

HOUSE BILL REPORT

ESSB 6558

As Reported by House Committee On:
Children & Family Services

Title: An act relating to the governance of the Washington state school for the deaf.

Brief Description: Revising provisions for the governance of the Washington state school for the deaf.

Sponsors: Senate Committee on Education (originally sponsored by Senators Kohl-Welles, Carlson and Hargrove; by request of Governor Locke).

Brief History:

Committee Activity:

Children & Family Services: 2/21/02, 2/25/02 [DPA].

Brief Summary of Engrossed Substitute Bill
(As Amended by House Committee)

- Increases the powers and duties of the Board of Trustees at the Washington School for the Deaf (WSD).
- Reduces the power of the superintendent of the WSD to reflect the increased power of the Board of Trustees.
- Dissolves the current board and creates a new board with representatives from the nine congressional districts, of whom five must meet a required area of experience or expertise.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: Do pass as amended. Signed by 9 members: Representatives Tokuda, Chair; Kagi, Vice Chair; Boldt, Ranking Minority Member; Darneille, Dickerson, Miloscia, Morell, Nixon and Orcutt.

Staff: Tracey Taylor (786-7196).

Background:

The Legislature established the WSD in 1886. The primary purpose of the school is to educate and train hearing-impaired children ages three through 21. The WSD is located in Vancouver and students who are not from the area may live on-campus in a cottage or dorm during the week.

The WSD is one of 50 agencies that reports directly to the Governor, who appoints the superintendent. The school has a board of trustees that provides advice to the superintendent. The WSD staff members report to the superintendent and are employees of the state of Washington.

The Board of Trustees is composed of 13 members. The voting trustees representing the nine congressional districts are appointed by the Governor and confirmed by the Senate. There are five exofficio members, including a representative of the parent-staff organization, a representative of the classified staff designated by their exclusive bargaining representative, a representative designated by the WSD teachers' association and the president of the Washington State Association for the Deaf. Trustees serve terms of five years.

The Board of Trustees' role is advisory in nature. Its powers and duties include:

- Studying and recommending comprehensive programs of education and training;
- Reviewing the admissions policy;
- Recommending candidates for the position of superintendent;
- Completing a biennial evaluation of the superintendent for the Governor;
- Recommending to the Governor that the superintendent may be removed for misfeasance, malfeasance or willful neglect of duty; and
- Participating in development of, and monitoring the enforcement of the school's rules and regulations.

During the past few years, a series of physical and sexual assaults has allegedly occurred at the WSD and over a half-dozen lawsuits have been filed against the state of Washington for alleged physical and sexual abuse that occurred at the school. In 2000 the Legislature passed SSB 6361 to address some of the concerns by providing training to students and staff, and allowing the school to refuse to enroll adjudicated Level III sex offenders. In February 2001, another alleged sexual assault occurred at the WSD.

In the spring of 2001, the Governor commissioned a review of the school's governance structure and the residential program. Dr. Kenneth D. Randall, the superintendent of the Arizona State School for the Deaf and Blind, authored the report on the WSD governance structure and made several recommendations for the Governor to consider. In the summer of 2001, the Governor directed the superintendent of the WSD to implement certain safety initiatives based on the findings of the two reports. The Governor also appointed a six member Safety Changes Monitoring Panel to assist the superintendent and the school in implementing the safety initiatives.

Summary of Amended Bill:

The powers and duties of the Board of Trustees at the WSD are increased. The Board of Trustees will:

- Evaluate the superintendent on an biennial basis, including a recommendation regarding the on-going retention of the superintendent;
- Recommend to the Governor at any time that the superintendent be removed for conduct deemed by the board to be detrimental to the interests of the school;
- Submit a biennial state-of-the-school report;
- Approve the school's budget and funding requests;
- Approve the school's policies, rules and regulations;
- Monitor the enforcement of compliance with state and federal civil rights laws;
- Approve the school's academic and residential program designs; and
- Direct, monitor and approve the implementation of a comprehensive continuous quality improvement system for the school.

The superintendent's powers and duties are reduced to reflect the increased power of the Board of Trustees.

The composition of the board is changed. The nine member board must have:

- One member who is deaf or hearing impaired;
- Two members who are experienced educational professionals;
- One member who is experienced in providing residential services to youth; and
- One member who is the parent of a child who is deaf or hearing impaired and receiving or has received educational services related to deafness or hearing impairment from a public educational institution.

The Board continues to have representation for each of the nine congressional districts.

The Board of Trustees may meet as frequently as it deems necessary.

The term of the current board expires July 1, 2002, and the new board's term begins on July 1, 2002. The Governor is authorized to appoint members to the new board prior to the effective date of this act.

Amended Bill Compared to Engrossed Substitute Bill:

The amended bill requires that members of the Board of Trustees represent the nine congressional districts and that five meet an area of expertise or experience. The requirement that one board member be engaged in research pertaining to the deaf or hearing impaired is removed. The amended bill requires that the biennial evaluation of the superintendent include a recommendation regarding his or her retention.

Appropriation: None.

Fiscal Note: Available for original bill.

Effective Date of Amended Bill: The bill takes effect on July 1, 2002.

Testimony For: This bill is a positive step in making the WSD a safer school for its students.

(With Concerns) The Governor likes the representation of the nine congressional districts, but needs flexibility in making appointments.

Testimony Against: None.

Testified: (In support) Senator Kohl-Welles, prime sponsor.

(With concerns) Kari Burrell, Governor's Executive Policy Office.