



WASHINGTON STATE

Board of Health

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DATE: March 13, 2013

TO: Washington State Board of Health Members

FROM: Environmental Health Committee:
Keith Grellner, Chair

SUBJECT: ENVIRONMENTAL HEALTH AND SAFETY STANDARDS FOR PRIMARY AND SECONDARY SCHOOLS: CHAPTERS 246-366 WAC AND 246-366A WAC; CONSIDER DELAYING EFFECTIVE DATE OF NEW RULES TO JULY 1, 2015

Background and Summary:

The State Board of Health, under authority of RCW 43.20.050(2), revised its environmental health and safety standards for primary and secondary schools on August 12, 2009. The adopted rules reflect the Board's intent to have updated chapter 246-366A WAC supersede chapter 246-366 WAC in a time and manner allowed by the Legislature. The new rules have not been implemented due to legislative restrictions related to concerns about the financial impacts the revised rules could have to State and school district budgets.

The State operating budget bill adopted in 2009 included a proviso *prohibiting* the Department of Health and the Board from implementing new or amended school rules without the Legislature funding implementation by public schools. Based on that directive, the Board filed a CR-103 (rule-making order) on December 22, 2009, specifying a July 1, 2010 effective date for the new rules. The Board agreed at that time it would review the actions of the Legislature at or near the end of each legislative session to determine whether any portions of the rule revisions could be implemented, and amend the CR-103 as appropriate. Because of continuing lack of funding in 2010, the Board voted on March 10, 2010 to delay the effective date of the rules to July 1, 2011. The Board voted again on April 13, 2011 to delay the effective date until July 1, 2013. This was filed as WSR 11-10-080 on May 3, 2011.

At this time, no final version of the 2013-15 State operating budget had been adopted. However, Governor Gregoire's proposed budget anticipates a continuing revenue shortfall for the 2013-2015 biennium. The budget bill she requested retains the budget proviso language from 2009 restricting implementation of new school rules. We do not anticipate that the Legislature will provide funding to implement these rules this biennium. The Board's Environmental Health Committee recommends a new CR-103 for the updated school rules be filed again, before July 2013, to change the effective date of the rules to July 1, 2015. It is important to note that this does not mean there are no school health and safety rules in place. Existing chapter 246-366 WAC is still in effect.

Ned Therien, SBOH staff, will provide further explanation if requested. Please refer to materials behind Tab 11.

Recommended Board Action:

The Board may wish to consider the following motion:

The Board directs its Executive Director to amend the effective date of chapter 246-366A WAC, set in WSR 11-10-080, by filing a new CR-103 to delay the effective date of the new rules to July 1, 2015.

Staff Contact: Ned Therien