
HOUSE BILL 2198

State of Washington

68th Legislature

2024 Regular Session

By Representative Reeves

1 AN ACT Relating to mitigating the impact of rising school
2 facility temperatures resulting from climate change; amending RCW
3 28A.150.290; adding a new section to chapter 28A.150 RCW; creating a
4 new section; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that even as the
7 state pursues the cutting-edge climate policies necessary to mitigate
8 the impacts of our past and near-term carbon intensive economy, the
9 realities of climate change, including rising temperatures, are
10 already upon us. Consequently, average and extreme temperatures in
11 Washington state are likely to rise dramatically over the next
12 century. The legislature further finds that because many of the
13 state's school facilities lack adequate cooling systems, our teachers
14 and students are likely to experience increasingly negative climate
15 change-related impacts on their ability to teach and learn in the
16 classroom. Therefore, the legislature intends to require the
17 superintendent of public instruction to develop recommendations for
18 indoor temperature standards, including a maximum temperature
19 recommendation, for public school facilities. The legislature also
20 intends to provide the superintendent of public instruction with

1 specific authority to develop rules related to school districts'
2 cancellation of school days due to excessive heat.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.150
4 RCW to read as follows:

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

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

20 (3) The advisory committee appointed in this section must develop
21 recommendations for indoor temperature standards, including a maximum
22 temperature recommendation, for public school facilities inhabited by
23 students and employees. These recommendations must include
24 consideration of the need to balance temperature control with the
25 requirements of the state energy performance standards under chapter
26 19.27A RCW. The recommendations developed under this subsection must
27 be reported to the governor and the legislature no later than January
28 1, 2025. The recommendations reported under this subsection must
29 include draft legislation to effect the recommended changes and an
30 implementation timeline.

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

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

1 **Sec. 3.** RCW 28A.150.290 and 1992 c 141 s 504 are each amended to
2 read as follows:

3 (1) The superintendent of public instruction shall have the power
4 and duty to make such rules and regulations as are necessary for the
5 proper administration of this chapter and RCW 28A.160.150 through
6 (~~28A.160.220~~) 28A.160.210, 28A.300.035, 28A.300.170, and
7 28A.500.010 not inconsistent with the provisions thereof, and in
8 addition to require such reports as may be necessary to carry out his
9 or her duties under this chapter and RCW 28A.160.150 through
10 (~~28A.160.220~~) 28A.160.210, 28A.300.035, 28A.300.170, and
11 28A.500.010.

12 (2)(a) The superintendent of public instruction shall have the
13 authority to make rules and regulations which establish the terms and
14 conditions for allowing school districts to receive state basic
15 education moneys as provided in RCW 28A.150.250 when said districts
16 are unable to fulfill for one or more schools as officially scheduled
17 the requirement of a full school year of one hundred eighty days or
18 the annual average total instructional hour offering imposed by RCW
19 28A.150.220 and 28A.150.260 due to one or more of the following
20 conditions:

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

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

39 (b) For the purposes of this subsection (2), "excessive heat"
40 means a temperature or heat index determined by the superintendent of

1 public instruction as consistent with guidance established by the
2 national weather service.

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

14 (3) The superintendent of public instruction shall make every
15 effort to reduce the amount of paperwork required in administration
16 of this chapter and RCW 28A.160.150 through ((28A.160.220))
17 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010; to simplify
18 the application, monitoring and evaluation processes used; to
19 eliminate all duplicative requests for information from local school
20 districts; and to make every effort to integrate and standardize
21 information requests for other state education acts and federal aid
22 to education acts administered by the superintendent of public
23 instruction so as to reduce paperwork requirements and duplicative
24 information requests.

25 NEW SECTION. **Sec. 4.** Section 3 of this act takes effect July 1,
26 2025.

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