

the physician who attended him or her, and it shall be the duty of the physician to inform the injured worker of his or her rights under this title and to lend all necessary assistance in making this application for compensation and such proof of other matters as required by the rules of the department without charge to the worker. The department shall provide physicians with a manual which outlines the procedures to be followed in applications for compensation involving occupational diseases, and which describes claimants' rights and responsibilities related to occupational disease claims. If application for compensation is made to a self-insuring employer, he or she shall forthwith send a copy thereof to the department.

Passed the House February 29, 1984.

Passed the Senate February 24, 1984.

Approved by the Governor March 8, 1984.

Filed in Office of Secretary of State March 8, 1984.

CHAPTER 160

[Engrossed Substitute House Bill No. 1311]

PRESCHOOL CHILDREN—SPECIAL EDUCATION AND TRAINING PROGRAMS

AN ACT Relating to providing special education and training programs to preschool age children; amending section 28A.13.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.010; amending section 2, chapter 217, Laws of 1979 ex. sess. and RCW 28A.58.772; amending section 72.40.040, chapter 28, Laws of 1959 as last amended by section 68, chapter 80, Laws of 1977 ex. sess. and RCW 72.40.040; creating a new section; and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 28A.13.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.010 are each amended to read as follows:

There is established in the office of the superintendent of public instruction a division of special education for handicapped children, to be known as the division for handicapped children.

Handicapped children are those children in school or out of school who are temporarily or permanently retarded in normal educational processes by reason of physical or mental handicap, or by reason of emotional maladjustment, or by reason of other handicap, and those children who have specific learning and language disabilities resulting from perceptual-motor handicaps, including problems in visual and auditory perception and integration.

The superintendent of public instruction shall require each school district in the state to insure an appropriate educational opportunity for all handicapped children ((of common school age)) between the ages of five and twenty-one, but when the twenty-first birthday occurs during the school year, the educational program may be continued until the end of that school year. Special education and training programs provided by the state

and school districts for handicapped children shall be extended to include preschool age children four years of age and older commencing with the 1984-85 school year and shall be extended to include preschool age children three years of age and older commencing with the 1985-86 school year. The superintendent of public instruction, by rule and regulation, shall establish for the purpose of excess cost funding, as provided in this chapter, RCW 28A.24.100 and 28A.41.053, functional definitions of the various types of handicapping conditions and eligibility criteria for handicapped programs. For the purposes of this chapter, an appropriate education is defined as an education directed to the unique needs, abilities, and limitations of the handicapped children. School districts are strongly encouraged to provide parental training in the care and education of the children and to involve parents in the classroom.

Nothing in this section shall prohibit the establishment or continuation of existing cooperative programs between school districts or contracts with other agencies approved by the superintendent of public instruction, which can meet the obligations of school districts to provide education for handicapped children, or prohibit the continuation of needed related services to school districts by the department of social and health services.

This section shall not be construed as in any way limiting the powers of local school districts set forth in RCW 28A.13.050.

No child shall be removed from the jurisdiction of juvenile court for training or education under this chapter without the approval of the superior court of the county.

NEW SECTION. Sec. 2. Prior to the start of the 1984-85 school year, the superintendent of public instruction shall adopt rules setting standards on the selection and use of a limited number of assessment instruments to establish eligibility for preschool handicapped programs. Prior to the start of the 1984-85 school year, the superintendent of public instruction shall adopt rules revising the eligibility criteria for preschool handicapped programs. The legislature intends that the new rules shall address the following legislative concerns:

(1) The rules setting assessment standards shall result in use of a limited number of appropriate assessment instruments to produce consistent, equitable, and reliable eligibility decisions.

(2) Delays of twenty-five percent or less from chronological age in any two of the developmental areas under WAC 392-171-381 do not constitute an actual handicapping condition requiring early intervention by special education programs. Greater attention shall be directed to defining the scope of the developmental areas and to establishing the extent of a significant delay.

(3) Articulation problems and mild language delays unaccompanied by significant delays in other developmental areas shall be treated as communication disorders under WAC 392-171-391 and not as developmental handicaps under WAC 392-171-381.

(4) Subjective exceptional provisions of WAC 392-171-381 shall be modified or eliminated, including the provision for placement in preschool handicapped programs of children who do not manifest significant developmental delays but who are judged by the assessment team to have a high predictability of future developmental delays.

The superintendent of public instruction shall report in writing to the legislature by December 14, 1984, on the implementation of this section.

Sec. 3. Section 2, chapter 217, Laws of 1979 ex. sess. and RCW 28A-58.772 are each amended to read as follows:

Each school district within which there is located a residential school shall, singly or in concert with another school district pursuant to RCW 28A.58.075 and 28A.58.245 or pursuant to chapter 39.34 RCW, each as now or hereafter amended, conduct a program of education, including related student activities, for residents of the residential school. Except as otherwise provided for by contract pursuant to RCW 28A.58.776, as now or hereafter amended, the duties and authority of a school district and its employees to conduct such a program shall be limited to the following:

(1) The employment, supervision and control of administrators, teachers, specialized personnel and other persons, deemed necessary by the school district for the conduct of the program of education;

(2) The purchase, lease or rental and provision of textbooks, maps, audio-visual equipment, paper, writing instruments, physical education equipment and other instructional equipment, materials and supplies, deemed necessary by the school district for the conduct of the program of education;

(3) The development and implementation, in consultation with the superintendent or chief administrator of the residential school or his or her designee, of the curriculum;

(4) The conduct of a program of education, including related student activities, for residents who are five and less than twenty-one years of age until the 1984-85 school year and, commencing with the 1984-85 school year, for residents who are four years of age and less than twenty-one years of age and, commencing with the 1985-86 school year, for residents who are three years of age and less than twenty-one years of age, and have not met high school graduation requirements as now or hereafter established by the state board of education and the school district which includes:

(a) Not less than one hundred and eighty school days each school year;

(b) Special education pursuant to chapter 28A.13 RCW, as now or hereafter amended, and vocational education, as necessary to address the unique needs and limitations of residents; and

(c) Such courses of instruction and school related student activities as are provided by the school district for nonresidential school students to the extent it is practical and judged appropriate for the residents by the school district after consultation with the superintendent or chief administrator of the residential school: **PROVIDED**, That a preschool special education program may be provided for handicapped residential school students;

(5) The control of students while participating in a program of education conducted pursuant to this section and the discipline, suspension or expulsion of students for violation of reasonable rules of conduct adopted by the school district; and

(6) The expenditure of funds for the direct and indirect costs of maintaining and operating the program of education that are appropriated by the legislature and allocated by the superintendent of public instruction for the exclusive purpose of maintaining and operating residential school programs of education, and funds from federal and private grants, bequests and gifts made for the purpose of maintaining and operating the program of education.

Sec. 4. Section 72.40.040, chapter 28, Laws of 1959 as last amended by section 68, chapter 80, Laws of 1977 ex. sess. and RCW 72.40.040 are each amended to read as follows:

The schools shall be free to residents of the state between the ages of ~~((six))~~ five and twenty-one years until the 1984-85 school year, between the ages of four and twenty-one years commencing with the 1984-85 school year, and between the ages of three and twenty-one years commencing with the 1985-86 school year, and who are blind or deaf, or otherwise sensory handicapped, and who are free from loathsome or contagious diseases: **PROVIDED**, ~~((That children under the age of six, who are otherwise qualified may be admitted to the school, if in the discretion of the superintendent they are proper persons to receive the training given in the school and the facilities are adequate for proper care, education, and training; **PROVIDED FURTHER**))~~) That students over the age of twenty-one years, who are otherwise qualified may be retained at the school, if in the discretion of the superintendent in consultation with the faculty they are proper persons to receive further training given at the school and the facilities are adequate for proper care, education, and training.

NEW SECTION. Sec. 5. There is appropriated to the superintendent of public instruction from the general fund for the biennium ending June 30, 1985, the sum of three hundred seventy thousand dollars or so much thereof as may be necessary to carry out the purposes of this act.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or

the application of the provision to other persons or circumstances is not affected.

Passed the House February 29, 1984.

Passed the Senate February 26, 1984.

Approved by the Governor March 8, 1984.

Filed in Office of Secretary of State March 8, 1984.

CHAPTER 161

[Engrossed Substitute House Bill No. 1637]

NUCLEAR WASTE BOARD—LONG-TERM DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE

AN ACT Relating to the long-term disposal of high-level radioactive waste; amending section 2, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.020; amending section 3, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.030; amending section 4, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.040; amending section 5, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.050; amending section 6, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.060; amending section 7, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.070; amending section 10, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.900; creating a new section; adding new sections to chapter 43.200 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Board" means the nuclear waste board established in RCW 43.200.040.

(2) "Federal department of energy" means the federal department of energy or any successor agency assigned responsibility for the long-term disposal of high-level radioactive waste.

(3) "High-level radioactive waste" means "high-level radioactive waste" as the term is defined in 42 U.S.C. Sec. 10101 (P.L. 97-425).

(4) "Department" means the department of ecology.

Sec. 2. Section 2, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.020 are each amended to read as follows:

~~The ((department of ecology is herein designated as the executive branch agency to))~~ nuclear waste board shall carry out the authority and responsibility set forth in this chapter~~((, including))~~. The department of ecology is designated as the executive branch agency for participation in the federal nuclear waste policy act of 1982 and the federal low-level radioactive waste policy act of 1980, however the legislature retains an autonomous role with respect to participation in all aspects of the federal nuclear waste policy act of 1982. The board and the department may receive federal financial assistance for carrying out radioactive waste management activities,