
SENATE BILL 6494

State of Washington

61st Legislature

2010 Regular Session

By Senators Tom, McAuliffe, Rockefeller, and Kline

Read first time 01/15/10. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to the state board of health rules that impact
2 school districts; adding a new section to chapter 28A.210 RCW; and
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature commends the state board of
6 health for its commitment to promoting healthy learning environments
7 for students in schools. While the legislature is committed to the
8 health and safety of Washington's school children, it recognizes that
9 it cannot practically implement the state board of health's new or
10 amended rules pertaining to primary and secondary school facilities
11 without an extended phase-in period in light of other budget
12 constraints. The legislature also intends that the new or amended
13 rules pertaining to primary and secondary school facilities not place
14 an unfunded mandate on public schools. In order to achieve this goal,
15 a detailed cost analysis that is agreed to by school districts and a
16 detailed cost analysis that is agreed to by local health jurisdictions
17 are critical. The office of the superintendent of public instruction
18 and school districts, and the department of health and local health

1 jurisdictions, should work together to develop two detailed cost
2 analyses before rule implementation.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.210
4 RCW to read as follows:

5 (1) The department of health and the state board of health shall
6 forward the new or amended rules pertaining to primary and secondary
7 school facilities to the legislature.

8 (2) The office of the superintendent of public instruction shall
9 work with school districts to develop a fiscal analysis regarding the
10 rules and their impacts on school districts.

11 (3) The office of the superintendent of public instruction shall
12 convene a working group. The working group shall:

13 (a) Be composed of representatives from school districts of a
14 variety of sizes, the Washington state school directors' association,
15 the Washington association of school administrators, the Washington
16 association of maintenance and operations administrators, and the
17 Washington association of school business officials;

18 (b) Prepare a fiscal estimate for the statewide cost to school
19 districts of the rules. The analysis shall consider and identify
20 variations in the fiscal impact based on:

21 (i) Differences in sizes of school districts;

22 (ii) Regional cost differences;

23 (iii) Costs of implementing specific program elements of the rules,
24 section-by-section; and

25 (iv) Other variables that may affect costs.

26 (4) The working group shall submit its analysis to the legislature
27 by December 1, 2010.

28 (5) The department of health shall convene a working group with
29 representatives from local health jurisdictions to develop a statewide
30 fiscal analysis regarding the impact of rules on local health
31 jurisdictions.

32 (6)(a) The statewide fiscal analysis must consider and identify
33 variation in the fiscal impact based on:

34 (i) Differences in sizes of local health jurisdictions;

35 (ii) Regional cost differences;

36 (iii) Costs of implementing specific program elements of the rules,
37 section-by-section; and

1 (iv) Other variables that may affect costs.

2 (b) The working group shall submit its analysis to the legislature
3 by December 1, 2010.

4 (7) Any new or amended rules pertaining to primary and secondary
5 school facilities shall not be implemented until the legislature has
6 formally funded implementation of the rules through the omnibus
7 appropriations act or by statute.

8 (8) Due to the anticipated phase-in period, the chair of the senate
9 committee on ways and means or the chair of the house of
10 representatives committee on ways and means may request that one or
11 both of the working groups reconvene to update the fiscal estimates.

12 (9) The office of the superintendent of public instruction working
13 group and the department of health working group shall each develop
14 recommendations. The recommendations shall prioritize the elements of
15 the rules that each working group believes will provide the greatest
16 health and safety benefits and the order in which they should be
17 implemented when funding becomes available. Each working group shall
18 deliver its recommendations to appropriate committees of the
19 legislature.

--- END ---