

SENATE BILL REPORT

SB 6494

As of February 4, 2010

Title: An act relating to the state board of health rules that impact school districts.

Brief Description: Regarding state board of health rules that impact school districts.

Sponsors: Senators Tom, McAuliffe, Rockefeller and Kline.

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/03/10.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Kimberly Cushing (786-7421)

Background: The State Board of Health (Board) is established in the Washington State Constitution. Under current law, in order to protect public health, the Board must adopt rules related to environmental conditions in all types of public facilities, including schools. In 1960 the Board first adopted rules addressing school health, and in 1971 the existing rule framework was adopted. The current rules were established as minimum environmental standards for educational facilities. In 2003 the Board began reviewing the school health and safety rules, which culminated in a proposed rule. In October 2008 the Board agreed to delay a vote to adopt the rule to give the Legislature an opportunity to consider funding for the rule.

In 2009 the Legislature passed the 2009-11 operating budget with language that prohibits the Department of Health (DOH) and the Board from implementing any new or amended rules for school facilities until the Legislature has formally funded implementation of the rules through the budget or by statute. In August 2009 the Board adopted the school environmental health and safety rule with provisions that it may not be implemented unless the Legislature funds the implementation, removes any restrictions on implementation, or authorizes implementation.

Summary of Bill: The Legislature commends the Board for its commitment to promoting healthy learning environments for students in schools, and is committed to the health and safety of Washington's school children. In addition, the intent of the Legislature is to not place an unfunded mandate on public schools as a result of new or amended rules pertaining to school facilities.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

DOH and the Board must forward the new or amended rules pertaining to primary and secondary school facilities to the Legislature. Any new or amended rules must not be implemented until the Legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute.

The Office of the Superintendent of Public Instruction (OSPI) must work with school districts to develop a fiscal analysis regarding the rules and their impact on school districts. OSPI must convene a working group to prepare a fiscal estimate for the statewide cost of the rules to districts. The analysis must consider and identify variations in the fiscal impact based on differences in sizes of districts; regional cost differences; costs of implementing specific program elements; and other variables. The working group must be composed of representatives from different sized school districts, the Washington State School Directors Association, the Washington Association of School Administrators, the Washington Association of Maintenance and Operations Administrators, and the Washington Association of School Business Officials. The working group must submit its analysis to the Legislature by December 1, 2010.

DOH must convene a working group with representatives from local health jurisdictions to develop a statewide fiscal analysis regarding the impact of rules on local health jurisdictions. The analysis must consider and identify variations in the fiscal impact based on differences in sizes of health jurisdictions; regional cost differences; costs of implementing specific program elements; and other variables. The working group must submit its analysis to the Legislature by December 1, 2010.

Each working group must develop recommendations that prioritize the elements of the rules that will provide the greatest health and safety benefits, and the order in which they should be implemented when funding becomes available. Each working group must deliver its recommendations to the appropriate committees of the Legislature.

Due to the anticipated phase-in period of the rules, the Chair of the Senate Committee on Ways and Means or the Chair of the House of Representatives Committee on Ways and Means may request that one or both working groups reconvene to update the fiscal estimate.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: We need to move forward with this process in a coordinated and prioritized fashion. The best way to avoid unfunded mandates is through these technical working groups that can provide detailed, accurate cost estimates. Do not leave anyone out of the working group. School districts agree with goals for healthy schools and are doing everything they can to maintain a healthy environment for students. We all agree these are important rules and over time should all be implemented. The reality is that even without additional costs that the rule would impose, districts are facing some serious

financial conditions. Resources are stretched very thin right now. To ask current staff to do more and more is simply not reasonable. We want the rule to make a real difference to the students and the bill will help do that. We need to prioritize and fund based on the greatest impact for the greatest number of children. The working group should be under the Quality Education Council (QEC), which could look at both the capital and operating side. We need one funnel for everything mandated for schools. A certain level of expertise is needed for this problem, but a subgroup could be established through the technical working group.

OTHER: We appreciate the attempt to move forward and encourage input across the board, including prioritization. The construction components have been prioritized. The main concern is that the bill is too focused on covering old ground. Involving the QEC is a good idea. These are performance standards for operations and maintenance that are currently underfunded. There was a huge collaborative effort to develop the school rules, which were well thought out and developed. While we are aware of huge fiscal challenges and realize they can't be rolled out as hoped, the rules should not be lessened. The health of the building has as much to do with how a student learns as many other issues.

Persons Testifying: PRO: Senator Tom, prime sponsor; Debra Fulton, Mukilteo School District; Bill Adamo, Riverview School District; Ryan Spiller, Puget Sound School Coalition; Rod Leland, Federal Way Public Schools; Barbara Mertens, Washington Association of School Administrators; Mitch Denning, Alliance of Educational Associates.

OTHER: Craig McLaughlin, State Board of Health; Lucinda Young, Washington Education Association.