

HOUSE BILL REPORT

SSB 6361

As Reported By House Committee On:
Children & Family Services
Appropriations

Title: An act relating to child abuse and neglect reporting, investigation, and training procedures and the administration of the Washington state schools for the blind and for the deaf.

Brief Description: Protecting children at the state school for the deaf and the state school for the blind from abuse and neglect.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Zarelli, Hargrove, Hale, Honeyford, McCaslin, Hochstatter, Swecker, Johnson, Roach, Stevens, Oke, Benton and Kohl-Welles).

Brief History:

Committee Activity:

Children & Family Services: 2/21/00, 2/24/00 [DPA];

Appropriations: 2/26/00, 2/28/00 [DPA(CFS)].

**Brief Summary of Substitute Bill
(As Amended by House Committee)**

- Requires the promotion and protection of personal safety, and, protection from child abuse and neglect, of the children who attend the Washington State School for the Deaf (WSD) and Washington State School for the Blind (WSSB).
- Requires training of staff in promoting and protecting student personal safety; training of students in protection from abuse and neglect; and, written procedures for supervision of employees and volunteers who have contact with students.
- Requires the schools to develop a process for assessing children's risk of sexual aggressiveness and risk of vulnerability to sexual victimization, and, institute steps to protect the vulnerable children.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: Do pass as amended. Signed by 10 members: Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Staff: Deborah Frazier (786-7152).

Background:

The Washington State School for the Deaf (WSD) delivers specialized educational services to deaf and hard of hearing children ages 3 through 21 from throughout the state. Sign language is used on the campus, and students experience opportunities to communicate with deaf, hard-of-hearing, and hearing peers and adults. Approximately 170 students are served; of these, two-thirds are served in 24 hour on-campus residential programs.

The Washington State School for the Blind (WSSB) provides specialized educational services to visually impaired youth ages birth to 21. The school serves as a statewide demonstration and resource center, and provides services to students both on campus and in the children’s local communities. Services are provided to families, educators, and others interested in assisting visually impaired youth to become independent. Over 450 youth are served each month; approximately 70 youth are served in 24 hour on-campus residential programs.

Both schools are state agencies, subject to applicable statutes and administrative codes. The Office of the Superintendent of Public Instruction (OSPI) also has oversight responsibilities for both schools, which are audited every three years, as are all public schools. Both schools are also subject to federal regulation under provisions of the Individuals with Disabilities Education Act (IDEA), which mandates procedures for evaluation and placement of children with special needs.

A blue ribbon committee has been meeting to address concerns related to children in residence at the WSD. Subcommittees have developed draft recommendations that:

- promote personal and environmental safety at the school;
- improve communications with parents; and
- establish systematic communications, policies, and procedures between the school and other agencies and stakeholders.

Summary of Amended Bill:

The bill requires the promotion and protection of personal safety, and protection from child abuse and neglect, of the children who attend the WSD and WSSB.

The superintendents of the schools are required to immediately report to a child's parent, custodian, or guardian, in a manner most likely to reach these persons, on the following events:

- death of the child;
- hospitalization of the child;
- allegations of child abuse or neglect where the child is the alleged victim or the alleged perpetrator;
- life threatening illness; and
- attendance at the school(s) of a child who is a registered sex offender.

Oral notification is to be followed by written notification within 48 hours.

The superintendents of each school are required to write and implement behavior management policies and procedures to support children who need this assistance. Staff at each school are required to complete, within two months of employment, 15 hours of job orientation, including presentation of all policies and procedures. New staff are to receive 32 hours of job specific training within 90 days of employment, and all staff are required to receive 32 hours of job-specific training every two years.

The superintendents of both schools are required to employ enough residential staff to ensure that the physical and emotional needs of the residents are met. The superintendents must develop written procedures for the supervision of employees who are likely to have contact with students. Written procedures are also required for the protection of students when there is reason to believe a student has been abused or neglected, including investigation, safety, and corrective action plans.

Both schools must provide instruction to the students in how to protect themselves from abuse or neglect. The schools are given the discretion not to admit or retain a student who is an adjudicated sex offender. Neither school may admit or retain an adjudicated Level III sex offender.

The schools must develop a process for assessing children's risk of sexual aggressiveness and risk of vulnerability to sexual victimization, and institute steps to protect the vulnerable children.

Amended Bill Compared to Substitute Bill: The substitute bill required the protection of the children who attend the WSD and WSSB from child abuse and neglect. The amended bill expands this requirement to include the promotion and protection of student personal safety.

The substitute bill listed specific skills and techniques in which employees were to be trained. The amended bill specifies that 32 hours of job specific training are required for new employees within 90 days of employment, and 32 hours of ongoing job-specific

training for all staff every two years. The training is to include the promotion and protection of student personal safety.

The substitute bill required the Office of the Family and Children's Ombudsman to include, in its annual report, information on the ability of WSD and WSSB to protect children in attendance at the schools from abuse and neglect, with the first report due by December, 2000. The amended bill deletes this requirement.

The amended bill includes a null and void clause and a federal severability clause.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: The children attending the WSD and WSSB need protection and this bill ensures they get it. These schools are unique, and completely dependent upon the Legislature for funding. Changes addressed in this bill are already taking place at the WSD. The Blue Ribbon Committee has completed its work and this bill does not conflict with their recommendations. The committee has looked at all issues involving safety, not just abuse and neglect.

Testimony Against: None.

Testified: (In support) Senator Zarelli, prime sponsor; Representative Ogden; Len Aron, Washington School for the Deaf; Dean Stenehjem, Washington State School for the Blind; Vickie Wallen, Office of the Family and Children's Ombudsman; Barbara Stone, Department of Social and Health Services; Enrique and Gloria Dominguez; Patricia Bunnell; and Tami Grant.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Children & Family Services. Signed by 30 members: Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Staff: Ronda Larson (786-7117).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Children & Family Services: No new changes were recommended.

Appropriation: None.

Fiscal Note: Requested on February 22, 2000.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed; however, the bill is null and void unless funded in the budget.

Testimony For: Funding for this bill will go toward training staff and students at the schools. Because the schools are considered state agencies by law, they have not been considered in the past when dollars have been allocated for K-12 schools specifically for training. These two schools have consequently fallen behind in resources for training, and they say they do not have enough money for adequate training in the area of sexual assault. It is absurd that there is a null and void clause in this amended bill. Are deaf children less important to the Children and Family Services Committee than hearing children? In August of 1998, the School for the Deaf was operating in the black. Within six months it went into the red. Because of federal laws that were passed (ADA, IDEA), many of the students and their families have chosen to stay at home and get home schooled. The schools' populations have decreased by a large percentage.

Testimony Against: None.

Testified: (In support) Senator Zarelli, prime sponsor; Patricia Bunnell, parent and former staff member; Kevin Grant, parent.