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SENATE BILL 6361

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State of Washington

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2000 Regular Session

By Senators Zarelli, Hargrove, Hale, Honeyford, McCaslin, Hochstatter, Swecker, Johnson, Roach, Stevens, Oke, Benton and Kohl-Welles

Read first time 01/14/2000. Referred to Committee on Human Services & Corrections.

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 72.40.022, 72.41.040, 72.41.070, 72.42.040, and 72.42.070; adding new  
5 sections to chapter 72.40 RCW; adding a new section to chapter 43.06A  
6 RCW; and declaring an emergency.

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

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

10 The state school for the deaf and the state school for the blind  
11 shall protect the children who attend from child abuse and neglect as  
12 defined in RCW 26.44.020.

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

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

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

- 1 (a) The death of the child;
- 2 (b) Hospitalization of a child in attendance or residence at the  
3 school;
- 4 (c) Allegations of child abuse or neglect in which the parent's  
5 child in attendance or residence at the school is the alleged victim;
- 6 (d) Allegations of physical or sexual abuse in which the parent's  
7 child in attendance or residence at the school is the alleged  
8 perpetrator;
- 9 (e) Life-threatening illness;
- 10 (f) The attendance at the school of any child who is a registered  
11 sex offender under RCW 9A.44.130 as permitted by RCW 4.24.550.
- 12 (2) To the department of social and health services child  
13 protective services or law enforcement any instance in which there is  
14 reasonable cause to believe that child abuse, neglect, or exploitation  
15 has occurred.
- 16 (3) Notification to the parent shall be made by the means most  
17 likely to be received by the parent. If initial notification is made  
18 by telephone, such notification shall be followed by notification in  
19 writing within forty-eight hours after the initial oral contact is  
20 made.

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

23 (1) The superintendents of the state school for the deaf and the  
24 state school for the blind shall maintain in writing and implement  
25 behavior management policies and procedures that accomplish the  
26 following:

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

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

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

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

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

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

- 1 (c) Emphasis on verbal deescalation to calm the upset child;  
2 (d) Redirection strategies to present the child with alternative  
3 resolution choices.

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

6 (1) The state school for the deaf and the state school for the  
7 blind shall ensure that all staff, within one month of beginning  
8 employment, complete a minimum of fifteen hours of job orientation  
9 which shall include but is not limited to:

10 (a) Presentation of the standard operating procedures manual for  
11 each school, describing all policies and procedures specific to the  
12 school;

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

15 (c) Crisis intervention techniques.

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

18 (a) Verbal deescalation and positive behavior support;

19 (b) Client behavior management;

20 (c) Suicide assessment and intervention;

21 (d) Residential care supervision techniques;

22 (e) Mediation skills;

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

24 (g) Physical and sexual abuse.

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

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

32 The residential program at the state school for the deaf and the  
33 state school for the blind shall employ residential staff in sufficient  
34 numbers to ensure the physical and emotional needs of the residents are  
35 met. Residential staff shall be on duty in sufficient numbers to  
36 ensure the safety of the children residing there. On-duty staff may  
37 include persons sleeping on the premises but they must be available to

1 residents as needed during nighttime hours. If one staff is sleeping  
2 the other staff must be awake.

3 For purposes of this section, "residential staff" means staff in  
4 charge of supervising the day-to-day living situation of the children  
5 in the residential portion of the school.

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

8 In addition to the powers and duties under RCW 72.40.022 and  
9 72.40.024, the superintendents of the state school for the deaf and the  
10 state school for the blind shall:

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

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

19 (b) Responsibilities of supervisors;

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

22 (d) Provision of written supervisory guidelines to employees and  
23 volunteers;

24 (e) Periodic supervisory conferences for employees and volunteers;  
25 and

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

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

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

37 (i) Initiate internal investigation procedures;

1 (ii) Preserve any potential evidence through such actions as  
2 securing the area where suspected abuse or neglect occurred;

3 (iii) Obtain proper and prompt medical evaluation and treatment, as  
4 needed, with documentation of any evidence of abuse or neglect; and

5 (iv) Provide necessary assistance to the department of social and  
6 health services and local law enforcement in their investigations;

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

17 (i) Consistent with federal and state law:

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

19 (B) Increasing the degree of supervision of the alleged  
20 perpetrator; and

21 (C) Initiating appropriate disciplinary action against the alleged  
22 perpetrator;

23 (ii) Provision of increased training and increased supervision to  
24 volunteers and staff pertinent to the prevention and remediation of  
25 abuse and neglect;

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

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

36 (c) Corrective action plans. Upon receipt of the results of an  
37 investigation by the department of social and health services pursuant  
38 to a report of suspected child abuse or neglect, the superintendent,  
39 after consideration of any recommendations by the department of social

1 and health services for preventive and remedial action, shall implement  
2 a written plan of action designed to assure the continued health and  
3 safety of students and to provide for the prevention of future acts of  
4 abuse or neglect.

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

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

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

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

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

20 **Sec. 8.** RCW 72.40.022 and 1993 c 147 s 1 are each amended to read  
21 as follows:

22 In addition to any other powers and duties prescribed by law, the  
23 superintendent of the state school for the blind and the superintendent  
24 of the state school for the deaf:

25 (1) Shall have (~~(full control)~~) responsibility for the supervision  
26 and management of their respective schools and the property of various  
27 kinds.

28 (2) May establish criteria, in addition to state certification, for  
29 teachers at their respective schools.

30 (3) Shall employ members of the faculty, administrative officers,  
31 and other employees, who shall all be subject to chapter 41.06 RCW, the  
32 state civil service law, unless specifically exempted by other  
33 provisions of law.

34 (4) Shall establish the course of study including vocational  
35 training, with the assistance of the faculty and the advice of the  
36 respective boards of trustees.

1       (5) With the advice and consent of the board of trustees, may  
2 establish new facilities as needs demand.

3       (6) In consultation with the board of trustees, may adopt rules,  
4 under chapter 34.05 RCW, as deemed necessary for the government,  
5 management, and operation of the housing facilities.

6       (7) Shall control the use of the facilities and authorize the use  
7 of the facilities for night school, summer school, public meetings, or  
8 other purposes consistent with the purposes of their respective  
9 schools.

10       (8) In consultation with the board of trustees, may adopt rules for  
11 pedestrian and vehicular traffic on property owned, operated, and  
12 maintained by the respective schools.

13       (9) Purchase all supplies and lease or purchase equipment and other  
14 personal property needed for the operation or maintenance of their  
15 respective schools.

16       (10) Except as otherwise provided by law, may enter into contracts  
17 as each superintendent deems essential to the respective purposes of  
18 their schools.

19       (11) May receive gifts, grants, conveyances, devises, and bequests  
20 of real or personal property from whatever source, as may be made from  
21 time to time, in trust or otherwise, whenever the terms and conditions  
22 will aid in carrying out the programs of the respective schools; sell,  
23 lease or exchange, invest, or expend the same or the proceeds, rents,  
24 profits, and income thereof except as limited by the terms and  
25 conditions thereof; and adopt rules to govern the receipt and  
26 expenditure of the proceeds, rents, profits, and income thereof.

27       (12) May, except as otherwise provided by law, enter into contracts  
28 as the superintendents deem essential for the operation of their  
29 respective schools.

30       (13) In consultation with the board of trustees, may adopt rules  
31 providing for the transferability of employees between the school for  
32 the deaf and the school for the blind consistent with collective  
33 bargaining agreements in effect.

34       (14) Shall prepare and administer their respective budgets  
35 consistent with RCW 43.88.160 and the budget and accounting act,  
36 chapter 43.88 RCW generally, as applicable.

37       (15) In consultation with the board of trustees, may adopt rules  
38 under chapter 34.05 RCW and perform all other acts not forbidden by law

1 as the superintendents deem necessary or appropriate to the  
2 administration of their respective schools.

3 (16) In consultation with the board of trustees, shall present to  
4 the governor each year a full and detailed report including an itemized  
5 statement of all expenditures and actions during the previous year,  
6 with that information and those recommendations the superintendent  
7 deems necessary and advisable for the governor and the legislature to  
8 act upon.

9 (17) Prior to the adoption of any written rule or policy, the  
10 superintendent shall comply with the notice requirements of the open  
11 public meetings act, chapter 42.30 RCW, and shall in addition include  
12 in that notice a statement that sets forth or reasonably describes the  
13 proposed policy. The superintendent shall provide a reasonable  
14 opportunity for public written and oral comment and consideration of  
15 the comment by the superintendent.

16 **Sec. 9.** RCW 72.41.040 and 1985 c 378 s 30 are each amended to read  
17 as follows:

18 The board of trustees of the state school for the blind:

19 (1) Shall monitor and inspect all existing facilities of the state  
20 school for the blind, and report its findings to the superintendent;

21 (2) Shall study and recommend comprehensive programs of education  
22 and training and review the admission policy as set forth in RCW  
23 72.40.040 and 72.40.050, and make appropriate recommendations to the  
24 superintendent;

25 (3) Shall ~~((submit a list of three qualified candidates for))~~  
26 employ a superintendent ((to the governor)) and ((shall)) advise the  
27 superintendent about the criteria and policy to be used in the  
28 selection of members of the faculty and such other administrative  
29 officers and other employees, who shall with the exception of the  
30 superintendent all be subject to chapter 41.06 RCW, the state civil  
31 service law, unless specifically exempted by other provisions of law~~((-~~  
32 ~~All employees and personnel classified under chapter 41.06 RCW shall~~  
33 ~~continue, after July 1, 1986, to perform their usual duties upon the~~  
34 ~~same terms as formerly, without any loss of rights, subject to any~~  
35 ~~action that may be appropriate thereafter in accordance with the laws~~  
36 ~~and rules governing the state civil service law))~~);

37 (4) Shall submit an evaluation of the superintendent to the  
38 governor by July 1 of each odd-numbered year and may recommend to the



1 governor that the superintendent be removed for misfeasance,  
2 malfeasance, or wilful neglect of duty;

3 (5) May recommend to the superintendent the establishment of new  
4 facilities as needs demand;

5 (6) May recommend to the superintendent rules and regulations for  
6 the government, management, and operation of such housing facilities  
7 deemed necessary or advisable;

8 (7) May make recommendations to the superintendent concerning  
9 classrooms and other facilities to be used for summer or night schools,  
10 or for public meetings and for any other uses consistent with the use  
11 of such classrooms or facilities for the school for the blind;

12 (8) May make recommendations to the superintendent for adoption of  
13 rules and regulations for pedestrian and vehicular traffic on property  
14 owned, operated, or maintained by the school for the blind;

15 (9) Shall recommend to the superintendent, with the assistance of  
16 the faculty, the course of study including vocational training in the  
17 school for the blind, in accordance with other applicable provisions of  
18 law and rules and regulations;

19 (10) May grant to every student, upon graduation or completion of  
20 a program or course of study, a suitable diploma, nonbaccalaureate  
21 degree, or certificate;

22 (11) Shall participate in the development of, and monitor the  
23 enforcement of the rules and regulations pertaining to the school for  
24 the blind;

25 (12) Shall perform any other duties and responsibilities prescribed  
26 by the superintendent.

27 **Sec. 10.** RCW 72.41.070 and 1993 c 147 s 8 are each amended to read  
28 as follows:

29 (1) The board of trustees shall meet at least (~~quarterly~~) monthly  
30 at such times as the board by resolution shall determine or the bylaws  
31 of the board may prescribe. Special or deferred meetings may be held  
32 from time to time upon the call of the chair of the board, or on  
33 petition of a majority of the members of the board. All meetings shall  
34 be open to the public unless the board otherwise orders an executive  
35 session as provided in RCW 42.30.110.

36 (2) Prior to the adoption of a written rule or policy, the board of  
37 trustees shall comply with the notice requirements of the open public  
38 meetings act, chapter 42.30 RCW, and shall in addition include in that

1 notice a statement that sets forth or reasonably describes the proposed  
2 policy. The board of trustees shall provide a reasonable opportunity  
3 for public written and oral comment and consideration of the comment by  
4 the board of trustees.

5 **Sec. 11.** RCW 72.42.040 and 1985 c 378 s 34 are each amended to  
6 read as follows:

7 The board of trustees of the state school for the deaf:

8 (1) Shall monitor and inspect all existing facilities of the state  
9 school for the deaf, and report its findings to the superintendent;

10 (2) Shall study and recommend comprehensive programs of education  
11 and training and review the admission policy as set forth in RCW  
12 72.40.040 and 72.40.050, and make appropriate recommendations to the  
13 superintendent;

14 (3) Shall (~~develop a process for recommending candidates for the~~  
15 ~~position of~~) employ a superintendent and (~~upon a vacancy shall submit~~  
16 ~~a list of three qualified candidates for superintendent to the governor~~  
17 ~~and shall~~) advise the superintendent about the criteria and policy to  
18 be used in the selection of members of the faculty and such other  
19 administrative officers and other employees, who shall all with the  
20 exception of the superintendent be subject to chapter 41.06 RCW, the  
21 state civil service law, unless specifically exempted by other  
22 provisions of law(~~.—All employees and personnel classified under~~  
23 ~~chapter 41.06 RCW shall continue, after July 1, 1986, to perform their~~  
24 ~~usual duties upon the same terms as formerly, without any loss of~~  
25 ~~rights, subject to any action that may be appropriate thereafter in~~  
26 ~~accordance with the laws and rules governing the state civil service~~  
27 ~~law~~));

28 (4) Shall submit an evaluation of the superintendent to the  
29 governor by July 1 of each odd-numbered year and may recommend to the  
30 governor at any time that the superintendent be removed for  
31 misfeasance, malfeasance, or wilful neglect of duty;

32 (5) May recommend to the superintendent the establishment of new  
33 facilities as needs demand;

34 (6) May recommend to the superintendent rules and regulations for  
35 the government, management, and operation of such housing facilities  
36 deemed necessary or advisable;

37 (7) May make recommendations to the superintendent concerning  
38 classrooms and other facilities to be used for summer or night schools,

1 or for public meetings and for any other uses consistent with the use  
2 of such classrooms or facilities for the school for the deaf;

3 (8) May make recommendations to the superintendent for adoption of  
4 rules and regulations for pedestrian and vehicular traffic on property  
5 owned, operated, or maintained by the school for the deaf;

6 (9) Shall recommend to the superintendent, with the assistance of  
7 the faculty, the course of study including vocational training in the  
8 school for the deaf, in accordance with other applicable provisions of  
9 law and rules and regulations;

10 (10) May grant to every student, upon graduation or completion of  
11 a program or course of study, a suitable diploma, nonbaccalaureate  
12 degree, or certificate.

13 (11) Shall participate in the development of, and monitor the  
14 enforcement of the rules and regulations pertaining to the school for  
15 the deaf;

16 (12) Shall perform any other duties and responsibilities prescribed  
17 by the superintendent.

18 **Sec. 12.** RCW 72.42.070 and 1993 c 147 s 10 are each amended to  
19 read as follows:

20 (1) The board of trustees shall meet at least ((quarterly)) monthly  
21 at such times as the board by resolution shall determine or the bylaws  
22 of the board may prescribe. Special or deferred meetings may be held  
23 from time to time upon the call of the chair of the board, or on  
24 petition of a majority of the members of the board. All meetings shall  
25 be open to the public unless the board otherwise orders an executive  
26 session as provided in RCW 42.30.110.

27 (2) Prior to the adoption of a written rule or policy, the board of  
28 trustees shall comply with the notice requirements of the open public  
29 meetings act, chapter 42.30 RCW, and shall in addition include in that  
30 notice a statement that sets forth or reasonably describes the proposed  
31 policy. The board of trustees shall provide a reasonable opportunity  
32 for public written and oral comment and consideration of the comment by  
33 the board of trustees.

34 NEW SECTION. **Sec. 13.** A new section is added to chapter 43.06A  
35 RCW to read as follows:

36 The office of family and children's ombudsman shall report by July  
37 1 of each year, starting with July 1, 2000, to the governor on the

1 ability of the state school for the blind and the state school for the  
2 deaf to protect the health and safety of the children attending those  
3 schools. As part of this report, the ombudsman shall review all  
4 referrals, investigations, and findings for abuse and neglect allegedly  
5 occurring in either school made to the department of social and health  
6 services and the department shall make those reports available to the  
7 ombudsman upon request.

8 NEW SECTION. **Sec. 14.** This act is necessary for the immediate  
9 preservation of the public peace, health, or safety, or support of the  
10 state government and its existing public institutions, and takes effect  
11 immediately.

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