
SUBSTITUTE SENATE BILL 5556

State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Education (originally sponsored by Senators Bauer, Snyder, Deccio and Sutherland; by request of Washington State School for the Blind and Washington State School for the Deaf)

Read first time 03/03/93.

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. The schools may provide
36 nonresidential services to children ages birth through three who meet
37 the eligibility criteria in this section, subject to available funding.~~

1 Each school shall admit and retain students on a space available basis
2 according to criteria developed and published by each school
3 superintendent in consultation with each board of trustees and school
4 faculty: PROVIDED, That students over the age of twenty-one years, who
5 are otherwise qualified may be retained at the school, if in the
6 discretion of the superintendent in consultation with the faculty they
7 are proper persons to receive further training given at the school and
8 the facilities are adequate for proper care, education, and training.

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

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

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

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