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SENATE BILL 6884

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State of Washington

59th Legislature

2006 Regular Session

By Senators Fairley and Rasmussen

Read first time 02/01/2006. Referred to Committee on Ways & Means.

1 AN ACT Relating to the care and education of children in licensed  
2 staffed residential homes; amending RCW 74.15.030; reenacting and  
3 amending RCW 74.15.020; adding a new section to chapter 74.15 RCW;  
4 adding a new section to chapter 28A.155 RCW; and creating new sections.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that staffed  
7 residential homes, as currently licensed by the department of social  
8 and health services, are a type of group-care facility that provides  
9 quality services for children in a home-like setting, including  
10 expectant mothers and children with developmental disabilities. The  
11 legislature also finds that the children served by licensed staffed  
12 residential homes primarily attend public schools, and that their  
13 social and educational needs can be better met by collaboration and  
14 communication between the school district, the staffed residential home  
15 provider, and the department of social and health services. The  
16 legislature finds that community integration of children served in  
17 licensed staffed residential homes is beneficial to the children,  
18 helpful to their educational needs, and builds stronger relationships  
19 with community members. The legislature intends that stronger

1 relationships be created between staffed residential homes, school  
2 districts, the department of social and health services, and the  
3 community, to promote positive social and educational outcomes for  
4 children served by staffed residential homes.

5 **Sec. 2.** RCW 74.15.020 and 2001 c 230 s 1, 2001 c 144 s 1, and 2001  
6 c 137 s 3 are each reenacted and amended to read as follows:

7 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless  
8 otherwise clearly indicated by the context thereof, the following terms  
9 shall mean:

10 (1) "Agency" means any person, firm, partnership, association,  
11 corporation, or facility which receives children, expectant mothers, or  
12 persons with developmental disabilities for control, care, or  
13 maintenance outside their own homes, or which places, arranges the  
14 placement of, or assists in the placement of children, expectant  
15 mothers, or persons with developmental disabilities for foster care or  
16 placement of children for adoption, and shall include the following  
17 irrespective of whether there is compensation to the agency or to the  
18 children, expectant mothers or persons with developmental disabilities  
19 for services rendered:

20 (a) "Child day-care center" means an agency which regularly  
21 provides care for a group of children for periods of less than twenty-  
22 four hours;

23 (b) "Child-placing agency" means an agency which places a child or  
24 children for temporary care, continued care, or for adoption;

25 (c) "Community facility" means a group care facility operated for  
26 the care of juveniles committed to the department under RCW 13.40.185.  
27 A county detention facility that houses juveniles committed to the  
28 department under RCW 13.40.185 pursuant to a contract with the  
29 department is not a community facility;

30 (d) "Crisis residential center" means an agency which is a  
31 temporary protective residential facility operated to perform the  
32 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
33 74.13.032 through 74.13.036;

34 (e) "Emergency respite center" is an agency that may be commonly  
35 known as a crisis nursery, that provides emergency and crisis care for  
36 up to seventy-two hours to children who have been admitted by their  
37 parents or guardians to prevent abuse or neglect. Emergency respite

1 centers may operate for up to twenty-four hours a day, and for up to  
2 seven days a week. Emergency respite centers may provide care for  
3 children ages birth through seventeen, and for persons eighteen through  
4 twenty with developmental disabilities who are admitted with a sibling  
5 or siblings through age seventeen. Emergency respite centers may not  
6 substitute for crisis residential centers or HOPE centers, or any other  
7 services defined under this section, and may not substitute for  
8 services which are required under chapter 13.32A or 13.34 RCW;

9 (f) "Family day-care provider" means a child day-care provider who  
10 regularly provides child day care for not more than twelve children in  
11 the provider's home in the family living quarters;

12 (g) "Foster-family home" means an agency which regularly provides  
13 care on a twenty-four hour basis to one or more children, expectant  
14 mothers, or persons with developmental disabilities in the family abode  
15 of the person or persons under whose direct care and supervision the  
16 child, expectant mother, or person with a developmental disability is  
17 placed;

18 (h) "Group-care facility" means an agency, other than a foster-  
19 family home, which is maintained and operated for the care of a group  
20 of children on a twenty-four hour basis;

21 (i) "HOPE center" means an agency licensed by the secretary to  
22 provide temporary residential placement and other services to street  
23 youth. A street youth may remain in a HOPE center for thirty days  
24 while services are arranged and permanent placement is coordinated. No  
25 street youth may stay longer than thirty days unless approved by the  
26 department and any additional days approved by the department must be  
27 based on the unavailability of a long-term placement option. A street  
28 youth whose parent wants him or her returned to home may remain in a  
29 HOPE center until his or her parent arranges return of the youth, not  
30 longer. All other street youth must have court approval under chapter  
31 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

32 (j) "Maternity service" means an agency which provides or arranges  
33 for care or services to expectant mothers, before or during  
34 confinement, or which provides care as needed to mothers and their  
35 infants after confinement;

36 (k) "Responsible living skills program" means an agency licensed by  
37 the secretary that provides residential and transitional living  
38 services to persons ages sixteen to eighteen who are dependent under

1 chapter 13.34 RCW and who have been unable to live in his or her  
2 legally authorized residence and, as a result, the minor lived outdoors  
3 or in another unsafe location not intended for occupancy by the minor.  
4 Dependent minors ages fourteen and fifteen may be eligible if no other  
5 placement alternative is available and the department approves the  
6 placement;

7 (1) "Service provider" means the entity that operates a community  
8 facility;

9 (m) "Staffed residential home" means a licensed home providing  
10 twenty-four-hour care for six or fewer children or expectant mothers,  
11 that employs staff to care for them.

12 (2) "Agency" shall not include the following:

13 (a) Persons related to the child, expectant mother, or person with  
14 developmental disability in the following ways:

15 (i) Any blood relative, including those of half-blood, and  
16 including first cousins, nephews or nieces, and persons of preceding  
17 generations as denoted by prefixes of grand, great, or great-great;

18 (ii) Stepfather, stepmother, stepbrother, and stepsister;

19 (iii) A person who legally adopts a child or the child's parent as  
20 well as the natural and other legally adopted children of such persons,  
21 and other relatives of the adoptive parents in accordance with state  
22 law;

23 (iv) Spouses of any persons named in (i), (ii), or (iii) of this  
24 subsection (2)(a), even after the marriage is terminated; or

25 (v) Extended family members, as defined by the law or custom of the  
26 Indian child's tribe or, in the absence of such law or custom, a person  
27 who has reached the age of eighteen and who is the Indian child's  
28 grandparent, aunt or uncle, brother or sister, brother-in-law or  
29 sister-in-law, niece or nephew, first or second cousin, or stepparent  
30 who provides care in the family abode on a twenty-four-hour basis to an  
31 Indian child as defined in 25 U.S.C. Sec. 1903(4);

32 (b) Persons who are legal guardians of the child, expectant mother,  
33 or persons with developmental disabilities;

34 (c) Persons who care for a neighbor's or friend's child or  
35 children, with or without compensation, where: (i) The person  
36 providing care for periods of less than twenty-four hours does not  
37 conduct such activity on an ongoing, regularly scheduled basis for the  
38 purpose of engaging in business, which includes, but is not limited to,

1 advertising such care; or (ii) the parent and person providing care on  
2 a twenty-four-hour basis have agreed to the placement in writing and  
3 the state is not providing any payment for the care;

4 (d) Parents on a mutually cooperative basis exchange care of one  
5 another's children;

6 (e) A person, partnership, corporation, or other entity that  
7 provides placement or similar services to exchange students or  
8 international student exchange visitors or persons who have the care of  
9 an exchange student in their home;

10 (f) A person, partnership, corporation, or other entity that  
11 provides placement or similar services to international children who  
12 have entered the country by obtaining visas that meet the criteria for  
13 medical care as established by the United States immigration and  
14 naturalization service, or persons who have the care of such an  
15 international child in their home;

16 (g) Nursery schools or kindergartens which are engaged primarily in  
17 educational work with preschool children and in which no child is  
18 enrolled on a regular basis for more than four hours per day;

19 (h) Schools, including boarding schools, which are engaged  
20 primarily in education, operate on a definite school year schedule,  
21 follow a stated academic curriculum, accept only school-age children  
22 and do not accept custody of children;

23 (i) Seasonal camps of three months' or less duration engaged  
24 primarily in recreational or educational activities;

25 (j) Hospitals licensed pursuant to chapter 70.41 RCW when  
26 performing functions defined in chapter 70.41 RCW, nursing homes  
27 licensed under chapter 18.51 RCW and boarding homes licensed under  
28 chapter 18.20 RCW;

29 (k) Licensed physicians or lawyers;

30 (l) Facilities providing care to children for periods of less than  
31 twenty-four hours whose parents remain on the premises to participate  
32 in activities other than employment;

33 (m) Facilities approved and certified under chapter 71A.22 RCW;

34 (n) Any agency having been in operation in this state ten years  
35 prior to June 8, 1967, and not seeking or accepting moneys or  
36 assistance from any state or federal agency, and is supported in part  
37 by an endowment or trust fund;

1 (o) Persons who have a child in their home for purposes of  
2 adoption, if the child was placed in such home by a licensed child-  
3 placing agency, an authorized public or tribal agency or court or if a  
4 replacement report has been filed under chapter 26.33 RCW and the  
5 placement has been approved by the court;

6 (p) An agency operated by any unit of local, state, or federal  
7 government or an agency, located within the boundaries of a federally  
8 recognized Indian reservation, licensed by the Indian tribe;

9 (q) A maximum or medium security program for juvenile offenders  
10 operated by or under contract with the department;

11 (r) An agency located on a federal military reservation, except  
12 where the military authorities request that such agency be subject to  
13 the licensing requirements of this chapter.

14 (3) "Department" means the state department of social and health  
15 services.

16 (4) "Juvenile" means a person under the age of twenty-one who has  
17 been sentenced to a term of confinement under the supervision of the  
18 department under RCW 13.40.185.

19 (5) "Probationary license" means a license issued as a disciplinary  
20 measure to an agency that has previously been issued a full license but  
21 is out of compliance with licensing standards.

22 (6) "Requirement" means any rule, regulation, or standard of care  
23 to be maintained by an agency.

24 (7) "Secretary" means the secretary of social and health services.

25 (8) "Street youth" means a person under the age of eighteen who  
26 lives outdoors or in another unsafe location not intended for occupancy  
27 by the minor and who is not residing with his or her parent or at his  
28 or her legally authorized residence.

29 (9) "Transitional living services" means at a minimum, to the  
30 extent funds are available, the following:

31 (a) Educational services, including basic literacy and  
32 computational skills training, either in local alternative or public  
33 high schools or in a high school equivalency program that leads to  
34 obtaining a high school equivalency degree;

35 (b) Assistance and counseling related to obtaining vocational  
36 training or higher education, job readiness, job search assistance, and  
37 placement programs;

1 (c) Counseling and instruction in life skills such as money  
2 management, home management, consumer skills, parenting, health care,  
3 access to community resources, and transportation and housing options;

4 (d) Individual and group counseling; and

5 (e) Establishing networks with federal agencies and state and local  
6 organizations such as the United States department of labor, employment  
7 and training administration programs including the job training  
8 partnership act which administers private industry councils and the job  
9 corps; vocational rehabilitation; and volunteer programs.

10 **Sec. 3.** RCW 74.15.030 and 2005 c 490 s 11 are each amended to read  
11 as follows:

12 The secretary shall have the power and it shall be the secretary's  
13 duty:

14 (1) In consultation with the children's services advisory  
15 committee, and with the advice and assistance of persons representative  
16 of the various type agencies to be licensed, to designate categories of  
17 facilities for which separate or different requirements shall be  
18 developed as may be appropriate whether because of variations in the  
19 ages, sex and other characteristics of persons served, variations in  
20 the purposes and services offered or size or structure of the agencies  
21 to be licensed hereunder, or because of any other factor relevant  
22 thereto;

23 (2) In consultation with the children's services advisory  
24 committee, and with the advice and assistance of persons representative  
25 of the various type agencies to be licensed, to adopt and publish  
26 minimum requirements for licensing applicable to each of the various  
27 categories of agencies to be licensed.

28 The minimum requirements shall be limited to:

29 (a) The size and suitability of a facility and the plan of  
30 operation for carrying out the purpose for which an applicant seeks a  
31 license;

32 (b) The character, suitability and competence of an agency and  
33 other persons associated with an agency directly responsible for the  
34 care and treatment of children, expectant mothers or developmentally  
35 disabled persons. In consultation with law enforcement personnel, the  
36 secretary shall investigate the conviction record or pending charges  
37 and dependency record information under chapter 43.43 RCW of each

1 agency and its staff seeking licensure or relicensure. No unfounded  
2 allegation of child abuse or neglect as defined in RCW 26.44.020 may be  
3 disclosed to a child-placing agency, private adoption agency, or any  
4 other provider licensed under this chapter. In order to determine the  
5 suitability of applicants for an agency license, licensees, their  
6 employees, and other persons who have unsupervised access to children  
7 in care, and who have not resided in the state of Washington during the  
8 three-year period before being authorized to care for children shall be  
9 fingerprinted. The fingerprints shall be forwarded to the Washington  
10 state patrol and federal bureau of investigation for a criminal history  
11 records check. The fingerprint criminal history records checks will be  
12 at the expense of the licensee except that in the case of a foster  
13 family home, if this expense would work a hardship on the licensee, the  
14 department shall pay the expense. The licensee may not pass this cost  
15 on to the employee or prospective employee, unless the employee is  
16 determined to be unsuitable due to his or her criminal history record.  
17 The secretary shall use the information solely for the purpose of  
18 determining eligibility for a license and for determining the  
19 character, suitability, and competence of those persons or agencies,  
20 excluding parents, not required to be licensed who are authorized to  
21 care for children, expectant mothers, and developmentally disabled  
22 persons. Criminal justice agencies shall provide the secretary such  
23 information as they may have and that the secretary may require for  
24 such purpose;

25 (c) The number of qualified persons required to render the type of  
26 care and treatment for which an agency seeks a license;

27 (d) The safety, cleanliness, and general adequacy of the premises  
28 to provide for the comfort, care and well-being of children, expectant  
29 mothers or developmentally disabled persons;

30 (e) The provision of necessary care, including food, clothing,  
31 supervision and discipline; physical, mental and social well-being; and  
32 educational, recreational and spiritual opportunities for those served;

33 (f) The financial ability of an agency to comply with minimum  
34 requirements established pursuant to chapter 74.15 RCW and RCW  
35 74.13.031; (~~and~~)

36 (g) The maintenance of records pertaining to the admission,  
37 progress, health and discharge of persons served; and



1       (h) Additional requirements pertaining to staffed residential homes  
2 as provided in section 4 of this act.

3       (3) To investigate any person, including relatives by blood or  
4 marriage except for parents, for character, suitability, and competence  
5 in the care and treatment of children, expectant mothers, and  
6 developmentally disabled persons prior to authorizing that person to  
7 care for children, expectant mothers, and developmentally disabled  
8 persons. However, if a child is placed with a relative under RCW  
9 13.34.065 or 13.34.130, and if such relative appears otherwise suitable  
10 and competent to provide care and treatment the criminal history  
11 background check required by this section need not be completed before  
12 placement, but shall be completed as soon as possible after placement;

13       (4) On reports of alleged child abuse and neglect, to investigate  
14 agencies in accordance with chapter 26.44 RCW, including child day-care  
15 centers and family day-care homes, to determine whether the alleged  
16 abuse or neglect has occurred, and whether child protective services or  
17 referral to a law enforcement agency is appropriate;

18       (5) To issue, revoke, or deny licenses to agencies pursuant to  
19 chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the  
20 category of care which an agency is authorized to render and the ages,  
21 sex and number of persons to be served;

22       (6) To prescribe the procedures and the form and contents of  
23 reports necessary for the administration of chapter 74.15 RCW and RCW  
24 74.13.031 and to require regular reports from each licensee;

25       (7) To inspect agencies periodically to determine whether or not  
26 there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the  
27 requirements adopted hereunder;

28       (8) To review requirements adopted hereunder at least every two  
29 years and to adopt appropriate changes after consultation with affected  
30 groups for child day-care requirements and with the children's services  
31 advisory committee for requirements for other agencies; and

32       (9) To consult with public and private agencies in order to help  
33 them improve their methods and facilities for the care of children,  
34 expectant mothers and developmentally disabled persons.

35       NEW SECTION. Sec. 4. A new section is added to chapter 74.15 RCW  
36 to read as follows:

37       In order to promote positive social and educational outcomes for

1 the children in their care, the secretary shall require that staffed  
2 residential homes for children provide the following to receive a new  
3 license or renew an existing license:

4 (1) A collaboration plan with the local school district, to promote  
5 communication and information sharing about how to best care for the  
6 children at the staffed residential home;

7 (2) A community integration plan, to demonstrate how children  
8 served at the staffed residential home will have a level of interaction  
9 with the community commensurate with their placement in a community-  
10 based setting rather than an institution; and

11 (3) A process to conduct community outreach about the needs of the  
12 children in the agency's care, their rights, and ways in which the  
13 children and the community can be more integrated and positively  
14 interact.

15 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.155  
16 RCW to read as follows:

17 In order to foster stronger community relationships and education  
18 outcomes of students in staffed residential homes, the superintendent  
19 of public instruction shall:

20 (1) Assign a staff position to provide technical assistance to  
21 school districts in developing collaboration plans described in section  
22 4 of this act and in developing applications for the special education  
23 safety net;

24 (2) Continue to review and update the criteria for making awards  
25 through the special education safety net process for school districts  
26 that can convincingly demonstrate the impact of staffed residential  
27 homes on the districts' special education program; and

28 (3) Develop a funding formula that in lieu of special education  
29 excess cost funding for staffed residential home students placed by the  
30 department of social and health services provides an allocation to  
31 cover the concentrated number of students in special education with  
32 high needs residing in staffed residential homes. This funding formula  
33 shall include allocating the funding based on a rate of three times the  
34 statewide average per pupil expenditure, minus the school district's  
35 basic education allocation, per staffed residential home placement.  
36 School districts are eligible to pursue safety net funding beyond this  
37 allocation so that the combined basic education allocation,

1 concentration allocation, and safety net grant recognize the sometimes  
2 high cost of serving staffed residential home students concentrated in  
3 a few school districts by the state.

4 NEW SECTION. **Sec. 6.** If any provision of this act or its  
5 application to any person or circumstance is held invalid, the  
6 remainder of the act or the application of the provision to other  
7 persons or circumstances is not affected.

8 NEW SECTION. **Sec. 7.** If any part of this act is found to be in  
9 conflict with federal requirements that are a prescribed condition to  
10 the allocation of federal funds to the state, the conflicting part of  
11 this act is inoperative solely to the extent of the conflict and with  
12 respect to the agencies directly affected, and this finding does not  
13 affect the operation of the remainder of this act in its application to  
14 the agencies concerned. Rules adopted under this act must meet federal  
15 requirements that are a necessary condition to the receipt of federal  
16 funds by the state.

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