H-2453.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**HOUSE BILL 2198**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 68th Legislature 2024 Regular Session**

**By** Representatives Reeves, Walen, Ramel, Springer, Reed, Pollet, and Leavitt

AN ACT Relating to mitigating the impact of rising school facility temperatures resulting from climate change; amending RCW 28A.150.290; adding a new section to chapter 28A.150 RCW; creating a new section; and providing an effective date.

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

NEW SECTION. **Sec.**  The legislature finds that even as the state pursues the cutting-edge climate policies necessary to mitigate the impacts of our past and near-term carbon intensive economy, the realities of climate change, including rising temperatures, are already upon us. Consequently, average and extreme temperatures in Washington state are likely to rise dramatically over the next century. The legislature further finds that because many of the state's school facilities lack adequate cooling systems, our teachers and students are likely to experience increasingly negative climate change-related impacts on their ability to teach and learn in the classroom. Therefore, the legislature intends to require the superintendent of public instruction to develop recommendations for indoor temperature standards, including a maximum temperature recommendation, for public school facilities. The legislature also intends to provide the superintendent of public instruction with specific authority to develop rules related to school districts' cancellation of school days due to excessive heat.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.150 RCW to read as follows:

(1)  The superintendent of public instruction must appoint an advisory committee to develop recommendations for indoor temperature standards, including a maximum temperature recommendation, for public school facilities inhabited by students and employees no later than July 1, 2024.

(2) The advisory committee in this section must include representation from the following entities: (a) The department of health; (b) the environmental justice council under RCW 70A.02.110; (c) the state building code council under RCW 19.27.070; (d) the Washington association of maintenance and operation administrators; (e) the Washington education association; (f) the Washington state school directors' association; (g) the office of the superintendent of public instruction's technical advisory committee; and (h) a parent of a student enrolled in kindergarten through the 12th grade in a public school.

(3) The advisory committee appointed in this section must develop recommendations for indoor temperature standards, including a maximum temperature recommendation, for public school facilities inhabited by students and employees. These recommendations must include consideration of the need to balance temperature control with the requirements of the state energy performance standards under chapter 19.27A RCW. The recommendations developed under this subsection must be reported to the governor and the legislature no later than January 1, 2025. The recommendations reported under this subsection must include draft legislation to effect the recommended changes and an implementation timeline.

(4) The superintendent of public instruction must develop cost estimates associated with the recommendations of the advisory committee pursuant to this section and report these cost estimates to the governor and the legislature no later than July 1, 2025.

(5) If legislation is enacted to implement indoor temperature standards pursuant to this section, the superintendent of public instruction may request legislative appropriations and the establishment of grant programs to assist public schools with the operational and capital costs of implementing these standards.

**Sec.**  RCW 28A.150.290 and 1992 c 141 s 504 are each amended to read as follows:

(1) The superintendent of public instruction shall have the power and duty to make such rules and regulations as are necessary for the proper administration of this chapter and RCW 28A.160.150 through ((~~28A.160.220~~)) 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010 not inconsistent with the provisions thereof, and in addition to require such reports as may be necessary to carry out his or her duties under this chapter and RCW 28A.160.150 through ((~~28A.160.220~~)) 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010.

(2)(a) The superintendent of public instruction shall have the authority to make rules and regulations which establish the terms and conditions for allowing school districts to receive state basic education moneys as provided in RCW 28A.150.250 when said districts are unable to fulfill for one or more schools as officially scheduled the requirement of a full school year of one hundred eighty days or the annual average total instructional hour offering imposed by RCW 28A.150.220 and 28A.150.260 due to one or more of the following conditions:

((~~(a)~~)) (i) An unforeseen natural event((~~,~~)) including, but not necessarily limited to, a fire, flood, explosion, storm, excessive heat, earthquake, epidemic, or volcanic eruption that has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable; and

((~~(b)~~)) (ii) An unforeseen mechanical failure or an unforeseen action or inaction by one or more persons, including negligence and threats, that (i) is beyond the control of both a school district board of directors and its employees and (ii) has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable. Such actions, inactions or mechanical failures may include, but are not necessarily limited to, arson, vandalism, riots, insurrections, bomb threats, bombings, delays in the scheduled completion of construction projects, and the discontinuance or disruption of utilities such as heating, lighting and water: PROVIDED, That an unforeseen action or inaction shall not include any labor dispute between a school district board of directors and any employee of the school district.

(b) For the purposes of this subsection (2), "excessive heat" means a temperature or heat index determined by the superintendent of public instruction as consistent with guidance established by the national weather service.

(c) A condition is foreseeable for the purposes of this subsection to the extent a reasonably prudent person would have anticipated prior to August first of the preceding school year that the condition probably would occur during the ensuing school year because of the occurrence of an event or a circumstance which existed during such preceding school year or a prior school year. A board of directors of a school district is deemed for the purposes of this subsection to have knowledge of events and circumstances which are a matter of common knowledge within the school district and of those events and circumstances which can be discovered upon prudent inquiry or inspection.

(3) The superintendent of public instruction shall make every effort to reduce the amount of paperwork required in administration of this chapter and RCW 28A.160.150 through ((~~28A.160.220~~)) 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010; to simplify the application, monitoring and evaluation processes used; to eliminate all duplicative requests for information from local school districts; and to make every effort to integrate and standardize information requests for other state education acts and federal aid to education acts administered by the superintendent of public instruction so as to reduce paperwork requirements and duplicative information requests.

NEW SECTION. **Sec.**  Section 3 of this act takes effect July 1, 2025.

**--- END ---**