

**SENATE BILL 5235**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** Senators Bailey, Rinehart, Oke, Patterson, Anderson, Pelz, Johnson, Murray, A. Smith, Sutherland, Conner and Talmadge.

Read first time January 24, 1991. Referred to Committee on Education.

1 AN ACT Relating to prevention and intervention services for  
2 elementary students; adding a new chapter to Title 28A RCW; and making  
3 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 this  
24 chapter.

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) Fair start funds may not be used to replace funding for  
27 existing activities.

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

8        (1) Federal funds;

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

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

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

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

17        (d) The learning assistance program under RCW 28A.165.010 through  
18 28A.165.090;

19        (e) The dropout prevention program under RCW 28A.175.020 through  
20 28A.175.070;

21        (f) Local education program enhancement funds appropriated by the  
22 legislature;

23        (3) District funds currently used for elementary prevention and  
24 intervention services;

25        (4) Contributions of or contractual arrangements for services,  
26 including the use of a child intervention specialist licensed or  
27 employed by the state of Washington, materials, supplies, or physical  
28 facilities; or

29        (5) Any combination of funds under subsections (1) through (4) of  
30 this section.

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

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

11        (b) District goals relating to prevention and intervention services  
12 for elementary students;

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

14        (i) The referral of students for prevention and intervention  
15 services; and

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

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

20        (e) How the services of child intervention specialists may be  
21 integrated into the district's elementary grades prevention and  
22 intervention program;

23        (f) Evaluation procedures the district will implement to assess the  
24 effectiveness of the district's early grades prevention and  
25 intervention program; and

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

27        (3) In addition to the information required under subsections (1)  
28 and (2) of this section, school districts and educational service  
29 districts accepting moneys under the fair start program shall be  
30 required to establish formal agreements for coordinated case management

1 with lead mental health agencies or other public or private social  
2 service agencies that are present in the community.

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

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

9 NEW SECTION. **Sec. 6.** In developing their elementary grades  
10 prevention and intervention programs, districts shall emphasize the  
11 delivery of services using child intervention specialists as defined in  
12 section 2(1)(a) of this act. Districts are encouraged to have child  
13 intervention specialists as defined in section 2(1)(b) of this act  
14 deliver services in the district and under the supervision of a child  
15 intervention specialist as defined in section 2(1)(a) of this act under  
16 the district's prevention and intervention program.

17 NEW SECTION. **Sec. 7.** The superintendent shall develop  
18 specific measures to evaluate the success of the grant projects and the  
19 fair start program.

20 NEW SECTION. **Sec. 8.** The superintendent shall submit  
21 biennially a report to the governor and the legislature on the fair  
22 start program established under section 3 of this act. The first  
23 report shall be submitted not later than December 1, 1992. Subsequent  
24 reports shall be submitted not later than December 1 in even-numbered  
25 years.

1        NEW SECTION.    **Sec. 9.**        The superintendent of public instruction  
2 shall collect and disseminate to school districts information on  
3 programs established or enhanced under the fair start program.

4        NEW SECTION.    **Sec. 10.**       Sections 1 through 9 of this act shall  
5 constitute a new chapter in Title 28A RCW.

6        NEW SECTION.    **Sec. 11.**       The sum of fifty million dollars, or as  
7 much thereof as may be necessary, is appropriated for the biennium  
8 ending June 30, 1993, from the general fund to the superintendent of  
9 public instruction for the purposes of this act.

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