
ENGROSSED SUBSTITUTE SENATE BILL 5515

AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

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

READ FIRST TIME 02/08/23.

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

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

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

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

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

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

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

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

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

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

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

1 74.15.020(2)(o), and residential private schools as defined in this
2 section.

3 (b) After investigating an allegation of child abuse or neglect
4 under this section, the department shall determine whether there is a
5 finding of abuse or neglect((†)), and determine whether a referral to
6 law enforcement is appropriate under this chapter.

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

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

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

24 (3) "Residential private school" means a nonpublic school or
25 nonpublic school district subject to approval by the state board of
26 education pursuant to RCW 28A.305.130 and chapter 28A.195 RCW that
27 provides sleeping and living facilities or residential accommodations
28 for enrolled students.

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

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

33 (1) "Agency" means any person, firm, partnership, association,
34 corporation, ((or)) facility, or residential private school which
35 receives children, expectant mothers, or persons with developmental
36 disabilities for control, care, or maintenance outside their own
37 homes, or which places, arranges the placement of, or assists in the
38 placement of children, expectant mothers, or persons with
39 developmental disabilities for foster care or placement of children

1 for adoption, and shall include the following irrespective of whether
2 there is compensation to the agency or to the children, expectant
3 mothers, or persons with developmental disabilities for services
4 rendered:

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

7 (b) "Community facility" means a group care facility operated for
8 the care of juveniles committed to the department under RCW
9 13.40.185. A county detention facility that houses juveniles
10 committed to the department under RCW 13.40.185 pursuant to a
11 contract with the department is not a community facility;

12 (c) "Crisis residential center" means an agency which is a
13 temporary protective residential facility operated to perform the
14 duties specified in chapter 13.32A RCW, in the manner provided in RCW
15 43.185C.295 through 43.185C.310;

16 (d) "Emergency respite center" is an agency that may be commonly
17 known as a crisis nursery, that provides emergency and crisis care
18 for up to seventy-two hours to children who have been admitted by
19 their parents or guardians to prevent abuse or neglect. Emergency
20 respite centers may operate for up to twenty-four hours a day, and
21 for up to seven days a week. Emergency respite centers may provide
22 care for children ages birth through seventeen, and for persons
23 eighteen through twenty with developmental disabilities who are
24 admitted with a sibling or siblings through age seventeen. Emergency
25 respite centers may not substitute for crisis residential centers or
26 HOPE centers, or any other services defined under this section, and
27 may not substitute for services which are required under chapter
28 13.32A or 13.34 RCW;

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

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

39 (i) Qualified residential treatment programs as defined in RCW
40 13.34.030;

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

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

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

18 (h) "Maternity service" means an agency which provides or
19 arranges for care or services to expectant mothers, before or during
20 confinement, or which provides care as needed to mothers and their
21 infants after confinement;

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

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

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

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

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

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

6 (i) Any blood relative, including those of half-blood, and
7 including first cousins, second cousins, nephews or nieces, and
8 persons of preceding generations as denoted by prefixes of grand,
9 great, or great-great;

10 (ii) Stepfather, stepmother, stepbrother, and stepsister;

11 (iii) A person who legally adopts a child or the child's parent
12 as well as the natural and other legally adopted children of such
13 persons, and other relatives of the adoptive parents in accordance
14 with state law;

15 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of
16 this subsection (2), even after the marriage is terminated;

17 (v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this
18 subsection (2), of any half sibling of the child; or

19 (vi) Extended family members, as defined by the law or custom of
20 the Indian child's tribe or, in the absence of such law or custom, a
21 person who has reached the age of eighteen and who is the Indian
22 child's grandparent, aunt or uncle, brother or sister, brother-in-law
23 or sister-in-law, niece or nephew, first or second cousin, or
24 stepparent who provides care in the family abode on a twenty-four-
25 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

26 (b) Persons who are legal guardians of the child, expectant
27 mother, or persons with developmental disabilities;

28 (c) Persons who care for a neighbor's or friend's child or
29 children, with or without compensation, where the parent and person
30 providing care on a twenty-four-hour basis have agreed to the
31 placement in writing and the state is not providing any payment for
32 the care;

33 (d) A person, partnership, corporation, or other entity that
34 provides placement or similar services to exchange students or
35 international student exchange visitors or persons who have the care
36 of an exchange student in their home;

37 (e) A person, partnership, corporation, or other entity that
38 provides placement or similar services to international children who
39 have entered the country by obtaining visas that meet the criteria
40 for medical care as established by the United States citizenship and

1 immigration services, or persons who have the care of such an
2 international child in their home;

3 (f) (~~Schools, including boarding~~) Nonresidential schools, which
4 are engaged primarily in education, operate on a definite school year
5 schedule, follow a stated academic curriculum, accept only school-age
6 children and do not accept custody of children;

7 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
8 performing functions defined in chapter 70.41 RCW, nursing homes
9 licensed under chapter 18.51 RCW and assisted living facilities
10 licensed under chapter 18.20 RCW;

11 (h) Licensed physicians or lawyers;

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

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

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

22 (l) An agency operated by any unit of local, state, or federal
23 government or an agency licensed by an Indian tribe pursuant to RCW
24 74.15.190;

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

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

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

37 (B) screens and provides case management services to youth in the
38 program; (C) obtains a notarized permission slip or limited power of
39 attorney from the parent or legal guardian of the youth authorizing
40 the youth to participate in the program and the authorization is

1 updated every six months when a youth remains in a host home longer
2 than six months; (D) obtains insurance for the program through an
3 insurance provider authorized under Title 48 RCW; (E) provides
4 mandatory reporter and confidentiality training; and (F) registers
5 with the secretary of state under RCW 74.15.315.

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

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

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

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

21 (3) "Department" means the department of children, youth, and
22 families.

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

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

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

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

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

39 (9) "Street youth" means a person under the age of eighteen who
40 lives outdoors or in another unsafe location not intended for

1 occupancy by the minor and who is not residing with his or her parent
2 or at his or her legally authorized residence.

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

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

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

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

16 (d) Individual and group counseling; and

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

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

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

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

1 NEW SECTION. **Sec. 7.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

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

7 NEW SECTION. **Sec. 9.** Section 3 of this act takes effect January
8 1, 2024.

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