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**SUBSTITUTE SENATE BILL 5235**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** Senate Committee on Education (originally sponsored by Senators Bailey, Rinehart, Oke, Patterson, Anderson, Pelz, Johnson, Murray, A. Smith, Sutherland, Conner and Talmadge).

Read first time February 5, 1991.

1       AN ACT Relating to prevention and intervention services for  
2 elementary students; adding new sections to chapter 28A.600 RCW; and  
3 making an appropriation.

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

5       NEW SECTION.   **Sec. 1.**       (1) A student's ability to learn can be  
6 affected by a number of both positive and negative factors, including  
7 but not limited to: Level of parent involvement and support; child  
8 abuse and neglect; poverty, including parental unemployment or  
9 underemployment; family transiency and homelessness; drug and alcohol  
10 abuse; poor health and nutrition; crime; and peer influence. Such  
11 factors can be manifested in forms such as underachievement and  
12 failure, absenteeism and truancy, drug and alcohol abuse, delinquency,  
13 suicide, disruption of the classroom learning environment, dropping  
14 out, teen pregnancy, and, later in life, unemployment, a need for  
15 public assistance, treatment or institutionalization for mental health

1 reasons, involvement with the judicial system, and possible  
2 imprisonment for civil or criminal convictions.

3 (2)(a) The legislature finds that every child deserves attention,  
4 affection, and optimum development of his or her potential. Prevention  
5 and intervention services at the elementary level offer early  
6 identification, encouragement, and follow-up of each child's special  
7 interests, creative talents, and particular abilities as well as  
8 identification and cooperative assistance with learning, emotional,  
9 environmental, social, or physical obstacles to normal child growth and  
10 development.

11 (b) The legislature finds that the provision of counseling and  
12 related prevention and intervention services at the elementary level  
13 will enhance the classroom environment for students and teachers, and  
14 better enable students to realize their academic and personal  
15 potential.

16 (c) The legislature finds that it is essential that resources be  
17 made available to school districts: To provide early prevention and  
18 intervention services to students, their families, and classroom  
19 teachers; to enhance the opportunity for students to realize academic  
20 and personal success; and to reduce the number of students at-risk of  
21 performing below their ability level in school.

22 NEW SECTION. **Sec. 2.** Unless the context clearly requires  
23 otherwise, the definitions in this section apply throughout sections 1  
24 through 10 of this act.

25 (1) "Child intervention specialist" means:

26 (a) An educational staff associate who holds certification as a  
27 school counselor, a school psychologist, a school nurse, or a school  
28 social worker under state board of education rules adopted pursuant to  
29 RCW 28A.305.130; or

1 (b)(i) An appropriate public or private provider of professional  
2 health care as defined under RCW 18.120.020(4), including providers  
3 employed by the state of Washington;

4 (ii) A mental health professional as defined under RCW  
5 71.05.020(12), including mental health professionals employed by the  
6 state of Washington; or

7 (iii) A child psychiatrist or children's mental health specialist  
8 as defined under RCW 71.34.020, including child psychiatrists or  
9 children's mental health specialists employed by the state of  
10 Washington, whose services may be requested by a school district  
11 pursuant to a prevention and intervention program for elementary  
12 students implemented under sections 3 through 5 of this act.

13 (2) "Early grades," "elementary grades," and "elementary level"  
14 mean kindergarten through grade six and may include preschool age  
15 children served by the school district.

16 (3) "Elementary grades prevention and intervention program" means  
17 a program of services and activities or events developed pursuant to  
18 sections 3 through 5 of this act.

19 (4) "Superintendent" means the superintendent of public  
20 instruction.

21 NEW SECTION. **Sec. 3.** (1) From funds appropriated by the  
22 legislature, the superintendent shall establish a voluntary program to  
23 assist school districts in providing prevention and intervention  
24 programs for elementary grade students. This program shall be called  
25 the fair start program.

26 (2) Any district currently providing elementary students with  
27 prevention and intervention services which loses the source of funding  
28 for those services, for reasons beyond the control of the district, may

1 use fair start funds to continue or enhance the existing level of  
2 prevention and intervention services.

3 NEW SECTION. **Sec. 4.** The superintendent shall distribute  
4 funds equitably to all school districts based on the district's  
5 enrollment in grades kindergarten through six. Districts accepting  
6 fair start allocations shall be required to match the state funds at a  
7 minimum of twenty percent of the cost of the proposed local elementary  
8 grades prevention and intervention program. The district match may  
9 consist of:

10 (1) Federal funds;

11 (2) Other funds available to districts, including funds from state  
12 programs with prevention and intervention components, such as:

13 (a) The substance abuse awareness program under RCW 28A.170.010  
14 through 28A.170.070;

15 (b) The substance abuse prevention and intervention program under  
16 RCW 28A.170.075 through 28A.170.100;

17 (c) The community mobilization against substance abuse program  
18 under RCW 43.270.010 through 43.270.080;

19 (d) The learning assistance program under RCW 28A.165.010 through  
20 28A.165.090;

21 (e) The dropout prevention program under RCW 28A.175.020 through  
22 28A.175.070;

23 (f) Local education program enhancement funds appropriated by the  
24 legislature;

25 (3) Municipal funds;

26 (4) District funds currently used for elementary prevention and  
27 intervention services;

28 (5) Contributions of or contractual arrangements for services,  
29 including the use of a child intervention specialist licensed or

1 employed by the state of Washington, materials, supplies, or physical  
2 facilities; or

3 (6) Any combination of funds under subsections (1) through (5) of  
4 this section.

5 NEW SECTION. **Sec. 5.** (1) School districts interested in  
6 implementing or enhancing an elementary grades prevention and  
7 intervention program shall submit the following information to the  
8 superintendent of public instruction:

9 (a) Documentation that the district board of directors has adopted  
10 a written policy regarding the district's role and responsibility  
11 relating to prevention and intervention services for elementary  
12 students or a letter of commitment from the board of directors that a  
13 written policy will be adopted within six months of receipt of state  
14 funding under this chapter;

15 (b) District goals relating to prevention and intervention services  
16 for elementary students;

17 (c) Procedures for notifying parents or guardians regarding:

18 (i) The referral of students for prevention and intervention  
19 services; and

20 (ii) Liability issues relating to the provision of prevention and  
21 intervention services to students outside school buildings;

22 (d) Use of grant funds for prevention and intervention related in-  
23 service purposes;

24 (e) How the services of child intervention specialists may be  
25 integrated into the district's elementary grades prevention and  
26 intervention program;

27 (f) Evaluation procedures the district will implement to assess the  
28 effectiveness of the district's early grades prevention and  
29 intervention program; and

1 (g) Other information as requested by the superintendent.

2 (2) The district's plan for providing prevention and intervention  
3 services to students shall be based on the district's identified goals  
4 under subsection (1)(b) of this section. The plan shall be developed  
5 with the participation of, but not limited to, district and building-  
6 level staff and administrators, child intervention specialists, and  
7 parents.

8 (3) In addition to the information required under subsection (1) of  
9 this section, school districts and educational service districts  
10 accepting moneys under the fair start program shall be required to  
11 establish formal agreements for coordinated case management with lead  
12 mental health agencies or other public or private social service  
13 agencies that are present in the community with an emphasis on the most  
14 efficient and cost-effective use of fair start funds.

15 (4) Two or more school districts may submit a joint application for  
16 the purpose of establishing or enhancing a cooperative prevention and  
17 intervention program for elementary grades students.

18 (5) An educational service district may submit an application on  
19 behalf of one or more school districts for the purpose of establishing  
20 or enhancing an elementary grades prevention and intervention program.

21 NEW SECTION. **Sec. 6.** (1) Districts shall use fair start funds  
22 to provide prevention and intervention services to students in grades  
23 preschool through six with priority given to students based on need.  
24 Districts shall establish the criteria determining need and include  
25 this information in the reports required under section 9 of this act.

26 (2) In developing their elementary grades prevention and  
27 intervention programs, districts shall emphasize the delivery of  
28 services using child intervention specialists as defined in section  
29 2(1)(a) of this act. Districts are encouraged to have child

1 intervention specialists as defined in section 2(1)(b) of this act  
2 deliver services in the district and under the supervision of a child  
3 intervention specialist as defined in section 2(1)(a) of this act under  
4 the district's prevention and intervention program.

5 (3) Nothing under sections 1 through 10 of this act shall preclude  
6 a district from incorporating a primary intervention program model as  
7 part of the district's fair start program.

8 NEW SECTION. **Sec. 7.** The superintendent shall develop  
9 specific measures to evaluate the success of the grant projects and the  
10 fair start program. The department of social and health services shall  
11 provide the superintendent with information the superintendent may use  
12 in developing measures to evaluate the fair start program and projects.

13 NEW SECTION. **Sec. 8.** (1) The superintendent of public  
14 instruction shall adopt rules as necessary under chapter 34.05 RCW to  
15 implement sections 2 through 7 of this act.

16 (a) The rules shall permit districts to contract with governmental  
17 or nongovernmental organizations or community-based professional health  
18 care providers to provide elementary students with prevention and  
19 intervention services under the local fair start program.

20 (b) The rules shall permit school districts to provide prevention  
21 and intervention services through the local educational service  
22 district.

23 (c) The rules shall assure appropriate coordination between the  
24 superintendent and the department of social and health services  
25 regarding the primary intervention program and the fair start program.

26 (2) The secretary of the department of social and health services  
27 shall adopt rules as necessary under chapter 34.05 RCW to assure

1 appropriate coordination between the secretary and the superintendent  
2 regarding the fair start program and the primary intervention program.

3 NEW SECTION. **Sec. 9.** (1) School districts and educational  
4 service districts shall submit annually to the superintendent of public  
5 instruction a report on their fair start programs. The reports shall  
6 include the criteria established to determine students' needs to  
7 provide prevention and intervention services on a priority basis.

8 (2) The superintendent shall submit biennially a report to the  
9 governor and the legislature on the fair start program established  
10 under section 3 of this act. The first report shall be submitted not  
11 later than December 1, 1992. The first report shall include  
12 information on districts' criteria establishing students' needs to  
13 receive prevention and intervention services on a priority basis.  
14 Subsequent reports shall be submitted not later than December 1 in  
15 even-numbered years.

16 NEW SECTION. **Sec. 10.** (1) The superintendent of public  
17 instruction shall collect and disseminate to school districts  
18 information on programs established or enhanced under the fair start  
19 program.

20 (2) Upon request, the superintendent shall provide information to  
21 districts regarding how other districts have used fair start funds  
22 locally and how other districts have established formal agreements for  
23 coordinated case management under section 5(4) of this act or otherwise  
24 coordinated services to children.

25 NEW SECTION. **Sec. 11.** Sections 1 through 10 of this act are  
26 each added to chapter 28A.600 RCW.



1        NEW SECTION.    **Sec. 12.**        The sum of fifty million dollars, or as  
2 much thereof as may be necessary, is appropriated for the biennium  
3 ending June 30, 1993, from the general fund to the superintendent of  
4 public instruction for the purposes of this act.

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