
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1879

State of Washington

61st Legislature

2009 Regular Session

By House Education Appropriations (originally sponsored by Representatives Jacks, Kagi, Moeller, Orcutt, Wallace, Appleton, and Kenney)

READ FIRST TIME 03/02/09.

1 AN ACT Relating to the delivery of educational services to children
2 who are deaf and hearing impaired; amending RCW 72.40.010, 72.40.019,
3 72.40.024, 72.40.028, 72.40.120, 72.40.200, 72.40.210, 72.40.031,
4 72.42.010, 72.42.015, 72.42.016, 72.42.021, 72.42.041, 72.40.070,
5 72.40.220, 72.40.250, 72.40.280, 72.42.060, 26.44.210, 28A.155.160,
6 28A.310.010, 28A.310.180, 28A.310.200, 28A.335.205, 28A.400.303,
7 28A.400.305, 28A.600.420, 41.40.088, and 70.198.020; adding new
8 sections to chapter 72.42 RCW; creating new sections; repealing RCW
9 72.40.023; and providing an expiration date.

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

11 NEW SECTION. **Sec. 1.** The legislature finds that the education of
12 children who are deaf presents unique challenges because deafness is a
13 low-incidence disability significantly impacting the child's ability to
14 access communication at home, at school, and in the community. The
15 legislature further finds that over the past fifty years, there have
16 been numerous advances in technology as well as a growing awareness
17 about the importance of delivering services to children in a variety of
18 communication modalities to support their early and continued access to
19 communication. The legislature intends to enhance the coordination of

1 regionally delivered educational services and supports for children who
2 are deaf or hard of hearing and to promote the development of
3 communication-rich learning environments for these children.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 72.42 RCW
5 to read as follows:

6 (1) The Washington state center for childhood deafness and hearing
7 loss is established to provide statewide leadership for the
8 coordination and delivery of educational services to children who are
9 deaf or hard of hearing. The activities of the center shall be under
10 the authority of the director and the board of trustees. The
11 superintendent and board of trustees of the state school for the deaf
12 as of the effective date of this section shall be the director and
13 board of trustees of the center.

14 (2) The center's primary functions are:

15 (a) Managing and directing the supervision of the state school for
16 the deaf;

17 (b) Providing statewide leadership and support for the coordination
18 of regionally delivered educational services in the full range of
19 communication modalities, for children who are deaf or hard of hearing;
20 and

21 (c) Collaborating with appropriate public and private partners for
22 the training and professional development of educators serving children
23 who are deaf or hard of hearing.

24 **Sec. 3.** RCW 72.40.010 and 2002 c 209 s 1 are each amended to read
25 as follows:

26 There are established at Vancouver, Clark county, a school which
27 shall be known as the state school for the blind, and a separate school
28 which shall be known as the state school for the deaf. The primary
29 purpose of the state school for the blind and the state school for the
30 deaf is to educate and train hearing and visually impaired children.

31 The school for the blind shall be under the direction of the
32 superintendent with the advice of the board of trustees. The school
33 for the deaf shall be under the direction of the (~~superintendent~~)
34 director of the center or the director's designee and the board of
35 trustees.

1 **Sec. 4.** RCW 72.40.019 and 1985 c 378 s 14 are each amended to read
2 as follows:

3 The governor shall appoint a (~~(superintendent)~~) director for the
4 (~~(state school for the deaf)~~) Washington state center for childhood
5 deafness and hearing loss. The (~~(superintendent)~~) director shall have
6 a masters or higher degree from an accredited college or university in
7 school administration or deaf education, five or more years of
8 experience teaching or providing habilitative services to deaf or hard
9 of hearing students (~~(in the classroom)~~), and three or more years
10 administrative or supervisory experience in programs for deaf or hard
11 of hearing students.

12 NEW SECTION. **Sec. 5.** A new section is added to chapter 72.42 RCW
13 to read as follows:

14 In addition to any other powers and duties prescribed by law, the
15 director of the Washington state center for childhood deafness and
16 hearing loss:

17 (1) Shall be responsible for the supervision and management of the
18 center, including the state school for the deaf, and the property of
19 various kinds. The director may designate an individual to oversee the
20 day-to-day operation and supervision of students at the school;

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

25 (3) Shall provide technical assistance and support as appropriate
26 to local and regional efforts to build critical mass and
27 communication-rich networking opportunities for children who are deaf
28 or hard of hearing and their families;

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

32 (5) Shall, as approved by the board of trustees, control and
33 authorize the use of the facilities for night school, summer school,
34 public meetings, applied research and training for the instruction of
35 students who are deaf or hard of hearing, outreach and support to
36 families of children who are deaf or hard of hearing, or other purposes
37 consistent with the purposes of the center;

1 (6) Shall purchase all supplies and lease or purchase equipment and
2 other personal property needed for the operation or maintenance of the
3 center;

4 (7) Shall prepare, submit to the board of trustees for approval,
5 and administer the budget consistent with RCW 43.88.160 and the budget
6 and accounting act, chapter 43.88 RCW generally, as applicable;

7 (8) Shall provide technical assistance and support to educational
8 service districts for the regional delivery of a full range of
9 educational services to students who are deaf or hard of hearing,
10 including but not limited to services relying on American Sign
11 Language, auditory oral education, total communication, and signed
12 exact English;

13 (9) As requested by educational service districts, shall recruit,
14 employ, and deploy itinerant teachers to provide in-district services
15 to children who are deaf or hard of hearing;

16 (10) May establish criteria, in addition to state certification,
17 for the teachers at the school and employees of the center;

18 (11) May establish, with the approval of the board of trustees, new
19 facilities as needs demand;

20 (12) May adopt rules, under chapter 34.05 RCW, as approved by the
21 board of trustees and as deemed necessary for the governance,
22 management, and operation of the center;

23 (13) May adopt rules, as approved by the board of trustees, for
24 pedestrian and vehicular traffic on property owned, operated, and
25 maintained by the center;

26 (14) Except as otherwise provided by law, may enter into contracts
27 as the director deems essential to the purpose of the center;

28 (15) May receive gifts, grants, conveyances, devises, and bequests
29 of real or personal property from whatever source, as may be made from
30 time to time, in trust or otherwise, whenever the terms and conditions
31 will aid in carrying out the programs of the center; sell, lease, or
32 exchange, invest, or expend the same or the proceeds, rents, profits,
33 and income thereof except as limited by the terms and conditions
34 thereof; and adopt rules to govern the receipt and expenditure of the
35 proceeds, rents, profits, and income thereof;

36 (16) May adopt rules, as approved by the board of trustees,
37 providing for the transferability of employees between the center and

1 the school for the blind consistent with collective bargaining
2 agreements in effect; and

3 (17) May adopt rules under chapter 34.05 RCW, as approved by the
4 board of trustees, and perform all other acts not forbidden by law as
5 the director deems necessary or appropriate to the administration of
6 the center.

7 **Sec. 6.** RCW 72.40.024 and 2002 c 209 s 4 are each amended to read
8 as follows:

9 In addition to the powers and duties under RCW 72.40.022 (~~and~~
10 ~~72.40.023~~) and section 5 of this act, the superintendent of (~~each~~)
11 the school for the blind and the director of the Washington state
12 center for childhood deafness and hearing loss, or the director's
13 designee, shall:

14 (1) Monitor the location and educational placement of each student
15 reported to the superintendent(~~s~~) and the director, or the director's
16 designee, by the educational service district superintendents;

17 (2) Provide information about educational programs, instructional
18 techniques, materials, equipment, and resources available to students
19 with visual or auditory impairments to the parent or guardian,
20 educational service district superintendent, and the superintendent of
21 the school district where the student resides; and

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

26 **Sec. 7.** RCW 72.40.028 and 2006 c 263 s 829 are each amended to
27 read as follows:

28 All teachers (~~at the state school for the deaf~~) employed by the
29 Washington state center for childhood deafness and hearing loss and the
30 state school for the blind shall meet all certification requirements
31 and the programs shall meet all accreditation requirements and conform
32 to the standards defined by law or by rule of the Washington
33 professional educator standards board or the office of the state
34 superintendent of public instruction. The superintendent(~~s~~) and the
35 director, by rule, may adopt additional educational standards for their
36 respective (~~schools~~) facilities. Salaries of all certificated

1 employees shall be set so as to conform to and be contemporary with
2 salaries paid to other certificated employees of similar background and
3 experience in the school district in which the program or facility is
4 located. The superintendent(~~s~~) and the director may provide for
5 provisional certification for teachers in their respective (~~schools~~)
6 facilities including certification for emergency, temporary,
7 substitute, or provisional duty.

8 **Sec. 8.** RCW 72.40.120 and 1991 c 65 s 1 are each amended to read
9 as follows:

10 Any appropriation for the (~~school for the deaf~~) Washington state
11 center for childhood deafness and hearing loss or the school for the
12 blind shall be made directly to the (~~school for the deaf~~) center or
13 the school for the blind.

14 **Sec. 9.** RCW 72.40.200 and 2000 c 125 s 1 are each amended to read
15 as follows:

16 The (~~state school for the deaf~~) Washington state center for
17 childhood deafness and hearing loss and the state school for the blind
18 shall promote the personal safety of students and protect the children
19 who attend from child abuse and neglect as defined in RCW 26.44.020.

20 **Sec. 10.** RCW 72.40.210 and 2000 c 125 s 2 are each amended to read
21 as follows:

22 The (~~superintendents~~) director of the (~~state school for the~~
23 ~~deaf~~) Washington state center for childhood deafness and hearing loss
24 and the superintendent of the state school for the blind or their
25 designees shall immediately report to the persons indicated the
26 following events:

- 27 (1) To the child's parent, custodian, or guardian:
28 (a) The death of the child;
29 (b) Hospitalization of a child in attendance or residence at the
30 (~~school~~) facility;
31 (c) Allegations of child abuse or neglect in which the parent's
32 child in attendance or residence at the (~~school~~) facility is the
33 alleged victim;
34 (d) Allegations of physical or sexual abuse in which the parent's

1 child in attendance or residence at the (~~school~~) facility is the
2 alleged perpetrator;

3 (e) Life-threatening illness;

4 (f) The attendance at the (~~school~~) facility of any child who is
5 a registered sex offender under RCW 9A.44.130 as permitted by RCW
6 4.24.550.

7 (2) Notification to the parent shall be made by the means most
8 likely to be received by the parent. If initial notification is made
9 by telephone, such notification shall be followed by notification in
10 writing within forty-eight hours after the initial (~~oral~~) verbal
11 contact is made.

12 NEW SECTION. Sec. 11. (1) The state school for the deaf is hereby
13 abolished and its powers, duties, and functions are hereby transferred
14 to the Washington state center for childhood deafness and hearing loss.
15 All references to the superintendent or the state school for the deaf
16 in the Revised Code of Washington shall be construed to mean the
17 director or the Washington state center for childhood deafness and
18 hearing loss.

19 (2)(a) All reports, documents, surveys, books, records, files,
20 papers, or written material in the possession of the state school for
21 the deaf shall be delivered to the custody of the Washington state
22 center for childhood deafness and hearing loss. All cabinets,
23 furniture, office equipment, motor vehicles, and other tangible
24 property employed by the state school for the deaf shall be made
25 available to the Washington state center for childhood deafness and
26 hearing loss. All funds, credits, or other assets held by the state
27 school for the deaf shall be assigned to the Washington state center
28 for childhood deafness and hearing loss.

29 (b) Any appropriations made to the state school for the deaf shall,
30 on the effective date of this section, be transferred and credited to
31 the Washington state center for childhood deafness and hearing loss.

32 (c) If any question arises as to the transfer of any personnel,
33 funds, books, documents, records, papers, files, equipment, or other
34 tangible property used or held in the exercise of the powers and the
35 performance of the duties and functions transferred, the director of
36 financial management shall make a determination as to the proper
37 allocation and certify the same to the state agencies concerned.

1 (3) All employees of the state school for the deaf are transferred
2 to the jurisdiction of the Washington state center for childhood
3 deafness and hearing loss. All employees classified under chapter
4 41.06 RCW, the state civil service law, are assigned to the Washington
5 state center for childhood deafness and hearing loss to perform their
6 usual duties upon the same terms as formerly, without any loss of
7 rights, subject to any action that may be appropriate thereafter in
8 accordance with the laws and rules governing state civil service.

9 (4) All rules and all pending business before the state school for
10 the deaf shall be continued and acted upon by the Washington state
11 center for childhood deafness and hearing loss. All existing contracts
12 and obligations shall remain in full force and shall be performed by
13 the Washington state center for childhood deafness and hearing loss.

14 (5) The transfer of the powers, duties, functions, and personnel of
15 the state school for the deaf shall not affect the validity of any act
16 performed before the effective date of this section.

17 (6) If apportionments of budgeted funds are required because of the
18 transfers directed by this section, the director of financial
19 management shall certify the apportionments to the agencies affected,
20 the state auditor, and the state treasurer. Each of these shall make
21 the appropriate transfer and adjustments in funds and appropriation
22 accounts and equipment records in accordance with the certification.

23 (7) The existing bargaining units shall be transferred in their
24 entirety without the merging of other bargaining units or the inclusion
25 of employees from other bargaining units. Nothing contained in this
26 section may be construed to alter any of the existing collective
27 bargaining units unless the bargaining unit has been modified by action
28 of the public employment relations commission as provided by law.
29 Therefore, the certification of the existing bargaining units shall
30 remain. However, the commission may, upon request, amend the
31 certification to reflect the name of the new agency. In addition,
32 nothing in this section may be construed to alter the provisions of any
33 existing collective bargaining agreement until the agreement has
34 expired.

35 **Sec. 12.** RCW 72.40.031 and 1985 c 378 s 16 are each amended to
36 read as follows:

37 The school year for the state school for the blind and the state

1 school for the deaf shall commence on the first day of July of each
2 year and shall terminate on the 30th day of June of the succeeding
3 year. The regular school term shall be for a period of nine months and
4 shall commence as near as reasonably practical at the time of the
5 commencement of regular terms in ~~((the))~~ other public schools, with the
6 equivalent number of days as are now required by law, and the
7 regulations of the superintendent of public instruction as now or
8 hereafter amended, during the school year in ~~((the))~~ other public
9 schools. The school and the center shall observe all legal holidays,
10 in the same manner as other agencies of state government, and ~~((the~~
11 ~~schools))~~ will not be in session on such days and such other days as
12 may be approved by the ~~((respective))~~ superintendent~~((s))~~ or the
13 director. During the period when the schools are not in session during
14 the regular school term, schools may be operated, subject to the
15 approval of the ~~((respective))~~ superintendent~~((s))~~ or the director or
16 the director's designee, for the instruction of students or for such
17 other reasons which are in furtherance of the objects and purposes of
18 ~~((such schools))~~ the respective facilities.

19 **Sec. 13.** RCW 72.42.010 and 2002 c 209 s 5 are each amended to read
20 as follows:

21 It is the intention of the legislature, in creating a board of
22 trustees for the ~~((state school for the deaf))~~ Washington state center
23 for childhood deafness and hearing loss to perform the duties set forth
24 in this chapter, that the board of trustees perform needed oversight
25 services to the governor and the legislature of the ~~((Washington state~~
26 ~~school for the deaf))~~ center in the development of programs for the
27 hard of hearing ~~((impaired))~~, and in the operation of the ~~((Washington~~
28 ~~state))~~ center, including the school for the deaf.

29 **Sec. 14.** RCW 72.42.015 and 1985 c 378 s 32 are each amended to
30 read as follows:

31 Unless the context clearly requires otherwise as used in this
32 chapter "~~((superintendent))~~ director" means ~~((superintendent))~~ the
33 director of the Washington state ~~((school for the deaf))~~ center for
34 childhood deafness and hearing loss.

1 **Sec. 15.** RCW 72.42.016 and 2002 c 209 s 6 are each amended to read
2 as follows:

3 Unless the context clearly requires otherwise, as used in this
4 chapter:

5 (1) "Center" means the Washington state center for childhood
6 deafness and hearing loss serving local school districts across the
7 state; and

8 (2) "School" means the Washington state residential school for the
9 deaf located in Vancouver, Washington.

10 **Sec. 16.** RCW 72.42.021 and 2002 c 209 s 7 are each amended to read
11 as follows:

12 (1) The governance of the center and the school shall be vested in
13 a board of trustees. The board shall consist of nine members appointed
14 by the governor, with the consent of the senate. The board shall be
15 composed of a resident from each of the state's congressional districts
16 and may include:

17 (a) One member who is deaf or hard of hearing (~~(impaired)~~);

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

19 (c) One member who is experienced in providing residential services
20 to youth; and

21 (d) One member who is the parent of a child who is deaf or hard of
22 hearing (~~(impaired)~~) and who is receiving or has received educational
23 services related to deafness or hearing impairment from a public
24 educational institution.

25 (2) No voting trustee may be an employee of the school or the
26 center, a member of the board of directors of any school district, a
27 member of the governing board of any public or private educational
28 institution(~~(7-a-school-district-or-educational-service-district~~
29 ~~administrator appointed after July 1, 1986,)) or an elected officer or
30 member of the legislative authority of any municipal corporation. No
31 more than two voting trustees may be school district or educational
32 service district administrators appointed after July 1, 1986.~~

33 (3) Trustees shall be appointed by the governor to serve a term of
34 five years, except that any person appointed to fill a vacancy
35 occurring prior to the expiration of a term shall be appointed within
36 sixty days of the vacancy and appointed only for the remainder of the

1 term. Of the initial members, three must be appointed for two-year
2 terms, three must be appointed for three-year terms, and the remainder
3 must be appointed for five-year terms.

4 (4) The board shall not be deemed unlawfully constituted and a
5 trustee shall not be deemed ineligible to serve the remainder of the
6 trustee's unexpired term on the board solely by reason of the
7 establishment of new or revised boundaries for congressional districts.
8 In such an event, each trustee may continue to serve in office for the
9 balance of the term for which he or she was appointed so long as the
10 trustee continues to reside within the boundaries of the congressional
11 district as they existed at the time of his or her appointment.
12 Vacancies which occur in a trustee position during the balance of any
13 term shall be filled pursuant to subsection (3) of this section by a
14 successor who resides within the boundaries of the congressional
15 district from which the member whose office was vacated was appointed
16 as they existed at the time of his or her appointment. At the
17 completion of such term, and thereafter, a successor shall be appointed
18 from the congressional district which corresponds in number with the
19 congressional district from which the incumbent was appointed.

20 **Sec. 17.** RCW 72.42.041 and 2002 c 209 s 8 are each amended to read
21 as follows:

22 The board of trustees of the ((~~school~~)) center:

23 (1) Shall adopt rules and regulations for its own governance;

24 (2) Shall direct the development of, approve, and monitor the
25 enforcement of policies, rules, and regulations pertaining to the
26 school and the center, including but not limited to:

27 (a) The use of classrooms and other facilities for summer or night
28 schools or for public meetings and any other uses consistent with the
29 mission of the center;

30 (b) Pedestrian and vehicular traffic on property owned, operated,
31 or maintained by the ((~~school~~)) center;

32 (c) Governance, management, and operation of the residential
33 facilities;

34 (d) Transferability of employees between the ((~~school-for-the~~
35 ~~deaf~~)) center and the school for the blind consistent with collective
36 bargaining agreements in effect; and

- 1 (e) Compliance with state and federal education civil rights laws
2 at the school;
- 3 (3) Shall develop a process for recommending candidates for the
4 position of (~~superintendent~~) director and upon a vacancy shall submit
5 a list of three qualified candidates for (~~superintendent~~) director to
6 the governor;
- 7 (4) Shall submit an evaluation of the (~~superintendent~~) director
8 to the governor by July 1st of each odd-numbered year that includes a
9 recommendation regarding the retention of the (~~superintendent~~)
10 director;
- 11 (5) May recommend to the governor at any time that the
12 (~~superintendent~~) director be removed for conduct deemed by the board
13 to be detrimental to the interests of the (~~school~~) center;
- 14 (6) Shall prepare and submit by July 1st of each even-numbered year
15 a report to the governor and the appropriate committees of the
16 legislature which contains a detailed summary of the (~~school's~~)
17 center's progress on performance objectives and the (~~school's~~)
18 center's work, facility conditions, and revenues and costs of the
19 (~~school~~) center for the previous year and which contains those
20 recommendations it deems necessary and advisable for the governor and
21 the legislature to act on;
- 22 (7) Shall approve the (~~school's~~) center's budget and all funding
23 requests, both operating and capital, submitted to the governor;
- 24 (8) Shall direct and approve the development and implementation of
25 comprehensive programs of education, training, and as needed
26 residential living, such that students served by the school receive a
27 challenging and quality education in a safe school environment;
- 28 (9) Shall direct, monitor, and approve the implementation of a
29 comprehensive continuous quality improvement system for the (~~school~~)
30 center;
- 31 (10) Shall monitor and inspect all existing facilities of the
32 (~~school~~) center and report its findings in its biennial report to the
33 governor and appropriate committees of the legislature; and
- 34 (11) May grant to every student of the school, upon graduation or
35 completion of a program or course of study, a suitable diploma,
36 nonbaccalaureate degree, or certificate.

1 **Sec. 18.** RCW 72.40.070 and 1985 c 378 s 22 are each amended to
2 read as follows:

3 It shall be the duty of each educational service district to make
4 a full and specific report of visually (~~(or hearing)~~) impaired or deaf
5 or hard of hearing youth to the superintendent of the school for the
6 blind or the (~~(school for the deaf)~~) director of the Washington state
7 center for childhood deafness and hearing loss, or the director's
8 designee, as the case may be and the superintendent of public
9 instruction, annually. The superintendent of public instruction shall
10 report about the deaf or hard of hearing or visually impaired youth to
11 the school for the blind and the (~~(school for the deaf)~~) Washington
12 state center for childhood deafness and hearing loss, as the case may
13 be, annually.

14 **Sec. 19.** RCW 72.40.220 and 2000 c 125 s 3 are each amended to read
15 as follows:

16 (1) The (~~(superintendents)~~) director of the (~~(state school for the~~
17 ~~deaf)~~) Washington state center for childhood deafness and hearing loss,
18 or the director's designee, and the superintendent of the state school
19 for the blind shall maintain in writing and implement behavior
20 management policies and procedures that accomplish the following:

21 (a) Support the child's appropriate social behavior, self-control,
22 and the rights of others;

23 (b) Foster dignity and self-respect for the child;

24 (c) Reflect the ages and developmental levels of children in care.

25 (2) The state school for the deaf and the state school for the
26 blind shall use proactive, positive behavior support techniques to
27 manage potential child behavior problems. These techniques shall
28 include but not be limited to:

29 (a) Organization of the physical environment and staffing patterns
30 to reduce factors leading to behavior incidents;

31 (b) Intervention before behavior becomes disruptive, in the least
32 invasive and least restrictive manner available;

33 (c) Emphasis on verbal deescalation to calm the upset child;

34 (d) Redirection strategies to present the child with alternative
35 resolution choices.

1 **Sec. 20.** RCW 72.40.250 and 2000 c 125 s 6 are each amended to read
2 as follows:

3 In addition to the powers and duties under RCW 72.40.022 and
4 72.40.024, the (~~superintendents~~) director of the (~~state school for~~
5 ~~the deaf~~) Washington state center for childhood deafness and hearing
6 loss, or the director's designee, and the superintendent of the state
7 school for the blind shall:

8 (1) Develop written procedures for the supervision of employees and
9 volunteers who have the potential for contact with students. Such
10 procedures shall be designed to prevent child abuse and neglect by
11 providing for adequate supervision of such employees and volunteers,
12 taking into consideration such factors as the student population
13 served, architectural factors, and the size of the facility. Such
14 procedures shall include, but need not be limited to, the following:

- 15 (a) Staffing patterns and the rationale for such;
- 16 (b) Responsibilities of supervisors;
- 17 (c) The method by which staff and volunteers are made aware of the
18 identity of all supervisors, including designated on-site supervisors;
- 19 (d) Provision of written supervisory guidelines to employees and
20 volunteers;
- 21 (e) Periodic supervisory conferences for employees and volunteers;
- 22 and
- 23 (f) Written performance evaluations of staff to be conducted by
24 supervisors in a manner consistent with applicable provisions of the
25 civil service law.

26 (2) Develop written procedures for the protection of students when
27 there is reason to believe an incident has occurred which would render
28 a (~~child~~) minor student an abused or neglected child within the
29 meaning of RCW 26.44.020. Such procedures shall include, but need not
30 be limited to, the following:

31 (a) Investigation. Immediately upon notification that a report of
32 child abuse or neglect has been made to the department of social and
33 health services or a law enforcement agency, the superintendent or the
34 director, or the director's designee, shall:

- 35 (i) Preserve any potential evidence through such actions as
36 securing the area where suspected abuse or neglect occurred;
- 37 (ii) Obtain proper and prompt medical evaluation and treatment, as
38 needed, with documentation of any evidence of abuse or neglect; and

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

3 (b) Safety. Upon notification that a report of suspected child
4 abuse or neglect has been made to the department of social and health
5 services or a law enforcement agency, the superintendent or the
6 director or his or her designee, with consideration for causing as
7 little disruption as possible to the daily routines of the students,
8 shall evaluate the situation and immediately take appropriate action to
9 assure the health and safety of the students involved in the report and
10 of any other students similarly situated, and take such additional
11 action as is necessary to prevent future acts of abuse or neglect.
12 Such action may include:

13 (i) Consistent with federal and state law:

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

15 (B) Increasing the degree of supervision of the alleged
16 perpetrator; and

17 (C) Initiating appropriate disciplinary action against the alleged
18 perpetrator;

19 (ii) Provision of increased training and increased supervision to
20 volunteers and staff pertinent to the prevention and remediation of
21 abuse and neglect;

22 (iii) Temporary removal of the students from a program and
23 reassignment of the students within the school, as an emergency
24 measure, if it is determined that there is a risk to the health or
25 safety of such students in remaining in that program. Whenever a
26 student is removed, pursuant to this subsection (2)(b)(iii), from a
27 special education program or service specified in his or her
28 individualized education program, the action shall be reviewed in an
29 individualized education program meeting; and

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

32 (c) Corrective action plans. Upon receipt of the results of an
33 investigation by the department of social and health services pursuant
34 to a report of suspected child abuse or neglect, the superintendent or
35 the director, or the director's designee, after consideration of any
36 recommendations by the department of social and health services for
37 preventive and remedial action, shall implement a written plan of

1 action designed to assure the continued health and safety of students
2 and to provide for the prevention of future acts of abuse or neglect.

3 **Sec. 21.** RCW 72.40.280 and 2002 c 208 s 2 are each amended to read
4 as follows:

5 (1) The department of social and health services must periodically
6 monitor the residential program at the state school for the deaf,
7 including but not limited to examining the residential-related policies
8 and procedures as well as the residential facilities. The department
9 of social and health services must make recommendations to the
10 (~~school's superintendent~~) director and the board of trustees of the
11 center or its successor board on health and safety improvements related
12 to child safety and well-being. The department of social and health
13 services must conduct the monitoring reviews at least (~~quarterly until~~
14 ~~December 1, 2006~~) annually. The director or the director's designee
15 may from time to time request technical assistance from the department
16 of social and health services.

17 (2) The department of social and health services must conduct a
18 comprehensive child health and safety review, as defined in rule, of
19 the residential program at the state school for the deaf every three
20 years. (~~The department of social and health services must deliver the~~
21 ~~first health and safety review to the governor, the legislature, the~~
22 ~~school's superintendent, and the school's board of trustees or~~
23 ~~successor board by December 1, 2004.~~)

24 (3) The state school for the deaf must provide the department of
25 social and health services' staff with full and complete access to all
26 records and documents that the department staff may request to carry
27 out the requirements of this section. The department of social and
28 health services must have full and complete access to all students and
29 staff of the state school for the deaf to conduct interviews to carry
30 out the requirements of this section.

31 (4) For the purposes of this section, the department of social and
32 health services must use the safety standards established in this
33 chapter when conducting the reviews.

34 **Sec. 22.** RCW 72.42.060 and 1975-'76 2nd ex.s. c 34 s 168 are each
35 amended to read as follows:

36 Each member of the board of trustees shall receive travel expenses

1 as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter
2 amended, and such payments shall be a proper charge to any funds
3 appropriated or allocated for the support of the (~~state school for the~~
4 ~~deaf~~) Washington state center for childhood deafness and hearing loss.

5 **Sec. 23.** RCW 26.44.210 and 2002 c 208 s 1 are each amended to read
6 as follows:

7 (1) The department must investigate referrals of alleged child
8 abuse or neglect occurring at the state school for the deaf, including
9 alleged incidents involving students abusing other students; determine
10 whether there is a finding of abuse or neglect; and determine whether
11 a referral to law enforcement is appropriate under this chapter.

12 (2) The department must send a copy of the investigation report,
13 including the finding, regarding any incidents of alleged child abuse
14 or neglect at the state school for the deaf to the (~~school's~~
15 ~~superintendent~~) center's director, or the director's designee. The
16 department may include recommendations to the (~~superintendent~~)
17 director and the board of trustees or its successor board for
18 increasing the safety of the school's students.

19 **Sec. 24.** RCW 28A.155.160 and 2007 c 115 s 15 are each amended to
20 read as follows:

21 Notwithstanding any other provision of law, the office of the
22 superintendent of public instruction, the department of early learning,
23 the Washington state (~~school-for-the-deaf~~) center for childhood
24 deafness and hearing loss, the Washington state school for the blind,
25 school districts, educational service districts, and all other state
26 and local government educational agencies and the department of
27 services for the blind, the department of social and health services,
28 and all other state and local government agencies concerned with the
29 care, education, or habilitation or rehabilitation of children with
30 disabilities may enter into interagency cooperative agreements for the
31 purpose of providing assistive technology devices and services to
32 children with disabilities. Such arrangements may include but are not
33 limited to interagency agreements for the acquisition, including joint
34 funding, maintenance, loan, sale, lease, or transfer of assistive
35 technology devices and for the provision of assistive technology

1 services including but not limited to assistive technology assessments
2 and training.

3 For the purposes of this section, "assistive device" means any
4 item, piece of equipment, or product system, whether acquired
5 commercially off-the-shelf, modified, or customized, that is used to
6 increase, maintain, or improve functional capabilities of children with
7 disabilities. The term "assistive technology service" means any
8 service that directly assists a child with a disability in the
9 selection, acquisition, or use of an assistive technology device.
10 Assistive technology service includes:

11 (1) The evaluation of the needs of a child with a disability,
12 including a functional evaluation of the child in the child's customary
13 environment;

14 (2) Purchasing, leasing, or otherwise providing for the acquisition
15 of assistive technology devices by children with disabilities;

16 (3) Selecting, designing, fitting, customizing, adapting, applying,
17 retaining, repairing, or replacing of assistive technology devices;

18 (4) Coordinating and using other therapies, interventions, or
19 services with assistive technology devices, such as those associated
20 with existing education and rehabilitation plans and programs;

21 (5) Training or technical assistance for a child with a disability
22 or if appropriate, the child's family; and

23 (6) Training or technical assistance for professionals, including
24 individuals providing education and rehabilitation services, employers,
25 or other individuals who provide services to, employ, or are otherwise
26 substantially involved in the major life functions of children with
27 disabilities.

28 **Sec. 25.** RCW 28A.310.010 and 1988 c 65 s 1 are each amended to
29 read as follows:

30 It shall be the intent and purpose of this chapter to establish
31 educational service districts as regional agencies which are intended
32 to:

33 (1) Provide cooperative and informational services to local school
34 districts;

35 (2) Assist the superintendent of public instruction and the state
36 board of education in the performance of their respective statutory or
37 constitutional duties; and

1 (3) Provide services to school districts and to the ((~~school for~~
2 ~~the deaf~~)) Washington state center for childhood deafness and hearing
3 loss and the school for the blind to assure equal educational
4 opportunities.

5 **Sec. 26.** RCW 28A.310.180 and 1990 c 33 s 276 are each amended to
6 read as follows:

7 In addition to other powers and duties as provided by law, every
8 educational service district board shall:

9 (1) Comply with rules or regulations of the state board of
10 education and the superintendent of public instruction.

11 (2) If the district board deems necessary, establish and operate
12 for the schools within the boundaries of the educational service
13 district a depository and distribution center for films, tapes, charts,
14 maps, and other instructional material as recommended by the school
15 district superintendents within the service area of the educational
16 service district: PROVIDED, That the district may also provide the
17 services of the depository and distribution center to private schools
18 within the district so long as such private schools pay such fees that
19 reflect actual costs for services and the use of instructional
20 materials as may be established by the educational service district
21 board.

22 (3) Establish cooperative service programs for school districts
23 within the educational service district and joint purchasing programs
24 for schools within the educational service district pursuant to RCW
25 28A.320.080(3): PROVIDED, That on matters relating to cooperative
26 service programs the board and superintendent of the educational
27 service district shall seek the prior advice of the superintendents of
28 local school districts within the educational service district.

29 (4) Establish direct student service programs for school districts
30 within the educational service district including pupil transportation.
31 However, for the provision of state-funded pupil transportation for
32 special education cooperatives programs for special education conducted
33 under RCW 28A.155.010 through 28A.155.100, the educational service
34 district, with the consent of the participating school districts, shall
35 be entitled to receive directly state apportionment funds for that
36 purpose: PROVIDED, That the board of directors and superintendent of
37 a local school district request the educational service district to

1 perform said service or services: PROVIDED FURTHER, That the
2 educational service district board of directors and superintendents
3 agree to provide the requested services: PROVIDED, FURTHER, That the
4 provisions of chapter 39.34 RCW are strictly adhered to: PROVIDED
5 FURTHER, That the educational service district board of directors may
6 contract with the (~~school for the deaf~~) Washington state center for
7 childhood deafness and hearing loss and the school for the blind to
8 provide transportation services or other services necessary for the
9 regional delivery of educational services for children who are deaf or
10 hearing impaired.

11 **Sec. 27.** RCW 28A.310.200 and 2006 c 263 s 610 are each amended to
12 read as follows:

13 In addition to other powers and duties as provided by law, every
14 educational service district board shall:

15 (1) Approve the budgets of the educational service district in
16 accordance with the procedures provided for in this chapter;

17 (2) Meet regularly according to the schedule adopted at the
18 organization meeting and in special session upon the call of the chair
19 or a majority of the board;

20 (3) Approve the selection of educational service district personnel
21 and clerical staff as provided in RCW 28A.310.230;

22 (4) Fix the amount of and approve the bonds for those educational
23 service district employees designated by the board as being in need of
24 bonding;

25 (5) Keep in the educational service district office a full and
26 correct transcript of the boundaries of each school district within the
27 educational service district;

28 (6) Acquire by borrowing funds or by purchase, lease, devise,
29 bequest, and gift and otherwise contract for real and personal property
30 necessary for the operation of the educational service district and to
31 the execution of the duties of the board and superintendent thereof and
32 sell, lease, or otherwise dispose of that property not necessary for
33 district purposes. No real property shall be acquired or alienated
34 without the prior approval of the superintendent of public instruction
35 and the acquisition or alienation of all such property shall be subject
36 to such provisions as the superintendent may establish. When borrowing
37 funds for the purpose of acquiring property, the educational service

1 district board shall pledge as collateral the property to be acquired.
2 Borrowing shall be evidenced by a note or other instrument between the
3 district and the lender;

4 (7) Under RCW 28A.310.010, upon the written request of the board of
5 directors of a local school district or districts served by the
6 educational service district, the educational service district board of
7 directors may provide cooperative and informational services not in
8 conflict with other law that provide for the development and
9 implementation of programs, activities, services, or practices that
10 support the education of preschool through twelfth grade students in
11 the public schools or that support the effective, efficient, or safe
12 management and operation of the school district or districts served by
13 the educational service district;

14 (8) Adopt such bylaws and rules for its own operation as it deems
15 necessary or appropriate; and

16 (9) Enter into contracts, including contracts with common and
17 educational service districts and the (~~school for the deaf~~)
18 Washington state center for childhood deafness and hearing loss and the
19 school for the blind for the joint financing of cooperative service
20 programs conducted pursuant to RCW 28A.310.180(3), and employ
21 consultants and legal counsel relating to any of the duties, functions,
22 and powers of the educational service districts.

23 **Sec. 28.** RCW 28A.335.205 and 1997 c 104 s 2 are each amended to
24 read as follows:

25 Notwithstanding any other provision of law, the office of the
26 superintendent of public instruction, the Washington state school for
27 the blind, the Washington state (~~school for the deaf~~) center for
28 childhood deafness and hearing loss, school districts, educational
29 service districts, and all other state or local governmental agencies
30 concerned with education may loan, lease, sell, or transfer assistive
31 devices for the use and benefit of children with disabilities to
32 children with disabilities or their parents or to any other public or
33 private nonprofit agency providing services to or on behalf of
34 individuals with disabilities including but not limited to any agency
35 providing educational, health, or rehabilitation services. The notice
36 requirement in RCW 28A.335.180 does not apply to the loan, lease, sale,
37 or transfer of such assistive devices. The sale or transfer of such

1 devices is authorized under this section regardless of whether or not
2 the devices have been declared surplus. The sale or transfer shall be
3 recorded in an agreement between the parties and based upon the item's
4 depreciated value.

5 For the purposes of this section, "assistive device" means any
6 item, piece of equipment, or product system, whether acquired
7 commercially off-the-shelf, modified, or customized, that is used to
8 increase, maintain, or improve functional capabilities of children with
9 disabilities.

10 For the purpose of implementing this section, each educational
11 agency shall establish and maintain an inventory of assistive
12 technology devices in its possession that exceed one hundred dollars
13 and, for each such device, shall establish a value, which shall be
14 adjusted annually to reflect depreciation.

15 This section shall not enhance or diminish the obligation of school
16 districts to provide assistive technology to children with disabilities
17 where needed to achieve a free and appropriate public education and
18 equal opportunity in accessing academic and extracurricular activities.

19 **Sec. 29.** RCW 28A.400.303 and 2007 c 35 s 1 are each amended to
20 read as follows:

21 (1) School districts, educational service districts, the ((~~state~~
22 ~~school for the deaf~~)) Washington state center for childhood deafness
23 and hearing loss, the state school for the blind, and their contractors
24 hiring employees who will have regularly scheduled unsupervised access
25 to children shall require a record check through the Washington state
26 patrol criminal identification system under RCW 43.43.830 through
27 43.43.834, 10.97.030, and 10.97.050 and through the federal bureau of
28 investigation before hiring an employee. The record check shall
29 include a fingerprint check using a complete Washington state criminal
30 identification fingerprint card. The requesting entity shall provide
31 a copy of the record report to the applicant. When necessary,
32 applicants may be employed on a conditional basis pending completion of
33 the investigation. If the applicant has had a record check within the
34 previous two years, the district, the ((~~state school for the deaf~~))
35 Washington state center for childhood deafness and hearing loss, the
36 state school for the blind, or contractor may waive the requirement.
37 Except as provided in subsection (2) of this section, the district,

1 pursuant to chapter 41.59 or 41.56 RCW, the (~~state school for the~~
2 ~~deaf~~) Washington state center for childhood deafness and hearing loss,
3 the state school for the blind, or contractor hiring the employee shall
4 determine who shall pay costs associated with the record check.

5 (2) Federal bureau of Indian affairs-funded schools may use the
6 process in subsection (1) of this section to perform record checks for
7 their employees and applicants for employment.

8 **Sec. 30.** RCW 28A.400.305 and 2007 c 35 s 2 are each amended to
9 read as follows:

10 The superintendent of public instruction shall adopt rules as
11 necessary under chapter 34.05 RCW on record check information. The
12 rules shall include, but not be limited to the following:

13 (1) Written procedures providing a school district, (~~state school~~
14 ~~for the deaf~~) Washington state center for childhood deafness and
15 hearing loss, state school for the blind, or federal bureau of Indian
16 affairs-funded school employee or applicant for certification or
17 employment access to and review of information obtained based on the
18 record check required under RCW 28A.400.303; and

19 (2) Written procedures limiting access to the superintendent of
20 public instruction record check database to only those individuals
21 processing record check information at the office of the superintendent
22 of public instruction, the appropriate school district or districts,
23 the (~~state school for the deaf~~) Washington state center for childhood
24 deafness and hearing loss, the state school for the blind, the
25 appropriate educational service district or districts, and the
26 appropriate federal bureau of Indian affairs-funded schools.

27 **Sec. 31.** RCW 28A.600.420 and 1997 c 265 s 5 are each amended to
28 read as follows:

29 (1) Any elementary or secondary school student who is determined to
30 have carried a firearm onto, or to have possessed a firearm on, public
31 elementary or secondary school premises, public school-provided
32 transportation, or areas of facilities while being used exclusively by
33 public schools, shall be expelled from school for not less than one
34 year under RCW 28A.600.010. The superintendent of the school district,
35 educational service district, (~~state school for the deaf~~) or state

1 school for the blind, or the director of the Washington state center
2 for childhood deafness and hearing loss, or the director's designee,
3 may modify the expulsion of a student on a case-by-case basis.

4 (2) For purposes of this section, "firearm" means a firearm as
5 defined in 18 U.S.C. Sec. 921, and a "firearm" as defined in RCW
6 9.41.010.

7 (3) This section shall be construed in a manner consistent with the
8 individuals with disabilities education act, 20 U.S.C. Sec. 1401 et
9 seq.

10 (4) Nothing in this section prevents a public school district,
11 educational service district, the ~~((state school for the deaf))~~
12 Washington state center for childhood deafness and hearing loss, or the
13 state school for the blind if it has expelled a student from such
14 student's regular school setting from providing educational services to
15 the student in an alternative setting.

16 (5) This section does not apply to:

17 (a) Any student while engaged in military education authorized by
18 school authorities in which rifles are used but not other firearms; or

19 (b) Any student while involved in a convention, showing,
20 demonstration, lecture, or firearms safety course authorized by school
21 authorities in which the rifles of collectors or instructors are
22 handled or displayed but not other firearms; or

23 (c) Any student while participating in a rifle competition
24 authorized by school authorities.

25 (6) A school district may suspend or expel a student for up to one
26 year subject to subsections (1), (3), (4), and (5) of this section, if
27 the student acts with malice as defined under RCW 9A.04.110 and
28 displays an instrument that ~~((appeared-[appears]))~~ appears to be a
29 firearm, on public elementary or secondary school premises, public
30 school-provided transportation, or areas of facilities while being used
31 exclusively by public schools.

32 **Sec. 32.** RCW 41.40.088 and 2000 c 247 s 107 are each amended to
33 read as follows:

34 (1) A plan 1 member who is employed by a school district or
35 districts, an educational service district, the ~~((state school for the~~
36 ~~deaf))~~ Washington state center for childhood deafness and hearing loss,

1 the state school for the blind, institutions of higher education, or
2 community colleges:

3 (a) Shall receive a service credit month for each month of the
4 period from September through August of the following year if he or she
5 is employed in an eligible position, earns compensation earnable for
6 six hundred thirty hours or more during that period, and is employed
7 during nine months of that period, except that a member may not receive
8 credit for any period prior to the member's employment in an eligible
9 position;

10 (b) If a member in an eligible position does not meet the
11 requirements of (a) of this subsection, the member is entitled to a
12 service credit month for each month of the period he or she earns
13 earnable compensation for seventy or more hours; and the member is
14 entitled to a one-quarter service credit month for those calendar
15 months during which he or she earned compensation for less than seventy
16 hours.

17 (2) Except for any period prior to the member's employment in an
18 eligible position, a plan 2 or plan 3 member who is employed by a
19 school district or districts, an educational service district, the
20 state school for the blind, the (~~state school for the deaf~~)
21 Washington state center for childhood deafness and hearing loss,
22 institutions of higher education, or community colleges:

23 (a) Shall receive a service credit month for each month of the
24 period from September through August of the following year if he or she
25 is employed in an eligible position, earns compensation earnable for
26 eight hundred ten hours or more during that period, and is employed
27 during nine months of that period;

28 (b) If a member in an eligible position for each month of the
29 period from September through August of the following year does not
30 meet the hours requirements of (a) of this subsection, the member is
31 entitled to one-half service credit month for each month of the period
32 if he or she earns earnable compensation for at least six hundred
33 thirty hours but less than eight hundred ten hours during that period,
34 and is employed nine months of that period;

35 (c) In all other instances, a member in an eligible position is
36 entitled to service credit months as follows:

37 (i) One service credit month for each month in which compensation
38 is earned for ninety or more hours;

1 (ii) One-half service credit month for each month in which
2 compensation is earned for at least seventy hours but less than ninety
3 hours; and

4 (iii) One-quarter service credit month for each month in which
5 compensation is earned for less than seventy hours;

6 (d) After August 31, 2000, school districts and educational service
7 districts will no longer be employers for the public employees'
8 retirement system plan 2 or plan 3.

9 (3) The department shall adopt rules implementing this section.

10 **Sec. 33.** RCW 70.198.020 and 2004 c 47 s 2 are each amended to read
11 as follows:

12 (1) There is established an advisory council in the department of
13 social and health services for the purpose of advancing the development
14 of a comprehensive and effective statewide system to provide prompt and
15 effective early interventions for children in the state who are deaf or
16 hard of hearing and their families.

17 (2) Members of the advisory council shall have training,
18 experience, or interest in hearing loss in children. Membership shall
19 include, but not be limited to, the following: Pediatricians;
20 audiologists; teachers of the deaf and hard of hearing; parents of
21 children who are deaf or hard of hearing; a representative from the
22 Washington state (~~school for the deaf~~) center for childhood deafness
23 and hearing loss; and representatives of the infant toddler early
24 intervention program in the department of social and health services,
25 the department of health, and the office of the superintendent of
26 public instruction.

27 NEW SECTION. **Sec. 34.** (1) The board of trustees and the director
28 of the center for childhood deafness and hearing loss shall implement
29 a process for gathering information from stakeholders to examine
30 service availability and gaps and to identify service delivery options,
31 resources, and policy changes for the implementation and operation of
32 two demonstration sites for regional programs serving children who are
33 deaf or hard of hearing. One demonstration site shall be in an
34 educational service district in eastern Washington. Information may be
35 gathered through meetings conducted in educational service district

1 regions and through other appropriate means, including the P-20 network
2 and internet technologies. Stakeholders from whom information shall be
3 solicited include, but are not limited to:

4 (a) The office of the superintendent of public instruction,
5 including the Washington sensory disabilities services office;

6 (b) The office of deaf and hard of hearing services in the
7 department of social and health services;

8 (c) Educational service district superintendents and school
9 district superintendents;

10 (d) Parents of school-age children who are deaf or hard of hearing,
11 including organizations advocating for the educational interests of all
12 children who are deaf or hard of hearing without regard to any specific
13 communication modality;

14 (e) Students who are deaf or hard of hearing;

15 (f) Adults who are deaf or hard of hearing;

16 (g) Nongovernmental entities providing educational services in the
17 following communication modalities: Oral communication, manual
18 communication, and total communication;

19 (h) The department of health; and

20 (i) The department of early learning.

21 (2) Based on the information gathered from stakeholders, the board
22 and the director of the center for childhood deafness and hearing loss
23 shall develop a structure and plan for implementing regional education
24 programs at two demonstration sites that:

25 (a) Are established within an educational service district and
26 managed through shared governance by the school districts;

27 (b) Collaborate and partner with, enhance, and avoid duplication of
28 existing and available services and programs, both public and private;

29 (c) Provide services at one or more central locations in the
30 education service districts;

31 (d) Provide services to students in their resident districts,
32 including students who are deaf or hard of hearing who may not qualify
33 for special education services;

34 (e) Include educational and transportation services for children,
35 consultation for teachers and staff, and outreach to families; and

36 (f) Support communication-rich learning environments and
37 instruction of students in the full spectrum of communication

1 modalities by qualified professionals, including American Sign
2 Language, auditory oral education, total communication, and signed
3 exact English.

4 (3) By December 1, 2010, the board and the director shall brief the
5 legislature and the governor regarding the progress of implementing and
6 operating the demonstration sites.

7 (4) This section expires January 1, 2011.

8 NEW SECTION. **Sec. 35.** RCW 72.40.023 (Superintendent of the state
9 school for the deaf--Powers and duties) and 2002 c 209 s 3 are each
10 repealed.

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