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ENGROSSED SUBSTITUTE SENATE BILL 6558

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State of Washington 57th Legislature

2002 Regular Session

By Senate Committee on Education (originally sponsored by Senators Kohl-Welles, Carlson and Hargrove; by request of Governor Locke)

READ FIRST TIME 02/08/2002.

1 AN ACT Relating to the governance of the Washington state school  
2 for the deaf; amending RCW 72.40.010, 72.40.022, 72.40.024, 72.42.010,  
3 and 72.42.070; adding a new section to chapter 72.40 RCW; adding new  
4 sections to chapter 72.42 RCW; repealing RCW 72.42.020, 72.42.025,  
5 72.42.030, and 72.42.040; and providing an effective date.

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

7 **Sec. 1.** RCW 72.40.010 and 1985 c 378 s 11 are each amended to read  
8 as follows:

9 There are established at Vancouver, Clark county, a school which  
10 shall be known as the state school for the blind, and a separate school  
11 which shall be known as the state school for the deaf. The primary  
12 purpose of the state school for the blind and the state school for the  
13 deaf is to educate and train hearing and visually impaired children.

14 The (~~schools~~) school for the blind shall be under the direction  
15 of (~~their respective superintendents~~) the superintendent with the  
16 advice of the board of trustees. The school for the deaf shall be  
17 under the direction of the superintendent and the board of trustees.

1       **Sec. 2.** RCW 72.40.022 and 1993 c 147 s 1 are each amended to read  
2 as follows:

3       In addition to any other powers and duties prescribed by law, the  
4 superintendent of the state school for the blind (~~and the~~  
5 ~~superintendent of the state school for the deaf~~):

6       (1) Shall have full control of (~~their respective schools~~) the  
7 school and the property of various kinds.

8       (2) May establish criteria, in addition to state certification, for  
9 teachers at (~~their respective schools~~) the school.

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

14       (4) Shall establish the course of study including vocational  
15 training, with the assistance of the faculty and the advice of the  
16 (~~respective boards~~) board of trustees.

17       (5) May establish new facilities as needs demand.

18       (6) May adopt rules, under chapter 34.05 RCW, as deemed necessary  
19 for the government, management, and operation of the housing  
20 facilities.

21       (7) Shall control the use of the facilities and authorize the use  
22 of the facilities for night school, summer school, public meetings, or  
23 other purposes consistent with the purposes of (~~their respective~~  
24 ~~schools~~) the school.

25       (8) May adopt rules for pedestrian and vehicular traffic on  
26 property owned, operated, and maintained by the (~~respective schools~~)  
27 school.

28       (9) Shall purchase all supplies and lease or purchase equipment and  
29 other personal property needed for the operation or maintenance of  
30 (~~their respective schools~~) the school.

31       (10) Except as otherwise provided by law, may enter into contracts  
32 as (~~each~~) the superintendent deems essential to the (~~respective~~  
33 ~~purposes of their schools~~) purpose of the school.

34       (11) May receive gifts, grants, conveyances, devises, and bequests  
35 of real or personal property from whatever source, as may be made from  
36 time to time, in trust or otherwise, whenever the terms and conditions  
37 will aid in carrying out the programs of the (~~respective schools~~)  
38 school; sell, lease or exchange, invest, or expend the same or the  
39 proceeds, rents, profits, and income thereof except as limited by the

1 terms and conditions thereof; and adopt rules to govern the receipt and  
2 expenditure of the proceeds, rents, profits, and income thereof.

3 (12) May, except as otherwise provided by law, enter into contracts  
4 (~~((as the superintendents deem))~~) the superintendent deems essential for  
5 the operation of (~~((their respective schools))~~) the school.

6 (13) May adopt rules providing for the transferability of employees  
7 between the school for the deaf and the school for the blind consistent  
8 with collective bargaining agreements in effect.

9 (14) Shall prepare and administer (~~((their respective budgets))~~) the  
10 school's budget consistent with RCW 43.88.160 and the budget and  
11 accounting act, chapter 43.88 RCW generally, as applicable.

12 (15) May adopt rules under chapter 34.05 RCW and perform all other  
13 acts not forbidden by law as the superintendent(~~((s))~~) deems necessary or  
14 appropriate to the administration of (~~((their respective schools))~~) the  
15 school.

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

18 In addition to any other powers and duties prescribed by law, the  
19 superintendent of the state school for the deaf:

20 (1) Shall have the responsibility for the supervision and  
21 management of the school and the property of various kinds.

22 (2) May establish criteria, in addition to state certification, for  
23 the teachers at the school.

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

28 (4) Shall establish the course of study including vocational  
29 training, with the assistance of the faculty and the approval of the  
30 board of trustees.

31 (5) May establish, with the approval of the board of trustees, new  
32 facilities as needs demand.

33 (6) May adopt rules, under chapter 34.05 RCW, as approved by the  
34 board of trustees, as deemed necessary for the governance, management,  
35 and operation of the housing facilities.

36 (7) Shall, as approved by the board of trustees, control the use of  
37 the facilities and authorize the use of the facilities for night

1 school, summer school, public meetings, or other purposes consistent  
2 with the purposes of the school.

3 (8) May adopt rules, as approved by the board of trustees, for  
4 pedestrian and vehicular traffic on property owned, operated, and  
5 maintained by the school.

6 (9) Shall purchase all supplies and lease or purchase equipment and  
7 other personal property needed for the operation or maintenance of the  
8 school.

9 (10) Except as otherwise provided by law, may enter into contracts  
10 as the superintendent deems essential to the purpose of the school.

11 (11) May receive gifts, grants, conveyances, devises, and bequests  
12 of real or personal property from whatever source, as may be made from  
13 time to time, in trust or otherwise, whenever the terms and conditions  
14 will aid in carrying out the programs of the school; sell, lease or  
15 exchange, invest, or expend the same or the proceeds, rents, profits,  
16 and income thereof except as limited by the terms and conditions  
17 thereof; and adopt rules to govern the receipt and expenditure of the  
18 proceeds, rents, profits, and income thereof.

19 (12) May adopt rules, as approved by the board of trustees,  
20 providing for the transferability of employees between the school for  
21 the deaf and the school for the blind consistent with collective  
22 bargaining agreements in effect.

23 (13) Shall prepare, submit to the board of trustees for approval,  
24 and administer the budget consistent with RCW 43.88.160 and the budget  
25 and accounting act, chapter 43.88 RCW generally, as applicable.

26 (14) May adopt rules under chapter 34.05 RCW, as approved by the  
27 board of trustees, and perform all other acts not forbidden by law as  
28 the superintendent deems necessary or appropriate to the administration  
29 of the school.

30 **Sec. 4.** RCW 72.40.024 and 1993 c 147 s 2 are each amended to read  
31 as follows:

32 In addition to the powers and duties under RCW 72.40.022 and  
33 section 3 of this act, the superintendent of each school shall:

34 (1) Monitor the location and educational placement of each student  
35 reported to the superintendents by the educational service district  
36 superintendents;

37 (2) Provide information about educational programs, instructional  
38 techniques, materials, equipment, and resources available to students

1 with visual or auditory impairments to the parent or guardian,  
2 educational service district superintendent, and the superintendent of  
3 the school district where the student resides; and

4 (3) Serve as a consultant to the office of the superintendent of  
5 public instruction, provide instructional leadership, and assist school  
6 districts in improving their instructional programs for students with  
7 visual or hearing impairments.

8 **Sec. 5.** RCW 72.42.010 and 1985 c 378 s 31 are each amended to read  
9 as follows:

10 It is the intention of the legislature, in creating a board of  
11 trustees for the state school for the deaf to perform the duties set  
12 forth in this chapter, that the board of trustees perform needed  
13 ~~((advisory))~~ oversight services to the governor and the legislature  
14 ~~((and to the superintendent))~~ of the Washington state school for the  
15 deaf in the development of programs for the hearing impaired, and in  
16 the operation of the Washington state school for the deaf.

17 NEW SECTION. **Sec. 6.** A new section is added to chapter 72.42 RCW  
18 to read as follows:

19 Unless the context clearly requires otherwise, as used in this  
20 chapter "school" means the Washington state school for the deaf.

21 NEW SECTION. **Sec. 7.** A new section is added to chapter 72.42 RCW  
22 to read as follows:

23 (1) The governance of the school shall be vested in a board of  
24 trustees. The board shall consist of nine members appointed by the  
25 governor, with the consent of the senate. When making appointments to  
26 the board, the governor is encouraged to consider that the major  
27 geographic regions in the state are represented and that the board has:

28 (a) One member who is deaf or hearing impaired;

29 (b) Two members who are experienced educational professionals;

30 (c) One member who is involved in research pertaining to the deaf  
31 and hearing impaired;

32 (d) One member who is experienced in providing residential services  
33 to youth; and

34 (e) One member who is the parent of a child who is deaf or hearing  
35 impaired and who is receiving or has received educational services

1 related to deafness or hearing impairment from a public educational  
2 institution.

3 (2) No voting trustee may be an employee of the school, a member of  
4 the board of directors of any school district, a member of the  
5 governing board of any public or private educational institution, a  
6 school district or educational service district administrator appointed  
7 after July 1, 1986, or an elected officer or member of the legislative  
8 authority of any municipal corporation.

9 (3) Trustees shall be appointed by the governor to serve a term of  
10 five years, except that any person appointed to fill a vacancy  
11 occurring prior to the expiration of a term shall be appointed within  
12 sixty days of the vacancy and appointed only for the remainder of the  
13 term. Of the initial members, three must be appointed for two-year  
14 terms, three must be appointed for three-year terms, and the remainder  
15 must be appointed for five-year terms.

16 NEW SECTION. **Sec. 8.** A new section is added to chapter 72.42 RCW  
17 to read as follows:

18 The board of trustees of the school:

19 (1) Shall adopt rules and regulations for its own governance and  
20 that of the school;

21 (2) Shall develop a process for recommending candidates for the  
22 position of superintendent, and upon a vacancy shall submit a list of  
23 three qualified candidates for superintendent to the governor;

24 (3) Shall submit an evaluation of the superintendent to the  
25 governor by July 1st of each odd-numbered year and may recommend to the  
26 governor at any time that the superintendent be removed for conduct  
27 deemed by the board to be detrimental to the interests of the school;

28 (4) Shall prepare and submit by July 1st of each even-numbered year  
29 a report to the governor and the appropriate committees of the  
30 legislature which contains a detailed summary of the school's progress  
31 on performance objectives and the school's work, facility conditions,  
32 and revenues and costs of the school for the previous year, and which  
33 contains those recommendations it deems necessary and advisable for the  
34 governor and the legislature to act on;

35 (5) Shall approve the school's budget and all funding requests,  
36 both operating and capital, submitted to the governor;

37 (6) Shall direct the development of, approve, and monitor the  
38 enforcement of policies, rules, and regulations pertaining to the

1 school and shall monitor the enforcement of state and federal education  
2 civil rights laws at the school;

3 (7) Shall direct and approve the development and implementation of  
4 comprehensive programs of education, training, and as needed  
5 residential living, such that students served by the school receive a  
6 challenging and quality education in a safe school environment;

7 (8) Shall direct, monitor, and approve the implementation of a  
8 comprehensive continuous quality improvement system for the school;

9 (9) Shall monitor and inspect all existing facilities of the  
10 school, and report its findings in its annual report to the governor  
11 and appropriate committees of the legislature;

12 (10) May provide direction to the superintendent concerning  
13 classrooms and other facilities to be used for summer or night schools,  
14 or for public meetings and any other uses consistent with the use of  
15 such classrooms or facilities for the school;

16 (11) May provide direction to the superintendent for the adoption  
17 of rules and regulations for pedestrian and vehicular traffic on  
18 property owned, operated, or maintained by the school; and

19 (12) 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 NEW SECTION. **Sec. 9.** A new section is added to chapter 72.42 RCW  
23 to read as follows:

24 (1) The board of trustees shall organize, adopt bylaws for its own  
25 governance, and adopt rules not inconsistent with this chapter as they  
26 deem necessary. At such organizational meeting it shall elect from  
27 among its members a chairman and a vice-chairman, each to serve for one  
28 year, and annually thereafter shall elect such officers to serve until  
29 their successors are appointed or qualified.

30 (2) A majority of the voting members of the board in office  
31 constitutes a quorum, but a lesser number may adjourn from time to time  
32 and may compel the attendance of absent members in such manner as  
33 prescribed by its bylaws, rules, or regulations.

34 **Sec. 10.** RCW 72.42.070 and 1993 c 147 s 10 are each amended to  
35 read as follows:

1       The board of trustees shall meet at least quarterly but may meet  
2 more frequently at such times as the board by resolution determines or  
3 the bylaws of the board prescribe.

4       NEW SECTION.   **Sec. 11.**   The following acts or parts of acts are  
5 each repealed:

6       (1)   RCW 72.42.020 (Board of trustees--Membership--Terms--  
7 Vacancies--Officers--Rules and regulations) and 1993 c 147 s 9, 1985 c  
8 378 s 33, 1982 1st ex.s. c 30 s 15, & 1972 ex.s. c 96 s 2;

9       (2)   RCW 72.42.025 (Membership, effect of creation of new  
10 congressional districts or boundaries) and 1982 1st ex.s. c 30 s 16;

11       (3)   RCW 72.42.030 (Bylaws--Rules and regulations--Officers) and  
12 1972 ex.s. c 96 s 3; and

13       (4)   RCW 72.42.040 (Powers and duties) and 1985 c 378 s 34, 1981 c  
14 42 s 1, & 1972 ex.s. c 96 s 4.

15       NEW SECTION.   **Sec. 12.**   This act takes effect July 1, 2002, except  
16 that the governor may appoint the members of the board of trustees  
17 under section 7 of this act prior to the beginning of their terms of  
18 office on July 1, 2002.

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