CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5556

Chapter 147, Laws of 1993

53rd Legislature
1993 Regular Session

STATE SCHOOLS FOR THE BLIND AND THE DEAF--REVISED POWERS, DUTIES, AND FUNCTIONS

EFFECTIVE DATE: 7/25/93

Passed by the Senate April 18, 1993
YEAS 38 NAYS 0

JOEL PRITCHARD
President of the Senate

Passed by the House April 8, 1993
YEAS 98 NAYS 0

BRIAN EBERSOLE
Speaker of the House of Representatives

Approved April 30, 1993

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is SUBSTITUTE SENATE BILL 5556 as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN
Secretary

FILED
April 30, 1993 - 10:21 a.m.

MIKE LOWRY
Governor of the State of Washington

Secretary of State
State of Washington
AN ACT Relating to state schools for the blind, deaf, and sensory impaired; amending RCW 72.40.022, 72.40.024, 72.40.040, 72.40.080, 72.40.090, 72.41.020, 72.41.070, 72.42.020, and 72.42.070; and repealing RCW 72.41.080 and 72.42.080.

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

Sec. 1. RCW 72.40.022 and 1985 c 378 s 15 are each amended to read as follows:

In addition to any other powers and duties prescribed by law, the superintendent of the state school for the blind and the superintendent of the state school for the deaf:

(1) Shall have full control of their respective schools and the property of various kinds.

(2) May establish criteria, in addition to state certification, for teachers at their respective schools.

(3) Shall employ members of the faculty, administrative officers, and other employees, who shall all be subject to chapter 41.06 RCW, the state civil service law, unless specifically exempted by other provisions of law.
(4) Shall establish the course of study including vocational training, with the assistance of the faculty and the advice of the respective boards of trustees.

(5) May establish new facilities as needs demand.

(6) May adopt rules, under chapter 34.05 RCW, as deemed necessary for the government, management, and operation of the housing facilities.

(7) Shall control the use of the facilities and authorize the use of the facilities for night school, summer school, public meetings, or other purposes consistent with the purposes of their respective schools.

(8) May adopt rules for pedestrian and vehicular traffic on property owned, operated, and maintained by the respective schools.

(9) Purchase all supplies and lease or purchase equipment and other personal property needed for the operation or maintenance of their respective schools.

(10) Except as otherwise provided by law, may enter into contracts as each superintendent deems essential to the respective purposes of their schools.

(11) May receive gifts, grants, conveyances, devises, and bequests of real or personal property from whatever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions will aid in carrying out the programs of the respective schools; sell, lease or exchange, invest, or expend the same or the proceeds, rents, profits, and income thereof except as limited by the terms and conditions thereof; and adopt rules to govern the receipt and expenditure of the proceeds, rents, profits, and income thereof.

(12) May contract with the department of social and health services for management consultant or other services which the department, if requested, shall provide.

(13) May, except as otherwise provided by law, enter into contracts as the superintendents deem essential for the operation of their respective schools.

(14) Shall May adopt rules providing for the transferability of employees between the school for the deaf and the school for the blind consistent with collective bargaining agreements in effect.

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Shall prepare and administer their respective budgets consistent with RCW 43.88.160 and the budget and accounting act, chapter 43.88 RCW generally, as applicable.

May adopt rules under chapter 34.05 RCW and perform all other acts not forbidden by law as the superintendents deem necessary or appropriate to the administration of their respective schools.

Sec. 2. RCW 72.40.024 and 1985 c 378 s 17 are each amended to read as follows:

In addition to the powers and duties under RCW 72.40.022, the superintendent of each school shall:

1. Monitor the location and educational placement of each student reported to the superintendents by the educational service district superintendents;

2. Provide information about educational programs, instructional techniques, materials, equipment, and resources available to students with visual or auditory impairments to the parent or guardian, educational service district superintendent, and the superintendent of the school district where the student resides; and

3. Serve as a consultant to the office of the superintendent of public instruction, provide instructional leadership, and assist school districts in improving their instructional programs for students with visual or hearing impairments.

Sec. 3. RCW 72.40.040 and 1985 c 378 s 19 are each amended to read as follows:

The schools shall be free to residents of the state between the ages of five and twenty-one years until the 1984-85 school year, between the ages of four and twenty-one years commencing with the 1984-85 school year, and between the ages of three and twenty-one years commencing with the 1985-86 school year and who are visually or hearing impaired or otherwise sensory handicapped with problems of learning originating mainly due to a visual or auditory deficiency) three and twenty-one years, who are blind/visually impaired or deaf/hearing impaired, or with other disabilities where a vision or hearing disability is the major need for services. The schools may provide nonresidential services to children ages birth through three who meet the eligibility criteria in this section, subject to available funding.
Each school shall admit and retain students on a space available basis according to criteria developed and published by each school superintendent in consultation with each board of trustees and school faculty: PROVIDED, That students over the age of twenty-one years, who are otherwise qualified may be retained at the school, if in the discretion of the superintendent in consultation with the faculty they are proper persons to receive further training given at the school and the facilities are adequate for proper care, education, and training.

Sec. 4. RCW 72.40.080 and 1985 c 378 s 23 are each amended to read as follows:

It shall be the duty of the parents or the guardians of all such visually or hearing impaired youth to send them each year to the proper school (or institution). Full and due consideration shall be given to the parent’s or guardian’s preference as to which program the child should attend. The educational service district superintendent shall take all action necessary to enforce this section.

Sec. 5. RCW 72.40.090 and 1985 c 378 s 24 are each amended to read as follows:

((If it appears to the satisfaction of the board of county commissioners that the parents of any such visually or hearing impaired youth within their county are unable to bear the expense of transportation to and from the state schools, it shall send them to and return them from the schools or maintain them there during vacation at the expense of the county. Nothing in this section shall be construed as prohibiting the superintendents from authorizing or incurring such travel expenses for the purpose of transporting such visually or hearing impaired youth to and from points within this state during weekends and/or vacation periods. For the purposes of this section, the superintendents shall impose no conditions upon parents or guardians specifying the number of weekends such persons shall take custody of hearing or visually impaired students.)) Notwithstanding any other provision of law, the state school for the blind and the school for the deaf may arrange and provide for weekend transportation to and from schools. This transportation shall be at no cost to students and parents, as allowed within the appropriations allocated to the schools.
Sec. 6. RCW 72.40.110 and 1985 c 378 s 12 are each amended to read as follows:

((The hours of labor for each full time employee shall be a maximum of eight hours in any work day and forty hours in any work week. Employees required to work in excess of the eight-hour maximum per day or the forty-hour maximum per week shall be compensated by not less than equal hours of compensatory time off or, in lieu thereof, a premium rate of pay per hour equal to not less than one-one hundred and seventy-sixth of the employee’s gross monthly salary. If an employee is granted compensatory time off, such time off should be given within the calendar year and if such an arrangement is not possible the employee shall be given a premium rate of pay. However, compensatory time or payment in lieu thereof shall be allowed only for overtime as is duly authorized and accounted for under rules by each superintendent.)) Employees’ hours of labor shall follow all state merit rules as they pertain to various work classifications and current collective bargaining agreements.

Sec. 7. RCW 72.41.020 and 1985 c 378 s 29 are each amended to read as follows:

There is hereby created a board of trustees for the state school for the blind to be composed of a resident from each of the state’s congressional districts now or hereafter existing. Trustees with voting privileges shall be appointed by the governor with the consent of the senate. A representative of the parent-teachers association of the Washington state school for the blind, a representative of the Washington council of the blind, a representative of the national federation of the blind of Washington, ((a representative of the united blind of Washington state,)) one representative designated by the teacher association of the Washington state school for the blind, and a ((houseparent designated by the houseparents')) representative of the classified staff designated by his or her exclusive bargaining representative shall each be ex officio and nonvoting members of the board of trustees and shall serve during their respective tenures in such positions.

Trustees shall be appointed by the governor to serve for a term of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed within sixty days of the vacancy and appointed only for the remainder of the term.
One trustee shall be a resident and qualified elector from each of
the state’s congressional districts. The board shall not be deemed to
be unlawfully constituted and a trustee shall not be deemed ineligible
to serve the remainder of the trustee’s unexpired term on the board
solely by reason of the establishment of new or revised boundaries for
congressional districts. No voting trustee may be an employee of the
state school for the blind, a member of the board of directors of any
school district, a member of the governing board of any public or
private educational institution, a school district or educational
service district administrator, appointed after July 1, 1986, or an
elected officer or member of the legislative authority or any municipal
corporation.

The board of trustees shall organize itself by electing a chairman
from its members. The board shall adopt a seal and may adopt such
bylaws, rules, and regulations as it deems necessary for its own
government. A majority of the voting members of the board in office
shall constitute a quorum, but a lesser number may convene from time to
time and may compel the attendance of absent members in such manner as
prescribed in its bylaws, rules, or regulations. The superintendent of
the state school for the blind shall serve as, or may designate another
person to serve as, the secretary of the board, who shall not be deemed
to be a member of the board.

**Sec. 8.** RCW 72.41.070 and 1973 c 118 s 7 are each amended to read
as follows:

The board of trustees shall meet at least ((six times each year))
quarterly.

**Sec. 9.** RCW 72.42.020 and 1985 c 378 s 33 are each amended to read
as follows:

There is hereby created a board of trustees for the state school
for the deaf to be composed of a resident from each of the state’s
congressional districts. Trustees with voting privileges shall be
appointed by the governor with the consent of the senate. The
president of the parent-staff organization of the school for the deaf, a representative of the
classified staff designated by their exclusive bargaining
representative, one representative designated by the
Teachers’ Association of the school for the deaf, and the president of the Washington State Association for the Deaf shall each be ex officio and nonvoting members of the board of trustees and shall serve during their respective tenures in such positions.

Trustees shall be appointed by the governor to serve for a term of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed within sixty days of the vacancy and appointed only for the remainder of the term.

One trustee shall be a resident and qualified elector from each of the state’s congressional districts, as now or hereafter existing. The board shall not be deemed to be unlawfully constituted and a trustee shall not be deemed ineligible to serve the remainder of the trustee’s unexpired term on the board solely by reason of the establishment of new or revised boundaries for congressional districts. No voting trustee may be an employee of the state school for the deaf, a member of the board of directors of any school district, a member of the governing board of any public or private educational institution, a school district or educational service district administrator appointed after July 1, 1986, or an elected officer or member of the legislative authority of any municipal corporation.

The board of trustees shall organize itself by electing a chairperson, vice-chairperson, and secretary from its members. The board shall adopt a seal and may adopt such bylaws, rules, and regulations as it deems necessary for its own government. A majority of the voting members of the board in office shall constitute a quorum, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner as prescribed in its bylaws, rules, or regulations.

Sec. 10. RCW 72.42.070 and 1972 ex.s. c 96 s 7 are each amended to read as follows:

The board of trustees shall meet at least ((six times each year)) quarterly.

NEW SECTION. Sec. 11. The following acts or parts of acts are each repealed:

(1) RCW 72.41.080 and 1973 c 118 s 8; and
(2) RCW 72.42.080 and 1972 ex.s. c 96 s 8.
Passed the Senate April 18, 1993.
Passed the House April 8, 1993.
Approved by the Governor April 30, 1993.
Filed in Office of Secretary of State April 30, 1993.