

**SUBCHAPTER 140-20.4**  
**SCHOOLS AND CHILD CARE FACILITIES REGULATIONS**

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**Appendix A    School and Childcare Inspection Report/Warning**

Subchapter Authority: 1 CMC §§ 2603 and 2605; 3 CMC § 2123.

Subchapter History: Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: PL 1-8, tit. 1, ch. 12, codified as amended at 1 CMC §§ 2601-2633, created the Department of Public Health and Environmental Services (DPHES) within the Commonwealth government. See 1 CMC § 2601. 1 CMC § 2603(a) grants the Department the power and duty to maintain and improve health and sanitary conditions in the CNMI. 1 CMC § 2605 directs the Department to adopt rules and regulations regarding those matters over which it has jurisdiction.

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles, and effected numerous other revisions. According to Executive Order 94-3 § 105:

Section 105. Department of Public Health.

The Department of Public Health and Environmental Services is re-designated the Department of Public Health.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

PL 12-48 (effective Apr. 26, 2001), the “Commonwealth Environmental Health and Sanitation Act of 2000,” codified at 3 CMC §§ 2121-2147, revised the Commonwealth statutes related to environmental health and sanitation. PL 12-48 § 3 repealed former 3 CMC §§ 2121-2126 and enacted new sanitation provisions. PL 12-48 § 3 (§ 2122), 3 CMC § 2122, requires a sanitary permit to operate enumerated establishments, including schools and other child care facilities. PL 12-48 § 3 (§ 2123), 3 CMC § 2123, directs the Secretary of Public Health to promulgate rules and regulations required to ensure the sanitary operation of listed establishments.

Public Law 16-51 (effective Jan. 15, 2010), the “Commonwealth Healthcare Corporation Act of 2008,” codified at 3 CMC § 2801 et seq., established the Commonwealth Healthcare Corporation, which assumed the duties of the Department of Public Health as of January 15, 2011.

## **Part 001 - General Provisions**

### **§ 140-20.4-001 Reference to General Provisions**

All provisions in the General Provisions of the Environmental Health and Sanitation Standards [NMIAC, title 140, subchapter 20.1] are incorporated by reference as if set forth here.

Modified, 1 CMC § 3806(d).

History: Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Proposed 25 Com. Reg. 20427 (July 15, 2003).

## **Part 100 - General Sanitary Requirements**

### **§ 140-20.4-101 Introduction**

All structures, facilities, or school/child care equipment shall be maintained in sanitary conditions so that students do not contract illnesses associated with poor maintenance and practices of school/child care employees and/or operators.

History: Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: This section was originally the introduction to § 2, codified in part 100. The Commission created the section title.

The Commission inserted a comma after the word “facilities” pursuant to 1 CMC § 3806(g).

### **§ 140-20.4-105 Structures and Equipment**

Structures and equipment of all school/child care facilities shall be, at a minimum, maintained in accordance with the following:

- (a) Rooms shall be kept clean, neat, and orderly with approved waste paper containers provided.
- (b) The janitorial rooms, and any storage area used to store hazardous materials, shall be locked to prevent student access.
- (c) The floors of all rooms shall be of such construction as to be easily cleanable, and shall be kept clean and in good repair.
- (d) Floors without carpeting shall be sealed with a satisfactory floor sealer.
- (e) Floors in the toilet rooms shall be impervious, easy to clean material.

- (f) Walls and ceilings surfaces shall be kept clean and in good repair. Walls shall be finished with easily cleanable material.
- (g) Rolling, sliding, revolving, or double acting doors are prohibited. Entrance doors shall be self-closing and shall open outward.
- (h) Doors and windows shall be kept clean and in good repair. Windows shall be louvered and screened effectively, unless other means are provided to prevent the entrance of vectors.
- (i) Ventilation shall be adequate to provide proper circulation of needed air within a room by either windows or mechanical ventilators.
- (j) All rooms, areas, and equipment, from which chemicals aerosols, obnoxious odors, noxious fumes or vapor may originate shall be effectively vented to the outside air.
- (k) Windows shall have light shields, shades, or blinds which shall be kept clean and in good condition and so used or adjusted that glare and excessive light intensities are reduced to a minimum.
- (l) Ducts and fans in connection with mechanical ventilation shall be so arranged and controlled as to eliminate objectionable air currents directly on the students.
- (m) When mechanical ventilation is provided, it shall be kept clean and maintained in a good state of repair.
- (n) Classrooms shall be adequately lighted to illuminate and provide a comfortable visual environment.
- (o) All decorative ornaments, or any obstructing articles preventing better illumination for visual comfort shall be removed.
- (p) All lighting fixtures and accessories shall be maintained in a sanitary condition and in good repair. All fluorescent lamp protection guards shall not be removed, or whenever a fluorescent bulb is replaced, the protective guards shall be placed back in position.
- (q) Any fluorescent lamp or bulb not illuminating or providing enough visual comfort shall be replaced.
- (r) The classroom equipment such as chalkboards, erasers, and furniture shall be kept clean and in good repair.
- (s) Each student shall have an individual seating unit with writing table attached or adjacent to the seat and so constructed as to provide comfortable seating and convenient writing without undue strain.

- (t) The desks shall be so arranged that the light is also admitted from the left and rear of right handed students and left handed students shall be located where light is also received from the right side and rear.
- (u) Desks shall be kept clean and in good repair.
- (v) Writing tables attached to the desk shall be smooth and light in color to provide limited contrast against a white paper.
- (w) Contact surfaces (e.g. toys, desks, floor mats, etc.) shall be sanitized weekly.

Modified, 1 CMC § 3806(g).

History: Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: In the opening paragraph, the Commission changed “followings” to “following” to correct a manifest error.

#### **§ 140-20.4-110 Sanitary Maintenance and Grounds Keeping**

The general areas of all schools/child care facilities shall be sanitarily maintained for the health of the students, employees, and the public and to prevent injuries and/or illnesses.

- (a) There shall be sufficient separate and secure space for the storage of maintenance equipment, ground equipment, and instructional equipment.
- (b) All areas, facilities, and equipment shall be maintained in a clean, safe, and sanitary condition and kept in good repair.
- (c) The building and grounds shall be free of insects of public health significance and conditions which attract, provide harborage, and promote breeding of vermin.
- (d) When sweeping floors, a dust-arresting compound shall be used in classrooms. Sweeping shall only be conducted during class sessions where it is necessary to maintain sanitary conditions.

History: Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: The Commission inserted a comma after the word “employees” pursuant to 1 CMC § 3806(g).

#### **§ 140-20.4-115 Water Supply**

- (a) Each school/child care facility shall be provided with an ample supply of water from an approved public water system. Water reservoir shall be adequately provided for backup use and shall be safe and of sanitary quality. Backup water reservoirs shall be sanitized every three months.
- (b) Drinking water dispensed by means of drinking fountains, cups, and water coolers shall conform to the following.

- (c) Water dispensers shall be sanitized daily and kept in good repair.
- (d) The waste opening and pipe shall be provided with a strainer and be of sufficient size to carry off the water.
- (e) Single-service cups shall be used for dispensing drinking water from imported bottled water or water coolers. Single-service cups shall be stored, handled, and dispensed in a sanitary manner.
- (f) All drinking water provided at schools/child care facilities shall meet the quality standards established by the U.S. Safe Drinking Water Act.
- (g) The school/child care facility water supply system shall be in a good working order at all times so as to adequately supply water needed for the sanitary operation of the school/child care facility.
- (h) All water outlets shall be protected from back-flow either by air gap or back-flow prevention devices. There shall be no existing or potential cross-connection or back-siphonage problems anywhere in the school/child care facility or its premises.
- (i) There shall be no stagnant water that could contribute to mosquito and vector harborage.

Modified, 1 CMC § 3806(e).

History: Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: The Commission inserted a comma after the word “cups” in subsection (b) pursuant to 1 CMC § 3806(g).

#### **§ 140-20.4-120 Hand Washing Facilities**

- (a) Hand washing facilities shall be adequate in numbers and conveniently located, especially to rooms which require frequent hand washing.
- (b) Hand washing basins shall be provided inside each toilet facility in a ratio of one per two toilet fixtures. If hot water is also provided at hand washing facilities, it must be combined with the cold water through a mixing faucet. The hot water shall have a maximum temperature of 120° F.
- (c) Soap and disposable towels shall be provided and made available at all times. Heated air hand-drying devices may be used in place of disposable towels. Common towels are prohibited.

Modified, 1 CMC § 3806(g).

History: Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: In subsection (b), the Commission changed “facilities” to “facility” and in subsection (c), the Commission changed “device” to “devices” to correct manifest errors.

**§ 140-20.4-125 Shower and Locker Rooms**

- (a) Where athletic or gymnastic activities are conducted, sufficient and adequate shower facilities shall be provided if the Secretary or his/her duly authorized representative determines that there is a need for prevention of the spread of disease.
- (b) Hot and cold running water shall be sufficiently provided at the showers.
- (c) The floor of the shower facilities, shall be of smooth finished material with non-slip surface, impervious to moisture and sloped to the floor drain. Junctions between walls and floors shall be covered and sealed. Walls shall be water impervious up to shower-head heights. Upper walls and ceilings shall be of smooth, easily washable construction.
- (d) Shower and locker rooms shall be kept clean and well ventilated and the lockers, shower-heads and floors shall be kept in good repair.

History: Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Proposed 25 Com. Reg. 20427 (July 15, 2003).

**§ 140-20.4-130 Toilet Facilities**

- (a) Toilet facilities shall be adequate in numbers and conveniently located and toilet and urinals fixtures shall be constructed to be of proper height for the pupils.
- (b) Separate toilet facilities for each sex shall be conveniently located.
- (c) Toilet doors shall be self-closing and shall be provided with signs designating the sex for which such room is intended.
- (d) Floors shall be of impervious material and floor drains should be provided.
- (e) Each toilet facility shall be completely enclosed and shall have a tight-fitting, self-closing door. Toilet partitions shall begin not more than one foot from the floor and extended to a height of not less than five feet.
- (f) Toilet rooms shall have adequate ventilation and shall be mechanically or naturally vented to the outside.
- (g) Toilet facilities shall be well-lighted either by natural or artificial means and each toilet facility shall be provided with adequate and proper trash container.
- (h) All toilet facilities shall be kept in good repair, cleaned daily, and free from foul odor.
- (i) Toilet paper shall be available and conveniently located adjacent to each flush toilet.

Modified, 1 CMC § 3806(e), (g).

History: Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: In subsection (g), the Commission inserted the word “by” and changed “facilities” to “facility” to correct manifest errors.

#### **§ 140-20.4-140 Waste Control**

(a) Every school/child care facility shall provide an adequate number of garbage and trash containers with tight-fitting lids which shall be located at a place suitable for their use.

(b) Watertight and non-absorbent containers shall be used for storing garbage. Garbage containers shall be washed and treated with a disinfectant as often as may be necessary to prevent the growth of microorganism or to become an attractant for vectors. The disinfectant used in such containers shall contain at least the equivalent 20% chlorine solution or its equivalent of an acceptable bactericidal.

(c) Garbage, trash, and other solid wastes shall be disposed of daily so as not to emit nuisance odor, become an attractant to vectors, or create health hazard.

(d) Trash containers shall be placed in a manner where it does not serve as harborage for vermin. Bulk refuse containers shall be located on impervious asphalt or concrete surfaces.

(e) Garbage intended for use as animal feed shall be so stored in a manner so as not to be an attractant for vectors.

Modified, 1 CMC § 3806(g).

History: Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: In subsection (c), the Commission inserted the word “an” before “attractant.” The Commission inserted a comma after the word “vectors” in subsection (c) pursuant to 1 CMC § 3806(g).

#### **§ 140-20.4-145 Food Protection**

All food storage, preparation, and serving facilities shall comply with the provisions of the Environmental Health and Sanitation Standards relating to eating and drinking establishments.

Modified, 1 CMC § 3806(d).

History: Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Proposed 25 Com. Reg. 20427 (July 15, 2003).

### **Part 200 - Health Certificates for Employees and Children**

#### **§ 140-20.4-201 Health Certificates**

(a) Any person who desires to work in, or attend, a school/child care facility shall be physically examined by the Department of Public Health or a licensed physician in private practice and shall be issued a health certificate stating that the applicant employee or student is free of pathogens and parasites and other forms of communicable diseases under PL 6-10, article 6, §§ 1161-1165.

(b) No person shall be allowed to attend to any client of a school/child care facility who has been found to be infected with any form of communicable disease.

(c) Every school and child care facility shall obtain and maintain evidence on file for ready inspection that every child has had all vaccinations or immunizations, including but not limited to diphtheria; pertussis, tetanus, polio, measles (rubeola), mumps, and rubella (German measles), hepatitis B, or against other communicable disease as the Secretary shall, by regulation, require. However, if an exemption from vaccination or immunization has been granted under NMIAC § 140-10.3-365 (1st published, Commonwealth Register vol. 13, no. 9, page 7858, 7867, 9/15/91), such documentation of the exemption must be readily available for inspection.

(d) The health certificate shall be valid for one year, and shall be renewed annually thereafter from date of issuance. The employee/student shall undergo another physical examination before issuance of a new health certificate.

(e) All health certificates of the employees working for, or the children attending, a school/child care facility shall be maintained in the facility's file readily accessible for inspectors.

Modified, 1 CMC § 3806(c), (e), (f).

History: Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Proposed 25 Com. Reg. 20427 (July 15, 2003).