

SENATE BILL REPORT

SB 6494

As Reported by Senate Committee On:
Early Learning & K-12 Education, 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, 2/04/10 [DPS, DNP].

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 6494 be substituted therefor, and the substitute bill do pass.

Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; King, Ranking Minority Member; Brandland, Gordon, Hobbs, McDermott and Tom.

Minority Report: Do not pass.

Signed by Senators Oemig, Vice Chair, K-12; Roach.

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

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the Legislature funds the implementation, removes any restrictions on implementation, or authorizes implementation.

Summary of Bill (Recommended Substitute): By June 30, 2011, the Department of Health and the State Board of Health must revise their rules pertaining to primary and secondary school facilities to eliminate rules that are obsolete or not specifically funded or implemented.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (Recommended Substitute): Strikes the underlying bill and directs the Department of Health and the State Board of Health to revise their school rules to eliminate any rules that are obsolete or not specifically funded or implemented.

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 on Original Bill: 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.