**1638.E AMS FORT S3486.1 - NOT FOR FLOOR USE**

**EHB 1638** - S AMD TO HLTC COMM AMD (S-3367.1/19) **740**

By Senator Fortunato

**NOT ADOPTED 04/17/2019**

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

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

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

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

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

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

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

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

(6) "School" shall mean and include each building, facility, and location at or within which any or all portions of a preschool, kindergarten and grades one through twelve program of education and related activities are conducted for two or more children by or in behalf of any public school district ((~~and by or in behalf of any private school or private institution~~)) subject to approval by the state board of education pursuant to RCW 28A.305.130((~~, 28A.195.010 through 28A.195.050,~~)) and 28A.410.120."

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

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

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

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

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

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

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

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

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

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

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

It shall be the duty of the chief administrator of every public ((~~and private~~)) school and day care center to prohibit the further presence at the school or day care center for any and all purposes of each child for whom proof of immunization, certification of exemption, or proof of compliance with an approved schedule of immunization has not been provided in accordance with RCW 28A.210.080 and to continue to prohibit the child's presence until such proof of immunization, certification of exemption, or approved schedule has been provided. The exclusion of a child from a school shall be accomplished in accordance with rules of the office of the superintendent, in consultation with the state board of health. The exclusion of a child from a day care center shall be accomplished in accordance with rules of the department of social and health services. Prior to the exclusion of a child, each school or day care center shall provide written notice to the parent(s) or legal guardian(s) of each child or to the adult(s) in loco parentis to each child, who is not in compliance with the requirements of RCW 28A.210.080. The notice shall fully inform such person(s) of the following: (1) The requirements established by and pursuant to RCW 28A.210.060 through 28A.210.170; (2) the fact that the child will be prohibited from further attendance at the school unless RCW 28A.210.080 is complied with; (3) such procedural due process rights as are hereafter established pursuant to RCW 28A.210.160 and/or 28A.210.170, as appropriate; and (4) the immunization services that are available from or through the local health department and other public agencies."

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

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

EFFECT: Removes immunization requirements for students attending private schools.