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**HOUSE BILL 1295**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Representatives Callan, Eslick, Ramel, Leavitt, Simmons, Springer, Fitzgibbon, Dolan, Bateman, Shewmake, J. Johnson, Senn, Sutherland, Walen, Peterson, Davis, Goodman, Hackney, Kloba, Fey, Ramos, Frame, Ryu, Macri, Bergquist, Pollet, and Stonier

AN ACT Relating to the provision of public education to youth in or released from institutional education facilities; amending RCW 13.04.145; adding new sections to chapter 28A.190 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 28A.300 RCW; creating new sections; repealing RCW 28A.190.015 and 28A.190.020; and providing expiration dates.

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

NEW SECTION. **Sec.**  A new section is added to chapter 28A.190 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Institutional education facility" means residential habilitation centers operated by the department of social and health services, state long-term juvenile institutions operated by the department of children, youth, and families, state-operated community facilities, county juvenile detention centers, and facilities of the department of corrections that incarcerate juveniles committed as adults.

(2) "Institutional education program" means the program of education that is provided to youth in institutional education facilities in accordance with RCW 28A.150.200.

(3) "Institutional education provider" or "provider" means a school district, educational service district, or other entity providing education services to youth in an institutional education facility.

(4) "Postresident youth" means a person who is under the age of 21 and a former resident of an institutional education facility. A postresident youth may be a public school student or a person who is eligible to be a public school student but who is not enrolled in a school or otherwise receiving basic education services.

(5) "Residential school" means the following institutional education facilities: Green Hill school, Naselle Youth Camp, Echo Glen, Lakeland Village, Rainier school, Yakima Valley school, Fircrest school, the Child Study and Treatment Center and Secondary School of western state hospital, and other schools, camps, and centers established by the department of social and health services or the department of children, youth, and families 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 or physical deficiency. "Residential school" does not include the state schools for the blind, the Washington state center for childhood deafness and hearing loss, or adult correctional institutions.

(6) "School district" has the same meaning as in RCW 28A.315.025 and includes any educational service district that has entered into an agreement to provide a program of education for residents at an institutional education facility on behalf of the school district as a cooperative service program pursuant to RCW 28A.310.180.

(7) "Youth" means a person who is under the age of 21 who is a resident of an institutional education facility. A youth may be a public school student or a person who is eligible to be a public school student but who is not enrolled in a school or otherwise receiving basic education services.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.305 RCW to read as follows:

(1) The state board of education shall examine and, to the extent practicable, resolve by rule making or other means the following issues:

(a) Authorizing or increasing the authority of institutional education providers to award full or partial academic credit to youth and postresident youth. In meeting the requirements of this subsection (1)(a), the state board of education shall also address barriers to:

(i) Awarding credit to youth and postresident youth for successfully completing language proficiency tests; and

(ii) Awarding core subject credit to youth and postresident youth for successfully completing all or part of a general educational development test;

(b) The requisite content and form of guidance from the state board of education for the awarding of credit to youth and postresident youth for mastery-based learning provided by institutional education providers;

(c) Credit earning requirements and practices for youth and postresident youth, with the objective of determining whether and how credit-earning requirements and practices that apply to students in foster care could be extended or otherwise replicated for youth and postresident youth; and

(d) Establishing new or modified requirements and practices related to educational continuity and on-time grade-level progression and graduation for youth and postresident youth. The purpose of the review required by this subsection (1)(d) is to determine how requirements and practices related to educational continuity and on-time grade-level progression and graduation that apply to students in foster care could be extended or otherwise replicated for youth and postresident youth.

(2) The state board of education shall adopt rules as necessary to implement this section.

(3) Findings and recommendations resulting from the examination required by this section, and any related rule-making actions, must be reported by November 1, 2021, to the governor and the appropriate committees of the legislature in accordance with RCW 43.01.036.

(4) For purposes of this section, "institutional education provider," "postresident youth," and "youth" have the same meanings as in section 1 of this act.

NEW SECTION. **Sec.**  (1) The office of the superintendent of public instruction shall examine the dropout prevention, intervention, and retrieval system established under chapter 28A.175 RCW, including associated rules. The purpose of the examination is to recommend new or modified dropout reengagement requirements and practices that will promote credit earning and high school completion by youth and postresident youth.

(2) Findings and recommendations resulting from the examination required by this section must be submitted by November 1, 2021, to the governor and the appropriate committees of the house of representatives and the senate in accordance with RCW 43.01.036.

(3) This section expires June 30, 2022.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.190 RCW to read as follows:

(1) Institutional education providers shall annually deliver to all staff providing an institutional education program one day of professional development that builds pedagogical strategies to navigate the intersectionality of factors impacting student learning, including trauma, and physical, mental, and behavioral health in order to achieve academic milestone progression. At a minimum, the professional development must include training on the following topics:

(a) The cognitive, psychosocial, and emotional development of adolescents;

(b) Mental and behavioral health literacy;

(c) The complex needs of students involved in the juvenile justice system, including the trauma associated with incarceration;

(d) Racial literacy and cultural competency, as defined in RCW 28A.410.260; and

(e) Working with adolescents with many adverse childhood experiences.

(2) The requirement in this section is in addition to professional learning requirements under RCW 28A.150.415, 28A.415.440, and 28A.415.445.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.190 RCW to read as follows:

With respect to students in institutional education facilities governed by this chapter, the department of children, youth, and families must:

(1) Identify data needed by the department and institutional education facilities to evaluate the facilities' administrative and operational role in providing education to students and supporting students' educational outcomes. This data must include attendance, discipline rates, course and certificate completion rates, and other educational metrics;

(2) Analyze, and make a plan to resolve, department and institutional education facilities policies and practices that suspend the provision of educational services to a student as a disciplinary action, so that students are never denied the opportunity to engage in educational activities; and

(3) Review and resolve department and institutional education facility policies and practices that create barriers to students participating in meaningful learning opportunities, for example, career and technical education and postsecondary opportunities, in whatever location and format those opportunities are provided.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.300 RCW to read as follows:

(1)(a) Beginning July 1, 2022, and every four years thereafter, the office of the superintendent of public instruction shall report on the funding and services provided in support of youth pursuant to Washington's every student succeeds act consolidated plan, Title I, part D: Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk, and the education outcomes resulting from the funding and provided services.

(b) The purpose of the report is to: Ensure compliance with federal requirements; ensure consistency between the consolidated plan and implementation actions; and provide the legislature with the opportunity to determine whether subsequent legislation should be enacted to ensure the education needs of youth and postresident youth.

(2) Reports required by this section must be submitted to the appropriate committees of the house of representatives and the senate in accordance with RCW 43.01.036.

(3) For purposes of this section, "postresident youth" and "youth" have the same meanings as in section 1 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.190 RCW to read as follows:

(1) The legislature intends to ensure that institutional education facilities include efficient systems to minimize learning loss and maximize credit accrual during transitions for youth and postresident youth. The legislature intends also for the report required by this section to inform its understanding of policy and funding changes that may be necessary to accomplish the objective of improving institutional education programs and outcomes.

(2) The office of the superintendent of public instruction shall modify or establish requirements and supports for the provision of public education to youth and postresident youth. In meeting the requirements of this section, the office of the superintendent of public instruction shall:

(a) Identify and recommend elements of common education, information, and support systems that would improve system efficacy and minimize the negative academic impacts of transitions;

(b) Expand access to education advocates for youth in: State long-term juvenile institutions; state-operated community facilities; and reentry;

(c) Adopt rules requiring institutional education providers to conduct an individualized education program evaluation upon the youth's assignment to an institutional education facility, and a review and assessment of needed services for each facility transition the youth experiences within the juvenile justice system; and

(d) Adopt, for youth in state long-term juvenile institutions and state-operated community facilities, rules to implement accountability measures for special education services delivered by institutional education providers, including the establishment of mediation and appeals options related to special education services that recognize the unique situation of youth and postresident youth.

(3) The recommendations required by this section, and a summary of any adopted or pending rules developed in accordance with this section, must be submitted to the appropriate committees of the legislature in accordance with RCW 43.01.036 by November 1, 2021, in time for any needed legislative action during the 2022 regular legislative session.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.190 RCW to read as follows:

(1) The office of the superintendent of public instruction shall

annually collect and post on its website data related to institutional education programs, disaggregated by gender, race, ethnicity, and age, including data on:

(a) Individualized education programs;

(b) Access to relevant instruction;

(c) Student attendance;

(d) Metrics of student education status upon the beginning of residency in an institutional education facility;

(e) Student education progress during residency in an institutional education facility;

(f) Student education attainment during residency in an institutional education facility; and

(g) Long-term education outcomes during and after residency in an institutional education facility.

(2)(a) The office of the superintendent of public instruction shall also annually recommend modifications to the state board of education for changes to annual school improvement plan requirements in WAC 180-16-220 that would allow plans for institutional education facilities to be formatted for the specific needs and circumstances of institutional settings.

(b) In meeting the requirements of this section, the office of the superintendent of public instruction may make recommendations to the state board of education for changes to annual school improvement plan requirements based upon data collected under this section, other provisions of law, or both.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.190 RCW to read as follows:

The office of the superintendent of public instruction must provide a copy of the disaggregated data provided under section 8(1) of this act to the board of directors of each school district that provides education services to youth and postresident youth for the purpose of giving the board the opportunity to:

(1) Review the performance of the institutional education provider; and

(2) Make changes to annual school improvement plans required by WAC 180-16-220, or other policies and procedures as necessary to improve youth and postresident youth outcomes.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.190 RCW to read as follows:

(1) The office of the superintendent of public instruction and the department of children, youth, and families shall jointly develop institutional education facility and institutional education provider policies, interagency agreements, or both, that:

(a) Establish a coordinated staffing model for institutional education facility and institutional education provider operations and effectiveness in meeting student needs, and a mechanism for developing subsequent recommendations for improvements to the model. Subsequent recommendations must be developed with the input of facility staff, educators, records coordinators, transition coordinators, and education advocates;

(b) Establish practices for shared data tracking and goal setting for youth progress and learning needs;

(c) Promote the effective delivery of tiered supports in institutional education facilities in coordination with state and county facility operators, institutional education providers, and community-based organizations delivering those services;

(d) Promote the development of an operational safety strategy for safe learning environments for students and staff;

(e) Promote hiring practices and operations that prioritize education delivery. Policies developed and implemented in accordance with this subsection (1)(e) must be based on the foundational concept that every student can succeed if given the necessary supports;

(f) Maximize youth and postresident youth access to career and technical education and postsecondary education pathways that occur at institutional education facilities and at off-site locations;

(g) Review and evaluate requirements and procedures for the successful release of youth from institutional education facilities. The purpose of the review and evaluation required by this subsection (1)(g) is to improve youth reentry practices by developing an effective team-based transition process with identified preresident and postresident transition services and support, including, but not limited to, basic needs, social-emotional support, and academic support;

(h) Establish and support youth advisory, leadership, and mentoring programs to ensure pathways for youth and postresident youth involvement and development;

(i) Identify and establish culturally responsive parent engagement strategies that support the education and well-being of youth and postresident youth and families;

(j) Examine and expand opportunities to include enrichment activities in institutional education programs and offer enrichment opportunities that promote academic and career goals; and

(k) Develop partnerships with postsecondary institutions, career and technical education programs, and community-based organizations, and identify ways to incorporate those partnerships into education services delivered by institutional education providers.

(2) In meeting the requirements of this section, the office of the superintendent of public instruction and the department of children, youth, and families must seek input from youth, postresident youth, and families of those youth.

(3) The office of the superintendent of public instruction and the department of children, youth, and families shall, by November 1, 2021, and in accordance with RCW 43.01.036, provide a report on the implementation of this section to the governor and the education committees of the house of representatives and the senate.

NEW SECTION. **Sec.**  (1) The institutional education accountability work group is established, with members as provided in this subsection.

(a) The superintendent of public instruction, or the superintendent's designee;

(b) The secretary of the department of children, youth, and families, or the secretary's designee; and

(c) Other members considered necessary by both the superintendent of public instruction and the secretary of the department of children, youth, and families, or their designees.

(2) The work group, in collaboration with legislators and stakeholders, shall examine and make recommendations on:

(a) The establishment of an organizational and accountability structure for institutional education that is focused on meeting complex student needs and improving student outcomes; and

(b) The establishment of an equitable, long-term funding model for institutional education.

(3) Staff support for the work group must be provided jointly by the office of the superintendent of public instruction and the department of children, youth, and families.

(4) The work group, in accordance with RCW 43.01.036, shall provide an interim report to the governor and appropriate committees of the house of representatives and the senate by December 1, 2021, and a final report to the same recipients by December 1, 2022.

(5) This section expires June 30, 2023.

**Sec.**  RCW 13.04.145 and 2017 3rd sp.s. c 6 s 604 are each amended to read as follows:

A program of education shall be provided for by the several counties and school districts of the state for common school-age persons confined in each of the detention facilities staffed and maintained by the several counties of the state under this chapter and chapters 13.16 and 13.20 RCW. The division of duties, authority, and liabilities of the several counties and school districts of the state respecting the educational programs is the same in all respects as set forth in chapter 28A.190 RCW respecting programs of education for state residential school residents. ((~~For the purposes of this section, the terms "department of children, youth, and families," "residential school" or "schools," and "superintendent or chief administrator of a residential school" as used in chapter 28A.190 RCW shall be respectively construed to mean "the several counties of the state," "detention facilities," and "the administrator of juvenile court detention services."~~)) Nothing in this section shall prohibit a school district from utilizing the services of an educational service district subject to RCW 28A.310.180.

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

(1) RCW 28A.190.015 ("School district" defined—Application of RCW 13.04.145) and 2014 c 157 s 1; and

(2) RCW 28A.190.020 (Educational programs for residential school residents—"Residential school" defined) and 2017 3rd sp.s. c 6 s 721, 2014 c 157 s 3, 1990 c 33 s 171, & 1979 ex.s. c 217 s 1.

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