

2 **ESSB 6558** - H COMM AMD

3 By Committee on Children & Family Services

4 ADOPTED AS AMENDED 03/08/02

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 72.40.010 and 1985 c 378 s 11 are each amended to
8 read as follows:

9 There are established at Vancouver, Clark county, a school which
10 shall be known as the state school for the blind, and a separate school
11 which shall be known as the state school for the deaf. The primary
12 purpose of the state school for the blind and the state school for the
13 deaf is to educate and train hearing and visually impaired children.

14 The (~~schools~~) school for the blind shall be under the direction
15 of (~~their respective superintendents~~) the superintendent with the
16 advice of the board of trustees. The school for the deaf shall be
17 under the direction of the superintendent and the board of trustees.

18 **Sec. 2.** RCW 72.40.022 and 1993 c 147 s 1 are each amended to read
19 as follows:

20 In addition to any other powers and duties prescribed by law, the
21 superintendent of the state school for the blind (~~and the~~
22 ~~superintendent of the state school for the deaf~~):

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

25 (2) May establish criteria, in addition to state certification, for
26 teachers at (~~their respective schools~~) the school.

27 (3) Shall employ members of the faculty, administrative officers,
28 and other employees, who shall all be subject to chapter 41.06 RCW, the
29 state civil service law, unless specifically exempted by other
30 provisions of law.

31 (4) Shall establish the course of study including vocational
32 training, with the assistance of the faculty and the advice of the
33 (~~respective boards~~) board of trustees.

34 (5) May establish new facilities as needs demand.

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

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

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

11 (9) Shall purchase all supplies and lease or purchase equipment and
12 other personal property needed for the operation or maintenance of
13 (~~their respective schools~~) the school.

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

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

25 (12) May, except as otherwise provided by law, enter into contracts
26 (~~as the superintendents deem~~) the superintendent deems essential for
27 the operation of (~~their respective schools~~) the school.

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

31 (14) Shall prepare and administer (~~their respective budgets~~) the
32 school's budget consistent with RCW 43.88.160 and the budget and
33 accounting act, chapter 43.88 RCW generally, as applicable.

34 (15) May adopt rules under chapter 34.05 RCW and perform all other
35 acts not forbidden by law as the superintendent(~~s~~) deems necessary or
36 appropriate to the administration of (~~their respective schools~~) the
37 school.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 72.40 RCW
2 to read as follows:

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

5 (1) Shall have the responsibility for the supervision and
6 management of the school and the property of various kinds.

7 (2) May establish criteria, in addition to state certification, for
8 the teachers at the school.

9 (3) Shall employ members of the faculty, administrative officers,
10 and other employees, who shall all be subject to chapter 41.06 RCW, the
11 state civil service law, unless specifically exempted by other
12 provisions of law.

13 (4) Shall establish the course of study including vocational
14 training, with the assistance of the faculty and the approval of the
15 board of trustees.

16 (5) May establish, with the approval of the board of trustees, new
17 facilities as needs demand.

18 (6) May adopt rules, under chapter 34.05 RCW, as approved by the
19 board of trustees, as deemed necessary for the governance, management,
20 and operation of the housing facilities.

21 (7) Shall, as approved by the board of trustees, control the use of
22 the facilities and authorize the use of the facilities for night
23 school, summer school, public meetings, or other purposes consistent
24 with the purposes of the school.

25 (8) May adopt rules, as approved by the board of trustees, for
26 pedestrian and vehicular traffic on property owned, operated, and
27 maintained by the school.

28 (9) Shall purchase all supplies and lease or purchase equipment and
29 other personal property needed for the operation or maintenance of the
30 school.

31 (10) Except as otherwise provided by law, may enter into contracts
32 as the superintendent deems essential to the purpose of the school.

33 (11) May receive gifts, grants, conveyances, devises, and bequests
34 of real or personal property from whatever source, as may be made from
35 time to time, in trust or otherwise, whenever the terms and conditions
36 will aid in carrying out the programs of the school; sell, lease or
37 exchange, invest, or expend the same or the proceeds, rents, profits,
38 and income thereof except as limited by the terms and conditions

1 thereof; and adopt rules to govern the receipt and expenditure of the
2 proceeds, rents, profits, and income thereof.

3 (12) May adopt rules, as approved by the board of trustees,
4 providing for the transferability of employees between the school for
5 the deaf and the school for the blind consistent with collective
6 bargaining agreements in effect.

7 (13) Shall prepare, submit to the board of trustees for approval,
8 and administer the budget consistent with RCW 43.88.160 and the budget
9 and accounting act, chapter 43.88 RCW generally, as applicable.

10 (14) May adopt rules under chapter 34.05 RCW, as approved by the
11 board of trustees, and perform all other acts not forbidden by law as
12 the superintendent deems necessary or appropriate to the administration
13 of the school.

14 **Sec. 4.** RCW 72.40.024 and 1993 c 147 s 2 are each amended to read
15 as follows:

16 In addition to the powers and duties under RCW 72.40.022 and
17 section 3 of this act, the superintendent of each school shall:

18 (1) Monitor the location and educational placement of each student
19 reported to the superintendents by the educational service district
20 superintendents;

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

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

30 **Sec. 5.** RCW 72.42.010 and 1985 c 378 s 31 are each amended to read
31 as follows:

32 It is the intention of the legislature, in creating a board of
33 trustees for the state school for the deaf to perform the duties set
34 forth in this chapter, that the board of trustees perform needed
35 ((advisory)) oversight services to the governor and the legislature
36 ((and to the superintendent)) of the Washington state school for the

1 deaf in the development of programs for the hearing impaired, and in
2 the operation of the Washington state school for the deaf.

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 72.42 RCW
4 to read as follows:

5 Unless the context clearly requires otherwise, as used in this
6 chapter "school" means the Washington state school for the deaf.

7 NEW SECTION. **Sec. 7.** A new section is added to chapter 72.42 RCW
8 to read as follows:

9 (1) The governance of the school shall be vested in a board of
10 trustees. The board shall consist of nine members appointed by the
11 governor, with the consent of the senate. The board shall be composed
12 of a resident from each of the state's congressional districts and may
13 include:

14 (a) One member who is deaf or hearing impaired;

15 (b) Two members who are experienced educational professionals;

16 (c) One member who is experienced in providing residential services
17 to youth; and

18 (d) One member who is the parent of a child who is deaf or hearing
19 impaired and who is receiving or has received educational services
20 related to deafness or hearing impairment from a public educational
21 institution.

22 (2) No voting trustee may be an employee of the school, a member of
23 the board of directors of any school district, a member of the
24 governing board of any public or private educational institution, a
25 school district or educational service district administrator appointed
26 after July 1, 1986, or an elected officer or member of the legislative
27 authority of any municipal corporation.

28 (3) Trustees shall be appointed by the governor to serve a term of
29 five years, except that any person appointed to fill a vacancy
30 occurring prior to the expiration of a term shall be appointed within
31 sixty days of the vacancy and appointed only for the remainder of the
32 term. Of the initial members, three must be appointed for two-year
33 terms, three must be appointed for three-year terms, and the remainder
34 must be appointed for five-year terms.

35 (4) The board shall not be deemed unlawfully constituted and a
36 trustee shall not be deemed ineligible to serve the remainder of the
37 trustee's unexpired term on the board solely by reason of the

1 establishment of new or revised boundaries for congressional districts.
2 In such an event, each trustee may continue to serve in office for the
3 balance of the term for which he or she was appointed so long as the
4 trustee continues to reside within the boundaries of the congressional
5 district as they existed at the time of his or her appointment.
6 Vacancies which occur in a trustee position during the balance of any
7 term shall be filled pursuant to subsection (3) of this section by a
8 successor who resides within the boundaries of the congressional
9 district from which the member whose office was vacated was appointed
10 as they existed at the time of his or her appointment. At the
11 completion of such term, and thereafter, a successor shall be appointed
12 from the congressional district which corresponds in number with the
13 congressional district from which the incumbent was appointed.

14 NEW SECTION. **Sec. 8.** A new section is added to chapter 72.42 RCW
15 to read as follows:

16 The board of trustees of the school:

17 (1) Shall adopt rules and regulations for its own governance;

18 (2) Shall direct the development of, approve, and monitor the
19 enforcement of policies, rules, and regulations pertaining to the
20 school, including but not limited to:

21 (a) The use of classrooms and other facilities for summer or night
22 schools or for public meetings and any other uses;

23 (b) Pedestrian and vehicular traffic on property owned, operated,
24 or maintained by the school;

25 (c) Governance, management, and operation of the residential
26 facilities;

27 (d) Transferability of employees between the school for the deaf
28 and the school for the blind consistent with collective bargaining
29 agreements in effect; and

30 (e) Compliance with state and federal education civil rights laws
31 at the school;

32 (3) Shall develop a process for recommending candidates for the
33 position of superintendent and upon a vacancy shall submit a list of
34 three qualified candidates for superintendent to the governor;

35 (4) Shall submit an evaluation of the superintendent to the
36 governor by July 1st of each odd-numbered year that includes a
37 recommendation regarding the retention of the superintendent;

1 (5) May recommend to the governor at any time that the
2 superintendent be removed for conduct deemed by the board to be
3 detrimental to the interests of the school;

4 (6) Shall prepare and submit by July 1st of each even-numbered year
5 a report to the governor and the appropriate committees of the
6 legislature which contains a detailed summary of the school's progress
7 on performance objectives and the school's work, facility conditions,
8 and revenues and costs of the school for the previous year and which
9 contains those recommendations it deems necessary and advisable for the
10 governor and the legislature to act on;

11 (7) Shall approve the school's budget and all funding requests,
12 both operating and capital, submitted to the governor;

13 (8) Shall direct and approve the development and implementation of
14 comprehensive programs of education, training, and as needed
15 residential living, such that students served by the school receive a
16 challenging and quality education in a safe school environment;

17 (9) Shall direct, monitor, and approve the implementation of a
18 comprehensive continuous quality improvement system for the school;

19 (10) Shall monitor and inspect all existing facilities of the
20 school and report its findings in its biennial report to the governor
21 and appropriate committees of the legislature; and

22 (11) May grant to every student, upon graduation or completion of
23 a program or course of study, a suitable diploma, nonbaccalaureate
24 degree, or certificate.

25 NEW SECTION. **Sec. 9.** A new section is added to chapter 72.42 RCW
26 to read as follows:

27 (1) The board of trustees shall organize, adopt bylaws for its own
28 governance, and adopt rules not inconsistent with this chapter as they
29 deem necessary. At such organizational meeting it shall elect from
30 among its members a chairman and a vice-chairman, each to serve for one
31 year, and annually thereafter shall elect such officers to serve until
32 their successors are appointed or qualified.

33 (2) A majority of the voting members of the board in office
34 constitutes a quorum, but a lesser number may adjourn from time to time
35 and may compel the attendance of absent members in such manner as
36 prescribed by its bylaws, rules, or regulations.

1 **Sec. 10.** RCW 72.42.070 and 1993 c 147 s 10 are each amended to
2 read as follows:

3 The board of trustees shall meet at least quarterly but may meet
4 more frequently at such times as the board by resolution determines or
5 the bylaws of the board prescribe.

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

8 (1) RCW 72.42.020 (Board of trustees--Membership--Terms--
9 Vacancies--Officers--Rules and regulations) and 1993 c 147 s 9, 1985 c
10 378 s 33, 1982 1st ex.s. c 30 s 15, & 1972 ex.s. c 96 s 2;

11 (2) RCW 72.42.025 (Membership, effect of creation of new
12 congressional districts or boundaries) and 1982 1st ex.s. c 30 s 16;

13 (3) RCW 72.42.030 (Bylaws--Rules and regulations--Officers) and
14 1972 ex.s. c 96 s 3; and

15 (4) RCW 72.42.040 (Powers and duties) and 1985 c 378 s 34, 1981 c
16 42 s 1, & 1972 ex.s. c 96 s 4.

17 NEW SECTION. **Sec. 12.** This act takes effect July 1, 2002, except
18 that the governor may appoint the members of the board of trustees
19 under section 7 of this act prior to the beginning of their terms of
20 office on July 1, 2002."

EFFECT: Restores the congressional district representation on the Board of Trustees. Requires that at least five members of the Board of Trustees have certain areas of experience or expertise. Removes the requirement that one board member be involved in research pertaining to deafness or hearing impairments. Requires that the Board make a recommendation regarding the retention of the superintendent in its biennial evaluation of the superintendent.

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