

HOUSE BILL 2849

State of Washington

61st Legislature

2010 Regular Session

By Representatives Haigh, Moeller, Hunt, and Kenney; by request of Governor Gregoire

Read first time 01/15/10. Referred to Committee on Education Appropriations.

1 AN ACT Relating to transferring the state school for the blind, the
2 Washington state center for childhood deafness and hearing loss, and
3 the associated boards of trustees to the office of the superintendent
4 of public instruction; amending RCW 72.40.010, 72.40.015, 72.40.019,
5 72.40.020, 72.40.022, 72.40.024, 72.40.028, 72.40.031, 72.40.040,
6 72.40.050, 72.40.070, 72.40.210, 72.40.220, 72.40.250, 72.40.280,
7 72.41.010, 72.41.020, 72.41.040, 72.42.010, 72.42.021, and 72.42.041;
8 adding new sections to chapter 28A.155 RCW; creating new sections;
9 recodifying RCW 72.40.010, 72.40.015, 72.40.019, 72.40.0191, 72.40.020,
10 72.40.022, 72.40.024, 72.40.028, 72.40.031, 72.40.040, 72.40.050,
11 72.40.060, 72.40.070, 72.40.080, 72.40.090, 72.40.100, 72.40.110,
12 72.40.200, 72.40.210, 72.40.220, 72.40.230, 72.40.240, 72.40.250,
13 72.40.260, 72.40.270, 72.40.280, 72.41.010, 72.41.020, 72.41.025,
14 72.41.030, 72.41.040, 72.41.060, 72.41.070, 72.42.010, 72.42.021,
15 72.42.031, 72.42.041, 72.42.060, and 72.42.070; repealing RCW
16 72.40.120, 72.41.015, 72.42.015, and 72.42.016; and providing an
17 effective date.

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

19 PART I

1 **STATE SCHOOL FOR THE BLIND AND**
2 **STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**

3 NEW SECTION. **Sec. 101.** A new section is added to chapter 28A.155
4 RCW under the subchapter heading "state school for the blind and state
5 center for childhood deafness and hearing loss" to read as follows:

6 The definitions in this section apply throughout this subchapter,
7 the subchapter "Board of trustees--School for the blind" created in
8 section 204 of this act, and the subchapter "Board of trustees--Center
9 for childhood deafness and hearing loss" created in section 304 of this
10 act unless the context clearly requires otherwise.

11 (1) "Assistant superintendent of the center" means the assistant
12 superintendent of the Washington state center for childhood deafness
13 and hearing loss, formerly called the director of the Washington state
14 center for childhood deafness and hearing loss.

15 (2) "Assistant superintendent of the school for the blind" means
16 the assistant superintendent for the state school for the blind,
17 formerly called the superintendent of the state school for the blind.

18 (3) "Center" means the Washington state center for childhood
19 deafness and hearing loss serving the local school districts across the
20 state.

21 (4) "School" means the Washington state residential school for the
22 deaf located in Vancouver, Washington.

23 (5) "Superintendent" means the superintendent of public
24 instruction.

25 **Sec. 102.** RCW 72.40.010 and 2009 c 381 s 3 are each amended to
26 read as follows:

27 There are established at Vancouver, Clark county, a school which
28 shall be known as the state school for the blind, and a separate school
29 which shall be known as the state school for the deaf. The primary
30 purpose of the state school for the blind and the state school for the
31 deaf is to educate and train hearing and visually impaired children.
32 The state school for the blind and the state school for the deaf shall
33 be programs under the office of the superintendent of public
34 instruction.

35 The school for the blind shall be under the direction of the
36 assistant superintendent of the school for the blind with the advice of

1 the board of trustees. The school for the deaf shall be under the
2 direction of the (~~director~~) assistant superintendent of the center or
3 the (~~director's~~) assistant superintendent's designee and the board of
4 trustees.

5 **Sec. 103.** RCW 72.40.015 and 2009 c 381 s 2 are each amended to
6 read as follows:

7 (1) The Washington state center for childhood deafness and hearing
8 loss is established to provide statewide leadership for the
9 coordination and delivery of educational services to children who are
10 deaf or hard of hearing. The activities of the center shall be under
11 the authority 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 July 26, 2009, shall be~~) Effective July 1, 2010, the director
14 and board of trustees of the center shall be the assistant
15 superintendent of the center and the board of trustees.

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

17 (a) Managing and directing the supervision of the state school for
18 the deaf;

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

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

26 **Sec. 104.** RCW 72.40.019 and 2009 c 381 s 4 are each amended to
27 read as follows:

28 The (~~governor~~) superintendent shall appoint (~~a director for the~~
29 ~~Washington state center for childhood deafness and hearing loss~~) an
30 assistant superintendent of the center. The (~~director~~) assistant
31 superintendent of the center shall have a master's or higher degree
32 from an accredited college or university in school administration or
33 deaf education, five or more years of experience teaching or providing
34 habilitative services to deaf or hard of hearing students, and three or
35 more years administrative or supervisory experience in programs for
36 deaf or hard of hearing students.

1 **Sec. 105.** RCW 72.40.020 and 1985 c 378 s 13 are each amended to
2 read as follows:

3 The ((governor)) superintendent shall appoint ((a)) an assistant
4 superintendent ((for)) of the ((state)) school for the blind. The
5 assistant superintendent shall have a master's degree from an
6 accredited college or university in school administration or blind
7 education, five years of experience teaching blind students in the
8 classroom, and three years administrative or supervisory experience in
9 programs for blind students.

10 **Sec. 106.** RCW 72.40.022 and 2002 c 209 s 2 are each amended to
11 read as follows:

12 In addition to any other powers and duties prescribed by law, the
13 assistant superintendent of the ((state)) school for the blind:

14 (1) Shall have full control of the school and the property of
15 various kinds((~~-~~))i

16 (2) May establish criteria, in addition to state certification, for
17 teachers at the school((~~-~~))i

18 (3) Shall employ members of the faculty, administrative officers,
19 and other employees, who shall all be subject to chapter 41.06 RCW, the
20 state civil service law, unless specifically exempted by other
21 provisions of law((~~-~~))i

22 (4) Shall establish the course of study including vocational
23 training, with the assistance of the faculty and the advice of the
24 board of trustees((~~-~~))i

25 (5) May establish new facilities as needs demand((~~-~~))i

26 (6) May adopt rules, under chapter 34.05 RCW, as deemed necessary
27 for the government, management, and operation of the housing
28 facilities((~~-~~))i

29 (7) Shall control the use of the facilities and authorize the use
30 of the facilities for night school, summer school, public meetings, or
31 other purposes consistent with the purposes of the school((~~-~~))i

32 (8) May adopt rules for pedestrian and vehicular traffic on
33 property owned, operated, and maintained by the school((~~-~~))i

34 (9) Shall purchase all supplies and lease or purchase equipment and
35 other personal property needed for the operation or maintenance of the
36 school((~~-~~))i

1 (10) Except as otherwise provided by law, may enter into contracts
2 as the assistant superintendent deems essential to the purpose of the
3 school((~~-~~));

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

12 (12) May, except as otherwise provided by law, enter into contracts
13 the assistant superintendent deems essential for the operation of the
14 school((~~-~~));

15 (13) May adopt rules providing for the transferability of employees
16 between the ((~~school for the deaf~~)) center and the school for the blind
17 consistent with collective bargaining agreements in effect((~~-~~));

18 (14) Shall prepare and administer the school's budget consistent
19 with RCW 43.88.160 and the budget and accounting act, chapter 43.88 RCW
20 generally, as applicable((~~-~~)); and

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

24 **Sec. 107.** RCW 72.40.024 and 2009 c 381 s 6 are each amended to
25 read as follows:

26 In addition to the powers and duties under RCW 72.40.022 and
27 72.40.0191 (as recodified by this act), the assistant superintendent of
28 the school for the blind and the ((~~director~~)) assistant superintendent
29 of the ((~~Washington state~~)) center ((~~for childhood deafness and hearing~~
30 ~~loss, or the director's designee,~~)) shall:

31 (1) Monitor the location and educational placement of each student
32 reported to the assistant superintendents ((~~and the director, or the~~
33 ~~director's designee,~~)) by the educational service district
34 superintendents;

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

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

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

9 **Sec. 108.** RCW 72.40.028 and 2009 c 381 s 7 are each amended to
10 read as follows:

11 All teachers employed by the ~~((Washington state))~~ center ~~((for~~
12 ~~childhood deafness and hearing loss))~~ and the state school for the
13 blind shall meet all certification requirements and the programs shall
14 meet all accreditation requirements and conform to the standards
15 defined by law or by rule of the Washington professional educator
16 standards board or the office of the ~~((state))~~ superintendent ~~((of~~
17 ~~public instruction))~~. The assistant superintendent of the school for
18 the blind and the ~~((director))~~ assistant superintendent of the center,
19 by rule, may adopt additional educational standards for their
20 respective facilities. Salaries of all certificated employees shall be
21 set so as to conform to and be contemporary with salaries paid to other
22 certificated employees of similar background and experience in the
23 school district in which the program or facility is located. The
24 assistant superintendent of the school for the blind and the
25 ~~((director))~~ assistant superintendent of the center may provide for
26 provisional certification for teachers in their respective facilities
27 including certification for emergency, temporary, substitute, or
28 provisional duty.

29 **Sec. 109.** RCW 72.40.031 and 2009 c 381 s 12 are each amended to
30 read as follows:

31 The school year for the state school for the blind and the state
32 school for the deaf shall commence on the first day of July of each
33 year and shall terminate on the 30th day of June of the succeeding
34 year. The regular school term shall be for a period of nine months and
35 shall commence as near as reasonably practical at the time of the
36 commencement of regular terms in other public schools, with the

1 equivalent number of days as are now required by law, and the
2 ((regulations)) rules of the superintendent ((of public instruction as
3 now or hereafter amended)), during the school year in other public
4 schools. The school and the center shall observe all legal holidays,
5 in the same manner as other agencies of state government, and will not
6 be in session on such days and such other days as may be approved by
7 the assistant superintendent of the school for the blind or the
8 ((director)) assistant superintendent of the center. During the period
9 when the schools are not in session during the regular school term,
10 schools may be operated, subject to the approval of the assistant
11 superintendent of the school for the blind or the ((director or the
12 director's designee)) assistant superintendent of the center, for the
13 instruction of students or for such other reasons which are in
14 furtherance of the objects and purposes of the respective facilities.

15 **Sec. 110.** RCW 72.40.040 and 2000 c 125 s 8 are each amended to
16 read as follows:

17 (1) The schools shall be free to residents of the state between the
18 ages of three and twenty-one years, who are blind/visually impaired or
19 deaf/hearing impaired, or with other disabilities where a vision or
20 hearing disability is the major need for services.

21 (2) The schools may provide nonresidential services to children
22 ages birth through three who meet the eligibility criteria in this
23 section, subject to available funding.

24 (3) Each school shall admit and retain students on a space
25 available basis according to criteria developed and published by each
26 school assistant superintendent in consultation with each board of
27 trustees and school faculty: PROVIDED, That students over the age of
28 twenty-one years, who are otherwise qualified may be retained at the
29 school, if in the discretion of the assistant superintendent in
30 consultation with the faculty they are proper persons to receive
31 further training given at the school and the facilities are adequate
32 for proper care, education, and training.

33 (4) The admission and retention criteria developed and published by
34 each school assistant superintendent shall contain a provision allowing
35 the schools to refuse to admit or retain a student who is an
36 adjudicated sex offender except that the schools shall not admit or

1 retain a student who is an adjudicated level III sex offender as
2 provided in RCW 13.40.217(3).

3 **Sec. 111.** RCW 72.40.050 and 2000 c 125 s 9 are each amended to
4 read as follows:

5 (1) The assistant superintendents may admit to their respective
6 schools visually or hearing impaired children from other states as
7 appropriate, but the parents or guardians of such children or other
8 state will be required to pay annually or quarterly in advance a
9 sufficient amount to cover the cost of maintaining and educating such
10 children as set by the applicable assistant superintendent.

11 (2) The admission and retention criteria developed and published by
12 each school assistant superintendent shall contain a provision allowing
13 the schools to refuse to admit or retain a nonresident student who is
14 an adjudicated sex offender, or the equivalent under the laws of the
15 state in which the student resides, except that the schools shall not
16 admit or retain a nonresident student who is an adjudicated level III
17 sex offender or the equivalent under the laws of the state in which the
18 student resides.

19 **Sec. 112.** RCW 72.40.070 and 2009 c 381 s 18 are each amended to
20 read as follows:

21 It shall be the duty of each educational service district to make
22 a full and specific report of visually impaired or deaf or hard of
23 hearing youth to the assistant superintendent of the school for the
24 blind or the ~~((director))~~ assistant superintendent of the ~~((Washington~~
25 ~~state))~~ center ~~((for childhood deafness and hearing loss, or the~~
26 ~~director's designee,))~~ as the case may be and the superintendent ~~((of~~
27 ~~public instruction)),~~ annually. The superintendent ~~((of public~~
28 ~~instruction))~~ shall ~~((report))~~ provide information about the deaf or
29 hard of hearing or visually impaired youth to the school for the blind
30 and the ~~((Washington state))~~ center ~~((for childhood deafness and~~
31 ~~hearing loss)),~~ as the case may be, annually.

32 **Sec. 113.** RCW 72.40.210 and 2009 c 381 s 10 are each amended to
33 read as follows:

34 The ~~((director))~~ assistant superintendent of the ~~((Washington~~
35 ~~state))~~ center ~~((for childhood deafness and hearing loss))~~ and the

1 assistant superintendent of the ((state)) school for the blind ((~~or~~
2 ~~their designees~~)) shall immediately report to the persons indicated the
3 following events:

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

5 (a) The death of the child;

6 (b) Hospitalization of a child in attendance or residence at the
7 facility;

8 (c) Allegations of child abuse or neglect in which the parent's
9 child in attendance or residence at the facility is the alleged victim;

10 (d) Allegations of physical or sexual abuse in which the parent's
11 child in attendance or residence at the facility is the alleged
12 perpetrator;

13 (e) Life-threatening illness;

14 (f) The attendance at the facility of any child who is a registered
15 sex offender under RCW 9A.44.130 as permitted by RCW 4.24.550.

16 (2) Notification to the parent shall be made by the means most
17 likely to be received by the parent. If initial notification is made
18 by telephone, such notification shall be followed by notification in
19 writing within forty-eight hours after the initial verbal contact is
20 made.

21 **Sec. 114.** RCW 72.40.220 and 2009 c 381 s 19 are each amended to
22 read as follows:

23 (1) The ((~~director~~)) assistant superintendent of the ((Washington
24 state)) center ((~~for childhood deafness and hearing loss, or the~~
25 ~~director's designee,~~)) and the assistant superintendent of the
26 ((state)) school for the blind shall maintain in writing and implement
27 behavior management policies and procedures that accomplish the
28 following:

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

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

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

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

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

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

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

6 (d) Redirection strategies to present the child with alternative
7 resolution choices.

8 **Sec. 115.** RCW 72.40.250 and 2009 c 381 s 20 are each amended to
9 read as follows:

10 In addition to the powers and duties under RCW 72.40.022 and
11 72.40.024 (as recodified by this act), the ~~((director))~~ assistant
12 superintendent of the ~~((Washington state))~~ center ~~((for childhood~~
13 ~~deafness and hearing loss, or the director's designee,))~~ and the
14 assistant superintendent of the state school for the blind shall:

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

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

23 (b) Responsibilities of supervisors;

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

26 (d) Provision of written supervisory guidelines to employees and
27 volunteers;

28 (e) Periodic supervisory conferences for employees and volunteers;
29 and

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

33 (2) Develop written procedures for the protection of students when
34 there is reason to believe an incident has occurred which would render
35 a minor student an abused or neglected child within the meaning of RCW
36 26.44.020. Such procedures shall include, but need not be limited to,
37 the following:

1 (a) Investigation. Immediately upon notification that a report of
2 child abuse or neglect has been made to the department of social and
3 health services or a law enforcement agency, the assistant
4 superintendent of the school for the blind or the (~~director, or the~~
5 ~~director's designee,~~) assistant superintendent of the center shall:

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

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

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

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

23 (i) Consistent with federal and state law:

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

25 (B) Increasing the degree of supervision of the alleged
26 perpetrator; and

27 (C) Initiating appropriate disciplinary action against the alleged
28 perpetrator;

29 (ii) Provision of increased training and increased supervision to
30 volunteers and staff pertinent to the prevention and remediation of
31 abuse and neglect;

32 (iii) Temporary removal of the students from a program and
33 reassignment of the students within the school, as an emergency
34 measure, if it is determined that there is a risk to the health or
35 safety of such students in remaining in that program. Whenever a
36 student is removed, pursuant to this subsection (2)(b)(iii), from a
37 special education program or service specified in his or her

1 individualized education program, the action shall be reviewed in an
2 individualized education program meeting; and

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

5 (c) Corrective action plans. Upon receipt of the results of an
6 investigation by the department of social and health services pursuant
7 to a report of suspected child abuse or neglect, the assistant
8 superintendent of the school for the blind or the (~~director, or the~~
9 ~~director's designee~~) assistant superintendent of the center, after
10 consideration of any recommendations by the department of social and
11 health services for preventive and remedial action, shall implement a
12 written plan of action designed to assure the continued health and
13 safety of students and to provide for the prevention of future acts of
14 abuse or neglect.

15 **Sec. 116.** RCW 72.40.280 and 2009 c 381 s 21 are each amended to
16 read as follows:

17 (1) The department of social and health services must periodically
18 monitor the residential program at the state school for the deaf,
19 including but not limited to examining the residential-related policies
20 and procedures as well as the residential facilities. The department
21 of social and health services must make recommendations to the
22 (~~director~~) assistant superintendent of the center and the board of
23 trustees of the center or its successor board on health and safety
24 improvements related to child safety and well-being. The department of
25 social and health services must conduct the monitoring reviews at least
26 annually. The (~~director or the director's designee~~) assistant
27 superintendent of the center may from time to time request technical
28 assistance from the department of social and health services.

29 (2) The department of social and health services must conduct a
30 comprehensive child health and safety review, as defined in rule, of
31 the residential program at the state school for the deaf every three
32 years.

33 (3) The state school for the deaf must provide the department of
34 social and health services' staff with full and complete access to all
35 records and documents that the department staff may request to carry
36 out the requirements of this section. The department of social and

1 health services must have full and complete access to all students and
2 staff of the state school for the deaf to conduct interviews to carry
3 out the requirements of this section.

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

7 NEW SECTION. **Sec. 117.** The following sections are recodified as
8 sections in chapter 28A.155 RCW under the subchapter heading "state
9 school for the blind and state center for childhood deafness and
10 hearing loss":

- 11 RCW 72.40.010
- 12 RCW 72.40.015
- 13 RCW 72.40.019
- 14 RCW 72.40.0191
- 15 RCW 72.40.020
- 16 RCW 72.40.022
- 17 RCW 72.40.024
- 18 RCW 72.40.028
- 19 RCW 72.40.031
- 20 RCW 72.40.040
- 21 RCW 72.40.050
- 22 RCW 72.40.060
- 23 RCW 72.40.070
- 24 RCW 72.40.080
- 25 RCW 72.40.090
- 26 RCW 72.40.100
- 27 RCW 72.40.110
- 28 RCW 72.40.200
- 29 RCW 72.40.210
- 30 RCW 72.40.220
- 31 RCW 72.40.230
- 32 RCW 72.40.240
- 33 RCW 72.40.250
- 34 RCW 72.40.260
- 35 RCW 72.40.270
- 36 RCW 72.40.280

1 NEW SECTION. **Sec. 118.** RCW 72.40.120 (Center for childhood
2 deafness and hearing loss--School for the blind--Appropriations) and
3 2009 c 381 s 8 & 1991 c 65 s 1 are each repealed.

4 NEW SECTION. **Sec. 119.** (1) The powers, duties, and functions of
5 the state school for the blind are hereby transferred to the office of
6 the superintendent of public instruction. All references to the
7 superintendent or the state school for the blind in the Revised Code of
8 Washington shall be construed to mean the assistant supervisor of the
9 school for the blind or the office of the superintendent of public
10 instruction.

11 (2)(a) All reports, documents, surveys, books, records, files,
12 papers, or written material in the possession of the state school for
13 the blind shall be delivered to the custody of the office of the
14 superintendent of public instruction. All cabinets, furniture, office
15 equipment, motor vehicles, and other tangible property employed by the
16 state school for the blind shall be made available to the office of the
17 superintendent of public instruction. All funds, credits, or other
18 assets held by the state school for the blind shall be assigned to the
19 office of the superintendent of public instruction.

20 (b) Any appropriations made to the state school for the blind
21 shall, on the effective date of this section, be transferred and
22 credited to the office of the superintendent of public instruction.

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

29 (3) All employees of the state school for the blind are transferred
30 to the jurisdiction of the office of the superintendent of public
31 instruction. All employees classified under chapter 41.06 RCW, the
32 state civil service law, are assigned to the office of the
33 superintendent of public instruction to perform their usual duties upon
34 the same terms as formerly, without any loss of rights, subject to any
35 action that may be appropriate thereafter in accordance with the laws
36 and rules governing state civil service.

1 (4) All rules and all pending business before the state school for
2 the blind shall be continued and acted upon by the office of the
3 superintendent of public instruction. All existing contracts and
4 obligations shall remain in full force and shall be performed by the
5 office of the superintendent of public instruction.

6 (5) The transfer of the powers, duties, functions, and personnel of
7 the state school for the blind shall not affect the validity of any act
8 performed before the effective date of this section.

9 (6) If apportionments of budgeted funds are required because of the
10 transfers directed by this section, the director of financial
11 management shall certify the apportionments to the agencies affected,
12 the state auditor, and the state treasurer. Each of these shall make
13 the appropriate transfer and adjustments in funds and appropriation
14 accounts and equipment records in accordance with the certification.

15 (7) The existing bargaining units shall be transferred in their
16 entirety without the merging of other bargaining units or the inclusion
17 of employees from other bargaining units. Nothing contained in this
18 section may be construed to alter any of the existing collective
19 bargaining units unless and until the bargaining unit has been modified
20 by action of the public employment relations commission as provided by
21 law. Therefore, the certification of the existing bargaining units
22 shall remain. However, the public employment relations commission may,
23 upon request, amend the certification to reflect the name of the new
24 agency. Nothing in this section may be construed to alter the
25 provisions of any existing collective bargaining agreement until the
26 agreement has expired. The existing bargaining units of employees
27 transferred under this section shall continue to be subject to the
28 provisions of chapter 41.80 RCW.

29 NEW SECTION. **Sec. 120.** (1) The powers, duties, and functions of
30 the center for childhood deafness and hearing loss are hereby
31 transferred to the office of the superintendent of public instruction.
32 All references to the director or the center for childhood deafness and
33 hearing loss in the Revised Code of Washington shall be construed to
34 mean the assistant superintendent of the Washington state center for
35 childhood deafness and hearing loss or the office of the superintendent
36 of public instruction.

1 (2)(a) All reports, documents, surveys, books, records, files,
2 papers, or written material in the possession of the center for
3 childhood deafness and hearing loss shall be delivered to the custody
4 of the office of the superintendent of public instruction. All
5 cabinets, furniture, office equipment, motor vehicles, and other
6 tangible property employed by the center for childhood deafness and
7 hearing loss shall be made available to the office of the
8 superintendent of public instruction. All funds, credits, or other
9 assets held by the center for childhood deafness and hearing loss shall
10 be assigned to the office of the superintendent of public instruction.

11 (b) Any appropriations made to the center for childhood deafness
12 and hearing loss shall, on the effective date of this section, be
13 transferred and credited to the office of the superintendent of public
14 instruction.

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

21 (3) All employees of the center for childhood deafness and hearing
22 loss are transferred to the jurisdiction of the office of the
23 superintendent of public instruction. All employees classified under
24 chapter 41.06 RCW, the state civil service law, are assigned to the
25 office of the superintendent of public instruction to perform their
26 usual duties upon the same terms as formerly, without any loss of
27 rights, subject to any action that may be appropriate thereafter in
28 accordance with the laws and rules governing state civil service.

29 (4) All rules and all pending business before the center for
30 childhood deafness and hearing loss shall be continued and acted upon
31 by the office of the superintendent of public instruction. All
32 existing contracts and obligations shall remain in full force and shall
33 be performed by the office of the superintendent of public instruction.

34 (5) The transfer of the powers, duties, functions, and personnel of
35 the center for childhood deafness and hearing loss shall not affect the
36 validity of any act performed before the effective date of this
37 section.

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

7 (7) The existing bargaining units shall be transferred in their
8 entirety without the merging of other bargaining units or the inclusion
9 of employees from other bargaining units. Nothing contained in this
10 section may be construed to alter any of the existing collective
11 bargaining units unless and until the bargaining unit has been modified
12 by action of the public employment relations commission as provided by
13 law. Therefore, the certification of the existing bargaining units
14 shall remain. However, the public employment relations commission may,
15 upon request, amend the certification to reflect the name of the new
16 agency. Nothing in this section may be construed to alter the
17 provisions of any existing collective bargaining agreement until the
18 agreement has expired. The existing bargaining units of employees
19 transferred under this section shall continue to be subject to the
20 provisions of chapter 41.80 RCW.

21 **PART II**

22 **BOARD OF TRUSTEES FOR THE SCHOOL FOR THE BLIND**

23 **Sec. 201.** RCW 72.41.010 and 1985 c 378 s 28 are each amended to
24 read as follows:

25 It is the intention of the legislature in creating a board of
26 trustees for the state school for the blind to perform the duties set
27 forth in this chapter, that the board of trustees perform needed
28 advisory services to the legislature and to the assistant
29 superintendent of the ((Washington state)) school for the blind, in the
30 development of programs for the visually impaired, and in the operation
31 of the Washington state school for the blind.

32 **Sec. 202.** RCW 72.41.020 and 1993 c 147 s 7 are each amended to
33 read as follows:

34 There is hereby created a board of trustees for the state school
35 for the blind to be composed of a resident from each of the state's

1 congressional districts now or hereafter existing. Trustees with
2 voting privileges shall be appointed by the (~~governor with the consent~~
3 ~~of the senate~~) superintendent. A representative of the parent-
4 teachers association of the Washington state school for the blind, a
5 representative of the Washington council of the blind, a representative
6 of the national federation of the blind of Washington, one
7 representative designated by the teacher association of the Washington
8 state school for the blind, and a representative of the classified
9 staff designated by his or her exclusive bargaining representative
10 shall each be ex officio and nonvoting members of the board of trustees
11 and shall serve during their respective tenures in such positions.

12 Trustees shall be appointed by the (~~governor~~) superintendent to
13 serve for a term of five years except that any person appointed to fill
14 a vacancy occurring prior to the expiration of any term shall be
15 appointed within sixty days of the vacancy and appointed only for the
16 remainder of the term.

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

29 The board of trustees shall organize itself by electing a
30 (~~chairman~~) chair from its members. The board shall adopt a seal and
31 may adopt such bylaws(~~(τ)~~) and rules(~~(τ and regulations)~~) as it deems
32 necessary for its own government. A majority of the voting members of
33 the board in office shall constitute a quorum, but a lesser number may
34 convene from time to time and may compel the attendance of absent
35 members in such manner as prescribed in its bylaws(~~(τ)~~) or rules(~~(τ or~~
36 ~~regulations)~~). The assistant superintendent of the (~~state~~) school
37 for the blind shall serve as, or may designate another person to serve

1 as, the secretary of the board, who shall not be deemed to be a member
2 of the board.

3 **Sec. 203.** RCW 72.41.040 and 1985 c 378 s 30 are each amended to
4 read as follows:

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

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

9 (2) Shall study and recommend comprehensive programs of education
10 and training and review the admission policy as set forth in RCW
11 72.40.040 and 72.40.050 (as recodified by this act), and make
12 appropriate recommendations to the assistant superintendent of the
13 school for the blind;

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

27 (4) Shall submit an evaluation of the assistant superintendent of
28 the school for the blind to the ~~((governor))~~ superintendent by July 1st
29 of each odd-numbered year and may recommend to the ~~((governor))~~
30 superintendent that the assistant superintendent be removed for
31 misfeasance, malfeasance, or willful neglect of duty;

32 (5) May recommend to the assistant superintendent of the school for
33 the blind the establishment of new facilities as needs demand;

34 (6) May recommend to the assistant superintendent of the school for
35 the blind rules ~~((and regulations))~~ for the government, management, and
36 operation of such housing facilities deemed necessary or advisable;

1 (7) May make recommendations to the assistant superintendent of the
2 school for the blind concerning classrooms and other facilities to be
3 used for summer or night schools, or for public meetings and for any
4 other uses consistent with the use of such classrooms or facilities for
5 the school for the blind;

6 (8) May make recommendations to the assistant superintendent of the
7 school for the blind for adoption of rules (~~and regulations~~) for
8 pedestrian and vehicular traffic on property owned, operated, or
9 maintained by the school for the blind;

10 (9) Shall recommend to the assistant superintendent of the school
11 for the blind, with the assistance of the faculty, the course of study
12 including vocational training in the school for the blind, in
13 accordance with other applicable provisions of law and rules (~~and~~
14 ~~regulations~~));

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

18 (11) Shall participate in the development of, and monitor the
19 enforcement of the rules (~~and regulations~~) pertaining to the school
20 for the blind;

21 (12) Shall perform any other duties and responsibilities prescribed
22 by the assistant superintendent of the school for the blind.

23 NEW SECTION. Sec. 204. The following sections are recodified as
24 sections in chapter 28A.155 RCW under the subchapter heading "Board of
25 trustees--School for the blind":

26 RCW 72.41.010

27 RCW 72.41.020

28 RCW 72.41.025

29 RCW 72.41.030

30 RCW 72.41.040

31 RCW 72.41.060

32 RCW 72.41.070

33 NEW SECTION. Sec. 205. RCW 72.41.015 ("Superintendent" defined)
34 and 1985 c 378 s 27 are each repealed.

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

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

21 **Sec. 303.** RCW 72.42.041 and 2009 c 381 s 17 are each amended to
22 read as follows:

23 The board of trustees of the center:

24 (1) Shall adopt rules (~~(and regulations)~~) for its own governance;
25 (2) Shall direct the development of, approve, and monitor the
26 enforcement of policies(~~(-)~~) and rules(~~(-, and regulations)~~) pertaining
27 to the school and the center, including but not limited to:

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

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

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

35 (d) Transferability of employees between the center and the school
36 for the blind consistent with collective bargaining agreements in
37 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 ~~((director))~~ assistant superintendent of the center and
5 upon a vacancy shall submit a list of three qualified candidates for
6 ~~((director))~~ assistant superintendent of the center to the ~~((governor))~~
7 superintendent;
- 8 (4) Shall submit an evaluation of the ~~((director))~~ assistant
9 superintendent of the center to the ~~((governor))~~ superintendent by July
10 1st of each odd-numbered year that includes a recommendation regarding
11 the retention of the ~~((director))~~ assistant superintendent of the
12 center;
- 13 (5) May recommend to the ~~((governor))~~ superintendent at any time
14 that the ~~((director))~~ assistant superintendent of the center be removed
15 for conduct deemed by the board to be detrimental to the interests of
16 the center;
- 17 (6) Shall prepare and submit by July 1st of each even-numbered year
18 a report to the governor, the superintendent, and the appropriate
19 committees of the legislature which contains a detailed summary of the
20 center's progress on performance objectives and the center's work,
21 facility conditions, and revenues and costs of the center for the
22 previous year and which contains those recommendations it deems
23 necessary and advisable for the governor, the superintendent, and the
24 legislature to act on;
- 25 (7) Shall approve the center's budget and all funding requests,
26 both operating and capital, ~~((submitted))~~ recommended for submission to
27 the governor;
- 28 (8) Shall direct and approve the development and implementation of
29 comprehensive programs of education, training, and as needed
30 residential living, such that students served by the school receive a
31 challenging and quality education in a safe school environment;
- 32 (9) Shall direct, monitor, and approve the implementation of a
33 comprehensive continuous quality improvement system for the center;
- 34 (10) Shall monitor and inspect all existing facilities of the
35 center and report its findings in its biennial report to the
36 superintendent, the governor, and appropriate committees of the
37 legislature; and

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

4 NEW SECTION. **Sec. 304.** The following sections are recodified as
5 sections in chapter 28A.155 RCW under the subchapter heading "Board of
6 trustees--Center for childhood deafness and hearing loss":

- 7 RCW 72.42.010
- 8 RCW 72.42.021
- 9 RCW 72.42.031
- 10 RCW 72.42.041
- 11 RCW 72.42.060
- 12 RCW 72.42.070

13 NEW SECTION. **Sec. 305.** The following acts or parts of acts are
14 each repealed:

- 15 (1) RCW 72.42.015 ("Director" defined) and 2009 c 381 s 14 & 1985
16 c 378 s 32; and
- 17 (2) RCW 72.42.016 (Additional definitions) and 2009 c 381 s 15 &
18 2002 c 209 s 6.

19 **PART IV**
20 **MISCELLANEOUS PROVISIONS**

21 NEW SECTION. **Sec. 401.** A new section is added to chapter 28A.155
22 RCW under the subchapter heading "state school for the blind and state
23 center for childhood deafness and hearing loss" to read as follows:

24 The assistant superintendent of the school for the blind and the
25 assistant superintendent of the center may each delegate any power or
26 duty vested in or transferred to him or her to any assistant or
27 subordinate. The respective assistant superintendent remains
28 responsible for the official act of his or her designee.

29 NEW SECTION. **Sec. 402.** This act takes effect July 1, 2010.

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