

# WASHINGTON STATE BOARD OF HEALTH

**Date:** June 9, 2021

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

**From:** Keith Grellner, Chair

**Subject:** Extend Effective Date of 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

## Background and Summary:

Under 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 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. Therefore, the Board voted on March 10, 2010; April 13, 2011; March 13, 2013; March 11, 2015; June 14, 2017; and June 12, 2019 to continue to delay the effective date of the new rules. Currently the effective date is August 1, 2021, filed on July 2, 2019 as WSR 19-14-107.

The 2021-2023 state operating budget bill ([ESSB 5092](#)) again includes the proviso prohibiting implementation of the new rules and provides no implementation funding. For this reason, the Board needs to file a new CR-103 before August 2021 to extend the effective date to August 1, 2023. 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 remains in effect.

## Recommended Board Actions:

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

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- 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 19-14-107, by filing a new CR-103, order of adoption, to delay the effective date of the new rules to August 1, 2023.

#### Staff

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