



RULE-MAKING ORDER

PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

Agency: State Board of Health

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) 08/01/2023 (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: Restrictions imposed by the 2009 legislature on the implementation of new or amended school facility rules are again included in the 2021-2023 state operating budget and prohibit implementation of the rules through June 2023.

Purpose: This filing delays the 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, two years because of legislative direction in the state operating budget (ESSB 5092) prohibiting implementation until the legislature acts to formally fund implementation. The rules provide minimum environmental health and safety standards for schools.

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 (Board) on August 12, 2009 under Proposed Rule Making (CR-102), WSR 09-14-136. The Board filed a Rule-Making Order (CR-103), WSR 10-01-174, on December 22, 2009 setting the effective date of the rules as July 1, 2010. However, in advance of the Board's actions, the 2009 Legislature adopted a proviso in the state operating budget (ESHB 1244) suspending implementation of the new rules until the Legislature acts to formally fund implementation. The proviso has been added to all subsequent state operating budgets, including the 2021-2023 state operating budget (ESSB 5092). In response, the Board has taken the following series of actions to delay implementation of the new rules:

- Voted on March 10, 2010 to file an amended Rule-Making Order, WSR 10-12-018, on May 21, 2010 to change the effective date to July 1, 2011;
- Voted on April 13, 2011 to file an amended Rule-Making Order, WSR 11-10-080, on May 3, 2011 to delay the effective date another two years to July 1, 2013;
- Voted on March 13, 2013 to file an amended Rule-Making Order, WSR 13-09-040, on April 11, 2013 to delay the effective date another two years to July 1, 2015;
- Voted on March 11, 2015 to file an amended Rule-Making Order, WSR 15-09-070, on April 15, 2015 to delay the effective date of the rules another two years to July 1, 2017;
- Voted on June 14, 2017 to file an amended Rule-Making Order, WSR 17-14-055, on June 28, 2017 to delay the effective date of the rules another two years to August 1, 2019; and
- Voted on June 12, 2019 to file an amended Rule-Making Order, WSR 19-14-107, on July 2, 2019 to delay the effective date of the rules another two years to August 1, 2021.

Action by the Board in June 2021 extends the effective date of the new rules to August 1, 2023. The Board will continue to monitor the state budget and budget proviso suspending implementation of the new rules in the coming legislative sessions for possible implementation in 2023.

Citation of rules affected by this order:

New: None
 Repealed: None
 Amended: None
 Suspended: None

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 07/01/09 (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:

Name: Kaitlyn Donahoe

Address: P.O. Box 47990, Olympia, WA 98504-7990

Phone: 360-584-6737

Fax: N/A

TTY:

Email: kaitlyn.donahoe@sboh.wa.gov

Web site: www.sboh.wa.gov

Other: N/A

**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:

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

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

Date Adopted:

Name: Michelle A. Davis

Title: Executive Director

Signature:

Place signature here