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**ENGROSSED SUBSTITUTE SENATE BILL 5515**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

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

READ FIRST TIME 02/08/23.

1       AN ACT Relating to protecting children from child abuse and  
2 neglect at residential facilities and residential private schools;  
3 amending RCW 26.44.210 and 74.15.020; adding a new section to chapter  
4 74.15 RCW; adding a new section to chapter 71.24 RCW; creating new  
5 sections; and providing effective dates.

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

7       NEW SECTION.   **Sec. 1.** The legislature finds that there is a lack  
8 of oversight of certain residential facilities and residential  
9 private schools charged with the care of children. It is the intent  
10 of the legislature to ensure that the health, safety, and well-being  
11 of children who are served in residential facilities and residential  
12 private schools are protected against child abuse and neglect and  
13 have their basic health and safety needs met. The legislature intends  
14 for greater state oversight of such facilities that otherwise lack  
15 nationally recognized accreditation and intends for the department of  
16 children, youth, and families and the department of health to work  
17 collaboratively to coordinate oversight and monitoring processes to  
18 ensure state resources are used efficiently and effectively.  
19 Therefore, the legislature resolves to conduct investigations of  
20 certain residential facilities and residential private schools when  
21 allegations of child abuse or neglect are made at those facilities.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 74.15  
2    RCW to read as follows:

3        (1)(a)    The department shall license the living accommodations  
4    provided by residential private schools as defined in RCW 74.15.020.  
5    Accommodations include all areas and school operations that are  
6    intended to allow enrolled students to eat, sleep, bathe, recreate,  
7    or otherwise reside.

8        (b)    A residential private school is exempt from the licensing  
9    requirements of (a) of this subsection if:

10       (i)    The residential private school is accredited by an  
11    accrediting body approved by the state board of education in  
12    accordance with accreditation standards and procedures established by  
13    the state board of education under RCW 28A.305.130; and

14       (ii)    The accreditation covers the student living accommodations  
15    including examination of comparable criteria as listed in subsection  
16    (2) of this section as determined by the state board of education in  
17    consultation with the department.

18       (2)    The department shall engage in negotiated rule making  
19    pursuant to RCW 34.05.310(2)(a) with the state board of education and  
20    other affected interests to adopt minimum health and safety rules to  
21    implement this section. Rules must address the needs of children and  
22    youth during noninstructional hours, including but not limited to  
23    space allotted to each child or youth for sleeping, developmentally  
24    appropriate privacy requirements, personal storage, nutritional  
25    needs, cleanliness and hygiene of living quarters, social-emotional  
26    well-being during noninstructional hours, health and wellness  
27    accommodations, compliance with the Americans with disabilities act,  
28    and physical safety.

29       **Sec. 3.**    RCW 26.44.210 and 2019 c 266 s 13 are each amended to  
30    read as follows:

31       (1)(a)    The department (~~(must)~~) shall investigate all referrals of  
32    alleged child abuse or neglect occurring at the (~~(state school for~~  
33    ~~the deaf, including alleged incidents involving students abusing~~  
34    ~~other students;)) Washington center for deaf and hard of hearing  
35    youth, substance use disorder treatment facilities licensed under  
36    chapter 71.24 RCW, entities that provide behavioral health services  
37    as defined in RCW 71.24.025, and residential private schools as  
38    defined in RCW 74.15.020.~~

1 (b) After investigating an allegation of child abuse or neglect  
2 under this section, the department shall determine whether there is a  
3 finding of abuse or neglect ~~(( $\neq$ ))~~ and determine whether a referral to  
4 law enforcement is appropriate under this chapter.

5 (c) The department must adopt rules to implement this section.

6 (d) Any facilities referenced under (a) of this subsection where  
7 the department is investigating child abuse or neglect shall share  
8 records and any other information that is relevant to the  
9 department's investigation. Any records or information shared with  
10 the department retains any otherwise existing confidentiality  
11 protections under state or federal law.

12 (2) The department must send a copy of the investigation report,  
13 including the finding, regarding any incidents of alleged child abuse  
14 or neglect ~~((at the state school for the deaf))~~ to the ~~((director of~~  
15 ~~the Washington center for deaf and hard of hearing youth, or the~~  
16 ~~director's designee. The department may include recommendations to~~  
17 ~~the director and the board of trustees or its successor board for~~  
18 ~~increasing the safety of the school's students.))~~ administration of  
19 the facility in which the incident occurred and to the state agency  
20 which provides licensure, oversight, or accreditation to the program  
21 at the facility in which the incident occurred.

22 **Sec. 4.** RCW 74.15.020 and 2021 c 176 s 5239 are each amended to  
23 read as follows:

24 The definitions in this section apply throughout this chapter and  
25 RCW 74.13.031 unless the context clearly requires otherwise.

26 (1) "Agency" means any person, firm, partnership, association,  
27 corporation, ~~(( $\neq$ ))~~ facility, or residential private school which  
28 receives children, expectant mothers, or persons with developmental  
29 disabilities for control, care, or maintenance outside their own  
30 homes, or which places, arranges the placement of, or assists in the  
31 placement of children, expectant mothers, or persons with  
32 developmental disabilities for foster care or placement of children  
33 for adoption, and shall include the following irrespective of whether  
34 there is compensation to the agency or to the children, expectant  
35 mothers, or persons with developmental disabilities for services  
36 rendered:

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

1 (b) "Community facility" means a group care facility operated for  
2 the care of juveniles committed to the department under RCW  
3 13.40.185. A county detention facility that houses juveniles  
4 committed to the department under RCW 13.40.185 pursuant to a  
5 contract with the department is not a community facility;

6 (c) "Crisis residential center" means an agency which is a  
7 temporary protective residential facility operated to perform the  
8 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
9 43.185C.295 through 43.185C.310;

10 (d) "Emergency respite center" is an agency that may be commonly  
11 known as a crisis nursery, that provides emergency and crisis care  
12 for up to seventy-two hours to children who have been admitted by  
13 their parents or guardians to prevent abuse or neglect. Emergency  
14 respite centers may operate for up to twenty-four hours a day, and  
15 for up to seven days a week. Emergency respite centers may provide  
16 care for children ages birth through seventeen, and for persons  
17 eighteen through twenty with developmental disabilities who are  
18 admitted with a sibling or siblings through age seventeen. Emergency  
19 respite centers may not substitute for crisis residential centers or  
20 HOPE centers, or any other services defined under this section, and  
21 may not substitute for services which are required under chapter  
22 13.32A or 13.34 RCW;

23 (e) "Foster family home" means an agency which regularly provides  
24 care on a twenty-four hour basis to one or more children, expectant  
25 mothers, or persons with developmental disabilities in the family  
26 abode of the person or persons under whose direct care and  
27 supervision the child, expectant mother, or person with a  
28 developmental disability is placed;

29 (f) "Group-care facility" means an agency, other than a foster  
30 family home, which is maintained and operated for the care of a group  
31 of children on a twenty-four hour basis. "Group care facility"  
32 includes but is not limited to:

33 (i) Qualified residential treatment programs as defined in RCW  
34 13.34.030;

35 (ii) Facilities specializing in providing prenatal, postpartum,  
36 or parenting supports for youth; and

37 (iii) Facilities providing high quality residential care and  
38 supportive services to children who are, or who are at risk of  
39 becoming, victims of sex trafficking;

1 (g) "HOPE center" means an agency licensed by the secretary to  
2 provide temporary residential placement and other services to street  
3 youth. A street youth may remain in a HOPE center for thirty days  
4 while services are arranged and permanent placement is coordinated.  
5 No street youth may stay longer than thirty days unless approved by  
6 the department and any additional days approved by the department  
7 must be based on the unavailability of a long-term placement option.  
8 A street youth whose parent wants him or her returned to home may  
9 remain in a HOPE center until his or her parent arranges return of  
10 the youth, not longer. All other street youth must have court  
11 approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center  
12 up to thirty days;

13 (h) "Maternity service" means an agency which provides or  
14 arranges for care or services to expectant mothers, before or during  
15 confinement, or which provides care as needed to mothers and their  
16 infants after confinement;

17 (i) "Residential private school" means a nonpublic school or  
18 nonpublic school district subject to approval by the state board of  
19 education pursuant to RCW 28A.305.130 and chapter 28A.195 RCW that  
20 provides sleeping and living facilities or residential accommodations  
21 for enrolled students;

22 (j) "Resource and assessment center" means an agency that  
23 provides short-term emergency and crisis care for a period up to  
24 seventy-two hours, excluding Saturdays, Sundays, and holidays to  
25 children who have been removed from their parent's or guardian's care  
26 by child protective services or law enforcement;

27 (~~(j)~~) (k) "Responsible living skills program" means an agency  
28 licensed by the secretary that provides residential and transitional  
29 living services to persons ages sixteen to eighteen who are dependent  
30 under chapter 13.34 RCW and who have been unable to live in his or  
31 her legally authorized residence and, as a result, the minor lived  
32 outdoors or in another unsafe location not intended for occupancy by  
33 the minor. Dependent minors ages fourteen and fifteen may be eligible  
34 if no other placement alternative is available and the department  
35 approves the placement;

36 (~~(k)~~) (l) "Service provider" means the entity that operates a  
37 community facility.

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

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

- 1 (i) Any blood relative, including those of half-blood, and  
2 including first cousins, second cousins, nephews or nieces, and  
3 persons of preceding generations as denoted by prefixes of grand,  
4 great, or great-great;
- 5 (ii) Stepfather, stepmother, stepbrother, and stepsister;
- 6 (iii) A person who legally adopts a child or the child's parent  
7 as well as the natural and other legally adopted children of such  
8 persons, and other relatives of the adoptive parents in accordance  
9 with state law;
- 10 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of  
11 this subsection (2), even after the marriage is terminated;
- 12 (v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this  
13 subsection (2), of any half sibling of the child; or
- 14 (vi) Extended family members, as defined by the law or custom of  
15 the Indian child's tribe or, in the absence of such law or custom, a  
16 person who has reached the age of eighteen and who is the Indian  
17 child's grandparent, aunt or uncle, brother or sister, brother-in-law  
18 or sister-in-law, niece or nephew, first or second cousin, or  
19 stepparent who provides care in the family abode on a twenty-four-  
20 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);
- 21 (b) Persons who are legal guardians of the child, expectant  
22 mother, or persons with developmental disabilities;
- 23 (c) Persons who care for a neighbor's or friend's child or  
24 children, with or without compensation, where the parent and person  
25 providing care on a twenty-four-hour basis have agreed to the  
26 placement in writing and the state is not providing any payment for  
27 the care;
- 28 (d) A person, partnership, corporation, or other entity that  
29 provides placement or similar services to exchange students or  
30 international student exchange visitors or persons who have the care  
31 of an exchange student in their home;
- 32 (e) A person, partnership, corporation, or other entity that  
33 provides placement or similar services to international children who  
34 have entered the country by obtaining visas that meet the criteria  
35 for medical care as established by the United States citizenship and  
36 immigration services, or persons who have the care of such an  
37 international child in their home;
- 38 (f) (~~(Schools, including boarding)~~) Nonresidential schools, which  
39 are engaged primarily in education, operate on a definite school year

1 schedule, follow a stated academic curriculum, accept only school-age  
2 children and do not accept custody of children;

3 (g) Hospitals licensed pursuant to chapter 70.41 RCW when  
4 performing functions defined in chapter 70.41 RCW, nursing homes  
5 licensed under chapter 18.51 RCW and assisted living facilities  
6 licensed under chapter 18.20 RCW;

7 (h) Licensed physicians or lawyers;

8 (i) Facilities approved and certified under chapter 71A.22 RCW;

9 (j) Any agency having been in operation in this state ten years  
10 prior to June 8, 1967, and not seeking or accepting moneys or  
11 assistance from any state or federal agency, and is supported in part  
12 by an endowment or trust fund;

13 (k) Persons who have a child in their home for purposes of  
14 adoption, if the child was placed in such home by a licensed child-  
15 placing agency, an authorized public or tribal agency or court or if  
16 a replacement report has been filed under chapter 26.33 RCW and the  
17 placement has been approved by the court;

18 (l) An agency operated by any unit of local, state, or federal  
19 government or an agency licensed by an Indian tribe pursuant to RCW  
20 74.15.190;

21 (m) A maximum or medium security program for juvenile offenders  
22 operated by or under contract with the department;

23 (n) An agency located on a federal military reservation, except  
24 where the military authorities request that such agency be subject to  
25 the licensing requirements of this chapter;

26 (o)(i) A host home program, and host home, operated by a tax  
27 exempt organization for youth not in the care of or receiving  
28 services from the department, if that program: (A) Recruits and  
29 screens potential homes in the program, including performing  
30 background checks on individuals over the age of eighteen residing in  
31 the home through the Washington state patrol or equivalent law  
32 enforcement agency and performing physical inspections of the home;

33 (B) screens and provides case management services to youth in the  
34 program; (C) obtains a notarized permission slip or limited power of  
35 attorney from the parent or legal guardian of the youth authorizing  
36 the youth to participate in the program and the authorization is  
37 updated every six months when a youth remains in a host home longer  
38 than six months; (D) obtains insurance for the program through an  
39 insurance provider authorized under Title 48 RCW; (E) provides

1 mandatory reporter and confidentiality training; and (F) registers  
2 with the secretary of state under RCW 74.15.315.

3 (ii) For purposes of this section, a "host home" is a private  
4 home that volunteers to host youth in need of temporary placement  
5 that is associated with a host home program.

6 (iii) For purposes of this section, a "host home program" is a  
7 program that provides support to individual host homes and meets the  
8 requirements of (o)(i) of this subsection.

9 (iv) Any host home program that receives local, state, or  
10 government funding shall report the following information to the  
11 office of homeless youth prevention and protection programs annually  
12 by December 1st of each year: The number of children the program  
13 served, why the child was placed with a host home, and where the  
14 child went after leaving the host home, including but not limited to  
15 returning to the parents, running away, reaching the age of majority,  
16 or becoming a dependent of the state;

17 (p) Receiving centers as defined in RCW 7.68.380.

18 (3) "Department" means the department of children, youth, and  
19 families.

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

23 (5) "Performance-based contracts" or "contracting" means the  
24 structuring of all aspects of the procurement of services around the  
25 purpose of the work to be performed and the desired results with the  
26 contract requirements set forth in clear, specific, and objective  
27 terms with measurable outcomes. Contracts may also include provisions  
28 that link the performance of the contractor to the level and timing  
29 of the reimbursement.

30 (6) "Probationary license" means a license issued as a  
31 disciplinary measure to an agency that has previously been issued a  
32 full license but is out of compliance with licensing standards.

33 (7) "Requirement" means any rule, regulation, or standard of care  
34 to be maintained by an agency.

35 (8) "Secretary" means the secretary of the department.

36 (9) "Street youth" means a person under the age of eighteen who  
37 lives outdoors or in another unsafe location not intended for  
38 occupancy by the minor and who is not residing with his or her parent  
39 or at his or her legally authorized residence.



1 (10) "Transitional living services" means at a minimum, to the  
2 extent funds are available, the following:

3 (a) Educational services, including basic literacy and  
4 computational skills training, either in local alternative or public  
5 high schools or in a high school equivalency program that leads to  
6 obtaining a high school equivalency degree;

7 (b) Assistance and counseling related to obtaining vocational  
8 training or higher education, job readiness, job search assistance,  
9 and placement programs;

10 (c) Counseling and instruction in life skills such as money  
11 management, home management, consumer skills, parenting, health care,  
12 access to community resources, and transportation and housing  
13 options;

14 (d) Individual and group counseling; and

15 (e) Establishing networks with federal agencies and state and  
16 local organizations such as the United States department of labor,  
17 employment and training administration programs including the  
18 workforce innovation and opportunity act which administers private  
19 industry councils and the job corps; vocational rehabilitation; and  
20 volunteer programs.

21 NEW SECTION. **Sec. 5.** A new section is added to chapter 71.24  
22 RCW to read as follows:

23 Any substance use disorder treatment facilities and entities that  
24 provide behavioral health services where the department of children,  
25 youth, and families is investigating child abuse or neglect, as  
26 provided for under RCW 26.44.210, shall share records and any other  
27 information that is relevant to the department of children, youth,  
28 and families' investigation. Any records or information shared with  
29 the department of children, youth, and families retains any  
30 confidentiality protections under state or federal law.

31 NEW SECTION. **Sec. 6.** The department of children, youth, and  
32 families shall submit to the appropriate committees of the  
33 legislature, in compliance with RCW 43.01.036, a preliminary progress  
34 report on licensing and oversight of residential private schools no  
35 later than July 1, 2025, and final report no later than July 1, 2026.

36 NEW SECTION. **Sec. 7.** If any provision of this act or its  
37 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 8.** Sections 2 and 4 of this act take effect  
4 July 1, 2025.

5 NEW SECTION. **Sec. 9.** Section 3 of this act takes effect January  
6 1, 2024.

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