

regulations adopted by the director that positively proves identity. The "identocard" shall be distinctly designed so that it will not be confused with the official driver license. The identocard shall be valid for five years.

NEW SECTION. Sec. 2. The efficient and effective operation and administration of state government affects the health, safety, and welfare of the people of this state and it is the intent and purpose of this act to promote the health, safety, and welfare of the people by improving the operation and administration of state government.

Passed the House March 26, 1971.

Passed the Senate May 6, 1971.

Approved by the Governor May 10, 1971.

Filed in Office of Secretary of State May 11, 1971.

CHAPTER 66

[Engrossed House Bill No. 90]

EDUCATIONAL OPPORTUNITIES FOR HANDICAPPED CHILDREN

AN ACT Relating to educational opportunities for all handicapped children; amending section 28A.13.010, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 2, Laws of 1969 ex. sess. and RCW 28A.13.010; amending section 28A.13.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.13.020; amending section 28A.13.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.13.030; amending section 28A.13.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.13.040; amending section 28A.13.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.13.050; amending section 28A.24.100, chapter 223, Laws of 1969 ex. sess. and RCW 28A.24.100; adding new sections to chapter 28A.13 RCW; adding a new section to chapter 28A.41 RCW; providing penalties; and making an effective date.

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

NEW SECTION. Section 1. It is the purpose of this 1971 amendatory act to ensure that all handicapped children as defined in section 2 of this 1971 amendatory act shall have the opportunity for an appropriate education at public expense as guaranteed to them by the Constitution of this state.

Sec. 2. Section 28A.13.010, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 2, Laws of 1969 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 ~~((educational aid))~~ 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 ~~((social or))~~ 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. ~~((: PROVIDED, That))~~

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. The superintendent of public instruction, by rule and regulation, shall establish for the purpose of excess cost funding, as provided in this 1971 amendatory act, 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.

This section shall not be construed as in any way limiting the powers of local school districts set forth in section 7 of this 1971 amendatory act.

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.

Sec. 3. Section 28A.13.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.13.020 are each amended to read as follows:

The superintendent of public instruction shall appoint an administrative officer of ~~((such))~~ the division. The administrative officer, under the direction of the superintendent of public instruction, shall coordinate and supervise the program of special ~~((aid))~~ education for all handicapped children in the school districts of the state. He shall cooperate with ~~((county and))~~ intermediate school district superintendents and local school district superintendents ~~((of schools))~~ and with all other interested school officials in ~~((the conduct of the program))~~ ensuring that all school districts provide an appropriate educational opportunity for all handicapped children and shall cooperate with the state ~~((director of health))~~ secretary of social and health services and with county and regional ~~((health))~~ officers on cases where medical examination or other attention is needed.

Sec. 4. Section 28A.13.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.13.030 are each amended to read as follows:

((School district officials and teachers)) The board of directors of each school district, for the purpose of compliance with the provisions of this 1971 amendatory act, shall cooperate with the superintendent of public instruction and with the administrative officer((7)) and shall provide an appropriate educational opportunity and give ((such)) other appropriate aid and special attention to handicapped children ((as their)) in regular or special school facilities ((will permit)) within the district or shall contract for such services with other agencies as provided in section 6 of this 1971 amendatory act or shall participate in an interdistrict arrangement in accordance with RCW 28A.58.075 and 28A.58.240 and/or 28A.58.245 and 28A.58.250.

In carrying out their responsibilities under this chapter, school districts ((may)) severally or jointly((+)) with the approval of the superintendent of public instruction are authorized to

((+)) Purchase and own special aid equipment and materials; with the approval of the administrative officer; and may pay for the same out of their general fund budgets.

(2) Employ special teachers for special aid; with the approval of the administrative officer; and may pay their salaries and compensation out of their general fund budgets.

(3)) establish, ((and)) operate, support and/or contract for residential schools and/or homes approved by the department of social and health services for aid and special attention to handicapped children ((7 with the approval of the administrative officer; and may pay for the operation of such residential schools out of their general fund budgets)).

((+)) Contribute funds for purchasing sites and constructing; equipping and furnishing buildings in another school district for the purpose of giving special educational aid to handicapped children; with the approval of the administrative officer; and may pay for the same out of their building fund budgets.

School districts may make agreements with other school districts for aid and special attention to handicapped children of their districts in the schools and special services of such other districts; with the approval of the administrative officer; and may pay for the same out of their general fund budgets; and such payments may include the cost of board and room for such handicapped children while housed in such other districts. Such expenditures may be partially or wholly reimbursed from funds appropriated for that purpose under rules and regulations established by the superintendent of public instruction)). The cost of board and room in facilities approved by the department of social and health services shall be provided by the department of social and health services for those handicapped students eligible for such aid under programs of the

department. The cost of approved board and room shall be provided for those handicapped students not eligible under programs of the department of social and health services but deemed in need of the same by the superintendent of public instruction: PROVIDED, That no school district shall be financially responsible for special aid programs for students who are attending residential schools operated by the department of social and health services: PROVIDED FURTHER, That the provisions of this 1971 amendatory act shall not preclude the extension by the superintendent of public instruction of special education opportunities to handicapped children in residential schools operated by the department of social and health services.

Sec. 5. Section 28A.13.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.13.040 are each amended to read as follows:

Any child who is not able to attend school and who is eligible for special excess cost aid (~~(under)~~) programs authorized under this chapter (~~(may)~~) shall be given such aid at (~~(his)~~) home or at such other place as determined by the (~~(administrative officer)~~) board of directors of the school district in which such child resides. Any school district within which such a child resides shall thereupon be granted regular apportionment(~~(s)~~) of state and county school funds and, in addition, allocations from state excess funds made available for such special services for such (~~(days)~~) period of time as such special aid program is given; PROVIDED, That should such child or any other handicapped child attend and participate in a special aid program operated by another school district in accordance with the provisions of RCW 28A.58.230, 28A.58.240, and/or 28A.58.245, such regular apportionment shall be granted to the receiving school district, and such receiving school district shall be reimbursed by the district in which such student resides in accordance with rules and regulations promulgated by the superintendent of public instruction for the entire approved excess cost not reimbursed from such regular apportionment.

NEW SECTION. Sec. 6. There is added to chapter 28A.13 RCW a new section to read as follows:

For the purpose of carrying out the provisions of sections 2 through 5 of this 1971 amendatory act, the board of directors of every school district shall be authorized to contract with agencies approved by the state board of education for operating handicapped programs. Approval standards for such agencies shall conform substantially with those promulgated for approval of special education aid programs in the common schools.

Sec. 7. Section 28A.13.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.13.050 are each amended to read as follows:

Special educational and training programs provided by the state and the school districts thereof for handicapped children

((temporarily or permanently retarded in normal educational processes by reason of physical or mental handicap, or by reason of social or emotional maladjustment, or by reason of other handicap)) may be extended to include children of preschool age. School districts which extend such special programs ((as provided in this section,)) to children of preschool age shall be entitled to the regular apportionments from state and county school funds, as provided by law, and in addition to allocations from state excess cost funds made available for such special services((7)) for those handicapped children ((three or more years of age)) who are given such special services.

NEW SECTION. Sec. 8. Where a handicapped child as defined in section 2 of this 1971 amendatory act has been denied the opportunity of an educational program by a local school district superintendent under the provisions of RCW 28A.27.010, or for any other reason there shall be an affirmative showing by the school district superintendent in a writing directed to the parents or guardian of such a child within ten days of such decision that

(1) No agency or other school district with whom the district may contract under section 4 of this 1971 amendatory act can accommodate such child, and

(2) Such child will not benefit from an alternative educational opportunity as permitted under section 5 of this 1971 amendatory act.

There shall be a right of appeal by the parent or guardian of such child to the superintendent of public instruction pursuant to procedures established by him and in accordance with section 9 of this 1971 amendatory act.

NEW SECTION. Sec. 9. There is added to chapter 28A.13 RCW a new section to read as follows:

The superintendent of public instruction shall have the duty and authority, through the division of special education, to:

(1) Assist school districts in the formation of total school programs to meet the needs of handicapped children.

(2) Develop interdistrict cooperation programs for handicapped children as authorized in RCW 28A.58.245.

(3) Provide, upon request, to parents or guardians of handicapped children, information as to the handicapped programs offered within the state.

(4) Assist, upon request, the parent or guardian of any handicapped child in the placement of any handicapped child who is eligible for but not receiving special educational aid for handicapped children.

(5) Approve school district and agency programs as being eligible for special excess cost financial aid to handicapped

children.

(6) Adjudge, upon appeal by a parent or guardian of a handicapped child who is not receiving an educational program, whether the decision of a local school district superintendent under section 8 of this 1971 amendatory act to exclude such handicapped child was justified by the available facts and consistent with the provisions of this 1971 amendatory act. If the superintendent of public instruction shall decide otherwise he shall apply sanctions as provided in section 12 of this 1971 amendatory act until such time as the school district assures compliance with the provisions of this 1971 amendatory act.

(7) Promulgate such rules and regulations as are necessary to implement the several provisions of this 1971 amendatory act and to ensure educational opportunities within the common school system for all handicapped children who are not institutionalized.

Sec. 10. Section 28A.24.100, chapter 223, Laws of 1969 ex. sess. and RCW 28A.24.100 are each amended to read as follows:

Individual transportation or other arrangements may be authorized when these seem best in the judgment of the commission. No district shall be required to transport any pupil living within two miles of the school which such pupil attends; PROVIDED, That all handicapped children as defined in section 2 of this 1971 amendatory act who are not ambulatory and/or who are not capable of protecting their own welfare while traveling to and/or from the school or agency where special educational aid services are provided shall be provided with transportation at school district or districts expense. Except as otherwise provided in this section, the commission may require pupils residing within two miles of an established route to travel to the route at their own expense.

NEW SECTION. Sec. 11. There is added to chapter 28A.41 RCW a new section to read as follows:

The superintendent of public instruction shall submit to each regular session of the legislature a programmed budget request for handicapped programs. Programs operated by local school districts shall be funded on an excess cost basis from appropriations provided by the legislature for handicapped programs and shall take account of state funds accruing through RCW 28A.41.130, 28A.41.140, and other state and local funds, excluding special excess levies.

NEW SECTION. Sec. 12. The superintendent of public instruction is hereby authorized and directed to establish appropriate sanctions to be applied to any school district of the state failing to comply with the provisions of this 1971 amendatory act to be applied beginning upon the effective date thereof, which sanctions shall include withholding of any portion of state aid to such district until such time as compliance is assured.

NEW SECTION. Sec. 13. If any provision of this 1971 amendatory 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.

NEW SECTION. Sec. 14. This 1971 amendatory act will take effect July 1, 1973.

Passed the House April 1, 1971.

Passed the Senate May 8, 1971.

Approved by the Governor May 10, 1971.

Filed in Office of Secretary of State May 11, 1971.

CHAPTER 57

[Engrossed House Bill No. 175]

CRIMINAL INVESTIGATORY ACT OF 1971

AN ACT Relating to grand juries and criminal investigations; repealing section 3, chapter 48, Laws of 1891 and RCW 2.36.030; repealing section 1, chapter 90, Laws of 1951 and RCW 2.36.031; repealing section 2, chapter 90, Laws of 1951 and RCW 2.36.033; repealing section 5, chapter 57, Laws of 1911 and RCW 2.36.040; repealing section 45, page 110, Laws of 1854, section 163, page 220, Laws of 1873, section 977, Code of 1881, section 11, chapter 28, Laws of 1891 and RCW 10.28.010; repealing section 47, page 110, Laws of 1854, section 165, page 220, Laws of 1873, section 979, Code of 1881, section 12, chapter 28, Laws of 1891 and RCW 10.28.020; repealing section 46, page 110, Laws of 1854, section 164, page 220, Laws of 1873, section 978, Code of 1881 and RCW 10.28.030; repealing section 48, page 110, Laws of 1854, section 166, page 220, Laws of 1873, section 980, Code of 1881 and RCW 10.28.040; repealing section 49, page 110, Laws of 1854, section 167, page 220, Laws of 1873, section 981, Code of 1881, section 13, chapter 28, Laws of 1891 and RCW 10.28.050; repealing section 50, page 110, Laws of 1854, section 168, page 221, Laws of 1873, section 982, Code of 1881, section 1, chapter 74, Laws of 1939 and RCW 10.28.060; repealing section 52, page 110, Laws of 1854, section 170, page 221, Laws of 1873, section 984, Code of 1881, section 14, chapter 28, Laws of 1891 and RCW 10.28.070; repealing section 1, chapter 130, Laws of 1967 and RCW 10.28.075; repealing section 51, page 110, Laws of 1854, section 169, page 221, Laws of 1873, section 983, Code of 1881 and RCW 10.28.080; repealing section 179, page 239, Laws of 1869, section 184,