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**SENATE BILL 5643**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** Senators McAuliffe, Jacobsen and Long

Read first time 02/04/97. Referred to Committee on Education.

1 AN ACT Relating to authorizing educational agencies to rent, sell,  
2 or transfer assistive technology for the benefit of individuals with  
3 disabilities and authorizing the creation of interagency cooperative  
4 agreements for the purpose of providing assistive technology for  
5 children with disabilities; amending RCW 28A.335.180; adding a new  
6 section to chapter 28A.335 RCW; and adding a new section to chapter  
7 28A.155 RCW.

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

9 **Sec. 1.** RCW 28A.335.180 and 1991 c 116 s 1 are each amended to  
10 read as follows:

11 Notwithstanding any other provision of law, school districts,  
12 educational service districts, or any other state or local governmental  
13 agency concerned with education, when declaring texts and other books,  
14 equipment, materials or relocatable facilities as surplus, shall, prior  
15 to other disposal thereof, serve notice in writing in a newspaper of  
16 general circulation in the school district and to any public school  
17 district or private school in Washington state annually requesting such  
18 a notice, that the same is available for sale, rent, or lease to public  
19 school districts or private schools, at depreciated cost or fair market

1 value, whichever is greater: PROVIDED, That students wishing to  
2 purchase texts pursuant to RCW 28A.320.230(2) shall have priority as to  
3 such texts. The notice requirement in this section does not apply to  
4 the sale or transfer of assistive devices under section 2 of this act  
5 or chapter 72.40 RCW. Such districts or agencies shall not otherwise  
6 sell, rent or lease such surplus property to any person, firm,  
7 organization, or nongovernmental agency for at least thirty days  
8 following publication of notice in a newspaper of general circulation  
9 in the school district.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.335  
11 RCW to read as follows:

12 Notwithstanding any other provision of law, the office of the  
13 superintendent of public instruction, the Washington state school for  
14 the blind, the Washington state school for the deaf, school districts,  
15 educational service districts, and all other state or local  
16 governmental agencies concerned with education may loan, lease, sell,  
17 or transfer assistive devices for the use and benefit of children with  
18 disabilities to children with disabilities or their parents or to any  
19 other public or private nonprofit agency providing services to or on  
20 behalf of individuals with disabilities including but not limited to  
21 any agency providing educational, health, or rehabilitation services.  
22 The notice requirement in RCW 28A.335.180 does not apply to the loan,  
23 lease, sale, or transfer of such assistive devices. The sale or  
24 transfer of such devices is authorized under this section regardless of  
25 whether or not the devices have been declared surplus. The sale or  
26 transfer shall be recorded in an agreement between the parties and  
27 based upon the item's depreciated value.

28 For the purposes of this section, "assistive device" means any  
29 item, piece of equipment, or product system, whether acquired  
30 commercially off-the-shelf, modified, or customized, that is used to  
31 increase, maintain, or improve functional capabilities of children with  
32 disabilities.

33 For the purpose of implementing this section, each educational  
34 agency shall establish and maintain an inventory of assistive  
35 technology devices in its possession that exceed one hundred dollars  
36 and, for each such device, shall establish a value, which shall be  
37 adjusted annually to reflect depreciation.

1 This section shall not enhance or diminish the obligation of school  
2 districts to provide assistive technology to children with disabilities  
3 where needed to achieve a free and appropriate public education and  
4 equal opportunity in accessing academic and extracurricular activities.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.155  
6 RCW to read as follows:

7 Notwithstanding any other provision of law, the office of the  
8 superintendent of public instruction, the Washington state school for  
9 the deaf, the Washington state school for the blind, school districts,  
10 educational service districts, and all other state and local government  
11 educational agencies and the department of services for the blind, the  
12 department of social and health services, and all other state and local  
13 government agencies concerned with the care, education, or habilitation  
14 or rehabilitation of children with disabilities may enter into  
15 interagency cooperative agreements for the purpose of providing  
16 assistive technology devices and services to children with  
17 disabilities. Such arrangements may include but are not limited to  
18 interagency agreements for the acquisition, including joint funding,  
19 maintenance, loan, sale, lease, or transfer of assistive technology  
20 devices and for the provision of assistive technology services  
21 including but not limited to assistive technology assessments and  
22 training.

23 For the purposes of this section, "assistive device" means any  
24 item, piece of equipment, or product system, whether acquired  
25 commercially off-the-shelf, modified, or customized, that is used to  
26 increase, maintain, or improve functional capabilities of children with  
27 disabilities. The term "assistive technology service" means any  
28 service that directly assists a child with a disability in the  
29 selection, acquisition, or use of an assistive technology device.  
30 Assistive technology service includes:

31 (1) The evaluation of the needs of a child with a disability,  
32 including a functional evaluation of the child in the child's customary  
33 environment;

34 (2) Purchasing, leasing, or otherwise providing for the acquisition  
35 of assistive technology devices by children with disabilities;

36 (3) Selecting, designing, fitting, customizing, adapting, applying,  
37 retaining, repairing, or replacing of assistive technology devices;

1       (4) Coordinating and using other therapies, interventions, or  
2 services with assistive technology devices, such as those associated  
3 with existing education and rehabilitation plans and programs;  
4       (5) Training or technical assistance for a child with a disability  
5 or if appropriate, the child's family; and  
6       (6) Training or technical assistance for professionals, including  
7 individuals providing education and rehabilitation services, employers,  
8 or other individuals who provide services to, employ, or are otherwise  
9 substantially involved in the major life functions of children with  
10 disabilities.

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