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HOUSE BILL 1418

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State of Washington

53rd Legislature

1993 Regular Session

By Representatives Ogden, H. Myers, Casada, Morris, Carlson and Jones;  
by request of Washington State School for the Blind and Washington  
State School for the Deaf

Read first time 01/27/93. Referred to Committee on Education.

1 AN ACT Relating to state schools for the blind, deaf, and sensory  
2 impaired; amending RCW 72.40.022, 72.40.024, 72.40.040, 72.40.080,  
3 72.40.090, 72.40.110, 72.41.020, 72.41.070, 72.42.020, and 72.42.070;  
4 and repealing RCW 72.41.080 and 72.42.080.

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

6 **Sec. 1.** RCW 72.40.022 and 1985 c 378 s 15 are each amended to read  
7 as follows:

8 In addition to any other powers and duties prescribed by law, the  
9 superintendent of the state school for the blind and the superintendent  
10 of the state school for the deaf:

11 (1) Shall have full control of their respective schools and the  
12 property of various kinds.

13 (2) May establish criteria, in addition to state certification, for  
14 teachers at their respective schools.

15 (3) Shall employ members of the faculty, administrative officers,  
16 and other employees, who shall all be subject to chapter 41.06 RCW, the  
17 state civil service law, unless specifically exempted by other  
18 provisions of law.

1 (4) Shall establish the course of study including vocational  
2 training, with the assistance of the faculty and the advice of the  
3 respective boards of trustees.

4 (5) May establish new facilities as needs demand.

5 (6) May adopt rules, under chapter 34.05 RCW, as deemed necessary  
6 for the government, management, and operation of the housing  
7 facilities.

8 (7) Shall control the use of the facilities and authorize the use  
9 of the facilities for night school, summer school, public meetings, or  
10 other purposes consistent with the purposes of their respective  
11 schools.

12 (8) May adopt rules for pedestrian and vehicular traffic on  
13 property owned, operated, and maintained by the respective schools.

14 (9) Purchase all supplies and lease or purchase equipment and other  
15 personal property needed for the operation or maintenance of their  
16 respective schools.

17 (10) Except as otherwise provided by law, may enter into contracts  
18 as each superintendent deems essential to the respective purposes of  
19 their schools.

20 (11) May receive gifts, grants, conveyances, devises, and bequests  
21 of real or personal property from whatever source, as may be made from  
22 time to time, in trust or otherwise, whenever the terms and conditions  
23 will aid in carrying out the programs of the respective schools; sell,  
24 lease or exchange, invest, or expend the same or the proceeds, rents,  
25 profits, and income thereof except as limited by the terms and  
26 conditions thereof; and adopt rules to govern the receipt and  
27 expenditure of the proceeds, rents, profits, and income thereof.

28 ~~(12) ((May contract with the department of social and health  
29 services for management consultant or other services which the  
30 department, if requested, shall provide.~~

31 ~~(13))~~ May, except as otherwise provided by law, enter into  
32 contracts as the superintendents deem essential for the operation of  
33 their respective schools.

34 ~~((14) Shall))~~ (13) May adopt rules providing for the  
35 transferability of employees between the school for the deaf and the  
36 school for the blind consistent with collective bargaining agreements  
37 in effect.

1       (~~(15)~~) (14) Shall prepare and administer their respective budgets  
2 consistent with RCW 43.88.160 and the budget and accounting act,  
3 chapter 43.88 RCW generally, as applicable.

4       (~~(16)~~) (15) May adopt rules under chapter 34.05 RCW and perform  
5 all other acts not forbidden by law as the superintendents deem  
6 necessary or appropriate to the administration of their respective  
7 schools.

8       **Sec. 2.** RCW 72.40.024 and 1985 c 378 s 17 are each amended to read  
9 as follows:

10       In addition to the powers and duties under RCW 72.40.022, the  
11 superintendent of each school shall:

12       (1) Monitor the location and educational placement of each student  
13 reported to the superintendents by the educational service district  
14 superintendents;

15       (2) Provide information about educational programs, instructional  
16 techniques, materials, equipment, and resources available to students  
17 with visual or auditory impairments to the parent or guardian,  
18 educational service district superintendent, and the superintendent of  
19 the school district where the student resides; and

20       (3) Serve as a consultant to the office of the superintendent of  
21 public instruction, provide instructional leadership, and assist school  
22 districts in improving their instructional programs for students with  
23 visual or hearing impairments.

24       **Sec. 3.** RCW 72.40.040 and 1985 c 378 s 19 are each amended to read  
25 as follows:

26       The schools shall be free to residents of the state between the  
27 ages of (~~five and twenty one years until the 1984-85 school year,~~  
28 ~~between the ages of four and twenty one years commencing with the 1984-~~  
29 ~~85 school year, and between the ages of three and twenty one years~~  
30 ~~commencing with the 1985-86 school year and who are visually or hearing~~  
31 ~~impaired or otherwise sensory handicapped with problems of learning~~  
32 ~~originating mainly due to a visual or auditory deficiency)) three and  
33 twenty-one years, who are blind/visually impaired or deaf/hearing  
34 impaired, or with other disabilities where a vision or hearing  
35 disability is the major need for services, and may provide  
36 nonresidential services to children ages birth through three who meet  
37 the above criteria. Each school shall admit and retain students on a~~

1 space available basis according to criteria developed and published by  
2 each school superintendent in consultation with each board of trustees  
3 and school faculty: PROVIDED, That students over the age of twenty-one  
4 years, who are otherwise qualified may be retained at the school, if in  
5 the discretion of the superintendent in consultation with the faculty  
6 they are proper persons to receive further training given at the school  
7 and the facilities are adequate for proper care, education, and  
8 training. The state is not obligated to fund programs for children  
9 ages birth through three.

10 **Sec. 4.** RCW 72.40.080 and 1985 c 378 s 23 are each amended to read  
11 as follows:

12 It shall be the duty of the parents or the guardians of all such  
13 visually or hearing impaired youth to send them each year to the proper  
14 school ((or institution)). Full and due consideration shall be given  
15 to the parent's or guardian's preference as to which program the child  
16 should attend. The educational service district superintendent shall  
17 take all action necessary to enforce this section.

18 **Sec. 5.** RCW 72.40.090 and 1985 c 378 s 24 are each amended to read  
19 as follows:

20 ((If it appears to the satisfaction of the board of county  
21 commissioners that the parents of any such visually or hearing impaired  
22 youth within their county are unable to bear the expense of  
23 transportation to and from the state schools, it shall send them to and  
24 return them from the schools or maintain them there during vacation at  
25 the expense of the county. Nothing in this section shall be construed  
26 as prohibiting the superintendents from authorizing or incurring such  
27 travel expenses for the purpose of transporting such visually or  
28 hearing impaired youth to and from points within this state during  
29 weekends and/or vacation periods. For the purposes of this section,  
30 the superintendents shall impose no conditions upon parents or  
31 guardians specifying the number of weekends such persons shall take  
32 custody of hearing or visually impaired students.)) Notwithstanding any  
33 other provision of law, the state school for the blind and the school  
34 for the deaf may arrange and provide for weekend transportation to and  
35 from schools on a contractual basis with students, parents, or both.  
36 This transportation shall be at no cost to students and parents, as  
37 allowed within the appropriations allocated to the schools.

1       **Sec. 6.** RCW 72.40.110 and 1985 c 378 s 12 are each amended to read  
2 as follows:

3       ~~((The hours of labor for each full time employee shall be a maximum  
4 of eight hours in any work day and forty hours in any work week.~~

5       ~~Employees required to work in excess of the eight hour maximum per  
6 day or the forty hour maximum per week shall be compensated by not less  
7 than equal hours of compensatory time off or, in lieu thereof, a  
8 premium rate of pay per hour equal to not less than one one hundred and  
9 seventy sixth of the employee's gross monthly salary. If an employee  
10 is granted compensatory time off, such time off should be given within  
11 the calendar year and if such an arrangement is not possible the  
12 employee shall be given a premium rate of pay. However, compensatory  
13 time or payment in lieu thereof shall be allowed only for overtime as  
14 is duly authorized and accounted for under rules by each  
15 superintendent.)) Employees' hours of labor shall follow all state  
16 merit rules as they pertain to various work classifications and current  
17 collective bargaining agreements.~~

18       **Sec. 7.** RCW 72.41.020 and 1985 c 378 s 29 are each amended to read  
19 as follows:

20       There is hereby created a board of trustees for the state school  
21 for the blind to be composed of a resident from each of the state's  
22 congressional districts now or hereafter existing. Trustees with  
23 voting privileges shall be appointed by the governor with the consent  
24 of the senate. A representative of the parent-teachers association of  
25 the Washington state school for the blind, a representative of the  
26 Washington council of the blind, a representative of the national  
27 federation of the blind of Washington, ~~((a representative of the united  
28 blind of Washington state,))~~ one representative designated by the  
29 teacher association of the Washington state school for the blind, and  
30 a ~~((houseparent designated by the houseparents'))~~ representative of the  
31 classified staff designated by his or her exclusive bargaining  
32 representative shall each be ex officio and nonvoting members of the  
33 board of trustees and shall serve during their respective tenures in  
34 such positions.

35       Trustees shall be appointed by the governor to serve for a term of  
36 five years except that any person appointed to fill a vacancy occurring  
37 prior to the expiration of any term shall be appointed within sixty  
38 days of the vacancy and appointed only for the remainder of the term.

1 One trustee shall be a resident and qualified elector from each of  
2 the state's congressional districts. The board shall not be deemed to  
3 be unlawfully constituted and a trustee shall not be deemed ineligible  
4 to serve the remainder of the trustee's unexpired term on the board  
5 solely by reason of the establishment of new or revised boundaries for  
6 congressional districts. No voting trustee may be an employee of the  
7 state school for the blind, a member of the board of directors of any  
8 school district, a member of the governing board of any public or  
9 private educational institution, a school district or educational  
10 service district administrator, appointed after July 1, 1986, or an  
11 elected officer or member of the legislative authority or any municipal  
12 corporation.

13 The board of trustees shall organize itself by electing a chairman  
14 from its members. The board shall adopt a seal and may adopt such  
15 bylaws, rules, and regulations as it deems necessary for its own  
16 government. A majority of the voting members of the board in office  
17 shall constitute a quorum, but a lesser number may convene from time to  
18 time and may compel the attendance of absent members in such manner as  
19 prescribed in its bylaws, rules, or regulations. The superintendent of  
20 the state school for the blind shall serve as, or may designate another  
21 person to serve as, the secretary of the board, who shall not be deemed  
22 to be a member of the board.

23 **Sec. 8.** RCW 72.41.070 and 1973 c 118 s 7 are each amended to read  
24 as follows:

25 The board of trustees shall meet at least ~~((six times each year))~~  
26 quarterly.

27 **Sec. 9.** RCW 72.42.020 and 1985 c 378 s 33 are each amended to read  
28 as follows:

29 There is hereby created a board of trustees for the state school  
30 for the deaf to be composed of a resident from each of the state's  
31 congressional districts. Trustees with voting privileges shall be  
32 appointed by the governor with the consent of the senate. The  
33 president of the ~~((parent teachers house organization of the school for  
34 the deaf, a houseparent selected by the houseparents'))~~ parent-staff  
35 organization of the school for the deaf, a representative of the  
36 classified staff designated by their exclusive bargaining  
37 representative, one representative designated by the ((teacher))

1 Teachers' Association of the school for the deaf, and the president of  
2 the Washington State Association for the Deaf shall each be ex officio  
3 and nonvoting members of the board of trustees and shall serve during  
4 their respective tenures in such positions.

5 Trustees shall be appointed by the governor to serve for a term of  
6 five years except that any person appointed to fill a vacancy occurring  
7 prior to the expiration of any term shall be appointed within sixty  
8 days of the vacancy and appointed only for the remainder of the term.

9 One trustee shall be a resident and qualified elector from each of  
10 the state's congressional districts, as now or hereafter existing. The  
11 board shall not be deemed to be unlawfully constituted and a trustee  
12 shall not be deemed ineligible to serve the remainder of the trustee's  
13 unexpired term on the board solely by reason of the establishment of  
14 new or revised boundaries for congressional districts. No voting  
15 trustee may be an employee of the state school for the deaf, a member  
16 of the board of directors of any school district, a member of the  
17 governing board of any public or private educational institution, a  
18 school district or educational service district administrator appointed  
19 after July 1, 1986, or an elected officer or member of the legislative  
20 authority of any municipal corporation.

21 The board of trustees shall organize itself by electing a  
22 chairperson, vice-chairperson, and secretary from its members. The  
23 board shall adopt a seal and may adopt such bylaws, rules, and  
24 regulations as it deems necessary for its own government. A majority  
25 of the voting members of the board in office shall constitute a quorum,  
26 but a lesser number may adjourn from time to time and may compel the  
27 attendance of absent members in such manner as prescribed in its  
28 bylaws, rules, or regulations.

29 **Sec. 10.** RCW 72.42.070 and 1972 ex.s. c 96 s 7 are each amended to  
30 read as follows:

31 The board of trustees shall meet at least ~~((six times each year))~~  
32 quarterly.

33 NEW SECTION. **Sec. 11.** The following acts or parts of acts are  
34 each repealed:

35 (1) RCW 72.41.080 and 1973 c 118 s 8; and

1 (2) RCW 72.42.080 and 1972 ex.s. c 96 s 8.

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