

---

**SUBSTITUTE SENATE BILL 6361**

---

**State of Washington**

**56th Legislature**

**2000 Regular Session**

**By** 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)

Read first time 02/03/2000.

1 AN ACT Relating to child abuse and neglect reporting,  
2 investigation, and training procedures and the administration of the  
3 Washington state schools for the blind and for the deaf; amending RCW  
4 72.40.040 and 72.40.050; adding new sections to chapter 72.40 RCW; and  
5 adding a new section to chapter 43.06A RCW.

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

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 protect the children who attend from child abuse and neglect as  
11 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;

1 (b) Hospitalization of a child in attendance or residence at the  
2 school;

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

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

8 (e) Life-threatening illness;

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

11 (2) Notification to the parent shall be made by the means most  
12 likely to be received by the parent. If initial notification is made  
13 by telephone, such notification shall be followed by notification in  
14 writing within forty-eight hours after the initial oral contact is  
15 made.

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

18 (1) The superintendents of the state school for the deaf and the  
19 state school for the blind shall maintain in writing and implement  
20 behavior management policies and procedures that accomplish the  
21 following:

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

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

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

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

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

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

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

35 (d) Redirection strategies to present the child with alternative  
36 resolution choices.

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

3        (1) The state school for the deaf and the state school for the  
4 blind shall ensure that all staff, within two months of beginning  
5 employment, complete a minimum of fifteen hours of job orientation  
6 which shall include but is not limited to:

7        (a) Presentation of the standard operating procedures manual for  
8 each school, describing all policies and procedures specific to the  
9 school;

10       (b) Client management techniques, including supervision of students  
11 in the residential portion of the school; and

12       (c) Crisis intervention techniques.

13       (2) By December 1, 2000, all current staff shall receive training  
14 on the following:

15       (a) Verbal deescalation and positive behavior support;

16       (b) Client behavior management;

17       (c) Suicide assessment and intervention;

18       (d) Residential care supervision techniques;

19       (e) Mediation skills;

20       (f) Conflict management/problem-solving skills; and

21       (g) Physical and sexual abuse.

22       (3) The state school for the deaf and the state school for the  
23 blind shall ensure that all new staff receive training within ninety  
24 days of employment in the areas listed in subsection (2) of this  
25 section. All staff shall receive ongoing training in the areas listed  
26 in subsection (2) of this section every two years.

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

29       The residential program at the state school for the deaf and the  
30 state school for the blind shall employ residential staff in sufficient  
31 numbers to ensure the physical and emotional needs of the residents are  
32 met. Residential staff shall be on duty in sufficient numbers to  
33 ensure the safety of the children residing there.

34       For purposes of this section, "residential staff" means staff in  
35 charge of supervising the day-to-day living situation of the children  
36 in the residential portion of the schools.

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

3        In addition to the powers and duties under RCW 72.40.022 and  
4 72.40.024, the superintendents of the state school for the deaf and the  
5 state school for the blind shall:

6        (1) Develop written procedures for the supervision of employees and  
7 volunteers who have the potential for contact with students.    Such  
8 procedures shall be designed to prevent child abuse and neglect by  
9 providing for adequate supervision of such employees and volunteers,  
10 taking into consideration such factors as the student population  
11 served, architectural factors, and the size of the facility.    Such  
12 procedures shall include, but need not be limited to, the following:

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

14        (b) Responsibilities of supervisors;

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

17        (d) Provision of written supervisory guidelines to employees and  
18 volunteers;

19        (e) Periodic supervisory conferences for employees and volunteers;  
20 and

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

24        (2) Develop written procedures for the protection of students when  
25 there is reason to believe an incident has occurred which would render  
26 a child student an abused or neglected child within the meaning of RCW  
27 26.44.020.    Such procedures shall include, but need not be limited to,  
28 the following:

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

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

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

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

38        (b) Safety.    Upon notification that a report of suspected child  
39 abuse or neglect has been made to the department of social and health

1 services or a law enforcement agency, the superintendent or his or her  
2 designee, with consideration for causing as little disruption as  
3 possible to the daily routines of the students, shall evaluate the  
4 situation and immediately take appropriate action to assure the health  
5 and safety of the students involved in the report and of any other  
6 students similarly situated, and take such additional action as is  
7 necessary to prevent future acts of abuse or neglect. Such action may  
8 include:

9 (i) Consistent with federal and state law:

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

11 (B) Increasing the degree of supervision of the alleged  
12 perpetrator; and

13 (C) Initiating appropriate disciplinary action against the alleged  
14 perpetrator;

15 (ii) Provision of increased training and increased supervision to  
16 volunteers and staff pertinent to the prevention and remediation of  
17 abuse and neglect;

18 (iii) Temporary removal of the students from a program and  
19 reassignment of the students within the school, as an emergency  
20 measure, if it is determined that there is a risk to the health or  
21 safety of such students in remaining in that program. Whenever a  
22 student is removed, pursuant to this subsection (2)(b)(iii), from a  
23 special education program or service specified in his or her  
24 individualized education program, the action shall be reviewed in an  
25 individualized education program meeting; and

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

28 (c) Corrective action plans. Upon receipt of the results of an  
29 investigation by the department of social and health services pursuant  
30 to a report of suspected child abuse or neglect, the superintendent,  
31 after consideration of any recommendations by the department of social  
32 and health services for preventive and remedial action, shall implement  
33 a written plan of action designed to assure the continued health and  
34 safety of students and to provide for the prevention of future acts of  
35 abuse or neglect.

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

1 In consideration of the needs and circumstances of the program, the  
2 state school for the deaf and the state school for the blind shall  
3 provide instruction to all students in techniques and procedures which  
4 will enable the students to protect themselves from abuse and neglect.  
5 Such instruction shall be described in a written plan to be submitted  
6 to the board of trustees for review and approval, and shall be:

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

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

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

14 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.06A RCW  
15 to read as follows:

16 The ombudsman is required to periodically review the facilities and  
17 procedures of state institutions serving children under RCW  
18 43.06A.030(4). Pursuant to this requirement, the ombudsman shall  
19 review the ability of the state school for the blind and state school  
20 for the deaf to protect the health and safety of the children attending  
21 those schools. This review shall be conducted annually, beginning  
22 December 2000, and its result published as part of the ombudsman's  
23 annual report.

24 **Sec. 9.** 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. 10.** RCW 72.40.050 and 1985 c 378 s 20 are each amended to  
12 read 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. 11.** 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.

--- END ---