



June 23, 2025

To Whom It May Concern,

The Washington State Board of Health (Board) adopted amendments to WAC 246-366-005: Primary and secondary schools - Purpose, repealed WAC 246-366-160: Primary and secondary schools - Severability, and repealed chapter 246-366A WAC, Environmental health and safety standards for primary and secondary schools.

Purpose of Rulemaking

In 2004, the Board initiated rulemaking to update chapter 246-366 WAC. In 2009 the Board adopted chapter 246-366A to replace chapter 246-366 WAC. In 2010, the Legislature passed a budget proviso prohibiting the implementation of new school rules unless they were fully funded, which has remained in place since then. Each year Board staff extend the implementation date of chapter 246-366A WAC.

During the 2024 legislative session, the Legislature added a second budget proviso ([2024 supplemental operating budget](#) (Section 222, subsection 159 (page 492))). The proviso directed the Board to review existing rules and draft proposed rules to set minimum health and safety standards for K-12. With the Governor's and the Legislature's approval, the proposed rule would replace chapters 246-366 and 246-366A WAC. Starting in August of 2024, Board staff, in coordination with an extensive technical advisory committee, drafted a new proposed chapter of rules (chapter 246-370 WAC).

At the April 2025 regular State Board of Health meeting, the Board met with the committee to review the proposed language in chapter 246-370 WAC. During the meeting, the Board approved the committee's proposal to repeal for chapter 246-366A WAC and to amend or repeal section of chapter 246-366 WAC that referred to chapter 246-366A WAC and directed Board staff to start the repeal process. Repealing chapter 246-366A WAC alleviates adopting outdated and unfunded rules that would ultimately be replaced by proposed rule chapter 246-370 WAC. The remaining requirements in chapter 246-366 WAC will remain in effect and will not change the existing requirements for schools.

Board staff filed WSR 25-09-121 on April 21, 2025, announcing the public hearing that was held on June 4, 2025, and the formal comment period that closed on May 21, 2025. After listening to testimony at the June hearing, the Board voted to approve the proposal and directed board staff to move forward with the CR-103 process.

Changes to the Proposed Rule

The adopted rule does not differ from the text of the proposed rule as it was published in the Washington State Register 25-09-121.

Comments on Proposed Rule

The Board received four written comments from individuals during the formal public comment period and received verbal testimony from one individual at the public rule hearing held on June 4, 2025. The following table includes the verbatim written comments received on the proposed rule and the Board's actions:

Public Comments	Board Actions
This seems like a good idea to avoid confusion or wasted effort on outdated rules, so that hopefully 246-370 WAC can be adopted quickly.	No proposed changes. Commenter shows support for this action.
Supports the repeal of WAC 246-366A The State Board adopted this rule in 2009, but it has never been implemented and is out of date. As the Legislature funds implementation of the proposed new school rules, we believe that WAC 246-370 is the appropriate and forward looking rules.	No proposed changes. Commenter shows support for this action.
Shows support for repealing chapter 246-366A WAC as it would save tax payer dollars if the Board did not have to initiate rulemaking every year to extend the effective date of chapter 246-366A WAC.	No proposed changes. Commenter shows support for this action.
A lot of light has been shed on indoor air quality over the last few years, and I feel that it's really important to monitor and improve the quality of indoor air *especially* in schools. It would be nice to see the "written indoor air quality plan" from 246-370-080 include some sort of CO2 monitoring as it seems to be a decent proxy for measuring air circulation as well as being its own detriment to learning/focus at higher levels.	No proposed changes. This comment is out of scope for this rule hearing but will be considered when rule making continues for chapter 246-370 WAC.
It's perplexing that air quality is not included in the table of contents for the full language of WAC 246-366A because of the challenges we have experienced individually and collectively since the start of the 2020 COVID pandemic and the abundance of evidence* of the inextricable link between effective air quality infrastructure in public indoor spaces and health (of young people in particular). My son -- who attends Geneva Elementary School -- has missed 30+ days of school in each of his first three years of attendance due to respiratory illness. Without irony, I write this comment on Monday morning as he sits next to	No proposed changes. Staff consider this comment shows support to repeal chapter 246-366A WAC and to continue to address air quality when rule making continues for chapter 246-370 WAC.

me because he, once again, has a nasty cough that made it very difficult for him to breath overnight. When this happens once or twice, it is very scary; when it happens a number of times that can no longer be counted, it becomes a pattern that emerges from egregious negligence on behalf of the adults who are legally obligated to ensure a safe learning space, and I find that offensive. It doesn't matter if the district is in a period of contraction: if you are enabling your students getting increasingly sick because you're not investing in the right infrastructure, you are responsible for an unacceptable budget and should be held accountable.

Why, for instance, does the start of the General Responsibilities in WAC 246-366A-020 articulate:

"(1) Responsibilities of school officials. School officials shall:

(a) Maintain conditions within the school environment that will not endanger health and safety.

(b) Identify, assess, and mitigate or correct environmental health and safety hazards in their school facilities, establish necessary protective procedures, use appropriate controls, and take action to protect or separate those at risk from identified hazards, consistent with the level of risk presented by the specific hazard, until mitigation or correction is complete.

(c) When conditions are identified that pose an imminent health hazard:

(i) Take immediate action to mitigate hazards and prevent exposure;"

and yet no action has been taken to write intentional language in the administrative code that addresses air quality specifically? Is it because you are unable to take "immediate action to mitigate hazards and prevent exposure"? Do you not want your students to be healthy and avoid all respiratory illnesses as much as possible? Do you not need your students in seats to help improve the budget in the future?

I ask these questions in good faith. We are all exhausted by these conditions and need improvements immediately.

* <https://www.reuters.com/world/europe/italian-study-shows-ventilation-can-cut-school-covid-cases-by-82-2022-03-22/>

Remaining Public Opposition to the Rule

The Board does not anticipate any remaining public opposition to the repeal.

Effective Date and Next Steps

The effective date for this repeal will be September 1, 2025. Anyone may petition the repeal or amendment of this rule in accordance with [RCW 34.05.330](#).

Send any questions regarding the repeal of this rule to schoolehs@sboh.wa.gov.

Respectfully,

A handwritten signature in black ink that reads "Michelle A. Davis". The signature is written in a cursive, flowing style.

Michelle A. Davis
Executive Director