating to the immunization of children (20-5-402, et seq., MCA; ARM 37.114.701, et seq.), the health of school employees (ARM 37.114.202, and 37.114.501, and the reporting of communicable diseases (ARM37.114.201, 37.114.202, and 37.114.501, et seq.). Copies of these requirements may be obtained from the Department of Public Health and Human Services, Public Health and Safety Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951.

(7) Pursuant to the advisory authority of 50-1-202(11) and (12), MCA, the department recommends that students be evaluated by registered professional

nurses or other appropriately qualified health professionals on a periodic basis in order to identify those health problems which have the potential for interfering with learning, including:

- (a) assessment of student's health and developmental status;
- (b) vision screening;
- (c) hearing screening;
- (d) scoliosis screening;
- (e) chemical and alcohol abuse;
- (f) nutritional screening; and
- (g) dental screening. (History: 50-1-206, MCA; IMP, 50-1-203, 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425; AMD, 2006 MAR p. 1296, Eff. 5/19/06.)

37.111.830 LIGHTING The following standards are advisory, rather than mandatory:

(1) Sources of illumination, both natural and artificial, should be provided with light diffusion means, or should be of a type and design which limits excessive glare.

(2) The following minimum lighting, measured in foot-candles, should be maintained during all periods of use:

(a) hallways, corridors, storerooms, locker rooms, shower rooms, auditoriums (not for study) -- 10;

(b) cafeterias, reception rooms, swimming rooms, gymnasiums, toilet rooms, laundry rooms -- 20;

(c) classrooms, study halls, lecture rooms, art rooms, libraries -- 50;

(3) In shops, laboratories, drafting rooms, typing rooms, home economics rooms, or other areas where pupils use specific machines or equipment, a minimum of 100 footcandles should be maintained on such machinery or equipment while in use. (History: 50-1-206, MCA; IMP, 50-1-203, 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.831 HEATING The following standards are advisory, rather than mandatory:

(1) Space heating systems should be designed to be capable of providing the following minimum space ambient temperatures:

(a) classrooms, offices, music rooms, auditoriums, multi-purpose rooms, libraries, cafeterias, toilet, and similar rooms -- 68°F at four feet from the floor;

(b) locker rooms and showers -- 75°F at four feet from the floor;

(c) gymnasiums -- 65°F at four feet from the floor. (History: 50-1-206, MCA; IMP, 50-1-203, 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.832 WATER SUPPLY SYSTEM (1) The department hereby adopts and incorporates by reference ARM Title 17, chapter 38, subchapters 1, 2, and 5, which set forth standards for design, operation and maintenance of public water supplies; and circular #84-11, "Minimum Design Standards for Small Water Systems," published by the Department of Environmental Quality, which sets construction, operation, and maintenance standards for small water systems.

Copies of ARM Title 17, chapter 38, subchapters 1, 2 and 5, and circular #84-11 may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951.

(2) In order to ensure an adequate and potable supply of water, a school must either:

(a) connect to a water supply system meeting the requirements of Title 17, chapter 38, subchapters 1, 2, and 5 of the Administrative Rules of Montana; or

(b) if the school is not utilized by more than 25 persons daily at least 60 days out of the calendar year, including staff and students, and an adequate public water supply system satisfying the requirements of ARM Title 17, chapter 38, subchapters 1, 2 and 5, is not accessible, utilize a non-public system whose construction and use meet the standards set in circular #84-11 published by the Department of Environmental Quality.

(3) A water supply system of a type other than described in this rule may be utilized only if it is designed by a professional engineer and offers equivalent sanitary protection as determined by the department or local health authority.

(4) If a water supply system is used other than described in (2)(a) above, a school must submit a water sample at least quarterly to a laboratory licensed by the department to perform microbiological analysis of the water supplied in order to determine that the water does not exceed the maximum microbiological contaminant levels stated in ARM 17.38.207.

(5) A school must replace or repair the water supply system serving it whenever the water supply:

(a) contains microbiological contaminants in excess of the maximum levels contained in ARM 17.38.207; or

(b) does not have the capacity to provide adequate water for drinking, cooking, personal hygiene, laundry, and water-carried waste disposal.

(6) Common drinking cups or containers are prohibited.

(7) Where water under pressure cannot be made available, the drinking water from an approved source must be stored in a clean container having a tight-fitting lid and a suitable faucet apparatus for filling individual cups. Single service drinking cups must be provided. (History: 50-1-206, MCA; IMP, 50-1-203, 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.833 SEWAGE SYSTEM (1) The department hereby adopts and incorporates by reference the following Department of Environmental Quality publications setting construction and operation standards for sewage systems:

(a) circular #84-10, "Sewers and Sewage Treatment for Multi-Family and Non-Residential Buildings";

(b) circular #13, "The Sanitary Pit Privy". Copies of circulars #84-10 and #13 may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951.

(2) The department hereby adopts and incorporates by reference ARM Title 17, chapter 38, subchapter 1, which sets forth standards for design, maintenance

and operation of public sewer systems. Copies of ARM Title 17, chapter 38, subchapter 1 may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951.

(3) In order to ensure sewage is completely and safely disposed of, a school must:

(a) connect to a public sewage system meeting the requirements of Title 17, chapter 38, subchapter 1 of the Administrative Rules of Montana; or

(b) if the school is not utilized by more than 25 persons daily at least 60 days out of the calendar year, including staff and students, and an adequate public sewage system satisfying the requirements of ARM Title 17, chapter 38, subchapter 1 is not available, utilize a non-public system whose construction and use meet the construction and operation standards contained in circular #84-10 incorporated by reference in (1) of this rule.

(4) Where pit privies are currently in use, the privies must be operated and maintained in compliance with the standards specified in circular #13, "The Sanitary Pit Privy."

(5) A sewage system design of a type other than described in this rule may be utilized only if it is designed by a professional engineer and offers equivalent sanitary protection as determined by the department or local health authority.

(6) A school must replace or repair its sewage system whenever:

(a) it fails to accept sewage effluent at the rate of application;

(b) seepage of effluent from, or ponding of effluent on or around the system occurs;

(c) effluent from the sewage system causes contamination of a potable water supply or state waters; or

(d) a mechanical failure occurs, including electrical outage, or collapse or breakage of septic tank, inlet lines, or drainfield lines. (History: 50-1-206, MCA; IMP, 50-1-203, 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.834 SOLID WASTE In order to ensure that solid waste is safely stored and disposed of, a school must:

(1) store all solid waste between collections in containers which have lids, are corrosion-resistant, and are constructed to minimize insect and rodent attraction and harborage;

(2) clean all solid waste containers with sufficient frequency to maintain them in a condition which minimizes insect and rodent attraction;

(3) for exterior containers other than dumpsters or compactors, utilize stands which prevent the containers from being tipped, protect them from deterioration, and allow easy cleaning below and around them;

(a) dumpsters or compactors must be located on or above a smooth surface of non-absorbent material, such as concrete or asphalt, that is maintained in clean and good condition;

(4) transport, or utilize a private or municipal hauler to transport, the solid waste at least weekly to a landfill site approved by the department in a covered

vehicle or covered containers. (History: 50-1-206, MCA; IMP, 50-1-203, 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.840 LAUNDRY FACILITIES (1) Laundries operated in conjunction with or utilized by a school must be provided with:

- (a) a mechanical washer and hot air tumble dryer. Manual washing and line drying of towels and other laundry items is prohibited. Dryers must be properly vented to prevent maintenance problems.
- (b) a hot water supply system capable of supplying water at a temperature of 120°F to the washer during all periods of use.
- (c) sufficient separation between the area used for sorting and storing soiled laundry and the area used for folding and storing clean laundry to prevent the possibility of cross-contamination.
- (d) separate carts for transporting soiled and clean laundry.
- (e) handwashing facilities including sink, soap, and disposable towels. A soak sink may double as a handwashing sink.

(2) Towels and other laundry items must be machine washed at a minimum temperature of 120°F for a minimum time of eight minutes and dried in a hot air tumble dryer. (History: 50-1-206, MCA; IMP, 50-1-203, 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.841 CLEANING AND MAINTENANCE (1) A school must comply with the following cleaning and maintenance requirements:

- (a) Daily cleaning and maintenance services must be provided whenever the school is in use.
- (b) Each janitor room must be kept clean, ventilated, and free from odors.
- (c) Soiled mop heads must be changed frequently, using laundered replacements.
- (d) Toilets, lavatories, and showers may not be used for washing and rinsing of mops, brooms, brushes, or any other cleaning device.
- (e) Cleaners used in cleaning showers, lavatories, urinals, toilet bowls, toilet seats, and floors must contain fungicides or germicides.
- (f) Deodorizers and odor-masking agents may not be used unless the room in which used is clean to sight and touch.
- (g) Toilet bowl brushes, mops and sponges may be used only for cleaning toilet bowls and urinals and must be stored separately from other cleaning devices. Cleaning devices used for lavatories and showers may not be used for any other purposes.
- (h) Dry dust mops and dry dust cloths for cleaning purposes are prohibited, except for use on gymnasium floors. Only treated mops, wet mops, treated cloths, moist cloths or other means approved by the department or health authority which will not spread soil from one place to another may be used for dusting and cleaning, with the exception of gymnasium floors.
- (i) All furnishings, fixtures, floors, walls, and ceilings must be clean and in good repair.

(j) Cleaning compounds and pesticides must be stored, used, and disposed of in accordance with the manufacturer's instructions.

(k) Whenever therapeutic whirlpools are used, they must be constructed and maintained for easy cleaning. Whirlpools must be drained and an effective disinfectant applied to the interior surfaces after periods of use. Individuals with open sores or infections are prohibited from using therapeutic whirlpools. (History: 50-1-206, MCA; IMP, 50-1-203, 5-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.842 FOOD SERVICE REQUIREMENTS (1) Whenever a food service is operated as an integral part of a school, compliance with ARM Title 37, chapter 110, subchapter 2, rules for food service establishments, is required.

(a) If the food service is available only to staff and students of the school and their guests, licensure as a food service establishment is not required, but compliance with ARM Title 37, chapter 110, subchapter 2, rules for food service establishments, is required.

(2) The department hereby adopts and incorporates by reference ARM Title 37, chapter 110, subchapter 2, which sets forth rules and standards for food service establishments. Copies of ARM Title 37, chapter 110, subchapter 2 may be obtained from the Department of Public Health and Human Services, Health Policy and Services Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951. (History: 50-1-206, MCA; IMP, 50-1-203, 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)

37.111.846 NOXIOUS PLANT AND ANIMAL CONTROL (1) The school and school site must be maintained free of harborage for insects, rodents, and other vermin. Extermination methods and other measures to control insects and rodents must conform with the requirements of the department or the local health authority.

(2) All areas must be maintained free of accumulation of debris or standing water which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.

(3) Whenever potential for rodent infestation exists, storage areas must be maintained so as to prevent rodent harborage. Lumber, pipe, and other building materials must be stored neatly at least one foot above the ground.

(4) Whenever the potential for insect and rodent infestation exists, building construction must be of a type which will not provide harborage. The growth of brush, weeds, and grass must be controlled to prevent harborage of noxious insects and other vermin. School grounds must be maintained to prevent the growth of noxious weeds considered detrimental to health. (History: 50-1-206, MCA; IMP, 50-1-203, 50-1-206, MCA; NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425.)