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HOUSE BILL 2846

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State of Washington

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By Representatives Leonard, Beck, Riley, Ludwig, Winsley, Wineberry, Paris, Brough, Pruitt, Franklin, Basich, Ogden, Roland, Nelson, Wood, Valle, Belcher, Brekke, Hine, Bray, H. Myers, Rasmussen, J. Kohl and Anderson; by request of Dept. of Social and Health Services, Department of Health, Superintendent of Public Instruction, Department of Community Development and Employment Security Department

Read first time 01/29/92. Referred to Committee on Human Services.

1 AN ACT Relating to at-risk families; amending RCW 28A.300.040,  
2 43.63A.065, and 43.70.020; adding a new section to chapter 43.20A RCW;  
3 adding a new section to chapter 50.08 RCW; adding a new chapter to  
4 Title 70 RCW; creating a new section; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that a broad  
7 variety of services for children and families has been independently  
8 designed over the years and that the coordination and cost-  
9 effectiveness of these services will be enhanced through the adoption  
10 of a common approach to their delivery. The legislature further finds  
11 that the most successful programs for reaching and working with at-risk  
12 families and children treat individuals' problems in the context of the  
13 family, offer a broad spectrum of services, are flexible in the use of  
14 program resources, and use staff who are trained in crossing

1 traditional program categories in order to broker services necessary to  
2 fully meet a family's needs.

3 The legislature further finds that eligibility criteria,  
4 expenditure restrictions, and reporting requirements of state and  
5 federal categorical programs often create barriers toward the effective  
6 use of resources for addressing the multiple problems of at-risk  
7 families and children.

8 The purpose of this chapter is to improve the responsiveness of  
9 services for children and families at risk by facilitating greater  
10 coordination and flexibility in the use of funds by state and local  
11 service agencies.

12 NEW SECTION. **Sec. 2.** It is the policy of the state of  
13 Washington to promote:

14 (1) Family-oriented services and supports that:

15 (a) Recognize that families include both traditional and  
16 nontraditional support systems and those who live alone;

17 (b) Respond to the changing nature of families;

18 (c) Respond to what individuals and families say they need, and  
19 meet those needs in a way that maintains their dignity and respects  
20 their choices; and

21 (d) Treat individuals holistically within the context of their  
22 family and community, but when the individual's rights and those of the  
23 family conflict, the rights and safety of the individual will prevail;

24 (2) Culturally relevant services and supports that:

25 (a) Explicitly recognize the culture and beliefs of each family and  
26 use these as resources on behalf of the family;

27 (b) Provide equal access to culturally unique communities in  
28 planning and programs, and day-to-day work, and actively address  
29 instances where clearly disproportionate needs exist; and

1 (c) Enhance every culture's ability to achieve self-sufficiency and  
2 contribute in a productive way to the larger community;

3 (3) Coordinated services that:

4 (a) Develop strategies and skills for collaborative planning,  
5 problem solving, and service delivery;

6 (b) Encourage coordination and innovation by providing both formal  
7 and informal ways for people to communicate and collaborate in planning  
8 and programs;

9 (c) Allow clients, vendors, community people, and other agencies to  
10 creatively provide the most effective, responsive, and flexible  
11 services; and

12 (d) Commit to an open exchange of skills and information; and  
13 expect people throughout the system to treat each other with respect,  
14 dignity, and understanding;

15 (4) Locally planned services and supports that:

16 (a) Operate on the belief that each community has special  
17 characteristics, needs, and strengths;

18 (b) Include a cross-section of local community partners from the  
19 public and private sectors, in the planning and delivery of services  
20 and supports; and

21 (c) Support these partners in addressing the needs of their  
22 communities through both short-range and long-range planning and in  
23 establishing priorities within state and federal standards;

24 (5) Community-based prevention that encourages and supports state  
25 residents to create positive conditions in their communities to promote  
26 the well-being of families and reduce crises and the need for future  
27 services;

28 (6) Outcome-based services and supports that:

1 (a) Include a fair and realistic system for measuring both short-  
2 range and long-range progress and determining whether efforts make a  
3 difference;

4 (b) Use outcomes and indicators that reflect the goals that  
5 communities establish for themselves and their children;

6 (c) Work towards these goals and outcomes at all staff levels and  
7 in every agency; and

8 (d) Provide a mechanism for informing the development of program  
9 policies;

10 (7) Customer service that:

11 (a) Provides a climate that empowers staff to deliver quality  
12 programs and services;

13 (b) Is provided by courteous, sensitive, and competent  
14 professionals; and

15 (c) Upholds the dignity and respect of individuals and families by  
16 providing appropriate staff recognition, information, training, skills,  
17 and support;

18 (8) Creativity that:

19 (a) Increases the flexibility of funding and programs to promote  
20 innovation in planning, development, and provision of quality services;  
21 and

22 (b) Simplifies and reduces or eliminates rules that are barriers to  
23 coordination and quality services.

24 NEW SECTION. **Sec. 3.** Unless the context clearly requires  
25 otherwise, the definitions in this section apply throughout this  
26 chapter.

27 (1) "Comprehensive plan" means a two-year plan that examines  
28 available resources and unmet needs for a county or multicounty area,

1 barriers that limit the effective use of resources, and a plan to  
2 address these issues that is broadly supported.

3 (2) "Participating state agencies" means the office of the  
4 superintendent of public instruction, the department of social and  
5 health services, the department of health, the employment security  
6 department, and the department of community development.

7 (3) "Family policy council" means the superintendent of public  
8 instruction, the secretary of social and health services, the secretary  
9 of health, the commissioner of the employment security department, and  
10 the director of the department of community development and their  
11 designees.

12 (4) "Outcome based" means defined and measurable outcomes and  
13 indicators that make it possible for communities to evaluate progress  
14 in meeting their goals and whether systems are fulfilling their  
15 responsibilities.

16 (5) "Matching funds" means an amount no less than twenty-five  
17 percent of the amount budgeted for a consortium's project. Up to half  
18 of the consortium's matching funds may be in-kind goods and services.  
19 Funding sources allowable for match include appropriate federal or  
20 local levy funds, private charitable funding, and other charitable  
21 giving. Basic education funds shall not be used as a match.

22 (6) "Consortium" means a diverse group of individuals that includes  
23 representatives of local service providers, service recipients, local  
24 government, participating state agencies, ethnic and racial minority  
25 populations, and other interested persons organized for the purpose of  
26 designing and providing collaborative and coordinated services under  
27 this chapter. Consortiums shall represent a county, multicounty, or  
28 municipal service area. In addition, consortiums may represent Indian  
29 tribes applying either individually or collectively.

1        NEW SECTION.    **Sec. 4.**            (1) The family policy council shall  
2 annually solicit from local consortiums proposals to facilitate greater  
3 flexibility, coordination, and responsiveness of services at the  
4 community level. The council shall consider such proposals only if:

5            (a) A comprehensive plan has been prepared by the consortium; and

6            (b) The consortium has identified and agreed to contribute matching  
7 funds as specified in section 3 of this act; and

8            (c) An interagency agreement has been prepared by the family policy  
9 council and the participating local service and support agencies that  
10 governs the use of funds, specifies the relationship of the project to  
11 the principles listed in section 2 of this act, and identifies specific  
12 outcomes and indicators; and

13           (d) Funds are to be used to provide support or services needed to  
14 implement a family's or child's case plan that are not otherwise  
15 available through existing categorical services or community programs;  
16 and

17           (e) Eligible families and children are limited to those whose needs  
18 are not met by the programs of a single department; and

19           (f) The consortium has provided written agreements that identify a  
20 lead agency that will assume fiscal and programmatic responsibility for  
21 the project, and identify participants in a consortium council with  
22 broad participation and that shall have responsibility for ensuring  
23 effective coordination of resources.

24           (2) The family policy council may submit a prioritized list of  
25 projects recommended for funding in the governor's budget document.  
26 The legislature may remove projects from the list, but may not change  
27 the order of priorities established by the council.

28           (3) The participating state agencies shall identify funds to  
29 implement the proposed projects from budget requests or existing  
30 appropriations for services to children and their families.

1       **Sec. 5.** RCW 28A.300.040 and 1991 c 116 s 2 are each amended to  
2 read as follows:

3       In addition to any other powers and duties as provided by law, the  
4 powers and duties of the superintendent of public instruction shall be:

5       (1) To have supervision over all matters pertaining to the public  
6 schools of the state.

7       (2) To report to the governor and the legislature such information  
8 and data as may be required for the management and improvement of the  
9 schools.

10       (3) To prepare and have printed such forms, registers, courses of  
11 study, rules and regulations for the government of the common schools,  
12 questions prepared for the examination of persons as provided for in  
13 RCW 28A.305.130(9), and such other material and books as may be  
14 necessary for the discharge of the duties of teachers and officials  
15 charged with the administration of the laws relating to the common  
16 schools, and to distribute the same to educational service district  
17 superintendents.

18       (4) To travel, without neglecting his or her other official duties  
19 as superintendent of public instruction, for the purpose of attending  
20 educational meetings or conventions, of visiting schools, of consulting  
21 educational service district superintendents or other school officials.

22       (5) To prepare and from time to time to revise a manual of the  
23 Washington state common school code, copies of which shall be provided  
24 in such numbers as determined by the superintendent of public  
25 instruction at no cost to those public agencies within the common  
26 school system and which shall be sold at approximate actual cost of  
27 publication and distribution per volume to all other public and  
28 nonpublic agencies or individuals, said manual to contain Titles 28A  
29 and 28C RCW, rules and regulations related to the common schools, and  
30 such other matter as the state superintendent or the state board of

1 education shall determine. Proceeds of the sale of such code shall be  
2 transmitted to the public printer who shall credit the state  
3 superintendent's account within the state printing plant revolving fund  
4 by a like amount.

5 (6) To act as ex officio member and the chief executive officer of  
6 the state board of education.

7 (7) To file all papers, reports and public documents transmitted to  
8 the superintendent by the school officials of the several counties or  
9 districts of the state, each year separately. Copies of all papers  
10 filed in the superintendent's office, and the superintendent's official  
11 acts, may, or upon request, shall be certified by the superintendent  
12 and attested by the superintendent's official seal, and when so  
13 certified shall be evidence of the papers or acts so certified to.

14 (8) To require annually, on or before the 15th day of August, of  
15 the president, manager, or principal of every educational institution  
16 in this state, a report as required by the superintendent of public  
17 instruction; and it is the duty of every president, manager or  
18 principal, to complete and return such forms within such time as the  
19 superintendent of public instruction shall direct.

20 (9) To keep in the superintendent's office a record of all teachers  
21 receiving certificates to teach in the common schools of this state.

22 (10) To issue certificates as provided by law.

23 (11) To keep in the superintendent's office at the capital of the  
24 state, all books and papers pertaining to the business of the  
25 superintendent's office, and to keep and preserve in the  
26 superintendent's office a complete record of statistics, as well as a  
27 record of the meetings of the state board of education.

28 (12) With the assistance of the office of the attorney general, to  
29 decide all points of law which may be submitted to the superintendent  
30 in writing by any educational service district superintendent, or that



1 may be submitted to the superintendent by any other person, upon appeal  
2 from the decision of any educational service district superintendent;  
3 and the superintendent shall publish his or her rulings and decisions  
4 from time to time for the information of school officials and teachers;  
5 and the superintendent's decision shall be final unless set aside by a  
6 court of competent jurisdiction.

7 (13) To administer oaths and affirmations in the discharge of the  
8 superintendent's official duties.

9 (14) To deliver to his or her successor, at the expiration of the  
10 superintendent's term of office, all records, books, maps, documents  
11 and papers of whatever kind belonging to the superintendent's office or  
12 which may have been received by the superintendent's for the use of the  
13 superintendent's office.

14 (15) To administer family services and programs to promote the  
15 state's policy as provided in section 2 of this act.

16 (16) To perform such other duties as may be required by law.

17 **Sec. 6.** RCW 43.63A.065 and 1990 1st ex.s. c 17 s 70 are each  
18 amended to read as follows:

19 The department shall have the following functions and  
20 responsibilities:

21 (1) Cooperate with and provide technical and financial assistance  
22 to the local governments and to the local agencies serving the  
23 communities of the state for the purpose of aiding and encouraging  
24 orderly, productive, and coordinated development of the state, and,  
25 unless stipulated otherwise, give priority to local communities with  
26 the greatest relative need and the fewest resources.

27 (2) Administer state and federal grants and programs which are  
28 assigned to the department by the governor or the legislature.

1 (3) Administer community services programs through private,  
2 nonprofit organizations and units of general purpose local government;  
3 these programs are directed to the poor and infirm and include  
4 community-based efforts to foster self-sufficiency and self-reliance,  
5 energy assistance programs, head start, and weatherization.

6 (4) Study issues affecting the structure, operation, and financing  
7 of local government as well as those state activities which involve  
8 relations with local government and report the results and  
9 recommendations to the governor, legislature, local government, and  
10 citizens of the state.

11 (5) Assist the governor in coordinating the activities of state  
12 agencies which have an impact on local governments and communities.

13 (6) Provide technical assistance to the governor and the  
14 legislature on community development policies for the state.

15 (7) Assist in the production, development, rehabilitation, and  
16 operation of owner-occupied or rental housing for low and moderate  
17 income persons, and qualify as a participating state agency for all  
18 programs of the Department of Housing and Urban Development or its  
19 successor.

20 (8) Support and coordinate local efforts to promote volunteer  
21 activities throughout the state.

22 (9) Participate with other states or subdivisions thereof in  
23 interstate programs and assist cities, counties, municipal  
24 corporations, governmental conferences or councils, and regional  
25 planning commissions to participate with other states or their  
26 subdivisions.

27 (10) Hold public hearings and meetings to carry out the purposes of  
28 this chapter.

29 (11) Provide a comprehensive state-level focus for state fire  
30 protection services, funding, and policy.

1 (12) Administer a program to identify, evaluate, and protect  
2 properties which reflect outstanding elements of the state's cultural  
3 heritage.

4 (13) Coordinate a comprehensive state program for mitigating,  
5 preparing for, responding to, and recovering from emergencies and  
6 disasters.

7 (14) Administer family services and programs to promote the state's  
8 policy as provided in section 2 of this act.

9 **Sec. 7.** RCW 43.70.020 and 1989 1st ex.s. c 9 s 103 are each  
10 amended to read as follows:

11 (1) There is hereby created a department of state government to be  
12 known as the department of health. The department shall be vested with  
13 all powers and duties transferred to it by this act and such other  
14 powers and duties as may be authorized by law. The main administrative  
15 office of the department shall be located in the city of Olympia. The  
16 secretary may establish administrative facilities in other locations,  
17 if deemed necessary for the efficient operation of the department, and  
18 if consistent with the principles set forth in subsection (2) of this  
19 section.

20 (2) The department of health shall be organized consistent with the  
21 goals of providing state government with a focus in health and serving  
22 the people of this state. The legislature recognizes that the  
23 secretary needs sufficient organizational flexibility to carry out the  
24 department's various duties. To the extent practical, the secretary  
25 shall consider the following organizational principles:

26 (a) Clear lines of authority which avoid functional duplication  
27 within and between subelements of the department;

1 (b) A clear and simplified organizational design promoting  
2 accessibility, responsiveness, and accountability to the legislature,  
3 the consumer, and the general public;

4 (c) Maximum span of control without jeopardizing adequate  
5 supervision;

6 (d) A substate or regional organizational structure for the  
7 department's health service delivery programs and activities that  
8 encourages joint working agreements with local health departments and  
9 that is consistent between programs;

10 (e) Decentralized authority and responsibility, with clear  
11 accountability;

12 (f) A single point of access for persons receiving like services  
13 from the department which would limit the number of referrals between  
14 divisions.

15 (3) The department shall provide leadership and coordination in  
16 identifying and resolving threats to the public health by:

17 (a) Working with local health departments and local governments to  
18 strengthen the state and local governmental partnership in providing  
19 public protection;

20 (b) Developing intervention strategies;

21 (c) Providing expert advice to the executive and legislative  
22 branches of state government;

23 (d) Providing active and fair enforcement of rules;

24 (e) Working with other federal, state, and local agencies and  
25 facilitating their involvement in planning and implementing health  
26 preservation measures;

27 (f) Providing information to the public; and

28 (g) Carrying out such other related actions as may be appropriate  
29 to this purpose.

1 (4) In accordance with the administrative procedure act, chapter  
2 34.05 RCW, the department shall ensure an opportunity for consultation,  
3 review, and comment by the department's clients before the adoption of  
4 standards, guidelines, and rules.

5 (5) Consistent with the principles set forth in subsection (2) of  
6 this section, the secretary may create such administrative divisions,  
7 offices, bureaus, and programs within the department as the secretary  
8 deems necessary. The secretary shall have complete charge of and  
9 supervisory powers over the department, except where the secretary's  
10 authority is specifically limited by law.

11 (6) The secretary shall appoint such personnel as are necessary to  
12 carry out the duties of the department in accordance with chapter 41.06  
13 RCW.

14 (7) The secretary shall appoint the state health officer and such  
15 deputy secretaries, assistant secretaries, and other administrative  
16 positions as deemed necessary consistent with the principles set forth  
17 in subsection (2) of this section. All persons who administer the  
18 necessary divisions, offices, bureaus, and programs, and five  
19 additional employees shall be exempt from the provisions of chapter  
20 41.06 RCW. The officers and employees appointed under this subsection  
21 shall be paid salaries to be fixed by the governor in accordance with  
22 the procedure established by law for the fixing of salaries for  
23 officers exempt from the state civil service law.

24 (8) The secretary shall administer family services and programs to  
25 promote the state's policy as provided in section 2 of this act.

26 NEW SECTION. Sec. 8. A new section is added to chapter 43.20A RCW  
27 to read as follows:

28 The secretary shall administer family services and programs to  
29 promote the state's policy as provided in section 2 of this act.

1        NEW SECTION.    **Sec. 9.**    A new section is added to chapter 50.08 RCW  
2 to read as follows:

3        The commissioner shall administer family services and programs to  
4 promote the state's policy as provided in section 2 of this act.

5        NEW SECTION.    **Sec. 10.**        By June 30, 1993, the family policy  
6 council shall report to the appropriate committees of the legislature  
7 on the expenditures made, outcomes attained, and other pertinent  
8 aspects of its experience in the implementation of section 4 of this  
9 act.

10       NEW SECTION.    **Sec. 11.**        Sections 1 through 4 of this act shall  
11 constitute a new chapter in Title 70 RCW.

12       NEW SECTION.    **Sec. 12.**        If any provision of this act or its  
13 application to any person or circumstance is held invalid, the  
14 remainder of the act or the application of the provision to other  
15 persons or circumstances is not affected.

16       NEW SECTION.    **Sec. 13.**        This act shall take effect July 1, 1992.