
SECOND SUBSTITUTE SENATE BILL 5235

State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Bailey, Rinehart, Oke, Patterson, Anderson, Pelz, Johnson, Murray, A. Smith, Sutherland, Conner and Talmadge).

Read first time March 6, 1991.

1 AN ACT Relating to prevention and intervention services for
2 elementary students; adding new sections to chapter 28A.600 RCW; and
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** Unless the context clearly requires
6 otherwise, the definitions in this section apply throughout sections 1
7 through 9 of this act.

8 (1) "Child intervention specialist" means:

9 (a) An educational staff associate who holds certification as a
10 school counselor, a school psychologist, a school nurse, or a school
11 social worker under state board of education rules adopted pursuant to
12 RCW 28A.305.130; or

13 (b)(i) An appropriate public or private provider of professional
14 health care as defined under RCW 18.120.020(4), including providers
15 employed by the state of Washington;

1 (ii) A mental health professional as defined under RCW
2 71.05.020(12), including mental health professionals employed by the
3 state of Washington; or

4 (iii) A child psychiatrist or children's mental health specialist
5 as defined under RCW 71.34.020, including child psychiatrists or
6 children's mental health specialists employed by the state of
7 Washington, whose services may be requested by a school district
8 pursuant to a prevention and intervention program for elementary
9 students implemented under sections 2 through 4 of this act.

10 (2) "Early grades," "elementary grades," and "elementary level"
11 mean kindergarten through grade six and may include preschool age
12 children served by the school district.

13 (3) "Elementary grades prevention and intervention program" means
14 a program of services and activities or events developed pursuant to
15 sections 2 through 4 of this act.

16 (4) "Superintendent" means the superintendent of public
17 instruction.

18 NEW SECTION. **Sec. 2.** (1) From funds appropriated by the
19 legislature, the superintendent shall establish a voluntary program to
20 assist school districts in providing prevention and intervention
21 programs for elementary grade students. This program shall be called
22 the fair start program.

23 (2) Any district currently providing elementary students with
24 prevention and intervention services which loses the source of funding
25 for those services, for reasons beyond the control of the district, may
26 use fair start funds to continue or enhance the existing level of
27 prevention and intervention services.

1 NEW SECTION. **Sec. 3.** The superintendent shall distribute
2 funds equitably to all school districts based on the district's
3 enrollment in grades kindergarten through six. Districts accepting
4 fair start allocations shall be required to match the state funds at a
5 minimum of twenty percent of the cost of the proposed local elementary
6 grades prevention and intervention program. The district match may
7 consist of:

8 (1) Federal funds;

9 (2) Other funds available to districts, including funds from state
10 programs with prevention and intervention components, such as:

11 (a) The substance abuse awareness program under RCW 28A.170.010
12 through 28A.170.070;

13 (b) The substance abuse prevention and intervention program under
14 RCW 28A.170.075 through 28A.170.100;

15 (c) The community mobilization against substance abuse program
16 under RCW 43.270.010 through 43.270.080;

17 (d) The learning assistance program under RCW 28A.165.010 through
18 28A.165.090;

19 (e) The dropout prevention program under RCW 28A.175.020 through
20 28A.175.070;

21 (f) Local education program enhancement funds appropriated by the
22 legislature;

23 (3) Municipal funds;

24 (4) District funds currently used for elementary prevention and
25 intervention services;

26 (5) Contributions of or contractual arrangements for services,
27 including the use of a child intervention specialist licensed or
28 employed by the state of Washington, materials, supplies, or physical
29 facilities; or

1 (6) Any combination of funds under subsections (1) through (5) of
2 this section.

3 NEW SECTION. **Sec. 4.** (1) School districts interested in
4 implementing or enhancing an elementary grades prevention and
5 intervention program shall submit the following information to the
6 superintendent of public instruction:

7 (a) Documentation that the district board of directors has adopted
8 a written policy regarding the district's role and responsibility
9 relating to prevention and intervention services for elementary
10 students or a letter of commitment from the board of directors that a
11 written policy will be adopted within six months of receipt of state
12 funding under this chapter;

13 (b) District goals relating to prevention and intervention services
14 for elementary students;

15 (c) Procedures for notifying parents or guardians regarding:

16 (i) The referral of students for prevention and intervention
17 services; and

18 (ii) Liability issues relating to the provision of prevention and
19 intervention services to students outside school buildings;

20 (d) Use of grant funds for prevention and intervention related in-
21 service purposes, including, as necessary and appropriate,
22 multicultural in-service training for child intervention specialists;

23 (e) How the services of child intervention specialists may be
24 integrated into the district's elementary grades prevention and
25 intervention program;

26 (f) Evaluation procedures the district will implement to assess the
27 effectiveness of the district's early grades prevention and
28 intervention program; and

29 (g) Other information as requested by the superintendent.

1 (2) The district's plan for providing prevention and intervention
2 services to students shall be based on the district's identified goals
3 under subsection (1)(b) of this section. The plan shall be developed
4 with the participation of, but not limited to, district and building-
5 level staff and administrators, child intervention specialists, and
6 parents.

7 (3) In addition to the information required under subsection (1) of
8 this section, school districts and educational service districts
9 accepting moneys under the fair start program shall be required to
10 establish formal agreements for coordinated case management with lead
11 mental health agencies or other public or private social service
12 agencies that are present in the community with an emphasis on the most
13 efficient and cost-effective use of fair start funds.

14 (4) Two or more school districts may submit a joint application for
15 the purpose of establishing or enhancing a cooperative prevention and
16 intervention program for elementary grades students.

17 (5) An educational service district may submit an application on
18 behalf of one or more school districts for the purpose of establishing
19 or enhancing an elementary grades prevention and intervention program.

20 NEW SECTION. **Sec. 5.** (1) Districts shall use fair start funds
21 to provide prevention and intervention services to students in grades
22 preschool through six with priority given to students based on need.
23 Districts shall establish the criteria determining need and include
24 this information in the reports required under section 8 of this act.

25 (2) In developing their elementary grades prevention and
26 intervention programs, districts shall, as appropriate, take into
27 consideration the multicultural background and needs of students and,
28 as necessary, provide appropriate multicultural curriculum materials.

1 (3) In developing their elementary grades prevention and
2 intervention programs, districts shall emphasize the delivery of
3 services using child intervention specialists as defined in section
4 1(1)(a) of this act. Districts are encouraged to have child
5 intervention specialists as defined in section 1(1)(b) of this act
6 deliver services in the district and under the supervision of a child
7 intervention specialist as defined in section 1(1)(a) of this act under
8 the district's prevention and intervention program.

9 (4) Nothing under sections 1 through 9 of this act shall preclude
10 a district from incorporating a primary intervention program model as
11 part of the district's fair start program.

12 NEW SECTION. **Sec. 6.** The superintendent shall develop
13 specific measures to evaluate the success of the grant projects and the
14 fair start program. The department of social and health services shall
15 provide the superintendent with information the superintendent may use
16 in developing measures to evaluate the fair start program and projects.

17 NEW SECTION. **Sec. 7.** (1) The superintendent of public
18 instruction shall adopt rules as necessary under chapter 34.05 RCW to
19 implement sections 1 through 6 of this act.

20 (a) The rules shall permit districts to contract with governmental
21 or nongovernmental organizations or community-based professional health
22 care providers to provide elementary students with prevention and
23 intervention services under the local fair start program.

24 (b) The rules shall permit school districts to provide prevention
25 and intervention services through the local educational service
26 district.

1 (c) The rules shall assure appropriate coordination between the
2 superintendent and the department of social and health services
3 regarding the primary intervention program and the fair start program.

4 (2) The secretary of the department of social and health services
5 shall adopt rules as necessary under chapter 34.05 RCW to assure
6 appropriate coordination between the secretary and the superintendent
7 regarding the fair start program and the primary intervention program.

8 NEW SECTION. **Sec. 8.** (1) School districts and educational
9 service districts shall submit annually to the superintendent of public
10 instruction a report on their fair start programs. The reports shall
11 include the criteria established to determine students' needs to
12 provide prevention and intervention services on a priority basis.

13 (2) The superintendent shall submit biennially a report to the
14 governor and the legislature on the fair start program established
15 under section 2 of this act. The first report shall be submitted not
16 later than December 1, 1992. The first report shall include
17 information on districts' criteria establishing students' needs to
18 receive prevention and intervention services on a priority basis.
19 Subsequent reports shall be submitted not later than December 1 in
20 even-numbered years.

21 NEW SECTION. **Sec. 9.** (1) The superintendent of public
22 instruction shall collect and disseminate to school districts
23 information on programs established or enhanced under the fair start
24 program.

25 (2) Upon request, the superintendent shall provide information to
26 districts regarding how other districts have used fair start funds
27 locally and how other districts have established formal agreements for

1 coordinated case management under section 4(4) of this act or otherwise
2 coordinated services to children.

3 NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act are
4 each added to chapter 28A.600 RCW.

5 NEW SECTION. **Sec. 11.** If specific funding for the purposes of
6 this act, referencing this act by bill number, is not provided by June
7 30, 1991, in the omnibus appropriations act, this act shall be null and
8 void.

9 NEW SECTION. **Sec. 12.** If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.