H-0397.1

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**HOUSE BILL 1366**

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

**By** Representatives Caldier and Chase

AN ACT Relating to requiring school districts to prioritize the resumption of in-person instruction to certain students following an emergency; adding a new section to chapter 28A.320 RCW; and declaring an emergency.

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

NEW SECTION. **Sec.**  A new section is added to chapter 28A.320 RCW to read as follows:

(1) School districts that have discontinued the provision of in-person instruction to all or most students in response to an emergency must, when resuming in-person instruction through a phased, hybrid, or otherwise noncomprehensive process, prioritize the offering and delivery of in-person instruction to the following:

(a) Students in foster care;

(b) Students experiencing homelessness;

(c) Students recently released from a juvenile rehabilitation facility or other facility providing education services to students in an institutional setting;

(d) Students with plans developed under section 504 of the rehabilitation act of 1973; and

(e) Students who have 10 or more unexcused absences within any month during the current school year.

(2) For purposes of this section, "emergency" means a natural event, mechanical failure, or an action or inaction by one or more persons, including negligence and threats, that: (a) Is beyond the control of both a school district and its employees; and (b) has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable. An emergency does not include any labor dispute between a school district board of directors and any employee of the school district.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

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