

# WASHINGTON STATE BOARD OF HEALTH

**Date:** June 4, 2025

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

**From:** Patty Hayes, Board Chair

**Subject:** Rules Hearing – Repeal of Chapter 246-366A WAC, Primary and Secondary School Environmental Health and Safety Rules

## 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, by adopting chapter 246-366A WAC. The rules reflected the Board's intent to have the new rules supersede chapter 246-366 WAC to promote safe and healthy school environments. Chapter 246-366A WAC has never 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 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. Since then, the Board has reviewed the actions of the Legislature at the end of each session to determine whether any portions of the rules could be implemented and, finding none, has amended the CR-103 to continually specify a later date of effectiveness, through September 1, 2025.

During the 2024 legislative session, the Legislature passed a proviso included in the [2024 supplemental operating budget](#) (Section 222, subsection 159, page 491 – 492) that directed the State Board of Health (Board) to review and draft new proposed rules to set minimum health and safety standards for K-12 schools.

The proviso also tasked the Board with developing a report in collaboration with the Office of Superintendent of Public Instruction (OSPI), the Department of Health, a multi-disciplinary technical advisory committee, and local health jurisdictions that identifies the sections or subject areas that offer the greatest health and safety benefits to students and includes any related implementation recommendations. In addition, the Board staff must complete an environmental justice assessment. The Board must submit a final report to the Legislature and the Governor's Office by June 30, 2025.

At the Board's April 2025 meeting, the Board accepted the TAC's recommendations regarding the new proposed rule, designated as Chapter 246-370 WAC, and directed staff to begin the process of repealing Chapter 246-366A WAC. In addition the Board may want to consider amending the Purpose section in Chapter 246-366 WAC, which refers to the eventual implementation of Chapter 246-366A.

Today's agenda item includes a brief presentation of the repeal process and the proposed changes to Chapter 246-366 WAC. The presentation also summarizes written public comments received on the proposed repeal and staff responses and recommendations for your consideration. The presentation will be followed by a public

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hearing allowing additional public testimony on the proposed rulemaking and finally Board discussion and possible action on the proposal.

**Recommended Board Actions:**

The Board may wish to consider and amend, if necessary, one of the following motions. The recommended motion(s) is provided for the Board's ease of reference. The Board may develop a different motion as necessary.

The Board adopts the proposed repeal of Chapter 246-366A WAC and the amendments to chapter 246-366 WAC, as published in WSR 25-09-121 with the revisions agreed upon at today's meeting, if any, and directs staff to file a CR-103, Order of Adoption, and establish an effective date for the repeal and amendments.

OR

The Board continues discussion of possible adoption of the proposed amendments to chapter 246-366 WAC and the repeal of Chapter 246-366A WAC as published in WSR 25-09-121, to its next meeting.

**Staff**

Nina Helpling, Policy Advisor

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