

ESSB 5515 - H COMM AMD

By Committee on Human Services, Youth, & Early Learning

ADOPTED 04/07/2023

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that there is a  
4 lack of oversight of certain residential facilities and residential  
5 private schools charged with the care of children. It is the intent  
6 of the legislature to ensure that the health, safety, and well-being  
7 of children who are served in residential facilities and residential  
8 private schools are protected against child abuse and neglect and  
9 have their basic health and safety needs met. The legislature intends  
10 for greater state oversight of such facilities that otherwise lack  
11 nationally recognized accreditation and intends for the department of  
12 children, youth, and families and the department of health to work  
13 collaboratively to coordinate oversight and monitoring processes to  
14 ensure state resources are used efficiently and effectively.  
15 Therefore, the legislature resolves to conduct investigations of  
16 certain residential facilities and residential private schools when  
17 allegations of child abuse or neglect are made at those facilities.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.15  
19 RCW to read as follows:

20 (1)(a) The department shall license the living accommodations  
21 provided by residential private schools as defined in RCW 74.15.020.  
22 Accommodations include all areas and school operations that are  
23 intended to allow enrolled students to eat, sleep, bathe, recreate,  
24 or otherwise reside.

25 (b) A residential private school is exempt from the licensing  
26 requirements of (a) of this subsection if:

27 (i) The residential private school is accredited by an  
28 accrediting body approved by the state board of education in  
29 accordance with accreditation standards and procedures established by  
30 the state board of education under RCW 28A.305.130; and

1 (ii) The accreditation covers the student living accommodations  
2 including examination of comparable criteria as listed in subsection  
3 (2) of this section as determined by the state board of education in  
4 consultation with the department.

5 (2) The department shall engage in negotiated rule making  
6 pursuant to RCW 34.05.310(2)(a) with the state board of education and  
7 other affected interests to adopt minimum health and safety rules to  
8 implement this section. Rules must address the needs of children and  
9 youth during noninstructional hours, including but not limited to  
10 space allotted to each child or youth for sleeping, developmentally  
11 appropriate privacy requirements, personal storage, nutritional  
12 needs, cleanliness and hygiene of living quarters, social-emotional  
13 well-being during noninstructional hours, health and wellness  
14 accommodations, compliance with the Americans with disabilities act,  
15 and physical safety.

16 **Sec. 3.** RCW 26.44.210 and 2019 c 266 s 13 are each amended to  
17 read as follows:

18 (1) (a) The department (~~must~~) shall investigate all referrals of  
19 alleged child abuse or neglect occurring at the (~~state school for~~  
20 the deaf, including alleged incidents involving students abusing  
21 other students;) Washington center for deaf and hard of hearing  
22 youth, substance use disorder treatment facilities licensed under  
23 chapter 71.24 RCW that treat patients on a residential basis,  
24 entities that provide behavioral health services as defined in RCW  
25 71.24.025 on a residential basis, host homes as described in RCW  
26 74.15.020(2)(o), and residential private schools as defined in this  
27 section.

28 (b) After investigating an allegation of child abuse or neglect  
29 under this section, the department shall determine whether there is a  
30 finding of abuse or neglect(~~+~~), and determine whether a referral to  
31 law enforcement is appropriate under this chapter.

32 (c) The department must adopt rules to implement this section.

33 (d) Any facilities referenced under (a) of this subsection where  
34 the department is investigating child abuse or neglect shall share  
35 records and any other information that is relevant to the  
36 department's investigation. Any records or information shared with  
37 the department retains any otherwise existing confidentiality  
38 protections under state or federal law.

1 (2) The department must send a copy of the investigation report,  
2 including the finding, regarding any incidents of alleged child abuse  
3 or neglect (~~(at the state school for the deaf)~~) to the (~~(director of~~  
4 ~~the Washington center for deaf and hard of hearing youth, or the~~  
5 ~~director's designee. The department may include recommendations to~~  
6 ~~the director and the board of trustees or its successor board for~~  
7 ~~increasing the safety of the school's students.)~~) administration of  
8 the facility in which the incident occurred and to the state agency  
9 which provides licensure, oversight, or accreditation to the program  
10 at the facility in which the incident occurred.

11 (3) "Residential private school" means a nonpublic school or  
12 nonpublic school district subject to approval by the state board of  
13 education pursuant to RCW 28A.305.130 and chapter 28A.195 RCW that  
14 provides sleeping and living facilities or residential accommodations  
15 for enrolled students.

16 **Sec. 4.** RCW 74.15.020 and 2021 c 176 s 5239 are each amended to  
17 read as follows:

18 The definitions in this section apply throughout this chapter and  
19 RCW 74.13.031 unless the context clearly requires otherwise.

20 (1) "Agency" means any person, firm, partnership, association,  
21 corporation, (~~(or)~~) facility, or residential private school which  
22 receives children, expectant mothers, or persons with developmental  
23 disabilities for control, care, or maintenance outside their own  
24 homes, or which places, arranges the placement of, or assists in the  
25 placement of children, expectant mothers, or persons with  
26 developmental disabilities for foster care or placement of children  
27 for adoption, and shall include the following irrespective of whether  
28 there is compensation to the agency or to the children, expectant  
29 mothers, or persons with developmental disabilities for services  
30 rendered:

31 (a) "Child-placing agency" means an agency which places a child  
32 or children for temporary care, continued care, or for adoption;

33 (b) "Community facility" means a group care facility operated for  
34 the care of juveniles committed to the department under RCW  
35 13.40.185. A county detention facility that houses juveniles  
36 committed to the department under RCW 13.40.185 pursuant to a  
37 contract with the department is not a community facility;

38 (c) "Crisis residential center" means an agency which is a  
39 temporary protective residential facility operated to perform the

1 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
2 43.185C.295 through 43.185C.310;

3 (d) "Emergency respite center" is an agency that may be commonly  
4 known as a crisis nursery, that provides emergency and crisis care  
5 for up to seventy-two hours to children who have been admitted by  
6 their parents or guardians to prevent abuse or neglect. Emergency  
7 respite centers may operate for up to twenty-four hours a day, and  
8 for up to seven days a week. Emergency respite centers may provide  
9 care for children ages birth through seventeen, and for persons  
10 eighteen through twenty with developmental disabilities who are  
11 admitted with a sibling or siblings through age seventeen. Emergency  
12 respite centers may not substitute for crisis residential centers or  
13 HOPE centers, or any other services defined under this section, and  
14 may not substitute for services which are required under chapter  
15 13.32A or 13.34 RCW;

16 (e) "Foster family home" means an agency which regularly provides  
17 care on a twenty-four hour basis to one or more children, expectant  
18 mothers, or persons with developmental disabilities in the family  
19 abode of the person or persons under whose direct care and  
20 supervision the child, expectant mother, or person with a  
21 developmental disability is placed;

22 (f) "Group-care facility" means an agency, other than a foster  
23 family home, which is maintained and operated for the care of a group  
24 of children on a twenty-four hour basis. "Group care facility"  
25 includes but is not limited to:

26 (i) Qualified residential treatment programs as defined in RCW  
27 13.34.030;

28 (ii) Facilities specializing in providing prenatal, postpartum,  
29 or parenting supports for youth; and

30 (iii) Facilities providing high quality residential care and  
31 supportive services to children who are, or who are at risk of  
32 becoming, victims of sex trafficking;

33 (g) "HOPE center" means an agency licensed by the secretary to  
34 provide temporary residential placement and other services to street  
35 youth. A street youth may remain in a HOPE center for thirty days  
36 while services are arranged and permanent placement is coordinated.  
37 No street youth may stay longer than thirty days unless approved by  
38 the department and any additional days approved by the department  
39 must be based on the unavailability of a long-term placement option.  
40 A street youth whose parent wants him or her returned to home may

1 remain in a HOPE center until his or her parent arranges return of  
2 the youth, not longer. All other street youth must have court  
3 approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center  
4 up to thirty days;

5 (h) "Maternity service" means an agency which provides or  
6 arranges for care or services to expectant mothers, before or during  
7 confinement, or which provides care as needed to mothers and their  
8 infants after confinement;

9 (i) "Residential private school" means a nonpublic school or  
10 nonpublic school district subject to approval by the state board of  
11 education pursuant to RCW 28A.305.130 and chapter 28A.195 RCW that  
12 provides sleeping and living facilities or residential accommodations  
13 for enrolled students;

14 (j) "Resource and assessment center" means an agency that  
15 provides short-term emergency and crisis care for a period up to  
16 seventy-two hours, excluding Saturdays, Sundays, and holidays to  
17 children who have been removed from their parent's or guardian's care  
18 by child protective services or law enforcement;

19 ((+j)) (k) "Responsible living skills program" means an agency  
20 licensed by the secretary that provides residential and transitional  
21 living services to persons ages sixteen to eighteen who are dependent  
22 under chapter 13.34 RCW and who have been unable to live in his or  
23 her legally authorized residence and, as a result, the minor lived  
24 outdoors or in another unsafe location not intended for occupancy by  
25 the minor. Dependent minors ages fourteen and fifteen may be eligible  
26 if no other placement alternative is available and the department  
27 approves the placement;

28 ((+k)) (l) "Service provider" means the entity that operates a  
29 community facility.

30 (2) "Agency" shall not include the following:

31 (a) Persons related to the child, expectant mother, or person  
32 with developmental disability in the following ways:

33 (i) Any blood relative, including those of half-blood, and  
34 including first cousins, second cousins, nephews or nieces, and  
35 persons of preceding generations as denoted by prefixes of grand,  
36 great, or great-great;

37 (ii) Stepfather, stepmother, stepbrother, and stepsister;

38 (iii) A person who legally adopts a child or the child's parent  
39 as well as the natural and other legally adopted children of such

1 persons, and other relatives of the adoptive parents in accordance  
2 with state law;

3 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of  
4 this subsection (2), even after the marriage is terminated;

5 (v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this  
6 subsection (2), of any half sibling of the child; or

7 (vi) Extended family members, as defined by the law or custom of  
8 the Indian child's tribe or, in the absence of such law or custom, a  
9 person who has reached the age of eighteen and who is the Indian  
10 child's grandparent, aunt or uncle, brother or sister, brother-in-law  
11 or sister-in-law, niece or nephew, first or second cousin, or  
12 stepparent who provides care in the family abode on a twenty-four-  
13 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

14 (b) Persons who are legal guardians of the child, expectant  
15 mother, or persons with developmental disabilities;

16 (c) Persons who care for a neighbor's or friend's child or  
17 children, with or without compensation, where the parent and person  
18 providing care on a twenty-four-hour basis have agreed to the  
19 placement in writing and the state is not providing any payment for  
20 the care;

21 (d) A person, partnership, corporation, or other entity that  
22 provides placement or similar services to exchange students or  
23 international student exchange visitors or persons who have the care  
24 of an exchange student in their home;

25 (e) A person, partnership, corporation, or other entity that  
26 provides placement or similar services to international children who  
27 have entered the country by obtaining visas that meet the criteria  
28 for medical care as established by the United States citizenship and  
29 immigration services, or persons who have the care of such an  
30 international child in their home;

31 (f) (~~(Schools, including boarding)~~) Nonresidential schools, which  
32 are engaged primarily in education, operate on a definite school year  
33 schedule, follow a stated academic curriculum, accept only school-age  
34 children and do not accept custody of children;

35 (g) Hospitals licensed pursuant to chapter 70.41 RCW when  
36 performing functions defined in chapter 70.41 RCW, nursing homes  
37 licensed under chapter 18.51 RCW and assisted living facilities  
38 licensed under chapter 18.20 RCW;

39 (h) Licensed physicians or lawyers;

40 (i) Facilities approved and certified under chapter 71A.22 RCW;

1 (j) Any agency having been in operation in this state ten years  
2 prior to June 8, 1967, and not seeking or accepting moneys or  
3 assistance from any state or federal agency, and is supported in part  
4 by an endowment or trust fund;

5 (k) Persons who have a child in their home for purposes of  
6 adoption, if the child was placed in such home by a licensed child-  
7 placing agency, an authorized public or tribal agency or court or if  
8 a replacement report has been filed under chapter 26.33 RCW and the  
9 placement has been approved by the court;

10 (l) An agency operated by any unit of local, state, or federal  
11 government or an agency licensed by an Indian tribe pursuant to RCW  
12 74.15.190;

13 (m) A maximum or medium security program for juvenile offenders  
14 operated by or under contract with the department;

15 (n) An agency located on a federal military reservation, except  
16 where the military authorities request that such agency be subject to  
17 the licensing requirements of this chapter;

18 (o)(i) A host home program, and host home, operated by a tax  
19 exempt organization for youth not in the care of or receiving  
20 services from the department, if that program: (A) Recruits and  
21 screens potential homes in the program, including performing  
22 background checks on individuals over the age of eighteen residing in  
23 the home through the Washington state patrol or equivalent law  
24 enforcement agency and performing physical inspections of the home;  
25 (B) screens and provides case management services to youth in the  
26 program; (C) obtains a notarized permission slip or limited power of  
27 attorney from the parent or legal guardian of the youth authorizing  
28 the youth to participate in the program and the authorization is  
29 updated every six months when a youth remains in a host home longer  
30 than six months; (D) obtains insurance for the program through an  
31 insurance provider authorized under Title 48 RCW; (E) provides  
32 mandatory reporter and confidentiality training; and (F) registers  
33 with the secretary of state under RCW 74.15.315.

34 (ii) For purposes of this section, a "host home" is a private  
35 home that volunteers to host youth in need of temporary placement  
36 that is associated with a host home program.

37 (iii) For purposes of this section, a "host home program" is a  
38 program that provides support to individual host homes and meets the  
39 requirements of (o)(i) of this subsection.

1 (iv) Any host home program that receives local, state, or  
2 government funding shall report the following information to the  
3 office of homeless youth prevention and protection programs annually  
4 by December 1st of each year: The number of children the program  
5 served, why the child was placed with a host home, and where the  
6 child went after leaving the host home, including but not limited to  
7 returning to the parents, running away, reaching the age of majority,  
8 or becoming a dependent of the state;

9 (p) Receiving centers as defined in RCW 7.68.380.

10 (3) "Department" means the department of children, youth, and  
11 families.

12 (4) "Juvenile" means a person under the age of twenty-one who has  
13 been sentenced to a term of confinement under the supervision of the  
14 department under RCW 13.40.185.

15 (5) "Performance-based contracts" or "contracting" means the  
16 structuring of all aspects of the procurement of services around the  
17 purpose of the work to be performed and the desired results with the  
18 contract requirements set forth in clear, specific, and objective  
19 terms with measurable outcomes. Contracts may also include provisions  
20 that link the performance of the contractor to the level and timing  
21 of the reimbursement.

22 (6) "Probationary license" means a license issued as a  
23 disciplinary measure to an agency that has previously been issued a  
24 full license but is out of compliance with licensing standards.

25 (7) "Requirement" means any rule, regulation, or standard of care  
26 to be maintained by an agency.

27 (8) "Secretary" means the secretary of the department.

28 (9) "Street youth" means a person under the age of eighteen who  
29 lives outdoors or in another unsafe location not intended for  
30 occupancy by the minor and who is not residing with his or her parent  
31 or at his or her legally authorized residence.

32 (10) "Transitional living services" means at a minimum, to the  
33 extent funds are available, the following:

34 (a) Educational services, including basic literacy and  
35 computational skills training, either in local alternative or public  
36 high schools or in a high school equivalency program that leads to  
37 obtaining a high school equivalency degree;

38 (b) Assistance and counseling related to obtaining vocational  
39 training or higher education, job readiness, job search assistance,  
40 and placement programs;



1 (c) Counseling and instruction in life skills such as money  
2 management, home management, consumer skills, parenting, health care,  
3 access to community resources, and transportation and housing  
4 options;

5 (d) Individual and group counseling; and

6 (e) Establishing networks with federal agencies and state and  
7 local organizations such as the United States department of labor,  
8 employment and training administration programs including the  
9 workforce innovation and opportunity act which administers private  
10 industry councils and the job corps; vocational rehabilitation; and  
11 volunteer programs.

12 NEW SECTION. **Sec. 5.** A new section is added to chapter 71.24  
13 RCW to read as follows:

14 Any substance use disorder treatment facilities and entities that  
15 provide behavioral health services where the department of children,  
16 youth, and families is investigating child abuse or neglect, as  
17 provided for under RCW 26.44.210, shall share records and any other  
18 information that is relevant to the department of children, youth,  
19 and families' investigation. Any records or information shared with  
20 the department of children, youth, and families retains any  
21 confidentiality protections under state or federal law.

22 NEW SECTION. **Sec. 6.** The department of children, youth, and  
23 families shall submit to the appropriate committees of the  
24 legislature, in compliance with RCW 43.01.036, a preliminary progress  
25 report on licensing and oversight of residential private schools no  
26 later than July 1, 2025, and final report no later than July 1, 2026.

27 NEW SECTION. **Sec. 7.** If any provision of this act or its  
28 application to any person or circumstance is held invalid, the  
29 remainder of the act or the application of the provision to other  
30 persons or circumstances is not affected.

31 NEW SECTION. **Sec. 8.** Sections 2 and 4 of this act take effect  
32 July 1, 2025.

33 NEW SECTION. **Sec. 9.** Section 3 of this act takes effect January  
34 1, 2024."

1 Correct the title.

EFFECT: Retains the provisions of the underlying bill, with the following changes to the requirement that the Department of Children, Youth, and Families (DCYF) investigate all referrals of alleged child abuse or neglect occurring at certain facilities:

(1) Specifies that the requirement to investigate incidents occurring at substance use disorder treatment facilities and entities that provide behavioral health services pertains to facilities and entities that provide services on a residential basis;

(2) Includes host homes in the list of facilities in which the DCYF must investigate; and

(3) Makes a technical amendment to apply the bill's current definition of "residential private school" on the effective date of the section.

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