

E2SHB 1879 - S COMM AMD

By Committee on Early Learning & K-12 Education

ADOPTED AND ENGROSSED 04/09/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that the education of
4 children who are deaf presents unique challenges because deafness is a
5 low-incidence disability significantly impacting the child's ability to
6 access communication at home, at school, and in the community. The
7 legislature further finds that over the past fifty years, there have
8 been numerous advances in technology as well as a growing awareness
9 about the importance of delivering services to children in a variety of
10 communication modalities to support their early and continued access to
11 communication. The legislature intends to enhance the coordination of
12 regionally delivered educational services and supports for children who
13 are deaf or hard of hearing and to promote the development of
14 communication-rich learning environments for these children.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 72.42 RCW
16 to read as follows:

17 (1) The Washington state center for childhood deafness and hearing
18 loss is established to provide statewide leadership for the
19 coordination and delivery of educational services to children who are
20 deaf or hard of hearing. The activities of the center shall be under
21 the authority of the director and the board of trustees. The
22 superintendent and board of trustees of the state school for the deaf
23 as of the effective date of this section shall be the director and
24 board of trustees of the center.

25 (2) The center's primary functions are:

26 (a) Managing and directing the supervision of the state school for
27 the deaf;

28 (b) Providing statewide leadership and support for the coordination

1 of regionally delivered educational services in the full range of
2 communication modalities, for children who are deaf or hard of hearing;
3 and

4 (c) Collaborating with appropriate public and private partners for
5 the training and professional development of educators serving children
6 who are deaf or hard of hearing.

7 **Sec. 3.** RCW 72.40.010 and 2002 c 209 s 1 are each amended to read
8 as follows:

9 There are established at Vancouver, Clark county, a school which
10 shall be known as the state school for the blind, and a separate school
11 which shall be known as the state school for the deaf. The primary
12 purpose of the state school for the blind and the state school for the
13 deaf is to educate and train hearing and visually impaired children.

14 The school for the blind shall be under the direction of the
15 superintendent with the advice of the board of trustees. The school
16 for the deaf shall be under the direction of the ((~~superintendent~~))
17 director of the center or the director's designee and the board of
18 trustees.

19 **Sec. 4.** RCW 72.40.019 and 1985 c 378 s 14 are each amended to read
20 as follows:

21 The governor shall appoint a ((~~superintendent~~)) director for the
22 ((~~state school for the deaf~~)) Washington state center for childhood
23 deafness and hearing loss. The ((~~superintendent~~)) director shall have
24 a masters or higher degree from an accredited college or university in
25 school administration or deaf education, five or more years of
26 experience teaching or providing habilitative services to deaf or hard
27 of hearing students ((~~in the classroom~~)), and three or more years
28 administrative or supervisory experience in programs for deaf or hard
29 of hearing students.

30 NEW SECTION. **Sec. 5.** A new section is added to chapter 72.42 RCW
31 to read as follows:

32 In addition to any other powers and duties prescribed by law, the
33 director of the Washington state center for childhood deafness and
34 hearing loss:

1 (1) Shall be responsible for the supervision and management of the
2 center, including the state school for the deaf, and the property of
3 various kinds. The director may designate an individual to oversee the
4 day-to-day operation and supervision of students at the school;

5 (2) Shall employ members of the faculty, administrative officers,
6 and other employees, who shall all be subject to chapter 41.06 RCW, the
7 state civil service law, unless specifically exempted by other
8 provisions of law;

9 (3) Shall provide technical assistance and support as appropriate
10 to local and regional efforts to build critical mass and
11 communication-rich networking opportunities for children who are deaf
12 or hard of hearing and their families;

13 (4) Shall establish the course of study including vocational
14 training, with the assistance of the faculty and the approval of the
15 board of trustees;

16 (5) Shall, as approved by the board of trustees, control and
17 authorize the use of the facilities for night school, summer school,
18 public meetings, applied research and training for the instruction of
19 students who are deaf or hard of hearing, outreach and support to
20 families of children who are deaf or hard of hearing, or other purposes
21 consistent with the purposes of the center;

22 (6) Shall purchase all supplies and lease or purchase equipment and
23 other personal property needed for the operation or maintenance of the
24 center;

25 (7) Shall prepare, submit to the board of trustees for approval,
26 and administer the budget consistent with RCW 43.88.160 and the budget
27 and accounting act, chapter 43.88 RCW generally, as applicable;

28 (8) Shall provide technical assistance and support to educational
29 service districts for the regional delivery of a full range of
30 educational services to students who are deaf or hard of hearing,
31 including but not limited to services relying on American Sign
32 Language, auditory oral education, total communication, and signed
33 exact English;

34 (9) As requested by educational service districts, shall recruit,
35 employ, and deploy itinerant teachers to provide in-district services
36 to children who are deaf or hard of hearing;

37 (10) May establish criteria, in addition to state certification,
38 for the teachers at the school and employees of the center;

1 (11) May establish, with the approval of the board of trustees, new
2 facilities as needs demand;

3 (12) May adopt rules, under chapter 34.05 RCW, as approved by the
4 board of trustees and as deemed necessary for the governance,
5 management, and operation of the center;

6 (13) May adopt rules, as approved by the board of trustees, for
7 pedestrian and vehicular traffic on property owned, operated, and
8 maintained by the center;

9 (14) Except as otherwise provided by law, may enter into contracts
10 as the director deems essential to the purpose of the center;

11 (15) May receive gifts, grants, conveyances, devises, and bequests
12 of real or personal property from whatever source, as may be made from
13 time to time, in trust or otherwise, whenever the terms and conditions
14 will aid in carrying out the programs of the center; sell, lease, or
15 exchange, invest, or expend the same or the proceeds, rents, profits,
16 and income thereof except as limited by the terms and conditions
17 thereof; and adopt rules to govern the receipt and expenditure of the
18 proceeds, rents, profits, and income thereof;

19 (16) May adopt rules, as approved by the board of trustees,
20 providing for the transferability of employees between the center and
21 the school for the blind consistent with collective bargaining
22 agreements in effect; and

23 (17) May adopt rules under chapter 34.05 RCW, as approved by the
24 board of trustees, and perform all other acts not forbidden by law as
25 the director deems necessary or appropriate to the administration of
26 the center.

27 **Sec. 6.** RCW 72.40.024 and 2002 c 209 s 4 are each amended to read
28 as follows:

29 In addition to the powers and duties under RCW 72.40.022 (~~and~~
30 ~~72.40.023~~) and section 5 of this act, the superintendent of (~~each~~)
31 the school for the blind and the director of the Washington state
32 center for childhood deafness and hearing loss, or the director's
33 designee, shall:

34 (1) Monitor the location and educational placement of each student
35 reported to the superintendent(~~s~~) and the director, or the director's
36 designee, by the educational service district superintendents;

1 (2) Provide information about educational programs, instructional
2 techniques, materials, equipment, and resources available to students
3 with visual or auditory impairments to the parent or guardian,
4 educational service district superintendent, and the superintendent of
5 the school district where the student resides; and

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

10 **Sec. 7.** RCW 72.40.028 and 2006 c 263 s 829 are each amended to
11 read as follows:

12 All teachers (~~((at the state school for the deaf))~~) employed by the
13 Washington state center for childhood deafness and hearing loss and the
14 state school for the blind shall meet all certification requirements
15 and the programs shall meet all accreditation requirements and conform
16 to the standards defined by law or by rule of the Washington
17 professional educator standards board or the office of the state
18 superintendent of public instruction. The superintendent(~~((s))~~) and the
19 director, by rule, may adopt additional educational standards for their
20 respective (~~((schools))~~) facilities. Salaries of all certificated
21 employees shall be set so as to conform to and be contemporary with
22 salaries paid to other certificated employees of similar background and
23 experience in the school district in which the program or facility is
24 located. The superintendent(~~((s))~~) and the director may provide for
25 provisional certification for teachers in their respective (~~((schools))~~)
26 facilities including certification for emergency, temporary,
27 substitute, or provisional duty.

28 **Sec. 8.** RCW 72.40.120 and 1991 c 65 s 1 are each amended to read
29 as follows:

30 Any appropriation for the (~~((school for the deaf))~~) Washington state
31 center for childhood deafness and hearing loss or the school for the
32 blind shall be made directly to the (~~((school for the deaf))~~) center or
33 the school for the blind.

34 **Sec. 9.** RCW 72.40.200 and 2000 c 125 s 1 are each amended to read
35 as follows:

1 The (~~state school for the deaf~~) Washington state center for
2 childhood deafness and hearing loss and the state school for the blind
3 shall promote the personal safety of students and protect the children
4 who attend from child abuse and neglect as defined in RCW 26.44.020.

5 **Sec. 10.** RCW 72.40.210 and 2000 c 125 s 2 are each amended to read
6 as follows:

7 The (~~superintendents~~) director of the (~~state school for the~~
8 ~~deaf~~) Washington state center for childhood deafness and hearing loss
9 and the superintendent of the state school for the blind or their
10 designees shall immediately report to the persons indicated the
11 following events:

12 (1) To the child's parent, custodian, or guardian:

13 (a) The death of the child;

14 (b) Hospitalization of a child in attendance or residence at the
15 (~~school~~) facility;

16 (c) Allegations of child abuse or neglect in which the parent's
17 child in attendance or residence at the (~~school~~) facility is the
18 alleged victim;

19 (d) Allegations of physical or sexual abuse in which the parent's
20 child in attendance or residence at the (~~school~~) facility is the
21 alleged perpetrator;

22 (e) Life-threatening illness;

23 (f) The attendance at the (~~school~~) facility of any child who is
24 a registered sex offender under RCW 9A.44.130 as permitted by RCW
25 4.24.550.

26 (2) Notification to the parent shall be made by the means most
27 likely to be received by the parent. If initial notification is made
28 by telephone, such notification shall be followed by notification in
29 writing within forty-eight hours after the initial (~~oral~~) verbal
30 contact is made.

31 NEW SECTION. **Sec. 11.** (1) The state school for the deaf is hereby
32 abolished and its powers, duties, and functions are hereby transferred
33 to the Washington state center for childhood deafness and hearing loss.
34 All references to the superintendent or the state school for the deaf
35 in the Revised Code of Washington shall be construed to mean the

1 director or the Washington state center for childhood deafness and
2 hearing loss.

3 (2)(a) All reports, documents, surveys, books, records, files,
4 papers, or written material in the possession of the state school for
5 the deaf shall be delivered to the custody of the Washington state
6 center for childhood deafness and hearing loss. All cabinets,
7 furniture, office equipment, motor vehicles, and other tangible
8 property employed by the state school for the deaf shall be made
9 available to the Washington state center for childhood deafness and
10 hearing loss. All funds, credits, or other assets held by the state
11 school for the deaf shall be assigned to the Washington state center
12 for childhood deafness and hearing loss.

13 (b) Any appropriations made to the state school for the deaf shall,
14 on the effective date of this section, be transferred and credited to
15 the Washington state center for childhood deafness and hearing loss.

16 (c) If any question arises as to the transfer of any personnel,
17 funds, books, documents, records, papers, files, equipment, or other
18 tangible property used or held in the exercise of the powers and the
19 performance of the duties and functions transferred, the director of
20 financial management shall make a determination as to the proper
21 allocation and certify the same to the state agencies concerned.

22 (3) All employees of the state school for the deaf are transferred
23 to the jurisdiction of the Washington state center for childhood
24 deafness and hearing loss. All employees classified under chapter
25 41.06 RCW, the state civil service law, are assigned to the Washington
26 state center for childhood deafness and hearing loss to perform their
27 usual duties upon the same terms as formerly, without any loss of
28 rights, subject to any action that may be appropriate thereafter in
29 accordance with the laws and rules governing state civil service.

30 (4) All rules and all pending business before the state school for
31 the deaf shall be continued and acted upon by the Washington state
32 center for childhood deafness and hearing loss. All existing contracts
33 and obligations shall remain in full force and shall be performed by
34 the Washington state center for childhood deafness and hearing loss.

35 (5) The transfer of the powers, duties, functions, and personnel of
36 the state school for the deaf shall not affect the validity of any act
37 performed before the effective date of this section.

1 (6) If apportionments of budgeted funds are required because of the
2 transfers directed by this section, the director of financial
3 management shall certify the apportionments to the agencies affected,
4 the state auditor, and the state treasurer. Each of these shall make
5 the appropriate transfer and adjustments in funds and appropriation
6 accounts and equipment records in accordance with the certification.

7 (7) The existing bargaining units shall be transferred in their
8 entirety without the merging of other bargaining units or the inclusion
9 of employees from other bargaining units. Nothing contained in this
10 section may be construed to alter any of the existing collective
11 bargaining units unless the bargaining unit has been modified by action
12 of the public employment relations commission as provided by law.
13 Therefore, the certification of the existing bargaining units shall
14 remain. However, the commission may, upon request, amend the
15 certification to reflect the name of the new agency. In addition,
16 nothing in this section may be construed to alter the provisions of any
17 existing collective bargaining agreement until the agreement has
18 expired.

19 **Sec. 12.** RCW 72.40.031 and 1985 c 378 s 16 are each amended to
20 read as follows:

21 The school year for the state school for the blind and the state
22 school for the deaf shall commence on the first day of July of each
23 year and shall terminate on the 30th day of June of the succeeding
24 year. The regular school term shall be for a period of nine months and
25 shall commence as near as reasonably practical at the time of the
26 commencement of regular terms in ~~((the))~~ other public schools, with the
27 equivalent number of days as are now required by law, and the
28 regulations of the superintendent of public instruction as now or
29 hereafter amended, during the school year in ~~((the))~~ other public
30 schools. The school and the center shall observe all legal holidays,
31 in the same manner as other agencies of state government, and ~~((the~~
32 ~~schools))~~ will not be in session on such days and such other days as
33 may be approved by the ~~((respective))~~ superintendent ~~((s))~~ or the
34 director. During the period when the schools are not in session during
35 the regular school term, schools may be operated, subject to the
36 approval of the ~~((respective))~~ superintendent ~~((s))~~ or the director or

1 the director's designee, for the instruction of students or for such
2 other reasons which are in furtherance of the objects and purposes of
3 (~~such schools~~) the respective facilities.

4 **Sec. 13.** RCW 72.42.010 and 2002 c 209 s 5 are each amended to read
5 as follows:

6 It is the intention of the legislature, in creating a board of
7 trustees for the (~~state school for the deaf~~) Washington state center
8 for childhood deafness and hearing loss to perform the duties set forth
9 in this chapter, that the board of trustees perform needed oversight
10 services to the governor and the legislature of the (~~Washington state~~
11 ~~school for the deaf~~) center in the development of programs for the
12 hard of hearing (~~impaired~~), and in the operation of the (~~Washington~~
13 ~~state~~) center, including the school for the deaf.

14 **Sec. 14.** RCW 72.42.015 and 1985 c 378 s 32 are each amended to
15 read as follows:

16 Unless the context clearly requires otherwise as used in this
17 chapter "~~(superintendent)~~ director" means (~~superintendent~~) the
18 director of the Washington state (~~school for the deaf~~) center for
19 childhood deafness and hearing loss.

20 **Sec. 15.** RCW 72.42.016 and 2002 c 209 s 6 are each amended to read
21 as follows:

22 Unless the context clearly requires otherwise, as used in this
23 chapter:

24 (1) "Center" means the Washington state center for childhood
25 deafness and hearing loss serving local school districts across the
26 state; and

27 (2) "School" means the Washington state residential school for the
28 deaf located in Vancouver, Washington.

29 **Sec. 16.** RCW 72.42.021 and 2002 c 209 s 7 are each amended to read
30 as follows:

31 (1) The governance of the center and the school shall be vested in
32 a board of trustees. The board shall consist of nine members appointed
33 by the governor, with the consent of the senate. The board shall be

1 composed of a resident from each of the state's congressional districts
2 and may include:

3 (a) One member who is deaf or hard of hearing (~~(impaired)~~);

4 (b) Two members who are experienced educational professionals;

5 (c) One member who is experienced in providing residential services
6 to youth; and

7 (d) One member who is the parent of a child who is deaf or hard of
8 hearing (~~(impaired)~~) and who is receiving or has received educational
9 services related to deafness or hearing impairment from a public
10 educational institution.

11 (2) No voting trustee may be an employee of the school or the
12 center, a member of the board of directors of any school district, a
13 member of the governing board of any public or private educational
14 institution(~~(, a school district or educational service district~~
15 ~~administrator appointed after July 1, 1986,)) or an elected officer or
16 member of the legislative authority of any municipal corporation. No
17 more than two voting trustees may be school district or educational
18 service district administrators appointed after July 1, 1986.~~

19 (3) Trustees shall be appointed by the governor to serve a term of
20 five years, except that any person appointed to fill a vacancy
21 occurring prior to the expiration of a term shall be appointed within
22 sixty days of the vacancy and appointed only for the remainder of the
23 term. Of the initial members, three must be appointed for two-year
24 terms, three must be appointed for three-year terms, and the remainder
25 must be appointed for five-year terms.

26 (4) The board shall not be deemed unlawfully constituted and a
27 trustee shall not be deemed ineligible to serve the remainder of the
28 trustee's unexpired term on the board solely by reason of the
29 establishment of new or revised boundaries for congressional districts.
30 In such an event, each trustee may continue to serve in office for the
31 balance of the term for which he or she was appointed so long as the
32 trustee continues to reside within the boundaries of the congressional
33 district as they existed at the time of his or her appointment.
34 Vacancies which occur in a trustee position during the balance of any
35 term shall be filled pursuant to subsection (3) of this section by a
36 successor who resides within the boundaries of the congressional
37 district from which the member whose office was vacated was appointed
38 as they existed at the time of his or her appointment. At the

1 completion of such term, and thereafter, a successor shall be appointed
2 from the congressional district which corresponds in number with the
3 congressional district from which the incumbent was appointed.

4 **Sec. 17.** RCW 72.42.041 and 2002 c 209 s 8 are each amended to read
5 as follows:

6 The board of trustees of the ((~~school~~)) center:

7 (1) Shall adopt rules and regulations for its own governance;

8 (2) Shall direct the development of, approve, and monitor the
9 enforcement of policies, rules, and regulations pertaining to the
10 school and the center, including but not limited to:

11 (a) The use of classrooms and other facilities for summer or night
12 schools or for public meetings and any other uses consistent with the
13 mission of the center;

14 (b) Pedestrian and vehicular traffic on property owned, operated,
15 or maintained by the ((~~school~~)) center;

16 (c) Governance, management, and operation of the residential
17 facilities;

18 (d) Transferability of employees between the ((~~school-for-the~~
19 ~~deaf~~)) center and the school for the blind consistent with collective
20 bargaining agreements in effect; and

21 (e) Compliance with state and federal education civil rights laws
22 at the school;

23 (3) Shall develop a process for recommending candidates for the
24 position of ((~~superintendent~~)) director and upon a vacancy shall submit
25 a list of three qualified candidates for ((~~superintendent~~)) director to
26 the governor;

27 (4) Shall submit an evaluation of the ((~~superintendent~~)) director
28 to the governor by July 1st of each odd-numbered year that includes a
29 recommendation regarding the retention of the ((~~superintendent~~))
30 director;

31 (5) May recommend to the governor at any time that the
32 ((~~superintendent~~)) director be removed for conduct deemed by the board
33 to be detrimental to the interests of the ((~~school~~)) center;

34 (6) Shall prepare and submit by July 1st of each even-numbered year
35 a report to the governor and the appropriate committees of the
36 legislature which contains a detailed summary of the ((~~school's~~))
37 center's progress on performance objectives and the ((~~school's~~))

1 center's work, facility conditions, and revenues and costs of the
2 (~~school~~) center for the previous year and which contains those
3 recommendations it deems necessary and advisable for the governor and
4 the legislature to act on;

5 (7) Shall approve the (~~school's~~) center's budget and all funding
6 requests, both operating and capital, submitted to the governor;

7 (8) Shall direct and approve the development and implementation of
8 comprehensive programs of education, training, and as needed
9 residential living, such that students served by the school receive a
10 challenging and quality education in a safe school environment;

11 (9) Shall direct, monitor, and approve the implementation of a
12 comprehensive continuous quality improvement system for the (~~school~~)
13 center;

14 (10) Shall monitor and inspect all existing facilities of the
15 (~~school~~) center and report its findings in its biennial report to the
16 governor and appropriate committees of the legislature; and

17 (11) May grant to every student of the school, upon graduation or
18 completion of a program or course of study, a suitable diploma,
19 nonbaccalaureate degree, or certificate.

20 **Sec. 18.** RCW 72.40.070 and 1985 c 378 s 22 are each amended to
21 read as follows:

22 It shall be the duty of each educational service district to make
23 a full and specific report of visually (~~or hearing~~) impaired or deaf
24 or hard of hearing youth to the superintendent of the school for the
25 blind or the (~~school for the deaf~~) director of the Washington state
26 center for childhood deafness and hearing loss, or the director's
27 designee, as the case may be and the superintendent of public
28 instruction, annually. The superintendent of public instruction shall
29 report about the deaf or hard of hearing or visually impaired youth to
30 the school for the blind and the (~~school for the deaf~~) Washington
31 state center for childhood deafness and hearing loss, as the case may
32 be, annually.

33 **Sec. 19.** RCW 72.40.220 and 2000 c 125 s 3 are each amended to read
34 as follows:

35 (1) The (~~superintendents~~) director of the (~~state school for the~~
36 ~~deaf~~) Washington state center for childhood deafness and hearing loss,

1 or the director's designee, and the superintendent of the state school
2 for the blind shall maintain in writing and implement behavior
3 management policies and procedures that accomplish the following:

4 (a) Support the child's appropriate social behavior, self-control,
5 and the rights of others;

6 (b) Foster dignity and self-respect for the child;

7 (c) Reflect the ages and developmental levels of children in care.

8 (2) The state school for the deaf and the state school for the
9 blind shall use proactive, positive behavior support techniques to
10 manage potential child behavior problems. These techniques shall
11 include but not be limited to:

12 (a) Organization of the physical environment and staffing patterns
13 to reduce factors leading to behavior incidents;

14 (b) Intervention before behavior becomes disruptive, in the least
15 invasive and least restrictive manner available;

16 (c) Emphasis on verbal deescalation to calm the upset child;

17 (d) Redirection strategies to present the child with alternative
18 resolution choices.

19 **Sec. 20.** RCW 72.40.250 and 2000 c 125 s 6 are each amended to read
20 as follows:

21 In addition to the powers and duties under RCW 72.40.022 and
22 72.40.024, the (~~superintendents~~) director of the (~~state school for~~
23 ~~the deaf~~) Washington state center for childhood deafness and hearing
24 loss, or the director's designee, and the superintendent of the state
25 school for the blind shall:

26 (1) Develop written procedures for the supervision of employees and
27 volunteers who have the potential for contact with students. Such
28 procedures shall be designed to prevent child abuse and neglect by
29 providing for adequate supervision of such employees and volunteers,
30 taking into consideration such factors as the student population
31 served, architectural factors, and the size of the facility. Such
32 procedures shall include, but need not be limited to, the following:

33 (a) Staffing patterns and the rationale for such;

34 (b) Responsibilities of supervisors;

35 (c) The method by which staff and volunteers are made aware of the
36 identity of all supervisors, including designated on-site supervisors;

1 (d) Provision of written supervisory guidelines to employees and
2 volunteers;

3 (e) Periodic supervisory conferences for employees and volunteers;
4 and

5 (f) Written performance evaluations of staff to be conducted by
6 supervisors in a manner consistent with applicable provisions of the
7 civil service law.

8 (2) Develop written procedures for the protection of students when
9 there is reason to believe an incident has occurred which would render
10 a (~~child~~) minor student an abused or neglected child within the
11 meaning of RCW 26.44.020. Such procedures shall include, but need not
12 be limited to, the following:

13 (a) Investigation. Immediately upon notification that a report of
14 child abuse or neglect has been made to the department of social and
15 health services or a law enforcement agency, the superintendent or the
16 director, or the director's designee, shall:

17 (i) Preserve any potential evidence through such actions as
18 securing the area where suspected abuse or neglect occurred;

19 (ii) Obtain proper and prompt medical evaluation and treatment, as
20 needed, with documentation of any evidence of abuse or neglect; and

21 (iii) Provide necessary assistance to the department of social and
22 health services and local law enforcement in their investigations;

23 (b) Safety. Upon notification that a report of suspected child
24 abuse or neglect has been made to the department of social and health
25 services or a law enforcement agency, the superintendent or the
26 director or his or her designee, with consideration for causing as
27 little disruption as possible to the daily routines of the students,
28 shall evaluate the situation and immediately take appropriate action to
29 assure the health and safety of the students involved in the report and
30 of any other students similarly situated, and take such additional
31 action as is necessary to prevent future acts of abuse or neglect.
32 Such action may include:

33 (i) Consistent with federal and state law:

34 (A) Removing the alleged perpetrator from the school;

35 (B) Increasing the degree of supervision of the alleged
36 perpetrator; and

37 (C) Initiating appropriate disciplinary action against the alleged
38 perpetrator;

1 (ii) Provision of increased training and increased supervision to
2 volunteers and staff pertinent to the prevention and remediation of
3 abuse and neglect;

4 (iii) Temporary removal of the students from a program and
5 reassignment of the students within the school, as an emergency
6 measure, if it is determined that there is a risk to the health or
7 safety of such students in remaining in that program. Whenever a
8 student is removed, pursuant to this subsection (2)(b)(iii), from a
9 special education program or service specified in his or her
10 individualized education program, the action shall be reviewed in an
11 individualized education program meeting; and

12 (iv) Provision of counseling to the students involved in the report
13 or any other students, as appropriate;

14 (c) Corrective action plans. Upon receipt of the results of an
15 investigation by the department of social and health services pursuant
16 to a report of suspected child abuse or neglect, the superintendent or
17 the director, or the director's designee, after consideration of any
18 recommendations by the department of social and health services for
19 preventive and remedial action, shall implement a written plan of
20 action designed to assure the continued health and safety of students
21 and to provide for the prevention of future acts of abuse or neglect.

22 **Sec. 21.** RCW 72.40.280 and 2002 c 208 s 2 are each amended to read
23 as follows:

24 (1) The department of social and health services must periodically
25 monitor the residential program at the state school for the deaf,
26 including but not limited to examining the residential-related policies
27 and procedures as well as the residential facilities. The department
28 of social and health services must make recommendations to the
29 ~~((school's superintendent))~~ director and the board of trustees of the
30 center or its successor board on health and safety improvements related
31 to child safety and well-being. The department of social and health
32 services must conduct the monitoring reviews at least ~~((quarterly until~~
33 ~~December 1, 2006))~~ annually. The director or the director's designee
34 may from time to time request technical assistance from the department
35 of social and health services.

36 (2) The department of social and health services must conduct a
37 comprehensive child health and safety review, as defined in rule, of

1 the residential program at the state school for the deaf every three
2 years. (~~The department of social and health services must deliver the~~
3 ~~first health and safety review to the governor, the legislature, the~~
4 ~~school's superintendent, and the school's board of trustees or~~
5 ~~successor board by December 1, 2004.~~)

6 (3) The state school for the deaf must provide the department of
7 social and health services' staff with full and complete access to all
8 records and documents that the department staff may request to carry
9 out the requirements of this section. The department of social and
10 health services must have full and complete access to all students and
11 staff of the state school for the deaf to conduct interviews to carry
12 out the requirements of this section.

13 (4) For the purposes of this section, the department of social and
14 health services must use the safety standards established in this
15 chapter when conducting the reviews.

16 **Sec. 22.** RCW 72.42.060 and 1975-'76 2nd ex.s. c 34 s 168 are each
17 amended to read as follows:

18 Each member of the board of trustees shall receive travel expenses
19 as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter
20 amended, and such payments shall be a proper charge to any funds
21 appropriated or allocated for the support of the (~~state school for the~~
22 ~~deaf~~) Washington state center for childhood deafness and hearing loss.

23 **Sec. 23.** RCW 26.44.210 and 2002 c 208 s 1 are each amended to read
24 as follows:

25 (1) The department must investigate referrals of alleged child
26 abuse or neglect occurring at the state school for the deaf, including
27 alleged incidents involving students abusing other students; determine
28 whether there is a finding of abuse or neglect; and determine whether
29 a referral to law enforcement is appropriate under this chapter.

30 (2) The department must send a copy of the investigation report,
31 including the finding, regarding any incidents of alleged child abuse
32 or neglect at the state school for the deaf to the (~~school's~~
33 ~~superintendent~~) center's director, or the director's designee. The
34 department may include recommendations to the (~~superintendent~~)
35 director and the board of trustees or its successor board for
36 increasing the safety of the school's students.

1 **Sec. 24.** RCW 28A.155.160 and 2007 c 115 s 15 are each amended to
2 read as follows:

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

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

28 (1) The evaluation of the needs of a child with a disability,
29 including a functional evaluation of the child in the child's customary
30 environment;

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

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

35 (4) Coordinating and using other therapies, interventions, or
36 services with assistive technology devices, such as those associated
37 with existing education and rehabilitation plans and programs;

1 (5) Training or technical assistance for a child with a disability
2 or if appropriate, the child's family; and

3 (6) Training or technical assistance for professionals, including
4 individuals providing education and rehabilitation services, employers,
5 or other individuals who provide services to, employ, or are otherwise
6 substantially involved in the major life functions of children with
7 disabilities.

8 **Sec. 25.** RCW 28A.310.010 and 1988 c 65 s 1 are each amended to
9 read as follows:

10 It shall be the intent and purpose of this chapter to establish
11 educational service districts as regional agencies which are intended
12 to:

13 (1) Provide cooperative and informational services to local school
14 districts;

15 (2) Assist the superintendent of public instruction and the state
16 board of education in the performance of their respective statutory or
17 constitutional duties; and

18 (3) Provide services to school districts and to the (~~school for~~
19 ~~the deaf~~) Washington state center for childhood deafness and hearing
20 loss and the school for the blind to assure equal educational
21 opportunities.

22 **Sec. 26.** RCW 28A.310.180 and 1990 c 33 s 276 are each amended to
23 read as follows:

24 In addition to other powers and duties as provided by law, every
25 educational service district board shall:

26 (1) Comply with rules or regulations of the state board of
27 education and the superintendent of public instruction.

28 (2) If the district board deems necessary, establish and operate
29 for the schools within the boundaries of the educational service
30 district a depository and distribution center for films, tapes, charts,
31 maps, and other instructional material as recommended by the school
32 district superintendents within the service area of the educational
33 service district: PROVIDED, That the district may also provide the
34 services of the depository and distribution center to private schools
35 within the district so long as such private schools pay such fees that

1 reflect actual costs for services and the use of instructional
2 materials as may be established by the educational service district
3 board.

4 (3) Establish cooperative service programs for school districts
5 within the educational service district and joint purchasing programs
6 for schools within the educational service district pursuant to RCW
7 28A.320.080(3): PROVIDED, That on matters relating to cooperative
8 service programs the board and superintendent of the educational
9 service district shall seek the prior advice of the superintendents of
10 local school districts within the educational service district.

11 (4) Establish direct student service programs for school districts
12 within the educational service district including pupil transportation.
13 However, for the provision of state-funded pupil transportation for
14 special education cooperatives programs for special education conducted
15 under RCW 28A.155.010 through 28A.155.100, the educational service
16 district, with the consent of the participating school districts, shall
17 be entitled to receive directly state apportionment funds for that
18 purpose: PROVIDED, That the board of directors and superintendent of
19 a local school district request the educational service district to
20 perform said service or services: PROVIDED FURTHER, That the
21 educational service district board of directors and superintendents
22 agree to provide the requested services: PROVIDED, FURTHER, That the
23 provisions of chapter 39.34 RCW are strictly adhered to: PROVIDED
24 FURTHER, That the educational service district board of directors may
25 contract with the ((~~school for the deaf~~)) Washington state center for
26 childhood deafness and hearing loss and the school for the blind to
27 provide transportation services or other services necessary for the
28 regional delivery of educational services for children who are deaf or
29 hearing impaired.

30 **Sec. 27.** RCW 28A.310.200 and 2006 c 263 s 610 are each amended to
31 read as follows:

32 In addition to other powers and duties as provided by law, every
33 educational service district board shall:

34 (1) Approve the budgets of the educational service district in
35 accordance with the procedures provided for in this chapter;

36 (2) Meet regularly according to the schedule adopted at the

1 organization meeting and in special session upon the call of the chair
2 or a majority of the board;

3 (3) Approve the selection of educational service district personnel
4 and clerical staff as provided in RCW 28A.310.230;

5 (4) Fix the amount of and approve the bonds for those educational
6 service district employees designated by the board as being in need of
7 bonding;

8 (5) Keep in the educational service district office a full and
9 correct transcript of the boundaries of each school district within the
10 educational service district;

11 (6) Acquire by borrowing funds or by purchase, lease, devise,
12 bequest, and gift and otherwise contract for real and personal property
13 necessary for the operation of the educational service district and to
14 the execution of the duties of the board and superintendent thereof and
15 sell, lease, or otherwise dispose of that property not necessary for
16 district purposes. No real property shall be acquired or alienated
17 without the prior approval of the superintendent of public instruction
18 and the acquisition or alienation of all such property shall be subject
19 to such provisions as the superintendent may establish. When borrowing
20 funds for the purpose of acquiring property, the educational service
21 district board shall pledge as collateral the property to be acquired.
22 Borrowing shall be evidenced by a note or other instrument between the
23 district and the lender;

24 (7) Under RCW 28A.310.010, upon the written request of the board of
25 directors of a local school district or districts served by the
26 educational service district, the educational service district board of
27 directors may provide cooperative and informational services not in
28 conflict with other law that provide for the development and
29 implementation of programs, activities, services, or practices that
30 support the education of preschool through twelfth grade students in
31 the public schools or that support the effective, efficient, or safe
32 management and operation of the school district or districts served by
33 the educational service district;

34 (8) Adopt such bylaws and rules for its own operation as it deems
35 necessary or appropriate; and

36 (9) Enter into contracts, including contracts with common and
37 educational service districts and the (~~school for the deaf~~)
38 Washington state center for childhood deafness and hearing loss and the

1 school for the blind for the joint financing of cooperative service
2 programs conducted pursuant to RCW 28A.310.180(3), and employ
3 consultants and legal counsel relating to any of the duties, functions,
4 and powers of the educational service districts.

5 **Sec. 28.** RCW 28A.335.205 and 1997 c 104 s 2 are each amended to
6 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 blind, the Washington state (~~school for the deaf~~) center for
10 childhood deafness and hearing loss, school districts, educational
11 service districts, and all other state or local governmental agencies
12 concerned with education may loan, lease, sell, or transfer assistive
13 devices for the use and benefit of children with disabilities to
14 children with disabilities or their parents or to any other public or
15 private nonprofit agency providing services to or on behalf of
16 individuals with disabilities including but not limited to any agency
17 providing educational, health, or rehabilitation services. The notice
18 requirement in RCW 28A.335.180 does not apply to the loan, lease, sale,
19 or transfer of such assistive devices. The sale or transfer of such
20 devices is authorized under this section regardless of whether or not
21 the devices have been declared surplus. The sale or transfer shall be
22 recorded in an agreement between the parties and based upon the item's
23 depreciated value.

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

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

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

1 **Sec. 29.** RCW 28A.400.303 and 2007 c 35 s 1 are each amended to
2 read as follows:

3 (1) School districts, educational service districts, the ((~~state~~
4 ~~school for the deaf~~)) Washington state center for childhood deafness
5 and hearing loss, the state school for the blind, and their contractors
6 hiring employees who will have regularly scheduled unsupervised access
7 to children shall require a record check through the Washington state
8 patrol criminal identification system under RCW 43.43.830 through
9 43.43.834, 10.97.030, and 10.97.050 and through the federal bureau of
10 investigation before hiring an employee. The record check shall
11 include a fingerprint check using a complete Washington state criminal
12 identification fingerprint card. The requesting entity shall provide
13 a copy of the record report to the applicant. When necessary,
14 applicants may be employed on a conditional basis pending completion of
15 the investigation. If the applicant has had a record check within the
16 previous two years, the district, the ((~~state school for the deaf~~))
17 Washington state center for childhood deafness and hearing loss, the
18 state school for the blind, or contractor may waive the requirement.
19 Except as provided in subsection (2) of this section, the district,
20 pursuant to chapter 41.59 or 41.56 RCW, the ((~~state school for the~~
21 ~~deaf~~)) Washington state center for childhood deafness and hearing loss,
22 the state school for the blind, or contractor hiring the employee shall
23 determine who shall pay costs associated with the record check.

24 (2) Federal bureau of Indian affairs-funded schools may use the
25 process in subsection (1) of this section to perform record checks for
26 their employees and applicants for employment.

27 **Sec. 30.** RCW 28A.400.305 and 2007 c 35 s 2 are each amended to
28 read as follows:

29 The superintendent of public instruction shall adopt rules as
30 necessary under chapter 34.05 RCW on record check information. The
31 rules shall include, but not be limited to the following:

32 (1) Written procedures providing a school district, ((~~state school~~
33 ~~for the deaf~~)) Washington state center for childhood deafness and
34 hearing loss, state school for the blind, or federal bureau of Indian
35 affairs-funded school employee or applicant for certification or
36 employment access to and review of information obtained based on the
37 record check required under RCW 28A.400.303; and

1 (2) Written procedures limiting access to the superintendent of
2 public instruction record check database to only those individuals
3 processing record check information at the office of the superintendent
4 of public instruction, the appropriate school district or districts,
5 the ((~~state school for the deaf~~)) Washington state center for childhood
6 deafness and hearing loss, the state school for the blind, the
7 appropriate educational service district or districts, and the
8 appropriate federal bureau of Indian affairs-funded schools.

9 **Sec. 31.** RCW 28A.600.420 and 1997 c 265 s 5 are each amended to
10 read as follows:

11 (1) Any elementary or secondary school student who is determined to
12 have carried a firearm onto, or to have possessed a firearm on, public
13 elementary or secondary school premises, public school-provided
14 transportation, or areas of facilities while being used exclusively by
15 public schools, shall be expelled from school for not less than one
16 year under RCW 28A.600.010. The superintendent of the school district,
17 educational service district, ((~~state school for the deaf~~)) or state
18 school for the blind, or the director of the Washington state center
19 for childhood deafness and hearing loss, or the director's designee,
20 may modify the expulsion of a student on a case-by-case basis.

21 (2) For purposes of this section, "firearm" means a firearm as
22 defined in 18 U.S.C. Sec. 921, and a "firearm" as defined in RCW
23 9.41.010.

24 (3) This section shall be construed in a manner consistent with the
25 individuals with disabilities education act, 20 U.S.C. Sec. 1401 et
26 seq.

27 (4) Nothing in this section prevents a public school district,
28 educational service district, the ((~~state school for the deaf~~))
29 Washington state center for childhood deafness and hearing loss, or the
30 state school for the blind if it has expelled a student from such
31 student's regular school setting from providing educational services to
32 the student in an alternative setting.

33 (5) This section does not apply to:

34 (a) Any student while engaged in military education authorized by
35 school authorities in which rifles are used but not other firearms; or

36 (b) Any student while involved in a convention, showing,

1 demonstration, lecture, or firearms safety course authorized by school
2 authorities in which the rifles of collectors or instructors are
3 handled or displayed but not other firearms; or

4 (c) Any student while participating in a rifle competition
5 authorized by school authorities.

6 (6) A school district may suspend or expel a student for up to one
7 year subject to subsections (1), (3), (4), and (5) of this section, if
8 the student acts with malice as defined under RCW 9A.04.110 and
9 displays an instrument that (~~appeared~~~~[appears]~~) appears to be a
10 firearm, on public elementary or secondary school premises, public
11 school-provided transportation, or areas of facilities while being used
12 exclusively by public schools.

13 **Sec. 32.** RCW 41.40.088 and 2000 c 247 s 107 are each amended to
14 read as follows:

15 (1) A plan 1 member who is employed by a school district or
16 districts, an educational service district, the (~~state school for the~~
17 ~~deaf~~) Washington state center for childhood deafness and hearing loss,
18 the state school for the blind, institutions of higher education, or
19 community colleges:

20 (a) Shall receive a service credit month for each month of the
21 period from September through August of the following year if he or she
22 is employed in an eligible position, earns compensation earnable for
23 six hundred thirty hours or more during that period, and is employed
24 during nine months of that period, except that a member may not receive
25 credit for any period prior to the member's employment in an eligible
26 position;

27 (b) If a member in an eligible position does not meet the
28 requirements of (a) of this subsection, the member is entitled to a
29 service credit month for each month of the period he or she earns
30 earnable compensation for seventy or more hours; and the member is
31 entitled to a one-quarter service credit month for those calendar
32 months during which he or she earned compensation for less than seventy
33 hours.

34 (2) Except for any period prior to the member's employment in an
35 eligible position, a plan 2 or plan 3 member who is employed by a
36 school district or districts, an educational service district, the

1 state school for the blind, the (~~state school for the deaf~~)
2 Washington state center for childhood deafness and hearing loss,
3 institutions of higher education, or community colleges:

4 (a) Shall receive a service credit month for each month of the
5 period from September through August of the following year if he or she
6 is employed in an eligible position, earns compensation earnable for
7 eight hundred ten hours or more during that period, and is employed
8 during nine months of that period;

9 (b) If a member in an eligible position for each month of the
10 period from September through August of the following year does not
11 meet the hours requirements of (a) of this subsection, the member is
12 entitled to one-half service credit month for each month of the period
13 if he or she earns earnable compensation for at least six hundred
14 thirty hours but less than eight hundred ten hours during that period,
15 and is employed nine months of that period;

16 (c) In all other instances, a member in an eligible position is
17 entitled to service credit months as follows:

18 (i) One service credit month for each month in which compensation
19 is earned for ninety or more hours;

20 (ii) One-half service credit month for each month in which
21 compensation is earned for at least seventy hours but less than ninety
22 hours; and

23 (iii) One-quarter service credit month for each month in which
24 compensation is earned for less than seventy hours;

25 (d) After August 31, 2000, school districts and educational service
26 districts will no longer be employers for the public employees'
27 retirement system plan 2 or plan 3.

28 (3) The department shall adopt rules implementing this section.

29 **Sec. 33.** RCW 70.198.020 and 2004 c 47 s 2 are each amended to read
30 as follows:

31 (1) There is established an advisory council in the department of
32 social and health services for the purpose of advancing the development
33 of a comprehensive and effective statewide system to provide prompt and
34 effective early interventions for children in the state who are deaf or
35 hard of hearing and their families.

36 (2) Members of the advisory council shall have training,
37 experience, or interest in hearing loss in children. Membership shall

1 include, but not be limited to, the following: Pediatricians;
2 audiologists; teachers of the deaf and hard of hearing; parents of
3 children who are deaf or hard of hearing; a representative from the
4 Washington state (~~school for the deaf~~) center for childhood deafness
5 and hearing loss; and representatives of the infant toddler early
6 intervention program in the department of social and health services,
7 the department of health, and the office of the superintendent of
8 public instruction.

9 NEW SECTION. Sec. 34. (1) The board of trustees and the director
10 of the center for childhood deafness and hearing loss shall implement
11 a process for gathering information from stakeholders to examine
12 service availability and gaps and to identify service delivery options,
13 resources, and policy changes for the implementation and operation of
14 two demonstration sites for regional programs serving children who are
15 deaf or hard of hearing. One demonstration site shall be in an
16 educational service district in eastern Washington. Information may be
17 gathered through meetings conducted in educational service district
18 regions and through other appropriate means, including the P-20 network
19 and internet technologies. Stakeholders from whom information shall be
20 solicited include, but are not limited to:

21 (a) The office of the superintendent of public instruction,
22 including the Washington sensory disabilities services office;

23 (b) The office of deaf and hard of hearing services in the
24 department of social and health services;

25 (c) Educational service district superintendents and school
26 district superintendents;

27 (d) Parents of school-age children who are deaf or hard of hearing,
28 including organizations advocating for the educational interests of all
29 children who are deaf or hard of hearing without regard to any specific
30 communication modality;

31 (e) Students who are deaf or hard of hearing;

32 (f) Adults who are deaf or hard of hearing;

33 (g) Nongovernmental entities providing educational services in the
34 following communication modalities: Oral communication, manual
35 communication, and total communication;

36 (h) The department of health; and

37 (i) The department of early learning.

1 (2) Based on the information gathered from stakeholders, the board
2 and the director of the center for childhood deafness and hearing loss
3 shall develop a structure and plan for implementing regional education
4 programs at two demonstration sites that:

5 (a) Are established within an educational service district and
6 managed through shared governance by the school districts;

7 (b) Collaborate and partner with, enhance, and avoid duplication of
8 existing and available services and programs, both public and private;

9 (c) Provide services at one or more central locations in the
10 education service districts;

11 (d) Provide services to students in their resident districts,
12 including students who are deaf or hard of hearing who may not qualify
13 for special education services;

14 (e) Include educational and transportation services for children,
15 consultation for teachers and staff, and outreach to families; and

16 (f) Support communication-rich learning environments and
17 instruction of students in the full spectrum of communication
18 modalities by qualified professionals, including American Sign
19 Language, auditory oral education, total communication, and signed
20 exact English.

21 (3) By December 1, 2010, the board and the director shall brief the
22 legislature and the governor with a recommendation for the location,
23 structure, and governance of the demonstration sites.

24 (4) This section expires January 1, 2011.

25 NEW SECTION. **Sec. 35.** RCW 72.40.023 (Superintendent of the state
26 school for the deaf--Powers and duties) and 2002 c 209 s 3 are each
27 repealed."

E2SHB 1879 - S COMM AMD

By Committee on Early Learning & K-12 Education

ADOPTED AND ENGROSSED 04/09/2009

28 On page 1, line 2 of the title, after "impaired;" strike the
29 remainder of the title and insert "amending RCW 72.40.010, 72.40.019,

1 72.40.024, 72.40.028, 72.40.120, 72.40.200, 72.40.210, 72.40.031,
2 72.42.010, 72.42.015, 72.42.016, 72.42.021, 72.42.041, 72.40.070,
3 72.40.220, 72.40.250, 72.40.280, 72.42.060, 26.44.210, 28A.155.160,
4 28A.310.010, 28A.310.180, 28A.310.200, 28A.335.205, 28A.400.303,
5 28A.400.305, 28A.600.420, 41.40.088, and 70.198.020; adding new
6 sections to chapter 72.42 RCW; creating new sections; repealing RCW
7 72.40.023; and providing an expiration date."

--- END ---