



# RULE-MAKING ORDER

**CR-103P (May 2009)**  
(Implements RCW 34.05.360)

Agency: State Board of Health

**Permanent Rule Only**

**Effective date of rule:**

**Permanent Rules**

31 days after filing.

**Other (specify)** 07/01/2015 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes  No If Yes, explain: The State Board of Health anticipates restrictions imposed by the 2009 Legislature on the implementation of new or amended school facility rules will continue through June 2015.

**Purpose:** This filing delays the effective date of new sections of Chapter 246-366 WAC, Primary and Secondary Schools, and Chapter 246-366A WAC, Environmental Health and Safety Standards for Primary and Secondary Schools, two years because of anticipated State budget shortfalls in the 2013-2015 biennium and previous legislative direction. These rules provide minimum environmental health and safety standards for schools. (See attached Filing Note.)

**Citation of existing rules affected by this order:**

Repealed: 0

Amended: 0

Suspended: 0

**Statutory authority for adoption:** RCW 43.20.050

**Other authority :**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 09-14-136 on 07/01/2009 (date).

Describe any changes other than editing from proposed to adopted version: See WSR 10-01-174

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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**Date adopted:** March 13, 2013

**NAME (TYPE OR PRINT)**

Michelle A. Davis

**SIGNATURE**

**TITLE**

Executive Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: April 11, 2013**

**TIME: 4:27 PM**

**WSR 13-09-040**

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Federal rules or standards:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Recently enacted state statutes:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

**The number of sections adopted at the request of a nongovernmental entity:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in the agency's own initiative:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Pilot rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Other alternative rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

NOTE: New sections of Chapter 246-366 WAC, Primary and Secondary Schools, and new Chapter 246-366A WAC, Environmental Health and Safety Standards for Primary and Secondary Schools, were adopted by the State Board of Health on August 12, 2009. The Board filed a rule-making order, WSR 10-01-174, on December 22, 2009, setting the effective date for the new rules as July 1, 2010. On March 10, 2010, the Board voted to file an amended rule-making order (WSR 10-12-018) to change the effective date of these new rules to July 1, 2011. On April 13, 2011, the Board again considered the need to match resources and capacity to be able to implement the rules as intended and voted another rule-making order (WSR 11-10-080) to delay the effective date of the new rules another two years to July 1, 2013. Because the state budget situation still was looking bad and the bill submitted for Governor Gregoire's budget proposal for the 2013-2015 biennium still contained restrictions on implementing new school facility rules, the Board again voted on March 13, 2013 to delay the effective date of the new rules another two years, until July 1, 2015.