

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1573

Chapter 104, Laws of 1997

55th Legislature
1997 Regular Session

ASSISTIVE DEVICES FOR CHILDREN WITH DISABILITIES--INCREASING
AVAILABILITY

EFFECTIVE DATE: 7/27/97

Passed by the House March 3, 1997
Yeas 93 Nays 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate April 9, 1997
Yeas 47 Nays 0

BRAD OWEN
President of the Senate

Approved April 21, 1997

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1573** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

April 21, 1997 - 4:21 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 1573

Passed Legislature - 1997 Regular Session

State of Washington 55th Legislature 1997 Regular Session

By Representatives Dunn, Ogden, Carlson, Mason, Radcliff, Kenney, Cole, Wolfe, Van Luven, Sheldon, O'Brien, D. Schmidt, Alexander, Mielke, Cooke, Boldt, Keiser, Costa and Cooper

Read first time 01/30/97. Referred to Committee on Education.

1 AN ACT Relating to authorizing educational agencies to rent, sell,
2 or transfer assistive technology for the benefit of individuals with
3 disabilities and authorizing the creation of interagency cooperative
4 agreements for the purpose of providing assistive technology for
5 children with disabilities; amending RCW 28A.335.180; adding a new
6 section to chapter 28A.335 RCW; and adding a new section to chapter
7 28A.155 RCW.

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

9 **Sec. 1.** RCW 28A.335.180 and 1991 c 116 s 1 are each amended to
10 read as follows:

11 Notwithstanding any other provision of law, school districts,
12 educational service districts, or any other state or local governmental
13 agency concerned with education, when declaring texts and other books,
14 equipment, materials or relocatable facilities as surplus, shall, prior
15 to other disposal thereof, serve notice in writing in a newspaper of
16 general circulation in the school district and to any public school
17 district or private school in Washington state annually requesting such
18 a notice, that the same is available for sale, rent, or lease to public
19 school districts or private schools, at depreciated cost or fair market

1 value, whichever is greater: PROVIDED, That students wishing to
2 purchase texts pursuant to RCW 28A.320.230(2) shall have priority as to
3 such texts. The notice requirement in this section does not apply to
4 the sale or transfer of assistive devices under section 2 of this act
5 or chapter 72.40 RCW. Such districts or agencies shall not otherwise
6 sell, rent or lease such surplus property to any person, firm,
7 organization, or nongovernmental agency for at least thirty days
8 following publication of notice in a newspaper of general circulation
9 in the school district.

10 NEW SECTION. Sec. 2. A new section is added to chapter 28A.335
11 RCW to read as follows:

12 Notwithstanding any other provision of law, the office of the
13 superintendent of public instruction, the Washington state school for
14 the blind, the Washington state school for the deaf, school districts,
15 educational service districts, and all other state or local
16 governmental agencies concerned with education may loan, lease, sell,
17 or transfer assistive devices for the use and benefit of children with
18 disabilities to children with disabilities or their parents or to any
19 other public or private nonprofit agency providing services to or on
20 behalf of individuals with disabilities including but not limited to
21 any agency providing educational, health, or rehabilitation services.
22 The notice requirement in RCW 28A.335.180 does not apply to the loan,
23 lease, sale, or transfer of such assistive devices. The sale or
24 transfer of such devices is authorized under this section regardless of
25 whether or not the devices have been declared surplus. The sale or
26 transfer shall be recorded in an agreement between the parties and
27 based upon the item's depreciated value.

28 For the purposes of this section, "assistive device" means any
29 item, piece of equipment, or product system, whether acquired
30 commercially off-the-shelf, modified, or customized, that is used to
31 increase, maintain, or improve functional capabilities of children with
32 disabilities.

33 For the purpose of implementing this section, each educational
34 agency shall establish and maintain an inventory of assistive
35 technology devices in its possession that exceed one hundred dollars
36 and, for each such device, shall establish a value, which shall be
37 adjusted annually to reflect depreciation.

1 This section shall not enhance or diminish the obligation of school
2 districts to provide assistive technology to children with disabilities
3 where needed to achieve a free and appropriate public education and
4 equal opportunity in accessing academic and extracurricular activities.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.155
6 RCW to read as follows:

7 Notwithstanding any other provision of law, the office of the
8 superintendent of public instruction, the Washington state school for
9 the deaf, the Washington state school for the blind, school districts,
10 educational service districts, and all other state and local government
11 educational agencies and the department of services for the blind, the
12 department of social and health services, and all other state and local
13 government agencies concerned with the care, education, or habilitation
14 or rehabilitation of children with disabilities may enter into
15 interagency cooperative agreements for the purpose of providing
16 assistive technology devices and services to children with
17 disabilities. Such arrangements may include but are not limited to
18 interagency agreements for the acquisition, including joint funding,
19 maintenance, loan, sale, lease, or transfer of assistive technology
20 devices and for the provision of assistive technology services
21 including but not limited to assistive technology assessments and
22 training.

23 For the purposes of this section, "assistive device" means any
24 item, piece of equipment, or product system, whether acquired
25 commercially off-the-shelf, modified, or customized, that is used to
26 increase, maintain, or improve functional capabilities of children with
27 disabilities. The term "assistive technology service" means any
28 service that directly assists a child with a disability in the
29 selection, acquisition, or use of an assistive technology device.
30 Assistive technology service includes:

31 (1) The evaluation of the needs of a child with a disability,
32 including a functional evaluation of the child in the child's customary
33 environment;

34 (2) Purchasing, leasing, or otherwise providing for the acquisition
35 of assistive technology devices by children with disabilities;

36 (3) Selecting, designing, fitting, customizing, adapting, applying,
37 retaining, repairing, or replacing of assistive technology devices;

1 (4) Coordinating and using other therapies, interventions, or
2 services with assistive technology devices, such as those associated
3 with existing education and rehabilitation plans and programs;
4 (5) Training or technical assistance for a child with a disability
5 or if appropriate, the child's family; and
6 (6) Training or technical assistance for professionals, including
7 individuals providing education and rehabilitation services, employers,
8 or other individuals who provide services to, employ, or are otherwise
9 substantially involved in the major life functions of children with
10 disabilities.

Passed the House March 3, 1997.

Passed the Senate April 9, 1997.

Approved by the Governor April 21, 1997.

Filed in Office of Secretary of State April 21, 1997.