

2 **SSB 6361** - H COMM AMD **ADOPTED 3-1-00**
3 By Committee on Children & Family Services

4

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 72.40 RCW
8 to read as follows:

9 The state school for the deaf and the state school for the blind
10 shall promote the personal safety of students and protect the children
11 who attend from child abuse and neglect as defined in RCW 26.44.020.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 72.40 RCW
13 to read as follows:

14 The superintendents of the state school for the deaf and the state
15 school for the blind or their designees shall immediately report to the
16 persons indicated the following events:

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

18 (a) The death of the child;

19 (b) Hospitalization of a child in attendance or residence at the
20 school;

21 (c) Allegations of child abuse or neglect in which the parent's
22 child in attendance or residence at the school is the alleged victim;

23 (d) Allegations of physical or sexual abuse in which the parent's
24 child in attendance or residence at the school is the alleged
25 perpetrator;

26 (e) Life-threatening illness;

27 (f) The attendance at the school of any child who is a registered
28 sex offender under RCW 9A.44.130 as permitted by RCW 4.24.550.

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

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 72.40 RCW
2 to read as follows:

3 (1) The superintendents of the state school for the deaf and the
4 state school for the blind shall maintain in writing and implement
5 behavior management policies and procedures that accomplish the
6 following:

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

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

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

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

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

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

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

20 (d) Redirection strategies to present the child with alternative
21 resolution choices.

22 NEW SECTION. **Sec. 4.** A new section is added to chapter 72.40 RCW
23 to read as follows:

24 (1) The state school for the deaf and the state school for the
25 blind shall ensure that all staff, within two months of beginning
26 employment, complete a minimum of fifteen hours of job orientation
27 which shall include, but is not limited to, presentation of the
28 standard operating procedures manual for each school, describing all
29 policies and procedures specific to the school.

30 (2) The state school for the deaf and the state school for the
31 blind shall ensure that all new staff receive thirty-two hours of job
32 specific training within ninety days of employment which shall include,
33 but is not limited to, promoting and protecting student personal
34 safety. All staff shall receive thirty-two hours of ongoing training
35 in these areas every two years.

36 NEW SECTION. **Sec. 5.** A new section is added to chapter 72.40 RCW
37 to read as follows:

1 The residential program at the state school for the deaf and the
2 state school for the blind shall employ residential staff in sufficient
3 numbers to ensure the physical and emotional needs of the residents are
4 met. Residential staff shall be on duty in sufficient numbers to
5 ensure the safety of the children residing there.

6 For purposes of this section, "residential staff" means staff in
7 charge of supervising the day-to-day living situation of the children
8 in the residential portion of the schools.

9 NEW SECTION. **Sec. 6.** A new section is added to chapter 72.40 RCW
10 to read as follows:

11 In addition to the powers and duties under RCW 72.40.022 and
12 72.40.024, the superintendents of the state school for the deaf and the
13 state school for the blind shall:

14 (1) Develop written procedures for the supervision of employees and
15 volunteers who have the potential for contact with students. Such
16 procedures shall be designed to prevent child abuse and neglect by
17 providing for adequate supervision of such employees and volunteers,
18 taking into consideration such factors as the student population
19 served, architectural factors, and the size of the facility. Such
20 procedures shall include, but need not be limited to, the following:

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

22 (b) Responsibilities of supervisors;

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

25 (d) Provision of written supervisory guidelines to employees and
26 volunteers;

27 (e) Periodic supervisory conferences for employees and volunteers;
28 and

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

32 (2) Develop written procedures for the protection of students when
33 there is reason to believe an incident has occurred which would render
34 a child student an abused or neglected child within the meaning of RCW
35 26.44.020. Such procedures shall include, but need not be limited to,
36 the following:

1 (a) Investigation. Immediately upon notification that a report of
2 child abuse or neglect has been made to the department of social and
3 health services or a law enforcement agency, the superintendent shall:

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

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

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

10 (b) Safety. Upon notification that a report of suspected child
11 abuse or neglect has been made to the department of social and health
12 services or a law enforcement agency, the superintendent or his or her
13 designee, with consideration for causing as little disruption as
14 possible to the daily routines of the students, shall evaluate the
15 situation and immediately take appropriate action to assure the health
16 and safety of the students involved in the report and of any other
17 students similarly situated, and take such additional action as is
18 necessary to prevent future acts of abuse or neglect. Such action may
19 include:

20 (i) Consistent with federal and state law:

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

22 (B) Increasing the degree of supervision of the alleged
23 perpetrator; and

24 (C) Initiating appropriate disciplinary action against the alleged
25 perpetrator;

26 (ii) Provision of increased training and increased supervision to
27 volunteers and staff pertinent to the prevention and remediation of
28 abuse and neglect;

29 (iii) Temporary removal of the students from a program and
30 reassignment of the students within the school, as an emergency
31 measure, if it is determined that there is a risk to the health or
32 safety of such students in remaining in that program. Whenever a
33 student is removed, pursuant to this subsection (2)(b)(iii), from a
34 special education program or service specified in his or her
35 individualized education program, the action shall be reviewed in an
36 individualized education program meeting; and

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

1 (c) Corrective action plans. Upon receipt of the results of an
2 investigation by the department of social and health services pursuant
3 to a report of suspected child abuse or neglect, the superintendent,
4 after consideration of any recommendations by the department of social
5 and health services for preventive and remedial action, shall implement
6 a written plan of action designed to assure the continued health and
7 safety of students and to provide for the prevention of future acts of
8 abuse or neglect.

9 NEW SECTION. **Sec. 7.** A new section is added to chapter 72.40 RCW
10 to read as follows:

11 In consideration of the needs and circumstances of the program, the
12 state school for the deaf and the state school for the blind shall
13 provide instruction to all students in techniques and procedures which
14 will enable the students to protect themselves from abuse and neglect.
15 Such instruction shall be described in a written plan to be submitted
16 to the board of trustees for review and approval, and shall be:

17 (1) Appropriate for the age, individual needs, and particular
18 circumstances of students, including the existence of mental, physical,
19 emotional, or sensory disabilities;

20 (2) Provided at different times throughout the year in a manner
21 which will ensure that all students receive such instruction; and

22 (3) Provided by individuals who possess appropriate knowledge and
23 training, documentation of which shall be maintained by the school.

24 **Sec. 8.** RCW 72.40.040 and 1993 c 147 s 3 are each amended to read
25 as follows:

26 (1) The schools shall be free to residents of the state between the
27 ages of three and twenty-one years, who are blind/visually impaired or
28 deaf/hearing impaired, or with other disabilities where a vision or
29 hearing disability is the major need for services.

30 (2) The schools may provide nonresidential services to children
31 ages birth through three who meet the eligibility criteria in this
32 section, subject to available funding.

33 (3) Each school shall admit and retain students on a space
34 available basis according to criteria developed and published by each
35 school superintendent in consultation with each board of trustees and
36 school faculty: PROVIDED, That students over the age of twenty-one
37 years, who are otherwise qualified may be retained at the school, if in

1 the discretion of the superintendent in consultation with the faculty
2 they are proper persons to receive further training given at the school
3 and the facilities are adequate for proper care, education, and
4 training.

5 (4) The admission and retention criteria developed and published by
6 each school superintendent shall contain a provision allowing the
7 schools to refuse to admit or retain a student who is an adjudicated
8 sex offender except that the schools shall not admit or retain a
9 student who is an adjudicated level III sex offender as provided in RCW
10 13.40.217(3).

11 **Sec. 9.** RCW 72.40.050 and 1985 c 378 s 20 are each amended to read
12 as follows:

13 (1) The superintendents may admit to their respective schools
14 visually or hearing impaired children from other states as appropriate,
15 but the parents or guardians of such children or other state will be
16 required to pay annually or quarterly in advance a sufficient amount to
17 cover the cost of maintaining and educating such children as set by the
18 applicable superintendent.

19 (2) The admission and retention criteria developed and published by
20 each school superintendent shall contain a provision allowing the
21 schools to refuse to admit or retain a nonresident student who is an
22 adjudicated sex offender, or the equivalent under the laws of the state
23 in which the student resides, except that the schools shall not admit
24 or retain a nonresident student who is an adjudicated level III sex
25 offender or the equivalent under the laws of the state in which the
26 student resides.

27 **NEW SECTION. Sec. 10.** A new section is added to chapter 72.40 RCW
28 to read as follows:

29 (1) The schools shall implement a policy for the children who
30 reside at the schools protecting those who are vulnerable to sexual
31 victimization by other children who are sexually aggressive and
32 residing at the schools. The policy shall include, at a minimum, the
33 following elements:

34 (a) Development and use of an assessment process for identifying
35 children, within thirty days of beginning residence at the schools, who
36 present a moderate or high risk of sexually aggressive behavior for the
37 purposes of this section. The assessment process need not require that

1 every child who is adjudicated or convicted of a sex offense as defined
2 in RCW 9.94A.030 be determined to be sexually aggressive, nor shall a
3 sex offense adjudication or conviction be required in order to
4 determine a child is sexually aggressive. Instead, the assessment
5 process shall consider the individual circumstances of the child,
6 including his or her age, physical size, sexual abuse history, mental
7 and emotional condition, and other factors relevant to sexual
8 aggressiveness. The definition of "sexually aggressive youth" in RCW
9 74.13.075 does not apply to this section to the extent that it
10 conflicts with this section;

11 (b) Development and use of an assessment process for identifying
12 children, within thirty days of beginning residence at the schools, who
13 may be vulnerable to victimization by children identified under (a) of
14 this subsection as presenting a moderate or high risk of sexually
15 aggressive behavior. The assessment process shall consider the
16 individual circumstances of the child, including his or her age,
17 physical size, sexual abuse history, mental and emotional condition,
18 and other factors relevant to vulnerability;

19 (c) Development and use of placement criteria to avoid assigning
20 children who present a moderate or high risk of sexually aggressive
21 behavior to the same sleeping quarters as children assessed as
22 vulnerable to sexual victimization, except that they may be assigned to
23 the same multiple-person sleeping quarters if those sleeping quarters
24 are regularly monitored by visual surveillance equipment or staff
25 checks;

26 (d) Development and use of procedures for minimizing, within
27 available funds, unsupervised contact in the residential facilities of
28 the schools between children presenting moderate to high risk of
29 sexually aggressive behavior and children assessed as vulnerable to
30 sexual victimization. The procedures shall include taking reasonable
31 steps to prohibit any child residing at the schools who present a
32 moderate to high risk of sexually aggressive behavior from entering any
33 sleeping quarters other than the one to which they are assigned, unless
34 accompanied by an authorized adult.

35 (2) For the purposes of this section, the following terms have the
36 following meanings:

37 (a) "Sleeping quarters" means the bedrooms or other rooms within a
38 residential facility where children are assigned to sleep.

1 (b) "Unsupervised contact" means contact occurring outside the
2 sight or hearing of a responsible adult for more than a reasonable
3 period of time under the circumstances.

4 NEW SECTION. **Sec. 11.** If any part of this act is found to be in
5 conflict with federal requirements that are a prescribed condition to
6 the allocation of federal funds to the state, the conflicting part of
7 this act is inoperative solely to the extent of the conflict and with
8 respect to the agencies directly affected, and this finding does not
9 affect the operation of the remainder of this act in its application to
10 the agencies concerned. Rules adopted under this act must meet federal
11 requirements that are a necessary condition to the receipt of federal
12 funds by the state.

13 NEW SECTION. **Sec. 12.** If specific funding for the purposes of
14 this act, referencing this act by bill or chapter number, is not
15 provided by June 30, 2000, in the omnibus appropriations act, this act
16 is null and void."

17 Correct the title.

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