

FINAL BILL REPORT

ESSB 5515

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Synopsis as Enacted

Brief Description: Protecting children from child abuse and neglect at residential facilities and residential private schools.

Sponsors: Senate Committee on Human Services (originally sponsored by Senators Dhingra, Conway, Hunt, Kauffman, Kuderer, Lovelett, Nguyen, Nobles, Saldaña, Stanford, Valdez, Wellman and Wilson, C.).

Senate Committee on Human Services
Senate Committee on Ways & Means
House Committee on Human Services, Youth, & Early Learning
House Committee on Appropriations

Background: Child Abuse and Neglect. Reports of child abuse and neglect are received by Child Protective Services and assessed to determine whether the report meets the legal definition of abuse or neglect and how dangerous the situation is. Abuse and neglect is defined as injury, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child by any person under circumstances which indicate that the child's health, welfare, and safety is harmed. The Department of Children, Youth and Families (DCYF) investigates all reports of child abuse and neglect that do not screen out. After an investigation is complete, DCYF will make a founded or unfounded determination. A founded determination means that based on available information, it is more likely than not that child abuse or neglect did occur. An unfounded determination means that more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence to determine whether the alleged child abuse occurred. DCYF must send a copy of the investigation report, including the finding, regarding any incidents of alleged child abuse or neglect.

In addition to licensing early learning programs and school-age sites in Washington, DCYF also licenses child placing agencies, group care facilities, and foster homes.

State Board of Education. The State Board of Education (SBE) approves private schools. A

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private school is a nonpublic school that conducts a program of kindergarten and at least grade one, or a program of any or all grades one through twelve. Private schools must maintain a program that ensures a sufficient basic education for students to meet usual state graduation requirements, and meet reasonable standards for health and safety of private school students.

Under the Community Behavioral Health Services Act, the Department of Health licenses substance use disorder treatment facilities. Substance use disorder means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

Behavioral health services means mental health services and substance use disorder treatment services that, depending on the type of service, are provided by licensed or certified behavioral health agencies, behavioral health providers, or integrated into other health care providers.

Host home means a private home that volunteers to host youth in need of temporary placement that is associated with a host home program. A host home program is a program operated by a tax exempt organization for youth not in the care of or receiving services from DCYF and does the following:

- recruits and screens potential homes in the program, including performing background checks on individuals over the age of 18 residing in the home, through the Washington State Patrol or equivalent law enforcement agency, and performs physical inspections of the home;
- obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth, authorizing the youth to participate in the program, and the authorization is updated every six months;
- obtains insurance for the program through an authorized insurance provider;
- provides mandatory reporter and confidentiality training; and
- registers with the Secretary of State.

Summary: Starting January 1, 2024, DCYF is to investigate referrals of alleged child abuse or neglect occurring at substance use disorder treatment facilities and entities that provide behavioral health services on a residential basis, residential private schools, and host homes, and determine whether there is a finding of abuse or neglect. Any facilities where DCYF is investigating child abuse or neglect must share records and any other information relevant to DCYF's investigation. Any records or information shared with DCYF retain any otherwise existing confidentiality protections under state or federal law.

DCYF must send a copy of the investigation report, including the finding, regarding any incidents of alleged child abuse or neglect to the agency administration of the facility in which the incident occurred and to the state agency which provides licensure, oversight, or

accreditation to the program at the facility in which the incident occurred.

Starting July 1, 2025, living accommodations provided by residential private schools must be licensed by DCYF, unless they are exempt. Accommodations include all areas and school operations intended to allow students who are enrolled in the school's program of basic education to eat, sleep, bathe, recreate, or otherwise reside. DCYF is to adopt minimum health and safety rules, in consultation with the state Board of Education. Rules are to address the needs of children and youth during noninstructional hours, including but not limited to space allotted to each child or youth for sleeping, developmentally appropriate privacy requirements, personal storage, nutritional needs, cleanliness and hygiene of living quarters, social-emotional well-being during noninstructional hours, health and wellness accommodations, compliance with the Americans with Disabilities Act, and physical safety.

Residential private schools are exempt from DCYF's licensing requirements if SBE determines the school is accredited through a body approved by SBE, and that accreditation covers student living accommodations comparable to DCYF's licensing requirements, in consultation with DCYF.

DCYF is to engage in negotiated rule making with SBE and other affected interests to adopt minimum health and safety rules to implement the licensing requirements.

Effective July 1, 2025, the definition of agency includes residential private schools and does not include nonresidential schools. Residential private school means a nonpublic school or nonpublic school district, subject to approval by SBE, that provides sleeping and living facilities or residential accommodations for enrolled students.

By July 1, 2025, DCYF is to submit a preliminary progress report on licensing and oversight of residential private schools to the Legislature, and a final report no later than July 1, 2026.

Votes on Final Passage:

Senate	48	0	
House	93	4	(House amended)
Senate	48	0	(Senate concurred)

Effective: July 23, 2023

January 1, 2024 (Section 3)

July 1, 2025 (Sections 2 and 4)