

## CHAPTER 378

[Substitute Senate Bill No. 3797]

## STATE SCHOOL FOR THE BLIND—STATE SCHOOL FOR THE DEAF

AN ACT Relating to the state schools for the blind, deaf, and sensory handicapped; amending RCW 72.01.050, 72.05.010, 72.05.130, 72.40.010, 72.40.020, 72.40.031, 72.40.040, 72.40.050, 72.40.060, 72.40.070, 72.40.080, 72.40.090, 72.40.100, 72.41.010, 72.41.020, 72.41.040, 72.42.010, 72.42.020, and 72.42.040; adding new sections to chapter 72.40 RCW; adding a new section to chapter 72.41 RCW; adding a new section to chapter 72.42 RCW; creating new sections; repealing RCW 72.05.140, 72.40.001, 72.41.050, and 72.42.050; and providing an effective date.

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

**NEW SECTION.** Sec. 1. All powers, duties, and functions of the department of social and health services pertaining to the state school for the blind and the state school for the deaf are transferred to the state school for the blind and the state school for the deaf, respectively.

**NEW SECTION.** Sec. 2. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of social and health services and pertaining to the powers, functions, and duties transferred by section 1 of this act shall be delivered to the custody of the state school for the blind and the state school for the deaf, as applicable. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of social and health services in carrying out the powers, functions, and duties transferred by section 1 of this act shall be made available to the state school for the blind and the state school for the deaf, as applicable. All funds, credits, or other assets including but not limited to any real and personal property held in connection with the powers, functions, and duties transferred by section 1 of this act shall be assigned to the state school for the blind and the state school for the deaf, as applicable.

Any appropriations made to the department of social and health services for carrying out the powers, functions, and duties transferred by section 1 of this act shall, on the effective date of this act, be transferred and credited to the state school for the blind and the state school for the deaf, as applicable, which amounts shall be determined by the office of financial management and shall also include the amounts appropriated to the department of social and health services for any support services provided.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

**NEW SECTION.** Sec. 3. All classified employees of the department of social and health services engaged in performing the powers, functions, and duties transferred by section 1 of this act are transferred to the jurisdiction of the state school for the blind and the state school for the deaf. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the state school for the blind and the state school for the deaf, as applicable, to perform their usual duties upon the same terms as formerly, without any loss of rights including but not limited to current employees existing promotional, transfer, and reduction in force rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

**NEW SECTION.** Sec. 4. All rules and all pending business before the department of social and health services pertaining to the powers, functions, and duties transferred by section 1 of this act shall be continued and acted upon by the state school for the blind and the state school for the deaf, as applicable. All existing contracts and obligations shall remain in full force and shall be performed by the state school for the blind and the state school for the deaf.

**NEW SECTION.** Sec. 5. The transfer of the powers, duties, functions, and personnel of the department of social and health services shall not affect the validity of any act performed by such employee prior to the effective date of this act.

**NEW SECTION.** Sec. 6. If apportionments of budgeted funds are required because of the transfers directed by sections 2 through 5 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

**NEW SECTION.** Sec. 7. Nothing contained in sections 1 through 6 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 8. Section 72.01.050, chapter 28, Laws of 1959 as last amended by section 68, chapter 136, Laws of 1981 and RCW 72.01.050 are each amended to read as follows:

(1) The secretary of social and health services shall have full power to manage and govern the following public institutions: The western state hospital, the eastern state hospital, the northern state hospital, the state training school, the state school for girls, Lakeland Village, the Rainier school, ~~((the state school for the deaf, the state school for the blind;))~~ and such other institutions as authorized by law, subject only to the limitations contained in laws relating to the management of such institutions.

(2) The secretary of corrections shall have full power to manage and govern the following public institutions: The state penitentiary, the state reformatory, the Washington corrections center, the McNeil Island penitentiary, the Purdy treatment center for women, the Cedar Creek corrections center, the Clearwater corrections center, the Firland correctional center, the Indian Ridge treatment center, the Larch corrections center, the Olympic correctional center, Pine Lodge correctional center, and the special offender center, subject only to the limitations contained in laws relating to the management of such institutions.

(3) If any of the facilities specified in subsection (2) of this section is fully or partially destroyed by natural causes or otherwise, the secretary of corrections may, with the approval of the governor, provide for the establishment and operation of additional residential correctional facilities to place those inmates displaced by such destruction. However, such additional facilities may not be established if there are existing residential correctional facilities to which all of the displaced inmates can be appropriately placed. The establishment and operation of any additional facility shall be on a temporary basis, and the facility may not be operated beyond July 1 of the year following the year in which it was partially or fully destroyed.

Sec. 9. Section 72.05.010, chapter 28, Laws of 1959 as last amended by section 7, chapter 167, Laws of 1980 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 behavior problems, mentally and physically handicapped persons, and ~~((deaf and blind))~~ hearing and visually impaired 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 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, 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 except where specified otherwise; 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. 10. Section 72.05.130, chapter 28, Laws of 1959 as last amended by section 12, chapter 191, Laws of 1983 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 RCW 28A.58.772 through 28A.58.776, 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 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. When the secretary determines it necessary, the secretary may create waiting lists and set priorities for use of diagnostic services for juvenile offenders on the basis of those most severely in need.

(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. 11. Section 72.40.010, chapter 28, Laws of 1959 and RCW 72.40.010 are each amended to read as follows:

There are established at Vancouver, Clark county, ~~((an institution))~~ a school which shall be known as the state school for the blind, and a separate ~~((institution))~~ school which shall be known as the state school for the deaf. The primary purpose of the state school for the blind and the state school for the deaf is to educate and train hearing and visually impaired children.

The schools shall be under the direction of their respective superintendents with the advice of the board of trustees.

**NEW SECTION.** Sec. 12. A new section is added to chapter 72.40 RCW to read as follows:

The hours of labor for each full time employee shall be a maximum of eight hours in any work day and forty hours in any work week.

Employees required to work in excess of the eight-hour maximum per day or the forty-hour maximum per week shall be compensated by not less than equal hours of compensatory time off or, in lieu thereof, a premium rate of pay per hour equal to not less than one-one hundred and seventy-sixth of the employee's gross monthly salary. If an employee is granted compensatory time off, such time off should be given within the calendar year and if such an arrangement is not possible the employee shall be given a premium rate of pay. However, compensatory time or payment in lieu thereof shall be allowed only for overtime as is duly authorized and accounted for under rules by each superintendent.

Sec. 13. Section 72.40.020, chapter 28, Laws of 1959 as amended by section 247, chapter 141, Laws of 1979 and RCW 72.40.020 are each amended to read as follows:

The ~~((secretary))~~ governor shall appoint a superintendent for ~~((each institution))~~ the state school for the blind. The superintendent ~~((s must be not less than thirty nor more than seventy years of age and must be practically acquainted with school management and class instruction of the blind and the deaf, respectively, having had at least ten years' actual experience in teaching in schools for such persons.~~

The secretary ~~may discharge any employee in his discretion~~ shall have a masters degree from an accredited college or university in school administration or blind education, five years of experience teaching blind students in the classroom, and three years administrative or supervisory experience in programs for blind students.

**NEW SECTION.** Sec. 14. A new section is added to chapter 72.40 RCW to read as follows:

The governor shall appoint a superintendent for the state school for the deaf. The superintendent shall have a masters degree from an accredited college or university in school administration or deaf education, five years of experience teaching deaf students in the classroom, and three years administrative or supervisory experience in programs for deaf students.

**NEW SECTION.** Sec. 15. A new section is added to chapter 72.40 RCW to read as follows:

In addition to any other powers and duties prescribed by law, the superintendent of the state school for the blind and the superintendent of the state school for the deaf:

(1) Shall have full control of their respective schools and the property of various kinds.

(2) May establish criteria, in addition to state certification, for teachers at their respective schools.

(3) Shall employ members of the faculty, administrative officers, and other employees, who shall all be subject to chapter 41.06 RCW, the state civil service law, unless specifically exempted by other provisions of law.

(4) Shall establish the course of study including vocational training, with the assistance of the faculty and the advice of the respective boards of trustees.

(5) May establish new facilities as needs demand.

(6) May adopt rules, under chapter 34.04 RCW, as deemed necessary for the government, management, and operation of the housing facilities.

(7) Shall control the use of the facilities and authorize the use of the facilities for night school, summer school, public meetings, or other purposes consistent with the purposes of their respective schools.

(8) May adopt rules for pedestrian and vehicular traffic on property owned, operated, and maintained by the respective schools.

(9) Purchase all supplies and lease or purchase equipment and other personal property needed for the operation or maintenance of their respective schools.

(10) Except as otherwise provided by law, may enter into contracts as each superintendent deems essential to the respective purposes of their schools.

(11) May receive gifts, grants, conveyances, devises, and bequests of real or personal property from whatever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions will aid in carrying out the programs of the respective schools; sell, lease or exchange, invest, or expend the same or the proceeds, rents, profits, and income thereof except as limited by the terms and conditions thereof; and adopt rules to govern the receipt and expenditure of the proceeds, rents, profits, and income thereof.

(12) May contract with the department of social and health services for management consultant or other services which the department, if requested, shall provide.

(13) May, except as otherwise provided by law, enter into contracts as the superintendents deem essential for the operation of their respective schools.

(14) Shall adopt rules providing for the transferability of employees between the school for the deaf and the school for the blind consistent with collective bargaining agreements in effect.

(15) Shall prepare and administer their respective budgets consistent with RCW 43.88.160 and the budget and accounting act, chapter 43.88 RCW generally, as applicable.

(16) May adopt rules under chapter 34.04 RCW and perform all other acts not forbidden by law as the superintendents deem necessary or appropriate to the administration of their respective schools.

Sec. 16. Section 6, chapter 50, Laws of 1970 ex. sess. as amended by section 248, chapter 141, Laws of 1979 and RCW 72.40.031 are each amended to read as follows:

The school year for the state school for the blind and the state school for the deaf shall commence on the first day of July of each year and shall terminate on the 30th day of June of the succeeding year. The regular school term shall be for a period of nine months and shall commence as near as reasonably practical at the time of the commencement of regular terms in the public schools, with the equivalent number of days as are now required by law, and the regulations of the superintendent of public instruction as now or hereafter amended, during the school year in the public schools. The school shall observe all legal holidays, in the same manner as other agencies of state government, and the schools will not be in session on such days and such other days as may be approved by the (~~secretary of social and health services~~) respective superintendents. During the period when the schools are not in session during the regular school term, schools may be operated, subject to the approval of the (~~secretary~~) respective superintendents, for the instruction of students or for such other reasons which are in furtherance of the objects and purposes of such schools.

NEW SECTION. Sec. 17. A new section is added to chapter 72.40 RCW to read as follows:

In addition to the powers and duties under section 15 of this act, the superintendent of each school shall:

(1) Monitor the location and educational placement of each student reported to the superintendents by the educational service district superintendents;

(2) Provide information about educational programs, instructional techniques, materials, equipment, and resources available to students with

visual or auditory impairments to the parent or guardian, educational service district superintendent, and the superintendent of the school district where the student resides; and

(3) Serve as a consultant to the office of the superintendent of public instruction and assist school districts in improving their instructional programs for students with visual or hearing impairments.

**NEW SECTION.** Sec. 18. A new section is added to chapter 72.40 RCW to read as follows:

All teachers at the state school for the deaf and the state school for the blind shall meet all certification requirements and the programs shall meet all accreditation requirements and conform to the standards defined by law or by rule of the state board of education or the office of the state superintendent of public instruction. The superintendents, by rule, may adopt additional educational standards for their respective schools. Salaries of all certificated employees shall be set so as to conform to and be contemporary with salaries paid to other certificated employees of similar background and experience in the school district in which the program or facility is located. The superintendents may provide for provisional certification for teachers in their respective schools including certification for emergency, temporary, substitute, or provisional duty.

Sec. 19. Section 72.40.040, chapter 28, Laws of 1959 as last amended by section 4, chapter 160, Laws of 1984 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 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))~~ and who are visually or hearing impaired or otherwise sensory handicapped with problems of learning originating mainly due to a visual or auditory deficiency. Each school shall admit and retain students on a space available basis according to criteria developed and published by each school superintendent in consultation with each board of trustees and school faculty: PROVIDED, 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.

Sec. 20. Section 72.40.050, chapter 28, Laws of 1959 as amended by section 249, chapter 141, Laws of 1979 and RCW 72.40.050 are each amended to read as follows:

The ~~((secretary))~~ superintendents may admit to ~~((the))~~ their respective schools ~~((blind or deaf))~~ visually or hearing impaired children from other states as appropriate, but the parents or guardians of such children or other state will be required to pay annually or quarterly in advance a sufficient amount to cover the cost of maintaining and educating such children as set by the applicable superintendent.

Sec. 21. Section 72.40.060, chapter 28, Laws of 1959 as last amended by section 151, chapter 275, Laws of 1975 1st ex. sess. and RCW 72.40.060 are each amended to read as follows:

It shall be the duty of ~~((the clerks of))~~ all school districts in the state, ~~((at the time for making the annual reports;))~~ to report to ~~((the superintendent of))~~ their respective educational service districts the names of all ~~((deaf, mute, or blind))~~ visually or hearing impaired youth residing within their respective school districts who are between the ages of ~~((six))~~ three and twenty-one years.

Sec. 22. Section 72.40.070, chapter 28, Laws of 1959 as last amended by section 250, chapter 141, Laws of 1979 and RCW 72.40.070 are each amended to read as follows:

It shall be the duty of each educational service district ~~((superintendent))~~ to make a full and specific report of ~~((such deaf, mute, or blind))~~ visually or hearing impaired youth to the ~~((board of county commissioners of the county in which the youth resides at its regular meeting in July of each year. He shall also, at the same time, transmit a duplicate copy of such report to the secretary and the))~~ superintendent of the school for the blind or the school for the deaf, as the case may be and the superintendent of public instruction, annually. The superintendent of public instruction shall report about the hearing or visually impaired youth to the school for the blind and the school for the deaf, as the case may be, annually.

Sec. 23. Section 72.40.080, chapter 28, Laws of 1959 as last amended by section 153, chapter 275, Laws of 1975 1st ex. sess. and RCW 72.40.080 are each amended to read as follows:

It shall be the duty of the parents or the guardians of all such ~~((blind or deaf))~~ visually or hearing impaired youth to send them each year to the proper school or institution. Full and due consideration shall be given to the parent's or guardian's preference as to which program the child should attend. The educational service district superintendent shall take all action necessary to enforce this section. ~~((If satisfactory evidence is laid before the educational service district superintendent that any blind or deaf youth is being properly educated at home or in some suitable institution other than the state schools, he shall take no action in such case other than to make a record of such fact, and take such steps as may be necessary to satisfy himself that such defective youth will continue to receive a proper education;))~~

Sec. 24. Section 72.40.090, chapter 28, Laws of 1959 as amended by section 1, chapter 51, Laws of 1975 and RCW 72.40.090 are each amended to read as follows:

If it appears to the satisfaction of the board of county commissioners that the parents of any such (~~(blind or deaf)~~) visually or hearing impaired youth within their county are unable to bear the expense of transportation to and from the state schools, it shall send them to and return them from the schools or maintain them there during vacation at the expense of the county. Nothing in this section shall be construed as prohibiting the (~~(department)~~) superintendents from authorizing or incurring such travel expenses for the purpose of transporting such (~~(blind or deaf)~~) visually or hearing impaired youth to and from points within this state during weekends and/or vacation periods. For the purposes of this section, the (~~(department)~~) superintendents shall impose no conditions upon parents or guardians specifying the number of weekends such persons shall take custody of (~~(deaf and blind)~~) hearing or visually impaired students.

Sec. 25. Section 72.40.100, chapter 28, Laws of 1959 as last amended by section 154, chapter 275, Laws of 1975 1st ex. sess. and RCW 72.40.100 are each amended to read as follows:

Any parent, guardian, or educational service district superintendent (~~(or county commissioner)~~) who, without proper cause, fails to carry into effect the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, upon the complaint of any officer or citizen of the county or state, before any justice of the peace or superior court, shall be fined in any sum not less than fifty nor more than two hundred dollars.

NEW SECTION. Sec. 26. A new section is added to chapter 72.40 RCW to read as follows:

Appropriations for the school for the deaf and the school for the blind shall be made to the superintendent of public instruction. The amounts for each institution shall be specified and shall not be used for any other purpose. The superintendent of public instruction shall transmit all the moneys to the state school for the blind or the state school for the deaf at the request of the superintendents of the respective schools.

NEW SECTION. Sec. 27. A new section is added to chapter 72.41 RCW to read as follows:

Unless the context clearly requires otherwise, as used in this chapter "superintendent" means superintendent of the state school for the blind.

Sec. 28. Section 1, chapter 118, Laws of 1973 and RCW 72.41.010 are each amended to read as follows:

It is the intention of the legislature in creating a board of trustees for the state school for the blind to perform the duties set forth in this chapter, that the board of trustees perform needed advisory services to the legislature

and ~~((directly to the secretary of the department of social and health services, hereinafter denominated the "secretary"))~~ to the superintendent of the Washington state school for the blind, in the development of programs for the ((blind)) visually impaired, and in the operation of the Washington state school for the blind.

Sec. 29. Section 2, chapter 118, Laws of 1973 as amended by section 13, chapter 30, Laws of 1982 1st ex. sess. and RCW 72.41.020 are each amended to read as follows:

There is hereby created a board of trustees for the state school for the blind to be composed of ~~((twelve trustees. In making such appointments the governor shall give consideration to geographical exigencies and shall appoint one trustee residing in))~~ a resident from each of the state's congressional districts now or hereafter existing. Trustees with voting privileges shall be appointed by the governor with the consent of the senate. A representative of the parent-teachers association of the Washington state school for the blind, a representative of the Washington council of the blind, a representative of the ~~((Washington state association for the blind and))~~ national federation of the blind of Washington, a representative of the united blind of Washington state, one representative designated by the teacher association((:)) of the Washington state school for the blind, and a houseparent designated by the houseparents' exclusive bargaining representative shall each be ex officio and nonvoting members of the board of trustees and shall serve during their respective tenures in such positions.

~~((The initial appointees of the governor to the board of trustees shall draw lots at the first meeting thereof to determine their respective initial terms. One trustee shall serve for one year, one for two years, two for three years, one for four years, and two for five years.~~

~~Thereafter the successors of the))~~ Trustees ((initially appointed)) shall be appointed by the governor to serve for a term of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed within sixty days of the vacancy and appointed only for the remainder of the term.

One trustee shall be a resident and qualified elector from each of the state's congressional districts. The board shall not be deemed to be unlawfully constituted and a trustee shall not be deemed ineligible to serve the remainder of the trustee's unexpired term on the board solely by reason of the establishment of new or revised boundaries for congressional districts. No voting trustee may be an employee of the state school for the blind, a member of the board of directors of any school district, a member of the governing board of any public or private educational institution, a school district or educational service district administrator, appointed after the effective date of this 1985 act, or an elected officer or member of the legislative authority or any municipal corporation.

The board of trustees shall organize itself by electing a chairman from its members. The board shall adopt a seal and may adopt such bylaws, rules, and regulations as it deems necessary for its own government. ~~((Four))~~ A majority of the voting members of the board in office shall constitute a quorum, but a lesser number may ~~((adjourn))~~ convene from time to time and may compel the attendance of absent members in such manner as prescribed in its bylaws, rules, or regulations. The superintendent of the state school for the blind shall serve as, or may designate another person to serve as, the secretary of the board, who shall not be deemed to be a member of the board.

Sec. 30. Section 4, chapter 118, Laws of 1973 and RCW 72.41.040 are each amended to read as follows:

~~((Under the general auspices of the secretary of the department of social and health services;))~~ The board of trustees of the state school for the blind:

(1) Shall monitor and inspect all existing facilities of the state school for the blind, and report its findings to the ~~((secretary))~~ superintendent;

(2) Shall study and recommend comprehensive programs of education and training and review the admission policy as set forth in RCW 72.40.040 and 72.40.050, and make appropriate recommendations to the ~~((secretary))~~ superintendent;

(3) Shall ~~((advise the secretary in selection of))~~ submit a list of three qualified candidates for superintendent~~((:))~~ to the governor and shall advise the superintendent about the criteria and policy to be used in the selection of members of the faculty and such other administrative officers and other employees, who shall with the exception of the superintendent all be subject to chapter 41.06 RCW, the state civil service law, unless specifically exempted by other provisions of law. All employees and personnel classified under chapter 41.06 RCW shall continue, after ~~((June 7, 1973))~~ the effective date of this 1985 act, to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state civil service law;

(4) Shall submit an evaluation of the superintendent to the governor by July 1 of each odd-numbered year and may recommend to the governor that the superintendent be removed for misfeasance, malfeasance, or wilful neglect of duty;

(5) May recommend to the ~~((secretary))~~ superintendent the establishment of new facilities as needs demand;

~~((5))~~ (6) May recommend to the ~~((secretary))~~ superintendent rules and regulations for the government, management, and operation of such housing facilities deemed necessary or advisable;

~~((6))~~ (7) May make recommendations to the ~~((secretary))~~ superintendent concerning classrooms and other facilities to be used for summer or

night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for the school for the blind;

~~((7))~~ (8) May make recommendations to the ~~((secretary))~~ superintendent for adoption of rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the school for the blind;

~~((8))~~ (9) Shall recommend to the ~~((secretary))~~ superintendent, with the assistance of the faculty, the course of study including vocational training in the school for the blind, in accordance with other applicable provisions of law and rules and regulations;

~~((9))~~ (10) May grant to every student, upon graduation or completion of a program or course of study, a suitable diploma, nonbaccalaureate degree, or certificate;

~~((10))~~ (11) Shall participate in the development of, and monitor the enforcement of the rules and regulations pertaining to the school for the blind;

~~((11))~~ (12) Shall perform any other duties and responsibilities prescribed by the ~~((secretary))~~ superintendent.

Sec. 31. Section 1, chapter 96, Laws of 1972 ex. sess. and RCW 72.42.010 are each amended to read as follows:

It is the intention of the legislature, in creating a board of trustees for the state school for the deaf to perform the duties set forth in this chapter, that the board of trustees perform needed advisory services to the ~~((secretary of the department of social and health services, hereinafter denominated the "secretary",))~~ legislature and to the superintendent of the Washington state school for the deaf in the development of programs for the ~~((deaf))~~ hearing impaired, and in the operation of the Washington state school for the deaf.

NEW SECTION. Sec. 32. A new section is added to chapter 72.42 RCW to read as follows:

Unless the context clearly requires otherwise as used in this chapter "superintendent" means superintendent of the Washington state school for the deaf.

Sec. 33. Section 2, chapter 96, Laws of 1972 ex. sess. as amended by section 15, chapter 30, Laws of 1982 1st ex. sess. and RCW 72.42.020 are each amended to read as follows:

There is hereby created a board of trustees for the state school for the deaf to be composed of ~~((eleven trustees, of whom eight shall be appointed by the governor. In making such appointments the governor shall give consideration to geographical exigencies and shall appoint one trustee residing in))~~ a resident from each of the state's congressional districts. Trustees with voting privileges shall be appointed by the governor with the consent of the senate. The president of the parent-teachers house organization of the

~~((deaf)) school for the deaf, ((the vice president of the parent-teachers house organization of the deaf school))~~ a houseparent selected by the houseparents' exclusive bargaining representative, one representative designated by the teacher association of the school for the deaf, and the president of the Washington state association for the deaf shall each be ex officio and nonvoting members of the board of trustees and shall serve during their respective tenures in such positions.

~~((The initial appointees to the board of trustees shall draw lots at the first meeting thereof to determine their respective initial terms. One trustee shall serve for one year, one for two years, two for three years, one for four years, and two for five years.~~

~~Thereafter the successors of the))~~ Trustees ((initially appointed)) shall be appointed by the governor to serve for a term of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed within sixty days of the vacancy and appointed only for the remainder of the term.

One trustee shall be a resident and qualified elector from each of the state's congressional districts, as now or hereafter existing. The board shall not be deemed to be unlawfully constituted and a trustee shall not be deemed ineligible to serve the remainder of the trustee's unexpired term on the board solely by reason of the establishment of new or revised boundaries for congressional districts. No voting trustee may be an employee of the state school for the deaf, a member of the board of directors of any school district, a member of the governing board of any public or private educational institution, a school district or educational service district administrator appointed after the effective date of this act, or an elected officer or member of the legislative authority of any municipal corporation.

The board of trustees shall organize itself by electing a ~~((chairman))~~ chairperson, vice-chairperson, and secretary from its members. The board shall adopt a seal and may adopt such bylaws, rules, and regulations as it deems necessary for its own government. ~~((Four))~~ A majority of the voting members of the board in office shall constitute a quorum, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner as prescribed in its bylaws, rules, or regulations. ((The superintendent of the state school for the deaf shall serve as, or may designate another person to serve as, the secretary of the board, who shall not be deemed to be a member of the board.))

Sec. 34. Section 4, chapter 96, Laws of 1972 ex. sess. as amended by section 1, chapter 42, Laws of 1981 and RCW 72.42.040 are each amended to read as follows:

~~((Subject to the direction and control of the secretary of the department of social and health services,))~~ The board of trustees of the state school for the deaf:

(1) Shall monitor and inspect all existing facilities of the state school for the deaf, and report its findings to the ~~((secretary))~~ superintendent;

(2) Shall study and recommend comprehensive programs of education and training and review the admission policy as set forth in RCW 72.40.040 and 72.40.050, and make appropriate recommendations to the ~~((secretary))~~ superintendent;

(3) Shall ~~((advise the secretary in selection of))~~ develop a process for recommending candidates for the position of superintendent and upon a vacancy shall submit a list of three qualified candidates for superintendent~~((;))~~ to the governor and shall advise the superintendent about the criteria and policy to be used in the selection of members of the faculty and such other administrative officers and other employees, who shall all with the exception of the superintendent be subject to chapter 41.06 RCW, the state civil service law, unless specifically exempted by other provisions of law. ~~((The board in consultation with the secretary shall establish qualifications for the position of superintendent. The board shall evaluate the superintendent annually and when necessary may recommend disciplinary action in respect to the superintendent.))~~ All employees and personnel classified under chapter 41.06 RCW shall continue, after ~~((May 23, 1972))~~ the effective date of this 1985 act, to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state civil service law;

(4) Shall submit an evaluation of the superintendent to the governor by July 1 of each odd-numbered year and may recommend to the governor at any time that the superintendent be removed for misfeasance, malfeasance, or wilful neglect of duty;

(5) May recommend to the ~~((secretary))~~ superintendent the establishment of new facilities as needs demand;

~~((5))~~ (6) May recommend to the ~~((secretary))~~ superintendent rules and regulations for the government, management, and operation of such housing facilities deemed necessary or advisable;

~~((6))~~ (7) May make recommendations to the ~~((secretary))~~ superintendent concerning classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for the school for the deaf;

~~((7))~~ (8) May make recommendations to the ~~((secretary))~~ superintendent for adoption of rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the school for the deaf;

~~((8))~~ (9) Shall recommend to the ~~((secretary))~~ superintendent, with the assistance of the faculty, the course of study including vocational training in the school for the deaf, in accordance with other applicable provisions of law and rules and regulations;

~~((9))~~ (10) May grant to every student, upon graduation or completion of a program or course of study, a suitable diploma, nonbaccalaureate degree, or certificate.

~~((10))~~ (11) Shall participate in the development of, and monitor the enforcement of the rules and regulations pertaining to the school for the deaf;

~~((11))~~ (12) Shall perform any other duties and responsibilities prescribed by the ~~(secretary)~~ superintendent.

NEW SECTION. Sec. 35. The following acts or parts of acts are each repealed:

(1) Section 72.05.140, chapter 28, Laws of 1959, section 180, chapter 141, Laws of 1979, section 9, chapter 217, Laws of 1979 ex. sess., section 1, chapter 58, Laws of 1980 and RCW 72.05.140;

(2) Section 100, chapter 136, Laws of 1981 and RCW 72.40.001;

(3) Section 5, chapter 118, Laws of 1973 and RCW 72.41.050; and

(4) Section 5, chapter 96, Laws of 1972 ex. sess. and RCW 72.42.050.

NEW SECTION. Sec. 36. 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.

NEW SECTION. Sec. 37. This act shall take effect July 1, 1986. The secretary of social and health services and the governor may immediately take such steps as are necessary to ensure that this act is implemented on its effective date.

Passed the Senate April 24, 1985.

Passed the House April 18, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

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## CHAPTER 379

[Engrossed Substitute Senate Bill No. 3516]

### SPANISH OR JAPANESE LANGUAGE INSTRUCTION IN SELECTED SCHOOL DISTRICTS

AN ACT Relating to instruction in foreign languages; amending RCW 28A.67.020; and creating new sections.

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

NEW SECTION. Sec. 1. The legislature recognizes that it is important for the students and future citizens of our state to become fluent in a foreign language, particularly the languages of Pacific Rim countries and Latin American countries.

NEW SECTION. Sec. 2. The superintendent of public instruction may grant funds to five selected school districts to conduct a foreign language