



DATE: March 11, 2015

TO: Washington State Board of Health Members

FROM: Keith Grellner, Chair

SUBJECT: ENVIRONMENTAL HEALTH AND SAFETY STANDARDS FOR PRIMARY AND SECONDARY SCHOOLS: CHAPTERS 246-366 WAC AND 246-366A WAC: CONSIDER DELAYING THE EFFECTIVE DATE OF NEW RULES TO JULY 1, 2017.

Background and Summary:

The Washington State Board of Health, under 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. Each subsequent biennial budget has included a proviso prohibiting the implementation of the rules. Therefore, the Board has voted on March 10, 2010, April 13, 2011 and July 1, 2013 to continue to delay the effective date of the rules. Currently the effective date is July 1, 2015 as filed in WSR 13-09-040 and dated April 11, 2013.

At this time, no final version of the 2015-2017 State operating budget has been adopted. However, 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 2015, to change the effective date of the rules to July 1, 2017. 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.

David DeLong, SBOH staff, will provide further explanation if requested. Please refer to materials behind Tab 8.

Recommended 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 13-09-040, by filing a new CR-103 to delay the effective date of the new rules to July 1, 2017.

Staff Contact: David DeLong