

# HOUSE BILL REPORT

## SHB 2568

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### As Amended by the Senate

**Title:** An act relating to formalizing the relationship between the department of social and health services and the state school for the deaf.

**Brief Description:** Formalizing the relationship between the department of social and health services and the state school for the deaf.

**Sponsors:** By House Committee on Children & Family Services (originally sponsored by Representatives Dickerson, Tokuda, Kagi, Fromhold, Ogden, Chase, Jackley and McDermott).

**Brief History:**

**Committee Activity:**

Children & Family Services: 2/4/02, 2/6/02 [DPS].

**Floor Activity:**

Passed House: 2/13/02, 95-0.

Senate Amended.

Passed Senate: 3/7/02, 49-0.

### Brief Summary of Substitute Bill

- Authorizes the Department of Social and Health Services (DSHS), including the Division of Licenced Resources (DLR) to investigate incidents at the Washington School for the Deaf (WSD) involving alleged child abuse and neglect and make recommendations to preserve the health and safety of students at the school.
- Authorizes the DSHS to conduct periodic health and safety reviews of the WSD.
- Authorizes the DSHS to conduct a comprehensive health and safety review of the WSD every three years.

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### HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Tokuda, Chair; Kagi, Vice Chair; Boldt, Ranking Minority Member; Darneille, Dickerson, Miloscia, Morell, Nixon and Orcutt.

**Staff:** Tracey Taylor (786-7196).

**Background:**

The Legislature established the Washington School for the Deaf in 1886. The primary purpose of the school is to educate and train hearing-impaired children ages 3 through 21. The WSD is located in Vancouver and students who are not from the area may live on-campus in a cottage or dorm during the week.

The WSD is one of 50 agencies that report directly to the Governor, who appoints the superintendent. The school has a board of trustees that provides advice to the superintendent. The WSD staff members report to the superintendent and are employees of the state of Washington.

During the past few years, a series of physical and sexual assaults have allegedly occurred at the WSD and over a half-dozen lawsuits have been filed against the state of Washington for alleged physical and sexual abuse that occurred at the school. In 2000 the Legislature passed SSB 6361 to address some the concerns by providing training and allowing the school to refuse to enroll adjudicated Level III sex offenders. In February 2001 another alleged sexual assault occurred at the WSD.

In June 2001 the Governor directed the superintendent of the WSD to implement certain safety initiatives. One of the initiatives directed the school to work with the DSHS' Children's Administration's Division of Licensed Resources (DLR) to strengthen the residential program staffing model. Another initiative directed the WSD to convene a work group from the Attorney General's Office, the DLR and the Child Abuse Intervention Center to ensure the school's reporting procedures and incident documentation comply with best practices models.

At the Governor's direction, the DLR conducted a comprehensive health and safety review of the WSD. An on-site review by a DLR audit team occurred December 4-7, 2001, and the report was delivered to the Governor on January 11, 2002. The DLR made recommendations regarding the staffing level, supervision of students, self-protection training of students, the expulsion policy and the completion of criminal history checks on staff. Quarterly health and safety reviews will be performed by the DLR and other Children's Administration staff as well as a comprehensive review every three years.

In November 2001 the Office of the Family & Children's Ombudsman (OFCO) completed a review of the WSD and the reported sex-related incidents using confidential records not available to other reviewers. The OFCO made several significant findings including inadequate incident documentation and record keeping and an inability of Child Protective Services (CPS) to adequately intervene to protect students at the WSD because the school is not a licensed facility. The OFCO recommended that the Governor or

Legislature formalize and strengthen the relationship between CPS and the WSD. This includes the authorization to investigate incidents at the WSD involving allegations of abuse or neglect. Also, the DLR should have the authority to follow-up regarding the implementation of safety improvements by the school. Finally, the OFCO recommended that the annual review of the WSD by the DLR be embodied in statute or executive order.

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**Summary of Substitute Bill:**

The DSHS, including the DLR, is authorized to investigate incidents at the WSD involving alleged child abuse or neglect, including incidents involving students victimizing other students. The DSHS shall determine whether the alleged abuse or neglect occurred and if a referral to CPS or law enforcement is appropriate. Safety improvement recommendations developed by the DSHS as the result of an incident investigation shall be sent to the WSD Superintendent and the Board of Trustees.

Periodic health and safety inspections of the WSD, including policies, procedures and facilities, shall occur. The inspections should be quarterly through 2006. A comprehensive health and safety review should occur every three years, beginning in 2005. The DSHS may develop review instruments and criteria needed to conduct the reviews.

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**EFFECT OF SENATE AMENDMENT(S):**

The new sections authorizing the DSHS to investigate and conduct reviews are moved to the Abuse and Neglect chapter and the WSD chapter from the licensing chapter. The due date for the first comprehensive health and safety review is changed to December 1, 2005. The DSHS has complete access to the necessary documents and records to complete the health and safety reviews as well as access to staff and students at the WSD.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** The safety and welfare of the students at the WSD is extremely important. The DSHS is already working with the WSD on student safety and health issues.

**Testimony Against:** None.

(With concerns) The DSHS has some technical concerns and would like to clarify its responsibility regarding the residential program.

**Testified:** (In support) Representative Dickerson, prime sponsor.

(With concerns) Nancy Zahn, Children's Administration, Department of Social and Health Services.