

EHB 1638 - S AMD TO HLTC COMM AMD (S-3367.1/19) 740  
By Senator Fortunato

NOT ADOPTED 04/17/2019

1 On page 1, after line 2, insert the following:

2 "Sec. 1. RCW 28A.210.070 and 2017 3rd sp.s. c 6 s 217 are each  
3 reenacted and amended to read as follows:

4 As used in RCW 28A.210.060 through 28A.210.170:

5 (1) "Chief administrator" shall mean the person with the  
6 authority and responsibility for the immediate supervision of the  
7 operation of a school or day care center as defined in this section  
8 or, in the alternative, such other person as may hereafter be  
9 designated in writing for the purposes of RCW 28A.210.060 through  
10 28A.210.170 by the statutory or corporate board of directors of the  
11 school district, school, or day care center or, if none, such other  
12 persons or person with the authority and responsibility for the  
13 general supervision of the operation of the school district, school  
14 or day care center.

15 (2) "Child" shall mean any person, regardless of age, in  
16 attendance at a public (~~or private~~) school or a licensed day care  
17 center.

18 (3) "Day care center" shall mean an agency which regularly  
19 provides care for a group of thirteen or more children for periods of  
20 less than twenty-four hours and is licensed pursuant to chapter  
21 43.216 RCW.

22 (4) "Full immunization" shall mean immunization against certain  
23 vaccine-preventable diseases in accordance with schedules and with  
24 immunizing agents approved by the state board of health.

25 (5) "Local health department" shall mean the city, town, county,  
26 district or combined city-county health department, board of health,  
27 or health officer which provides public health services.

28 (6) "School" shall mean and include each building, facility, and  
29 location at or within which any or all portions of a preschool,  
30 kindergarten and grades one through twelve program of education and  
31 related activities are conducted for two or more children by or in  
32 behalf of any public school district (~~and by or in behalf of any  
33 private school or private institution~~) subject to approval by the

1 state board of education pursuant to RCW 28A.305.130 (~~(, 28A.195.010~~  
2 ~~through 28A.195.050,)~~) and 28A.410.120."

3 Renumber the remaining sections consecutively and correct any  
4 internal references accordingly.

5 On page 1, line 6, after "public" strike "and private" and insert  
6 "~~((and private))~~"

7 On page 1, line 26, after "public" strike "and private" and  
8 insert "~~((and private))~~"

9 On page 4, after line 3, insert the following:

10 "**Sec. 3.** RCW 28A.210.110 and 1991 c 3 s 291 are each amended to  
11 read as follows:

12 A child's proof of immunization or certification of exemption  
13 shall be presented to the chief administrator of the public (~~(or~~  
14 ~~private))~~ school or day care center or to his or her designee for  
15 that purpose. The chief administrator shall:

16 (1) Retain such records pertaining to each child at the school or  
17 day care center for at least the period the child is enrolled in the  
18 school or attends such center;

19 (2) Retain a record at the school or day care center of the name,  
20 address, and date of exclusion of each child excluded from school or  
21 the center pursuant to RCW 28A.210.120 for not less than three years  
22 following the date of a child's exclusion;

23 (3) File a written annual report with the department of health on  
24 the immunization status of students or children attending the day  
25 care center at a time and on forms prescribed by the department of  
26 health; and

27 (4) Allow agents of state and local health departments access to  
28 the records retained in accordance with this section during business  
29 hours for the purposes of inspection and copying.

30 "**Sec. 4.** RCW 28A.210.120 and 2006 c 263 s 909 are each amended to  
31 read as follows:

32 It shall be the duty of the chief administrator of every public  
33 (~~((and private))~~) school and day care center to prohibit the further  
34 presence at the school or day care center for any and all purposes of  
35 each child for whom proof of immunization, certification of

1 exemption, or proof of compliance with an approved schedule of  
2 immunization has not been provided in accordance with RCW 28A.210.080  
3 and to continue to prohibit the child's presence until such proof of  
4 immunization, certification of exemption, or approved schedule has  
5 been provided. The exclusion of a child from a school shall be  
6 accomplished in accordance with rules of the office of the  
7 superintendent, in consultation with the state board of health. The  
8 exclusion of a child from a day care center shall be accomplished in  
9 accordance with rules of the department of social and health  
10 services. Prior to the exclusion of a child, each school or day care  
11 center shall provide written notice to the parent(s) or legal  
12 guardian(s) of each child or to the adult(s) in loco parentis to each  
13 child, who is not in compliance with the requirements of RCW  
14 28A.210.080. The notice shall fully inform such person(s) of the  
15 following: (1) The requirements established by and pursuant to RCW  
16 28A.210.060 through 28A.210.170; (2) the fact that the child will be  
17 prohibited from further attendance at the school unless RCW  
18 28A.210.080 is complied with; (3) such procedural due process rights  
19 as are hereafter established pursuant to RCW 28A.210.160 and/or  
20 28A.210.170, as appropriate; and (4) the immunization services that  
21 are available from or through the local health department and other  
22 public agencies."

23 Renumber the remaining sections consecutively and correct any  
24 internal references accordingly.

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25 On page 5, beginning on line 2, after "28A.210.080" strike "and  
26 28A.210.090" and insert ", 28A.210.090, 28A.210.110, and 28A.210.120;  
27 reenacting and amending RCW 28A.210.070"

EFFECT: Removes immunization requirements for students attending  
private schools.

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