

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6361

56th Legislature
2000 Regular Session

Passed by the Senate March 7, 2000
YEAS 46 NAYS 0

President of the Senate

Passed by the House March 1, 2000
YEAS 98 NAYS 0

**Speaker of the
House of Representatives**

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6361** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6361

AS AMENDED BY THE HOUSE

Passed Legislature - 2000 Regular Session

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 creating new sections.

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 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;

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, presentation of the
7 standard operating procedures manual for each school, describing all
8 policies and procedures specific to the school.

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

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

17 The residential program at the state school for the deaf and the
18 state school for the blind shall employ residential staff in sufficient
19 numbers to ensure the physical and emotional needs of the residents are
20 met. Residential staff shall be on duty in sufficient numbers to
21 ensure the safety of the children residing there.

22 For purposes of this section, "residential staff" means staff in
23 charge of supervising the day-to-day living situation of the children
24 in the residential portion of the schools.

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

27 In addition to the powers and duties under RCW 72.40.022 and
28 72.40.024, the superintendents of the state school for the deaf and the
29 state school for the blind shall:

30 (1) Develop written procedures for the supervision of employees and
31 volunteers who have the potential for contact with students. Such
32 procedures shall be designed to prevent child abuse and neglect by
33 providing for adequate supervision of such employees and volunteers,
34 taking into consideration such factors as the student population
35 served, architectural factors, and the size of the facility. Such
36 procedures shall include, but need not be limited to, the following:

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

1 (b) Responsibilities of supervisors;

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

4 (d) Provision of written supervisory guidelines to employees and
5 volunteers;

6 (e) Periodic supervisory conferences for employees and volunteers;
7 and

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

11 (2) Develop written procedures for the protection of students when
12 there is reason to believe an incident has occurred which would render
13 a child student an abused or neglected child within the meaning of RCW
14 26.44.020. Such procedures shall include, but need not be limited to,
15 the following:

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

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

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

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

25 (b) Safety. Upon notification that a report of suspected child
26 abuse or neglect has been made to the department of social and health
27 services or a law enforcement agency, the superintendent or his or her
28 designee, with consideration for causing as little disruption as
29 possible to the daily routines of the students, shall evaluate the
30 situation and immediately take appropriate action to assure the health
31 and safety of the students involved in the report and of any other
32 students similarly situated, and take such additional action as is
33 necessary to prevent future acts of abuse or neglect. Such action may
34 include:

35 (i) Consistent with federal and state law:

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

37 (B) Increasing the degree of supervision of the alleged
38 perpetrator; and

1 (C) Initiating appropriate disciplinary action against the alleged
2 perpetrator;

3 (ii) Provision of increased training and increased supervision to
4 volunteers and staff pertinent to the prevention and remediation of
5 abuse and neglect;

6 (iii) Temporary removal of the students from a program and
7 reassignment of the students within the school, as an emergency
8 measure, if it is determined that there is a risk to the health or
9 safety of such students in remaining in that program. Whenever a
10 student is removed, pursuant to this subsection (2)(b)(iii), from a
11 special education program or service specified in his or her
12 individualized education program, the action shall be reviewed in an
13 individualized education program meeting; and

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

16 (c) Corrective action plans. Upon receipt of the results of an
17 investigation by the department of social and health services pursuant
18 to a report of suspected child abuse or neglect, the superintendent,
19 after consideration of any recommendations by the department of social
20 and health services for preventive and remedial action, shall implement
21 a written plan of action designed to assure the continued health and
22 safety of students and to provide for the prevention of future acts of
23 abuse or neglect.

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

26 In consideration of the needs and circumstances of the program, the
27 state school for the deaf and the state school for the blind shall
28 provide instruction to all students in techniques and procedures which
29 will enable the students to protect themselves from abuse and neglect.
30 Such instruction shall be described in a written plan to be submitted
31 to the board of trustees for review and approval, and shall be:

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

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

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

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

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

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

10 (3) Each school shall admit and retain students on a space
11 available basis according to criteria developed and published by each
12 school superintendent in consultation with each board of trustees and
13 school faculty: PROVIDED, That students over the age of twenty-one
14 years, who are otherwise qualified may be retained at the school, if in
15 the discretion of the superintendent in consultation with the faculty
16 they are proper persons to receive further training given at the school
17 and the facilities are adequate for proper care, education, and
18 training.

19 (4) 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 student who is an adjudicated
22 sex offender except that the schools shall not admit or retain a
23 student who is an adjudicated level III sex offender as provided in RCW
24 13.40.217(3).

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

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

33 (2) The admission and retention criteria developed and published by
34 each school superintendent shall contain a provision allowing the
35 schools to refuse to admit or retain a nonresident student who is an
36 adjudicated sex offender, or the equivalent under the laws of the state
37 in which the student resides, except that the schools shall not admit
38 or retain a nonresident student who is an adjudicated level III sex

1 offender or the equivalent under the laws of the state in which the
2 student resides.

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

5 (1) The schools shall implement a policy for the children who
6 reside at the schools protecting those who are vulnerable to sexual
7 victimization by other children who are sexually aggressive and
8 residing at the schools. The policy shall include, at a minimum, the
9 following elements:

10 (a) Development and use of an assessment process for identifying
11 children, within thirty days of beginning residence at the schools, who
12 present a moderate or high risk of sexually aggressive behavior for the
13 purposes of this section. The assessment process need not require that
14 every child who is adjudicated or convicted of a sex offense as defined
15 in RCW 9.94A.030 be determined to be sexually aggressive, nor shall a
16 sex offense adjudication or conviction be required in order to
17 determine a child is sexually aggressive. Instead, the assessment
18 process shall consider the individual circumstances of the child,
19 including his or her age, physical size, sexual abuse history, mental
20 and emotional condition, and other factors relevant to sexual
21 aggressiveness. The definition of "sexually aggressive youth" in RCW
22 74.13.075 does not apply to this section to the extent that it
23 conflicts with this section;

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

32 (c) Development and use of placement criteria to avoid assigning
33 children who present a moderate or high risk of sexually aggressive
34 behavior to the same sleeping quarters as children assessed as
35 vulnerable to sexual victimization, except that they may be assigned to
36 the same multiple-person sleeping quarters if those sleeping quarters
37 are regularly monitored by visual surveillance equipment or staff
38 checks;

1 (d) Development and use of procedures for minimizing, within
2 available funds, unsupervised contact in the residential facilities of
3 the schools between children presenting moderate to high risk of
4 sexually aggressive behavior and children assessed as vulnerable to
5 sexual victimization. The procedures shall include taking reasonable
6 steps to prohibit any child residing at the schools who present a
7 moderate to high risk of sexually aggressive behavior from entering any
8 sleeping quarters other than the one to which they are assigned, unless
9 accompanied by an authorized adult.

10 (2) For the purposes of this section, the following terms have the
11 following meanings:

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

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

17 NEW SECTION. **Sec. 11.** If any part of this act is found to be in
18 conflict with federal requirements that are a prescribed condition to
19 the allocation of federal funds to the state, the conflicting part of
20 this act is inoperative solely to the extent of the conflict and with
21 respect to the agencies directly affected, and this finding does not
22 affect the operation of the remainder of this act in its application to
23 the agencies concerned. Rules adopted under this act must meet federal
24 requirements that are a necessary condition to the receipt of federal
25 funds by the state.

26 NEW SECTION. **Sec. 12.** If specific funding for the purposes of
27 this act, referencing this act by bill or chapter number, is not
28 provided by June 30, 2000, in the omnibus appropriations act, this act
29 is null and void.

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