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SENATE BILL 6558

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State of Washington 57th Legislature

2002 Regular Session

By Senators Kohl-Welles, Carlson and Hargrove; by request of Governor Locke

Read first time 01/21/2002. Referred to Committee on Education.

1 AN ACT Relating to the governance of the Washington state school  
2 for the deaf; amending RCW 72.40.010, 72.40.022, 72.42.010, 72.42.020,  
3 72.42.040, and 72.42.070; and adding a new section to chapter 72.40  
4 RCW.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (14) Shall prepare and administer (~~their respective budgets~~) the  
8 budget consistent with RCW 43.88.160 and the budget and accounting act,  
9 chapter 43.88 RCW generally, as applicable.

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

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

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

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

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

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

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

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

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

34 (7) Shall, as approved by the board of trustees, control the use of  
35 the facilities and authorize the use of the facilities for night  
36 school, summer school, public meetings, or other purposes consistent  
37 with the purposes of the school.

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

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

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

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

17 (12) May, except as otherwise provided by law, enter into contracts  
18 as the superintendent deems essential for the operation of the school.

19 (13) 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 (14) 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 (15) 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 (16) Shall serve as executive secretary for the board of trustees.

31 **Sec. 4.** RCW 72.42.010 and 1985 c 378 s 31 are each amended to read  
32 as follows:

33 It is the intention of the legislature, in creating a board of  
34 trustees for the state school for the deaf to perform the duties set  
35 forth in this chapter, that the board of trustees perform needed  
36 ~~((advisory))~~ oversight services to the governor and the legislature  
37 ~~((and to))~~ of the school's superintendent ~~((of the Washington state~~  
38 ~~school for the deaf))~~ and staff in the development of programs for the

1 hearing impaired, and in the operation of the Washington state school  
2 for the deaf.

3 **Sec. 5.** RCW 72.42.020 and 1993 c 147 s 9 are each amended to read  
4 as follows:

5 There is hereby created a board of trustees for the state school  
6 for the deaf to be composed of a resident from each of the state's  
7 congressional districts. Trustees with voting privileges shall be  
8 appointed by the governor with the consent of the senate. The  
9 president of the parent-staff organization of the school for the deaf,  
10 a representative of the classified staff designated by their exclusive  
11 bargaining representative, one representative designated by the  
12 teachers' association of the school for the deaf, and the president of  
13 the Washington state association for the deaf shall each be ex officio  
14 and nonvoting members of the board of trustees and shall serve during  
15 their respective tenures in such positions.

16 Trustees shall be appointed by the governor to serve for a term of  
17 five years except that any person appointed to fill a vacancy occurring  
18 prior to the expiration of any term shall be appointed within sixty  
19 days of the vacancy and appointed only for the remainder of the term.

20 One trustee shall be a resident and qualified elector from each of  
21 the state's congressional districts, as now or hereafter existing. The  
22 board shall not be deemed to be unlawfully constituted and a trustee  
23 shall not be deemed ineligible to serve the remainder of the trustee's  
24 unexpired term on the board solely by reason of the establishment of  
25 new or revised boundaries for congressional districts. No voting  
26 trustee may be an employee of the state school for the deaf, a member  
27 of the board of directors of any school district, a member of the  
28 governing board of any public or private educational institution, a  
29 school district or educational service district administrator appointed  
30 after July 1, 1986, or an elected officer or member of the legislative  
31 authority of any municipal corporation.

32 The board of trustees shall organize itself by electing a  
33 chairperson((7)) and a vice-chairperson((7, and secretary from its  
34 members)). The school superintendent shall serve as executive  
35 secretary of the board. The board shall adopt a seal and may adopt  
36 such bylaws, rules, and regulations as it deems necessary for its own  
37 government. A majority of the voting members of the board in office  
38 shall constitute a quorum, but a lesser number may adjourn from time to

1 time and may compel the attendance of absent members in such manner as  
2 prescribed in its bylaws, rules, or regulations.

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

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

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

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

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

26 ~~((4))~~ (2) Shall submit an evaluation of the superintendent to the  
27 governor by July 1 of each ~~((odd-numbered))~~ year and may recommend to  
28 the governor at any time that the superintendent be removed for  
29 misfeasance, malfeasance, or willful neglect of duty;

30 ~~((5) May recommend to the superintendent the establishment of new  
31 facilities as needs demand;~~

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

35 ~~(7) May make recommendations to the superintendent concerning  
36 classrooms and other facilities to be used for summer or night schools,  
37 or for public meetings and for any other uses consistent with the use  
38 of such classrooms or facilities for the school for the deaf;~~

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

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

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

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

14       ~~(12))~~ (3) Shall prepare and submit by July 1st of each even-  
15 numbered year a report to the governor which shall contain a detailed  
16 summary of the school's progress on performance objectives and the  
17 school's work, facility conditions, and revenues and costs of the  
18 school for the previous year and which shall contain those  
19 recommendations it deems necessary and advisable for the governor and  
20 legislature to act on;

21       (4) Shall approve the school's budget, and all funding requests,  
22 both operating and capital, submitted to the governor;

23       (5) Shall direct the development of, approve, and monitor the  
24 enforcement of the policies, rules, and regulations pertaining to the  
25 school for the deaf;

26       (6) Shall direct implementation of comprehensive programs of  
27 education, training, and as needed residential living, such that  
28 students served by the state school for the deaf receive a challenging  
29 and quality education in a safe school environment;

30       (7) Shall monitor and inspect all existing facilities of the state  
31 school for the deaf, and report its findings to the governor in its  
32 annual report;

33       (8) May provide direction to the superintendent concerning  
34 classrooms and other facilities to be used for summer or night schools,  
35 or for public meetings and for any other uses consistent with the use  
36 of such classrooms or facilities for the school for the deaf;

37       (9) May provide direction to the superintendent for adoption of  
38 rules and regulations for pedestrian and vehicular traffic on property  
39 owned, operated, or maintained by the school for the deaf;

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

4       (11) Shall perform any other duties and responsibilities prescribed  
5 by the ((superintendent)) governor.

6       **Sec. 7.** RCW 72.42.070 and 1993 c 147 s 10 are each amended to read  
7 as follows:

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

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