



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 15, 2022

TIME: 9:22 AM

WSR 22-05-071

Agency: Office of Superintendent of Public Instruction (OSPI)

☒ **Original Notice**

☐ **Supplemental Notice to WSR** _____

☐ **Continuance of WSR** _____

☒ **Preproposal Statement of Inquiry was filed as WSR 21-16-112 ; or**

☐ **Expedited Rule Making--Proposed notice was filed as WSR** _____; or

☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

☐ **Proposal is exempt under RCW** _____.

Title of rule and other identifying information: (describe subject) Chapter 392-198 WAC - Training - School Employees – HIV/AIDS. Proposing to amend to include blood-borne pathogens.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
March 23, 2022	10:00 a.m.	Webinar via Zoom (call-in option will be available)	Due to ongoing public health emergency related to the COVID-19 virus pandemic, this public hearing will be held by webinar via Zoom (with a call-in option). There will be no physical location for the hearing. For information on registering and participating, please visit OSPI's website at https://www.k12.wa.us/policyfunding/ospi-rulemaking-activity . For questions, please email: Kristin.murphy@k12.wa.us

Date of intended adoption: March 25, 2022 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Annie Hetzel

Address: OSPI, PO BOX 47200, Olympia, WA. 98504

Email: annie.hetzel@k12.wa.us

Fax:

Other:

By (date) March 23, 2022

Assistance for persons with disabilities:

Contact Kristin Murphy

Phone: 360-725-6133

Fax: 360-754-4201

TTY: 360-664-3631

Email: Kristin.murphy@k12.wa.us

Other:

By (date) March 16, 2022

Purpose of the proposal and its anticipated effects, including any changes in existing rules: OSPI is considering rule making to amend the rules concerning school employee training and education for blood-borne pathogens. RCW 70.24.290 was amended (HB1551, 2020) and directs OSPI to adopt rules concerning educating and training school employees on the prevention, transmission, and treatment of blood-borne pathogens. Previously, the requirement was for education and training concerning HIV/AIDS but has been amended to include blood-borne pathogens.			
Reasons supporting proposal: The proposed rule revisions are needed to modernize the language in the WAC intended to de-stigmatize HIV/AIDS. A more generalized approach to training staff concerning blood-borne pathogens is necessary for effective prevention of potential disease transmission.			
Statutory authority for adoption: RCW 70.24.290			
Statute being implemented:			
Is rule necessary because of a:			
Federal Law?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, CITATION:			
Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:			
Name of proponent: (person or organization)		<input type="checkbox"/> Private <input type="checkbox"/> Public <input type="checkbox"/> Governmental	
Name of agency personnel responsible for:			
	Name	Office Location	Phone
Drafting:	Annie Hetzel	OSPI, 600 S. Washington Street, Olympia, WA	360 725-6040
Implementation:	Annie Hetzel	OSPI, 600 S. Washington Street, Olympia, WA	360 725-6040
Enforcement:			
Is a school district fiscal impact statement required under RCW 28A.305.135?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, insert statement here:			
The public may obtain a copy of the school district fiscal impact statement by contacting: Name: Address: Phone: Fax: TTY: Email: Other:			
Is a cost-benefit analysis required under RCW 34.05.328?			
<input type="checkbox"/> Yes: A preliminary cost-benefit analysis may be obtained by contacting: Name: Address: Phone: Fax:			

TTY:

Email:

Other:

☒ No: Please explain: The Superintendent of Public Instruction is not subject to RCW 34.05.328 per section (5)(a)(i). Additionally, this rule is not a significant legislative rule per section (5)(c)(iii).

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

☐ RCW 34.05.310 (4)(b)
(Internal government operations)

☐ RCW 34.05.310 (4)(c)
(Incorporation by reference)

☐ RCW 34.05.310 (4)(d)
(Correct or clarify language)

☐ RCW 34.05.310 (4)(e)
(Dictated by statute)

☐ RCW 34.05.310 (4)(f)
(Set or adjust fees)

☐ RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☒ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.030.

Explanation of exemptions, if necessary: No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an impact on small business and therefore does not meet the requirements for a statement under RCW 19.85.030 (1) or (2).

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No Briefly summarize the agency's analysis showing how costs were calculated. _____

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Date: February 15, 2022

Name: Chris Reykdal

Title: State Superintendent of Public Instruction

Signature:

Chris P.S. Reykdal