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HOUSE BILL 1879

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State of Washington

61st Legislature

2009 Regular Session

By Representatives Jacks, Kagi, Moeller, Orcutt, Wallace, Appleton, and Kenney

Read first time 02/02/09. Referred to Committee on Early Learning & Children's Services.

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, 72.40.022,  
5 72.40.070, 72.40.090, 72.40.220, 72.40.230, 72.40.240, 72.40.250,  
6 72.40.260, 72.40.280, 72.42.060, 26.44.210, 28A.155.160, 28A.310.010,  
7 28A.310.180, 28A.310.200, 28A.335.205, 28A.400.303, 28A.400.305,  
8 28A.600.420, 41.40.088, and 70.198.020; adding new sections to chapter  
9 72.42 RCW; creating new sections; repealing RCW 72.40.023; providing an  
10 expiration date; and declaring an emergency.

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

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

1 communication. The legislature intends to enhance the coordination of  
2 regionally delivered educational services and supports for children who  
3 are deaf or hearing impaired and to promote the development of  
4 communication-rich learning environments for these children.

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

7 (1) There is established at Vancouver, Clark county, the Washington  
8 state center for childhood deafness and hearing loss which shall be  
9 housed at and shall include the school and related facilities formerly  
10 known as the state school for the deaf. The center shall be under the  
11 direction of the director and the board of trustees. The  
12 superintendent and board of trustees of the state school for the deaf  
13 as of the effective date of this section shall be the director and  
14 board of trustees of the center.

15 (2) The center's primary functions shall be:

16 (a) Managing and supervising the state school for 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 hearing  
20 impaired; and

21 (c) Collaborating with appropriate public and private partners to  
22 develop an applied research center for the training and professional  
23 development of educators serving children who are deaf or hearing  
24 impaired.

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

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

33 The school for the blind shall be under the direction of the  
34 superintendent with the advice of the board of trustees. ~~((The school  
35 for the deaf shall be under the direction of the superintendent and the  
36 board of 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;

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

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

28       (4) Shall establish the course of study including vocational  
29 training and shall, in collaboration with the department of social and  
30 health services, provide post-high school transition planning and  
31 programming services to students who are deaf or hearing impaired, with  
32 the assistance of the faculty and the approval of the board of  
33 trustees;

34       (5) Shall, as approved by the board of trustees, control and  
35 authorize the use of the facilities for night school, summer school,  
36 public meetings, applied research and training for the instruction of

1 students who are deaf or hearing impaired, outreach and support to  
2 families of children who are deaf or hearing impaired, or other  
3 purposes consistent with the purposes of the center;

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

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

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

16 (9) As requested by educational service districts, shall recruit,  
17 employ, and deploy itinerant teachers to provide in-district services  
18 to children who are deaf or hearing impaired;

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

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

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

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

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

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

1 (16) May adopt rules, as approved by the board of trustees,  
2 providing for the transferability of employees between the center and  
3 the school for the blind consistent with collective bargaining  
4 agreements in effect; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (1) To the child's parent, custodian, or guardian:

29 (a) The death of the child;

30 (b) Hospitalization of a child in attendance or residence at the  
31 (~~school~~) facility;

32 (c) Allegations of child abuse or neglect in which the parent's  
33 child in attendance or residence at the (~~school~~) facility is the  
34 alleged victim;

1 (d) Allegations of physical or sexual abuse in which the parent's  
2 child in attendance or residence at the (~~school~~) facility is the  
3 alleged perpetrator;

4 (e) Life-threatening illness;

5 (f) The attendance at the (~~school~~) facility of any child who is  
6 a registered sex offender under RCW 9A.44.130 as permitted by RCW  
7 4.24.550.

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

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

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

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

33 (c) If any question arises as to the transfer of any personnel,  
34 funds, books, documents, records, papers, files, equipment, or other  
35 tangible property used or held in the exercise of the powers and the  
36 performance of the duties and functions transferred, the director of

1 financial management shall make a determination as to the proper  
2 allocation and certify the same to the state agencies concerned.

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

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

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

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

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



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

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

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

26       It is the intention of the legislature, in creating a board of  
27 trustees for the ~~((state school for the deaf))~~ Washington state center  
28 for childhood deafness and hearing loss to perform the duties set forth  
29 in this chapter, that the board of trustees perform needed oversight  
30 services to the governor and the legislature of the ~~((Washington state~~  
31 ~~school for the deaf))~~ center in the development of programs for the  
32 hearing impaired, and in the operation of the ~~((Washington state))~~  
33 center, including the school ~~((for the deaf))~~ located at the center.

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

36       Unless the context clearly requires otherwise as used in this

1 chapter "~~((superintendent))~~ director" means ~~((superintendent))~~ the  
2 director of the Washington state ~~((school for the deaf))~~ center for  
3 childhood deafness and hearing loss.

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

6 Unless the context clearly requires otherwise, as used in this  
7 chapter:

8 (1) "Center" means the Washington state center for childhood  
9 deafness and hearing loss; and

10 (2) "School" means the ~~((Washington))~~ state school for the deaf  
11 located at the center.

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

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

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

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

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

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

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

35 (3) Trustees shall be appointed by the governor to serve a term of  
36 five years, except that any person appointed to fill a vacancy

1 occurring prior to the expiration of a term shall be appointed within  
2 sixty days of the vacancy and appointed only for the remainder of the  
3 term. Of the initial members, three must be appointed for two-year  
4 terms, three must be appointed for three-year terms, and the remainder  
5 must be appointed for five-year terms.

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

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

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

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

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

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

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

34 (c) Governance, management, and operation of the residential  
35 facilities;

36 (d) Transferability of employees between the (~~school for the~~

1 ~~deaf~~) center and the school for the blind consistent with collective  
2 bargaining agreements in effect; and

3 (e) Compliance with state and federal education civil rights laws  
4 at the school;

5 (3) Shall develop a process for recommending candidates for the  
6 position of (~~superintendent~~) director and upon a vacancy shall submit  
7 a list of three qualified candidates for (~~superintendent~~) director to  
8 the governor;

9 (4) Shall submit an evaluation of the (~~superintendent~~) director  
10 to the governor by July 1st of each odd-numbered year that includes a  
11 recommendation regarding the retention of the (~~superintendent~~)  
12 director;

13 (5) May recommend to the governor at any time that the  
14 (~~superintendent~~) director be removed for conduct deemed by the board  
15 to be detrimental to the interests of the (~~school~~) center;

16 (6) Shall prepare and submit by July 1st of each even-numbered year  
17 a report to the governor and the appropriate committees of the  
18 legislature which contains a detailed summary of the (~~school's~~)  
19 center's progress on performance objectives and the (~~school's~~)  
20 center's work, facility conditions, and revenues and costs of the  
21 (~~school~~) center for the previous year and which contains those  
22 recommendations it deems necessary and advisable for the governor and  
23 the legislature to act on;

24 (7) Shall approve the (~~school's~~) center's budget and all funding  
25 requests, both operating and capital, submitted to the governor;

26 (8) Shall direct and approve the development and implementation of  
27 comprehensive programs of education, training, and as needed  
28 residential living, such that students served by the (~~school~~) center  
29 receive a challenging and quality education in a safe school  
30 environment;

31 (9) Shall direct, monitor, and approve the implementation of a  
32 comprehensive continuous quality improvement system for the (~~school~~)  
33 center;

34 (10) Shall monitor and inspect all existing facilities of the  
35 (~~school~~) center and report its findings in its biennial report to the  
36 governor and appropriate committees of the legislature; and

37 (11) May grant to every student of the school located at the

1 center, upon graduation or completion of a program or course of study,  
2 a suitable diploma, nonbaccalaureate degree, or certificate.

3 **Sec. 18.** RCW 72.40.022 and 2002 c 209 s 2 are each amended to read  
4 as follows:

5 In addition to any other powers and duties prescribed by law, the  
6 superintendent of the state school for the blind:

7 (1) Shall have full control of the school and the property of  
8 various kinds.

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

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

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

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

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

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

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

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

30 (10) Except as otherwise provided by law, may enter into contracts  
31 as the superintendent deems essential to the purpose of 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 school; sell, lease or  
36 exchange, invest, or expend the same or the proceeds, rents, profits,

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

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

6 (13) May adopt rules providing for the transferability of employees  
7 between the (~~school for the deaf~~) Washington state center for  
8 childhood deafness and hearing loss and the school for the blind  
9 consistent with collective bargaining agreements in effect.

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

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

16 **Sec. 19.** RCW 72.40.070 and 1985 c 378 s 22 are each amended to  
17 read as follows:

18 It shall be the duty of each educational service district to make  
19 a full and specific report of visually or hearing impaired youth to the  
20 superintendent of the school for the blind or the (~~school for the~~  
21 ~~deaf~~) director of the Washington state center for childhood deafness  
22 and hearing loss, as the case may be and the superintendent of public  
23 instruction, annually. The superintendent of public instruction shall  
24 report about the hearing or visually impaired youth to the school for  
25 the blind and the (~~school for the deaf~~) Washington state center for  
26 childhood deafness and hearing loss, as the case may be, annually.

27 **Sec. 20.** RCW 72.40.090 and 1993 c 147 s 5 are each amended to read  
28 as follows:

29 Notwithstanding any other provision of law, the state school for  
30 the blind and the (~~school for the deaf~~) Washington state center for  
31 childhood deafness and hearing loss may arrange and provide for weekend  
32 transportation to and from (~~schools~~) their respective facilities.  
33 This transportation shall be at no cost to students and parents, as  
34 allowed within the appropriations allocated to the (~~schools~~)  
35 facilities.

1           **Sec. 21.** RCW 72.40.220 and 2000 c 125 s 3 are each amended to read  
2 as follows:

3           (1) The (~~superintendents~~) director of the (~~state school for the~~  
4 ~~deaf~~) Washington state center for childhood deafness and hearing loss  
5 and the superintendent of the state school for the blind shall maintain  
6 in writing and implement behavior management policies and procedures  
7 that accomplish the following:

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

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

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

12           (2) The (~~state school for the deaf~~) Washington state center for  
13 childhood deafness and hearing loss and the state school for the blind  
14 shall use proactive, positive behavior support techniques to manage  
15 potential child behavior problems. These techniques shall include but  
16 not be limited to:

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

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

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

22           (d) Redirection strategies to present the child with alternative  
23 resolution choices.

24           **Sec. 22.** RCW 72.40.230 and 2000 c 125 s 4 are each amended to read  
25 as follows:

26           (1) The (~~state school for the deaf~~) Washington state center for  
27 childhood deafness and hearing loss and the state school for the blind  
28 shall ensure that all staff, within two months of beginning employment,  
29 complete a minimum of fifteen hours of job orientation which shall  
30 include, but is not limited to, presentation of the standard operating  
31 procedures manual for each (~~school~~) facility, describing all policies  
32 and procedures specific to the (~~school~~) facility.

33           (2) The (~~state school for the deaf~~) Washington state center for  
34 childhood deafness and hearing loss and the state school for the blind  
35 shall ensure that all new staff receive thirty-two hours of job  
36 specific training within ninety days of employment which shall include,

1 but is not limited to, promoting and protecting student personal  
2 safety. All staff shall receive thirty-two hours of ongoing training  
3 in these areas every two years.

4 **Sec. 23.** RCW 72.40.240 and 2000 c 125 s 5 are each amended to read  
5 as follows:

6 The residential program at the (~~state school for the deaf~~)  
7 Washington state center for childhood deafness and hearing loss and the  
8 state school for the blind shall employ residential staff in sufficient  
9 numbers to ensure the physical and emotional needs of the residents are  
10 met. Residential staff shall be on duty in sufficient numbers to  
11 ensure the safety of the children residing there.

12 For purposes of this section, "residential staff" means staff in  
13 charge of supervising the day-to-day living situation of the children  
14 in the residential portion of the (~~schools~~) facilities.

15 **Sec. 24.** RCW 72.40.250 and 2000 c 125 s 6 are each amended to read  
16 as follows:

17 In addition to the powers and duties under RCW 72.40.022 and  
18 72.40.024, the (~~superintendents~~) director of the (~~state school for~~  
19 ~~the deaf~~) Washington state center for childhood deafness and hearing  
20 loss and the superintendent of the state school for the blind shall:

21 (1) Develop written procedures for the supervision of employees and  
22 volunteers who have the potential for contact with students. Such  
23 procedures shall be designed to prevent child abuse and neglect by  
24 providing for adequate supervision of such employees and volunteers,  
25 taking into consideration such factors as the student population  
26 served, architectural factors, and the size of the facility. Such  
27 procedures shall include, but need not be limited to, the following:

28 (a) Staffing patterns and the rationale for such;

29 (b) Responsibilities of supervisors;

30 (c) The method by which staff and volunteers are made aware of the  
31 identity of all supervisors, including designated on-site supervisors;

32 (d) Provision of written supervisory guidelines to employees and  
33 volunteers;

34 (e) Periodic supervisory conferences for employees and volunteers;

35 and



1 (f) Written performance evaluations of staff to be conducted by  
2 supervisors in a manner consistent with applicable provisions of the  
3 civil service law.

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

9 (a) Investigation. Immediately upon notification that a report of  
10 child abuse or neglect has been made to the department of social and  
11 health services or a law enforcement agency, the superintendent or the  
12 director shall:

13 (i) Preserve any potential evidence through such actions as  
14 securing the area where suspected abuse or neglect occurred;

15 (ii) Obtain proper and prompt medical evaluation and treatment, as  
16 needed, with documentation of any evidence of abuse or neglect; and

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

19 (b) Safety. Upon notification that a report of suspected child  
20 abuse or neglect has been made to the department of social and health  
21 services or a law enforcement agency, the superintendent or the  
22 director or his or her designee, with consideration for causing as  
23 little disruption as possible to the daily routines of the students,  
24 shall evaluate the situation and immediately take appropriate action to  
25 assure the health and safety of the students involved in the report and  
26 of any other students similarly situated, and take such additional  
27 action as is necessary to prevent future acts of abuse or neglect.  
28 Such action may include:

29 (i) Consistent with federal and state law:

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

31 (B) Increasing the degree of supervision of the alleged  
32 perpetrator; and

33 (C) Initiating appropriate disciplinary action against the alleged  
34 perpetrator;

35 (ii) Provision of increased training and increased supervision to  
36 volunteers and staff pertinent to the prevention and remediation of  
37 abuse and neglect;

1 (iii) Temporary removal of the students from a program and  
2 reassignment of the students within the school, as an emergency  
3 measure, if it is determined that there is a risk to the health or  
4 safety of such students in remaining in that program. Whenever a  
5 student is removed, pursuant to this subsection (2)(b)(iii), from a  
6 special education program or service specified in his or her  
7 individualized education program, the action shall be reviewed in an  
8 individualized education program meeting; and

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

11 (c) Corrective action plans. Upon receipt of the results of an  
12 investigation by the department of social and health services pursuant  
13 to a report of suspected child abuse or neglect, the superintendent or  
14 the director, after consideration of any recommendations by the  
15 department of social and health services for preventive and remedial  
16 action, shall implement a written plan of action designed to assure the  
17 continued health and safety of students and to provide for the  
18 prevention of future acts of abuse or neglect.

19 **Sec. 25.** RCW 72.40.260 and 2000 c 125 s 7 are each amended to read  
20 as follows:

21 In consideration of the needs and circumstances of the program, the  
22 (~~state school for the deaf~~) Washington state center for childhood  
23 deafness and hearing loss and the state school for the blind shall  
24 provide instruction to all students in techniques and procedures which  
25 will enable the students to protect themselves from abuse and neglect.  
26 Such instruction shall be described in a written plan to be submitted  
27 to the board of trustees for review and approval, and shall be:

28 (1) Appropriate for the age, individual needs, and particular  
29 circumstances of students, including the existence of mental, physical,  
30 emotional, or sensory disabilities;

31 (2) Provided at different times throughout the year in a manner  
32 which will ensure that all students receive such instruction; and

33 (3) Provided by individuals who possess appropriate knowledge and  
34 training, documentation of which shall be maintained by the school.

35 **Sec. 26.** RCW 72.40.280 and 2002 c 208 s 2 are each amended to read  
36 as follows:

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

13 (2) The department of social and health services must conduct a  
14 comprehensive child health and safety review, as defined in rule, of  
15 the residential program at the (~~state school for the deaf~~) Washington  
16 state center for childhood deafness and hearing loss every three years.  
17 The department of social and health services must deliver the first  
18 health and safety review to the governor, the legislature, the  
19 (~~school's superintendent~~) center's director, and the (~~school's~~)  
20 center's board of trustees or successor board by December 1, 2004.

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

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

33 **Sec. 27.** RCW 72.42.060 and 1975-'76 2nd ex.s. c 34 s 168 are each  
34 amended to read as follows:

35 Each member of the board of trustees shall receive travel expenses  
36 as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter

1 amended, and such payments shall be a proper charge to any funds  
2 appropriated or allocated for the support of the ((~~state school for the~~  
3 ~~deaf~~)) Washington state center for childhood deafness and hearing loss.

4 **Sec. 28.** RCW 26.44.210 and 2002 c 208 s 1 are each amended to read  
5 as follows:

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

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

21 **Sec. 29.** RCW 28A.155.160 and 2007 c 115 s 15 are each amended to  
22 read as follows:

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

1 technology devices and for the provision of assistive technology  
2 services including but not limited to assistive technology assessments  
3 and training.

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

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

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

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

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

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

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

29 **Sec. 30.** RCW 28A.310.010 and 1988 c 65 s 1 are each amended to  
30 read as follows:

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

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

36 (2) Assist the superintendent of public instruction and the state

1 board of education in the performance of their respective statutory or  
2 constitutional duties; and

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

7 **Sec. 31.** RCW 28A.310.180 and 1990 c 33 s 276 are each amended to  
8 read as follows:

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

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

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

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

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

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

13 **Sec. 32.** RCW 28A.310.200 and 2006 c 263 s 610 are each amended to  
14 read as follows:

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

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

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

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

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

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

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

1 to such provisions as the superintendent may establish. When borrowing  
2 funds for the purpose of acquiring property, the educational service  
3 district board shall pledge as collateral the property to be acquired.  
4 Borrowing shall be evidenced by a note or other instrument between the  
5 district and the lender;

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

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

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

25 **Sec. 33.** RCW 28A.335.205 and 1997 c 104 s 2 are each amended to  
26 read as follows:

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



1 requirement in RCW 28A.335.180 does not apply to the loan, lease, sale,  
2 or transfer of such assistive devices. The sale or transfer of such  
3 devices is authorized under this section regardless of whether or not  
4 the devices have been declared surplus. The sale or transfer shall be  
5 recorded in an agreement between the parties and based upon the item's  
6 depreciated value.

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

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

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

21 **Sec. 34.** RCW 28A.400.303 and 2007 c 35 s 1 are each amended to  
22 read as follows:

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

1 state school for the blind, or contractor may waive the requirement.  
2 Except as provided in subsection (2) of this section, the district,  
3 pursuant to chapter 41.59 or 41.56 RCW, the (~~state school for the~~  
4 ~~deaf~~) Washington state center for childhood deafness and hearing loss,  
5 the state school for the blind, or contractor hiring the employee shall  
6 determine who shall pay costs associated with the record check.

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

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

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

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

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

29 **Sec. 36.** RCW 28A.600.420 and 1997 c 265 s 5 are each amended to  
30 read as follows:

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

1 educational service district, (~~state school for the deaf~~) or state  
2 school for the blind, or the director of the Washington state center  
3 for childhood deafness and hearing loss, may modify the expulsion of a  
4 student on a case-by-case basis.

5 (2) For purposes of this section, "firearm" means a firearm as  
6 defined in 18 U.S.C. Sec. 921, and a "firearm" as defined in RCW  
7 9.41.010.

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

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

17 (5) This section does not apply to:

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

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

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

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

33 **Sec. 37.** RCW 41.40.088 and 2000 c 247 s 107 are each amended to  
34 read as follows:

35 (1) A plan 1 member who is employed by a school district or  
36 districts, an educational service district, the (~~state school for the~~

1 ~~deaf~~) Washington state center for childhood deafness and hearing loss,  
2 the state school for the blind, institutions of higher education, or  
3 community colleges:

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

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

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

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

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

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

- 1 (i) One service credit month for each month in which compensation  
2 is earned for ninety or more hours;
- 3 (ii) One-half service credit month for each month in which  
4 compensation is earned for at least seventy hours but less than ninety  
5 hours; and
- 6 (iii) One-quarter service credit month for each month in which  
7 compensation is earned for less than seventy hours;
- 8 (d) After August 31, 2000, school districts and educational service  
9 districts will no longer be employers for the public employees'  
10 retirement system plan 2 or plan 3.
- 11 (3) The department shall adopt rules implementing this section.

12 **Sec. 38.** RCW 70.198.020 and 2004 c 47 s 2 are each amended to read  
13 as follows:

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

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

29 NEW SECTION. **Sec. 39.** (1) The director of the Washington state  
30 center for childhood deafness and hearing loss shall convene an  
31 advisory panel for the purpose of implementing in two educational  
32 service districts a structured program for delivering education  
33 services to children who are deaf and hearing impaired. The advisory  
34 panel shall consist of the following persons:

35 (a) A representative from the Washington sensory disabilities

1 services program to be selected by the superintendent of public  
2 instruction;

3 (b) A representative from the office of deaf and hard of hearing  
4 services to be selected by the secretary of the department of social  
5 and health services;

6 (c) One person representing educational service district  
7 superintendents and one representing school district superintendents,  
8 both of whom shall be selected by the Washington association of school  
9 administrators;

10 (d) Four representatives selected by the governor, one from the  
11 department of health, one from the department of early learning, and  
12 two from nongovernmental entities providing educational services to  
13 children who are deaf or hearing impaired, including at least one  
14 provider of auditory oral educational services and at least one  
15 provider of total educational services;

16 (e) Two parents of school-age children who are deaf or hearing  
17 impaired, one of whom shall be selected by an organization representing  
18 the educational interests of all children who are deaf or hearing  
19 impaired without regard to any specific communication modality, and one  
20 of whom shall be selected by the governor; and

21 (f) In addition to the director, one representative from the  
22 Washington state center for childhood deafness and hearing loss to be  
23 selected by the board of trustees of the center.

24 (2) Selection of advisory panel members shall be completed not  
25 later than June 1, 2009. The panel shall collectively establish a  
26 meeting schedule to support completion of its work.

27 (3) The panel shall develop a structure and plan for implementing  
28 regional education programs at two demonstration sites that:

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

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

34 (c) Provide services at one or more central locations in the  
35 educational service districts;

36 (d) Provide services to students in their resident districts,  
37 including students with hearing impairments who may not qualify for  
38 special education services;

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

3 (f) Support communication-rich learning environments and  
4 instruction of students in the full spectrum of communication  
5 modalities by qualified professionals, including American sign  
6 language, auditory oral education, total communication, and signed  
7 exact English.

8 (4) The panel shall jointly select and consult with two educational  
9 service districts as the demonstration sites, one of which shall be in  
10 eastern Washington. Not later than December 31, 2009, the panel shall  
11 brief the legislature on its work and identify the resources and policy  
12 changes essential for the implementation and operation of the  
13 demonstration sites.

14 (5) This section expires January 1, 2010.

15 NEW SECTION. **Sec. 40.** RCW 72.40.023 (Superintendent of the state  
16 school for the deaf--Powers and duties) and 2002 c 209 s 3 are each  
17 repealed.

18 NEW SECTION. **Sec. 41.** Section 39 of this act is necessary for the  
19 immediate preservation of the public peace, health, or safety, or  
20 support of the state government and its existing public institutions,  
21 and takes effect immediately.

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