

NEW SECTION. Sec. 11. There is appropriated to the state conservation commission from the general fund for the biennium ending June 30, 1981, the sum of fifty-nine thousand dollars, or so much thereof as may be necessary, to provide moneys to conservation districts for studies and pilot projects relating to water resources aspects of their administration.

NEW SECTION. Sec. 12. Section 2 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 13. 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 Senate May 25, 1979.

Passed the House May 15, 1979.

Approved by the Governor June 4, 1979.

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CHAPTER 217

[Engrossed Senate Bill No. 3117]

RESIDENTIAL SCHOOLS—PROGRAMS OF EDUCATION

AN ACT Relating to education; amending section 72.01.200, chapter 28, Laws of 1959 and RCW 72.01.200; amending section 72.05.010, chapter 28, Laws of 1959 as amended by section 177, chapter 141, Laws of 1979 and RCW 72.05.010; amending section 72.05.130, chapter 28, Laws of 1959 as amended by section 179, chapter 141, Laws of 1979 and RCW 72.05.130; amending section 72.05.140, chapter 28, Laws of 1959 as amended by section 180, chapter 141, Laws of 1979 and RCW 72.05.140; amending section 72.20.040, chapter 28, Laws of 1959 as last amended by section 229, chapter 141, Laws of 1979 and RCW 72.20.040; amending section 4, chapter 18, Laws of 1967 ex. sess. as amended by section 235, chapter 141, Laws of 1979 and RCW 72.30.040; amending section 72.33.040, chapter 28, Laws of 1959 as last amended by section 62, chapter 80, Laws of 1977 ex. sess. and RCW 72.33.040; amending section 72.33.050, chapter 28, Laws of 1959 and RCW 72.33.050; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; repealing section 72.16.070, chapter 28, Laws of 1959 and RCW 72.16.070; repealing section 72.20.080, chapter 28, Laws of 1959, section 231, chapter 141, Laws of 1979 and RCW 72.20.080; and providing an effective date.

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

NEW SECTION. Section 1. The term "residential school" as used in sections 2 through 8 of this amendatory act, each as now or hereafter amended, shall mean Green Hill school, Maple Lane school, Naselle Youth Camp, Cedar Creek Youth Camp, Mission Creek Youth Camp, Echo Glen, Cascadia Diagnostic Center, Lakeland Village, Rainier school, Yakima Valley school, Interlake school, Fircrest school, Francis Haddon Morgan Center, the Child Study and Treatment Center and Secondary School of Western State Hospital, and such other schools, camps, and centers as are now or hereafter established by the department of social and health services

for the diagnosis, confinement and rehabilitation of juveniles committed by the courts or for the care and treatment of persons who are exceptional in their needs by reason of mental and/or physical deficiency: PROVIDED, That the term shall not include the state schools for the deaf and blind or adult correctional institutions.

NEW SECTION. Sec. 2. 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 section 4 of this amendatory act, 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 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.

NEW SECTION. Sec. 3. The duties and authority of the department of social and health services and of each superintendent or chief administrator of a residential school to support each program of education conducted by a school district pursuant to section 2 of this amendatory act, as now or hereafter amended, shall include the following:

(1) The provision of transportation for residential school students to and from the sites of the program of education through the purchase, lease or rental of school buses and other vehicles as necessary;

(2) The provision of safe and healthy building and playground space for the conduct of the program of education through the construction, purchase, lease or rental of such space as necessary;

(3) The provision of furniture, vocational instruction machines and tools, building and playground fixtures, and other equipment and fixtures for the conduct of the program of education through construction, purchase, lease or rental as necessary;

(4) The provision of heat, lights, telephones, janitorial services, repair services, and other support services for the vehicles, building and playground spaces, equipment and fixtures provided for in this section;

(5) The employment, supervision and control of persons to transport students and to maintain the vehicles, building and playground spaces, equipment and fixtures, provided for in this section;

(6) Clinical and medical evaluation services necessary to a determination by the school district of the educational needs of residential school students; and

(7) Such other support services and facilities as are reasonably necessary for the conduct of the program of education.

NEW SECTION. Sec. 4. Each school district required to conduct a program of education pursuant to section 2 of this amendatory act, as now or hereafter amended, and the department of social and health services shall hereafter negotiate and execute a written contract for each school year or such longer period as may be agreed to which delineates the manner in which their respective duties and authority will be cooperatively performed and exercised, and any disputes and grievances resolved. Any such contract may provide for the performance of duties by a school district in addition to those set forth in subsections (1) through (5) of section 2 of this amendatory act, as now or hereafter amended, including duties imposed upon the department of social and health services and its agents pursuant to section 3 of

this amendatory act, as now or hereafter amended: PROVIDED, That funds identified in subsection (6) of section 2 of this amendatory act, as now or hereafter amended, and/or funds provided by the department of social and health services are available to fully pay the direct and indirect costs of such additional duties and the district is otherwise authorized by law to perform such duties in connection with the maintenance and operation of a school district.

NEW SECTION. Sec. 5. The department of social and health services shall provide written notice on or before April 15th of each school year to the superintendent of each school district conducting a program of education pursuant to sections 2 through 4 of this amendatory act, as now or hereafter amended, of any foreseeable residential school closure, reduction in the number of residents, or any other cause for a reduction in the school district's staff for the next school year. In the event the department of social and health services fails to provide notice as prescribed by this section, the department shall be liable and responsible for the payment of the salary and employment related costs for the next school year of each school district employee whose contract the school district would have nonrenewed but for the failure of the department to provide notice.

Sec. 6. Section 72.01.200, chapter 28, Laws of 1959 and RCW 72.01-.200 are each amended to read as follows:

The several penal and reformatory institutions of the state may employ certificated teachers to carry on their educational work, except for the educational programs provided pursuant to sections 2 through 4 of this amendatory act, as now or hereafter amended, and all such teachers so employed shall be eligible to membership in the state teachers' retirement fund.

Sec. 7. Section 72.05.010, chapter 28, Laws of 1959 as amended by section 177, chapter 141, Laws of 1979 and RCW 72.05.010 are each amended to read as follows:

The purposes of RCW 72.05.010 through 72.05.210 are: To provide for every child with behaviour problems, ~~((defective and feeble-minded))~~ mentally and physically handicapped persons, and deaf and blind children, within the purview of RCW 72.05.010 through 72.05.210, as now or hereafter amended, such care, guidance and instruction, control and treatment as will best serve the welfare of the child or person and society; to insure nonpolitical and qualified operation, supervision, management, and control of the Green Hill school, the Maple Lane school, the Naselle Youth Camp, the Cedar Creek Youth Camp, the Mission Creek Youth Camp, Echo Glen, the Cascadia Diagnostic Center, Lakeland Village, Rainier school, the Yakima Valley school, Interlake school, Fircrest school, the Francis Haddon Morgan Center, the Child Study and Treatment Center and Secondary School of Western State Hospital, the state school for the blind, ~~((and))~~ the state school for the deaf, and like residential state schools,

camps and centers hereafter established, and to place them under the department of social and health services; and to provide for the persons committed or admitted to those schools that type of care, instruction, and treatment most likely to accomplish their rehabilitation and restoration to normal citizenship.

Sec. 8. Section 72.05.130, chapter 28, Laws of 1959 as amended by section 179, chapter 141, Laws of 1979 and RCW 72.05.130 are each amended to read as follows:

The department shall establish, maintain, operate and administer a comprehensive program for the custody, care, education, treatment, instruction, guidance, control and rehabilitation of all persons who may be committed or admitted to institutions, schools, or other facilities controlled and operated by the department, except for the programs of education provided pursuant to sections 2 through 4 of this amendatory act, as now or hereafter amended, which shall be established, operated and administered by the school district conducting the program, and in order to accomplish these purposes, the powers and duties of the secretary shall include the following:

(1) The assembling, analyzing, tabulating, and reproduction in report form, of statistics and other data with respect to children with behavior problems in the state of Washington, including, but not limited to, the extent, kind, and causes of such behavior problems in the different areas and population centers of the state. Such reports shall not be open to public inspection, but shall be open to the inspection of the governor and to the superior court judges of the state of Washington.

(2) The establishment and supervision of diagnostic facilities and services in connection with the custody, care, and treatment of (~~defective, feeble-minded~~) mentally and physically handicapped, and behavior problem children who may be committed or admitted to any of the institutions, schools, or facilities controlled and operated by the department, or who may be referred for such diagnosis and treatment by any superior court of this state. Such diagnostic services may be established in connection with, or apart from, any other state institution under the supervision and direction of the secretary. Such diagnostic services shall be available to the superior courts of the state for persons referred for such services by them prior to commitment, or admission to, any school, institution, or other facility. Such diagnostic services shall also be available to other departments of the state.

(3) The supervision of all persons committed or admitted to any institution, school, or other facility operated by the department, and the transfer of such persons from any such institution, school, or facility to any other such school, institution, or facility: **PROVIDED**, That where a person has been committed to a minimum security institution, school, or facility by any of the superior courts of this state, a transfer to a close security institution

shall be made only with the consent and approval of such court. This shall not apply to the state school for the deaf or the state school for the blind.

(4) The supervision of parole, discharge, or other release, and the post-institutional placement of all persons committed to Green Hill school and Maple Lane school, or such as may be assigned, paroled, or transferred therefrom to other facilities operated by the department. Green Hill school and Maple Lane school are hereby designated as "close security" institutions to which shall be given the custody of children with the most serious behavior problems.

Sec. 9. Section 72.05.140, chapter 28, Laws of 1959 as amended by section 180, chapter 141, Laws of 1979 and RCW 72.05.140 are each amended to read as follows:

The department, in order to provide educational facilities and programs for persons admitted or committed to ~~((any of the institutions, schools or facilities herein provided))~~ the state schools for the deaf and blind, is authorized either to:

(1) Enter into an agreement with the ~~((local))~~ school district within which the institution is situated ~~((or with any other local school district conveniently located in the region))~~, or

(2) Provide a comprehensive school program in connection with any institution as if that institution were itself a local school system.

In the event that either option is exercised, all teachers shall meet all certification requirements and the program shall conform to the usual standards defined by law or by regulations of the state board of education or the office of the state superintendent of public instruction and/or other recognized national certifying agencies.

Sec. 10. Section 72.20.040, chapter 28, Laws of 1959 as last amended by section 229, chapter 141, Laws of 1979 and RCW 72.20.040 are each amended to read as follows:

The superintendent, subject to the direction and approval of the secretary shall:

(1) Have general supervision and control of the grounds and buildings of the institution, the subordinate officers and employees, and the inmates thereof, and all matters relating to their government and discipline.

(2) Make such rules, regulations and orders, not inconsistent with law or with the rules, regulations or directions of the secretary, as may seem to him proper or necessary for the government of such institution and for the employment, discipline and education of the inmates, except for the program of education provided pursuant to sections 2 through 4 of this amendatory act, as now or hereafter amended, which shall be governed by the school district conducting the program.

(3) Exercise such other powers, and perform such other duties as the secretary may prescribe.

Sec. 11. Section 4, chapter 18, Laws of 1967 ex. sess. as amended by section 235, chapter 141, Laws of 1979 and RCW 72.30.040 are each amended to read as follows:

The superintendent shall have the following powers, duties and responsibilities:

(1) Subject to the rules and regulations of the department and the state personnel board, he shall appoint all subordinate officers and employees.

(2) Subject to the rules and regulations of the department, he shall supervise and manage the school, grounds, buildings and equipment, the subordinate officers and employees, and the persons committed, admitted or transferred to such school and shall have custody of such persons until they are released, discharged or transferred as provided by law.

(3) He shall be the custodian of the personal property of all residents of the school subject to the provisions of RCW 72.33.180 as now or hereafter amended.

(4) Subject to the approval of the secretary, he shall be authorized to establish such industrial, vocational, educational or training programs as would be most beneficial to the residents of such school, except for the program of education provided pursuant to sections 2 through 4 of this amendatory act, as now or hereafter amended.

(5) Except as otherwise provided in this chapter, he shall administer the institution in accordance with the provisions of chapter 72.33 RCW.

Sec. 12. Section 72.33.040, chapter 28, Laws of 1959 as last amended by section 62, chapter 80, Laws of 1977 ex. sess. and RCW 72.33.040 are each amended to read as follows:

The superintendent of a state school appointed after June 12, 1957 shall be a person of good character, and either a physician licensed to practice in the state of Washington or has attained a minimum of a master's degree from an accredited college or university in psychology, social science, or education, and in addition shall have had suitable experience in an administrative or professional capacity in the residential care, treatment and training of handicapped persons.

The superintendent shall have custody of all residents and control of the medical, educational, therapeutic and dietetic treatment of all persons resident in such state school, except for the program of education provided pursuant to sections 2 through 4 of this amendatory act, as now or hereafter amended, which the school district conducting the program shall have control of and joint custody of such residents in connection therewith: PROVIDED, That the superintendent shall cause surgery to be performed on any resident only upon gaining the consent of a parent, guardian, or limited guardian as authorized, except, if after reasonable effort to locate the parents, guardian, or limited guardian as authorized, and the health of such resident is certified by the attending physician to be jeopardized unless such surgery is performed, the required consent shall not be necessary.

The superintendent shall have control of the internal government and economy of the state school and shall appoint and direct all subordinate officers and employees: PROVIDED, That the powers and duties conferred upon the superintendent shall be subject to the rules and regulations of the department and the state personnel board.

The superintendent shall have authority to engage the residents of the state school in beneficial work programs but shall not abuse such therapy by excessive hours or for purposes of discipline or punishment.

Sec. 13. Section 72.33.050, chapter 28, Laws of 1959 and RCW 72.33-.050 are each amended to read as follows:

There shall be an educational (~~((department))~~) program created and maintained (~~((within))~~) for each ((state)) residential school pursuant to sections 2 through 4 of this amendatory act, as now or hereafter amended, and for the state schools for the deaf and blind which shall provide a comprehensive program of academic, vocational, recreational and other educational services best adapted to meet the needs and capabilities of each resident therein whether such resident must always live within the protected community of the school or can be prepared and assisted to live without.

The (~~((department))~~) superintendent of public instruction shall assist the state schools in all feasible ways including financial aid so that the educational programs maintained therein shall be comparable to such programs advocated by the (~~((department))~~) superintendent of public instruction for children with similar aptitudes in local school districts.

Within its available resources, each state school shall, upon request from a local school district, provide such clinical, counseling and evaluating services as may assist the local district lacking such professional resources in determining the needs of its exceptional children.

NEW SECTION. Sec. 14. Sections 1 through 5 of this amendatory act are added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

NEW SECTION. Sec. 15. The following acts or parts of acts are each repealed:

(1) Section 72.16.070, chapter 28, Laws of 1959 and RCW 72.16.070; and

(2) Section 72.20.080, chapter 28, Laws of 1959, section 231, chapter 141, Laws of 1979 and RCW 72.20.080.

NEW SECTION. Sec. 16. This act shall take effect on September 1, 1979.

NEW SECTION. Sec. 17. 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 Senate May 25, 1979.

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CHAPTER 218

[House Bill No. 320]

PROPERTY TAX LEVIES—LIMITATION

AN ACT Relating to revenue and taxation; amending section 1, chapter 133, Laws of 1967 ex. sess. as last amended by section 106, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.065; amending section 20, chapter 288, Laws of 1971 ex. sess. as amended by section 1, chapter 67, Laws of 1973 1st ex. sess. and RCW 84.55.010; amending section 24, chapter 288, Laws of 1971 ex. sess. as amended by section 109, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.55.050; adding a new section to chapter 43.09 RCW; adding new sections to chapter 84.55 RCW; and declaring an emergency.

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

Section 1. Section 1, chapter 133, Laws of 1967 ex. sess. as last amended by section 106, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.065 are each amended to read as follows:

Subject to the limitations in RCW 84.55.010, in each year the state shall levy for collection in the following year for the support of common schools of the state a tax of three dollars and sixty cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

Sec. 2. Section 20, chapter 288, Laws of 1971 ex. sess. as amended by section 1, chapter 67, Laws of 1973 1st ex. sess. and RCW 84.55.010 are each amended to read as follows:

Except as provided in ((~~RCW 84.55.020 through 84.55.050~~)) this chapter, the levy ((~~in 1973 and years subsequent thereto~~)) for a taxing district ((~~other than the state or a school district~~)) in any year shall be set so that the regular property taxes payable in the following year shall not exceed one hundred six percent of the amount of regular property taxes lawfully levied for such district in the highest of the three most recent years in which such taxes were levied for such district plus an additional dollar amount calculated by multiplying the increase in assessed value in that district resulting from new construction ((~~and~~)), improvements to property, and any increase in the assessed value of state-assessed property by the regular property tax levy rate of that district for the preceding year.