

# WASHINGTON STATE BOARD OF HEALTH

**Date:** June 12, 2024

**To:** Washington State Board of Health Members

**From:** Patty Hayes, Board Chair

**Subject:** Effective Date Extension – Primary and Secondary Schools, chapter 246-366 WAC, and Environmental Health and Safety Standards for Primary and Secondary Schools, chapter 246-366A WAC

## Background and Summary:

Under the authority of RCW 43.20.050, the State Board of Health (Board) 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 chapter 246-366A WAC supersede chapter 246-366 WAC to promote safe and healthy school environments. The new rules have not been implemented due to restrictions enacted by the Legislature related to concerns with the financial impact of the new rules.

The 2009 – 2011 Washington State operating budget bill included a proviso prohibiting the Washington State Department of Health and the Board from implementing new or amended school rules until the Legislature takes action to fund implementation. Based on that directive, the Board filed a Rule-Making Order (CR-103) on December 22, 2009, specifying a July 1, 2010, effective date for the new rules. The Board agreed to review the actions of the Legislature at the end of each session to determine whether any portions of the rules could be implemented and to amend the CR-103 accordingly.

Each subsequent biennial budget has included the proviso prohibiting implementation of the new rules and has provided no implementation funding. The Board voted to continue to delay the effective date at the following meetings:

- March 10, 2010 (filed as WSR 10-12-018 on May 21, 2010)
- April 13, 2011 (filed as WSR 11-10-080 on May 3, 2011)
- March 13, 2013 (filed as WSR 13-09-040 on April 11, 2013)
- March 11, 2015 (filed as WSR 15-09-070 on April 15, 2015)
- June 14, 2017 (filed as WSR 17-14-055 on June 28, 2017)
- June 12, 2019 (filed as WSR 19-14-107 on July 2, 2019)
- June 9, 2021 (filed as WSR 21-14-056 on July 1, 2021)
- June 8, 2022 (filed as WSR 22-14-021 on June 24, 2022)
- June 14, 2023 (filed as WSR 23-16-005 on July 19, 2023)

During the 2024 legislative session, [Engrossed Substitute Senate Bill 5950](#) (Section 222, subsection 1 (page 457) retained the prohibition on implementation (while also adding a proviso directing the Board to review and update the school rules, as described in the related agenda item). For this reason, the Board must file a new CR-103 before August 2024 to further extend the effective date of the rules.

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**Recommended Board Actions:**

The Board may wish to consider and amend, if necessary, the following motion:

The Board directs staff to amend the effective date of new sections of chapter 246-366 WAC and new chapter 246-366A WAC, as filed in WSR 23-16-005, by filing a new CR-103, Order of Adoption, to delay the effective date of the new rules to September 1, 2025.

**Staff**

Andrew Kamali

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