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HOUSE BILL 2685

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State of Washington                      52nd Legislature                      1992 Regular Session

By Representatives Peery, Brumsickle and Orr; by request of  
Superintendent of Public Instruction

Read first time 01/23/92. Referred to Committee on Education.

1            AN ACT Relating to institution education programs; amending RCW  
2 13.04.145, 28A.190.010, 28A.190.020, 28A.190.030, 28A.190.040,  
3 28A.190.050, and 28A.190.060; and adding new sections to chapter  
4 28A.190 RCW.

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

6            **Sec. 1.** RCW 13.04.145 and 1990 c 33 s 551 are each amended to read  
7 as follows:

8            A program of education shall be provided for by the several  
9 counties and school districts of the state for common school age  
10 persons confined in each of the detention facilities staffed and  
11 maintained by the several counties of the state under this chapter and  
12 chapters 13.16 and 13.20 RCW. The division of duties, authority, and  
13 liabilities of the several counties and school districts of the state  
14 respecting the educational programs is the same in all respects as set

1 forth in RCW 28A.190.030 through 28A.190.060 respecting programs of  
2 education for state (~~(residential school)~~) institution residents. For  
3 the purposes of this section, the terms "department of social and  
4 health services," (~~("residential school" or "schools,")~~) "institution,"  
5 and "superintendent or chief administrator of (~~(a residential school)~~)  
6 an institution" as used in RCW 28A.190.030 through 28A.190.060 shall be  
7 respectively construed to mean "the several counties of the state,"  
8 "detention facilities," and "the administrator of juvenile court  
9 detention services." Nothing in this section shall prohibit a school  
10 district from utilizing the services of an educational service district  
11 subject to RCW 28A.310.180.

12       **Sec. 2.** RCW 28A.190.010 and 1990 c 33 s 170 are each amended to  
13 read as follows:

14       A program of education shall be provided for by the department of  
15 social and health services and the several school districts of the  
16 state for common school age persons who have been admitted to  
17 facilities staffed and maintained by the department of social and  
18 health services for the education and treatment of juveniles who have  
19 been diverted or who have been found to have committed a juvenile  
20 offense. The division of duties, authority, and liabilities of the  
21 department of social and health services and the several school  
22 districts of the state respecting the educational programs shall be the  
23 same in all respects as set forth in RCW 28A.190.030 through  
24 28A.190.060 respecting programs of education for state (~~(residential  
25 school)~~) institution residents. For the purposes of this section, the  
26 term (~~("residential school" or "schools")~~) "institution" as used in RCW  
27 28A.190.030 through 28A.190.060 shall be construed to mean a facility  
28 staffed and maintained by the department of social and health services  
29 for the education and treatment of juvenile offenders on probation or

1 parole. Nothing in this section shall prohibit a school district from  
2 utilizing the services of an educational service district subject to  
3 RCW 28A.310.180.

4 **Sec. 3.** RCW 28A.190.020 and 1990 c 33 s 171 are each amended to  
5 read as follows:

6 The term (~~("residential school")~~) "institution" as used in RCW  
7 28A.190.020 through 28A.190.060, 72.01.200, 72.05.010 and 72.05.130,  
8 each as now or hereafter amended, shall mean Green Hill school, Maple  
9 Lane school, Naselle Youth Camp, (~~(Cedar Creek Youth Camp,~~) Mission  
10 Creek Youth Camp, Echo Glen, Lakeland Village, Rainier school, Yakima  
11 Valley school, Interlake school, Fircrest school, Francis Haddon Morgan  
12 Center, the Child Study and Treatment Center and Secondary School of  
13 Western State Hospital, and such other schools, camps, and centers as  
14 are now or hereafter established by the department of social and health  
15 services for the diagnosis, confinement and rehabilitation of juveniles  
16 committed by the courts or for the care and treatment of persons who  
17 are exceptional in their needs by reason of mental and/or physical  
18 deficiency: PROVIDED, That the term shall not include the state  
19 schools for the deaf and blind or adult correctional institutions.

20 **Sec. 4.** RCW 28A.190.030 and 1990 c 33 s 172 are each amended to  
21 read as follows:

22 Each school district within which there is located (~~(a residential~~  
23 ~~school)~~) an institution shall, singly or in concert with another school  
24 district pursuant to RCW 28A.335.160 and 28A.225.250 or pursuant to  
25 chapter 39.34 RCW, conduct a program of education, including related  
26 student activities, for (~~(residents)~~) clients of the (~~(residential~~  
27 ~~school)~~) institution. Except as otherwise provided for by (~~(contract~~  
28 ~~pursuant to)~~) interlocal cooperative agreement under RCW 28A.190.050,

1 the duties and authority of a school district and its employees to  
2 conduct such a program shall be limited to the following:

3 (1) The employment, supervision and control of administrators,  
4 teachers, specialized personnel and other persons, deemed necessary by  
5 the school district for the conduct of the program of education;

6 (2) The purchase, lease or rental and provision of textbooks, maps,  
7 audio-visual equipment, paper, writing instruments, physical education  
8 equipment and other instructional equipment, materials and supplies,  
9 deemed necessary by the school district for the conduct of the program  
10 of education;

11 (3) The development and implementation, in consultation with the  
12 superintendent or chief administrator of the (~~residential school~~)  
13 institution or his or her designee, of the curriculum;

14 (4) The conduct of a program of education, including related  
15 student activities, for residents who are three years of age and less  
16 than twenty-one years of age, and have not met high school graduation  
17 requirements as now or hereafter established by the state board of  
18 education and the school district which includes:

19 (a) Not less than (~~one~~) two hundred (~~and eighty~~) twenty school  
20 days each school year;

21 (b) Special education pursuant to RCW 28A.155.010 through  
22 28A.155.100, (~~and~~) vocational education, and other programs that  
23 school districts are otherwise required by law to provide to students  
24 enrolled in school district programs including, but not limited to,  
25 special education, bilingual education, and learning assistance  
26 programs, as necessary to address the unique needs and limitations of  
27 (~~residents~~) clients; and

28 (c) Such other courses of instruction and school-related student  
29 activities as are provided by the school district for (~~nonresidential~~  
30 ~~school~~) noninstitutional students to the extent it is practical and

1 judged appropriate for the ((residents)) clients by the school district  
2 after consultation with the superintendent or chief administrator of  
3 the ((residential school: PROVIDED, That a preschool special education  
4 program may be provided for handicapped residential school students))  
5 institution;

6 (5) The control of students while participating in a program of  
7 education conducted pursuant to this section and the discipline,  
8 suspension or expulsion of students for violation of reasonable rules  
9 of conduct adopted by the school district; and

10 (6) The expenditure of funds for the direct and indirect costs of  
11 maintaining and operating the program of education that are  
12 appropriated by the legislature and allocated by the superintendent of  
13 public instruction for the exclusive purpose of maintaining and  
14 operating ((residential school programs of)) institution education  
15 programs, and funds from federal and private grants, bequests and gifts  
16 made for the purpose of maintaining and operating the ((program of))  
17 education programs.

18 **Sec. 5.** RCW 28A.190.040 and 1990 c 33 s 173 are each amended to  
19 read as follows:

20 The duties and authority of the department of social and health  
21 services and of each superintendent or chief administrator of ((a  
22 residential school)) an institution to support each program of  
23 education conducted by a school district pursuant to RCW 28A.190.030,  
24 shall include the following:

25 (1) The provision of transportation for ((residential school))  
26 institution students to and from the sites of the program of education  
27 through the purchase, lease or rental of school buses and other  
28 vehicles as necessary;

1 (2) The provision of safe and healthy building and playground space  
2 for the conduct of the program of education through the construction,  
3 purchase, lease or rental of such space as necessary;

4 (3) The provision of furniture, vocational instruction machines and  
5 tools, building and playground fixtures, and other equipment and  
6 fixtures for the conduct of the program of education through  
7 construction, purchase, lease or rental as necessary;

8 (4) The provision of heat, lights, telephones, janitorial services,  
9 repair services, and other support services for the vehicles, building  
10 and playground spaces, equipment and fixtures provided for in this  
11 section;

12 (5) The employment, supervision and control of persons to provide  
13 immediate on-site security for school district employees, and to  
14 transport students and ((to)) maintain the vehicles, building and  
15 playground spaces, equipment and fixtures, provided for in this  
16 section;

17 (6) Clinical and medical evaluation services normally provided by  
18 a parent or guardian necessary to a determination by the school  
19 district of the educational needs of ((residential—school))  
20 institutional students, exclusive of educational assessments; and

21 (7) Such other support services and facilities as may be specified  
22 in the annual interlocal cooperation agreement under RCW 28A.190.050  
23 and are reasonably necessary for the conduct of the program of  
24 education.

25 **Sec. 6.** RCW 28A.190.050 and 1990 c 33 s 174 are each amended to  
26 read as follows:

27 Each school district required to conduct a program of education  
28 pursuant to RCW 28A.190.030, and the department of social and health  
29 services shall hereafter jointly negotiate and execute a written

1 ~~((contract))~~ interlocal cooperation agreement under chapter 39.34 RCW  
2 for each school year ((or such longer period as may be agreed to  
3 which)). The process shall begin on or before November 1st of each  
4 school year and culminate in an interlocal cooperation agreement to be  
5 filed with the office of the superintendent of public instruction no  
6 later than April 15th for the following school year. Based on a review  
7 of available data regarding the unique needs of the population and  
8 projected changes in the population, the interlocal cooperation  
9 agreement shall delineate((s)) the manner in which ((their)) each  
10 agency's respective duties and authority will be cooperatively  
11 performed and exercised, and ((any)) how disputes ((and grievances))  
12 will be resolved. Any such ~~((contract))~~ interlocal cooperation  
13 agreement may provide for the performance of duties by a school  
14 district in addition to those set forth in RCW 28A.190.030 (1) through  
15 (5), including duties imposed upon the department of social and health  
16 services and its agents pursuant to RCW 28A.190.040: PROVIDED, That  
17 funds identified in RCW 28A.190.030(6) and/or funds provided by the  
18 department of social and health services are available to fully pay the  
19 direct and indirect costs of such additional duties and the district is  
20 otherwise authorized by law to perform such duties in connection with  
21 the maintenance and operation of a school district. The interlocal  
22 cooperation agreement shall address, at a minimum, the following  
23 identified areas: Program content, budget, facilities, personnel  
24 matters, and student conduct. The interlocal cooperation agreement  
25 shall be signed by the following parties: The authorized department of  
26 social and health services administrator and the school district  
27 superintendent or the superintendent's designee. Should either or both  
28 parties disagree as to the content of the interlocal cooperation  
29 agreement, the matter shall be forwarded to the office of the  
30 superintendent of public instruction, the department of social and

1 health services representative, or a juvenile court administrator for  
2 mediation.

3       **Sec. 7.** RCW 28A.190.060 and 1990 c 33 s 175 are each amended to  
4 read as follows:

5       The department of social and health services shall provide written  
6 notice on or before April 15th of each school year to the  
7 superintendent of each school district conducting a program of  
8 education pursuant to RCW 28A.190.030 through 28A.190.050 of (~~any~~  
9 ~~foreseeable residential school closure, reduction in the number of~~  
10 ~~residents, or any other cause for a reduction in the school district's~~  
11 ~~staff for~~) the number of annual full-time equivalent institution  
12 school students who will be enrolled during the next school year. In  
13 the event the department of social and health services fails to provide  
14 notice as prescribed by this section, or provides notice of a student  
15 enrollment higher than that which actually occurs during the next  
16 school year, the department shall be liable and responsible for the  
17 payment of the salary and employment related costs for the next school  
18 year of each school district employee whose contract the school  
19 district would have nonrenewed but for the failure of the department to  
20 provide notice.

21       NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.190  
22 RCW to read as follows:

23       An institution education program advisory council shall be  
24 established by the superintendent of public instruction for the  
25 purposes of providing advice, based on an annual review of available  
26 data on students and programs, and a forum for communications and  
27 technical assistance regarding the provision of coordinated services to  
28 institution education program students. Such advice shall be related



1 to areas of mutual interest or common concern to the agencies involved  
2 in the provision of services to this population of students. Areas of  
3 advice may include, but not be limited to: Standards, program content,  
4 budget, facilities, personnel matters, recommendations for legislative  
5 changes, and student conduct. The advisory council, number of members,  
6 and area of representation shall be jointly determined by the  
7 superintendent of public instruction, the department of social and  
8 health services, and county juvenile court administrators.

9 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.190  
10 RCW to read as follows:

11 There shall be mutually developed an interlocal cooperation  
12 agreement under chapter 39.34 RCW between the superintendent of public  
13 instruction and the department of social and health services, and/or  
14 juvenile court administrators, that specifies at a minimum the  
15 following areas: General direction and standards, budget, facilities,  
16 agency service coordination, forecasting and projections of student  
17 enrollment, personnel matters, program content, joint and separate  
18 responsibilities for service, and student conduct. The local  
19 interlocal cooperation agreements to be developed and implemented  
20 pursuant to the procedures specified in RCW 28A.190.050 shall conform  
21 in content and specify procedures to be mutually undertaken by the  
22 agencies involved to accomplish the state interlocal cooperation  
23 agreements areas as cited. The state interlocal cooperation agreement  
24 shall be completed by January 1st of each school year for the next  
25 school year.