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**SUBSTITUTE HOUSE BILL 2116**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** House Education (originally sponsored by Representatives Callan, Eslick, Frame, Klippert, Blake, Ramos, Lovick, Davis, Doglio, Leavitt, Senn, Pollet, and Santos)

READ FIRST TIME 02/06/20.

1 AN ACT Relating to establishing a task force on improving  
2 institutional education programs and outcomes; creating new sections;  
3 providing an expiration date; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that the  
6 federal every student succeeds act of 2015, P.L. 114-95, reauthorized  
7 and amended the elementary and secondary education act of 1965, the  
8 federal policy and funding assistance framework for the nation's  
9 public education system.

10 Two of the stated purposes of the every student succeeds act are  
11 to provide all children with a significant opportunity to receive a  
12 fair, equitable, and high quality education, and to close educational  
13 achievement gaps.

14 The legislature further recognizes that Article IX of the state  
15 Constitution provides that it is the paramount duty of the state to  
16 make ample provision for the education of all children residing  
17 within its borders, without distinction or preference on account of  
18 race, color, caste, or sex.

19 While the partnership of federal and state law is critical in  
20 ensuring that the civil and education rights of students are upheld,  
21 efforts in Washington to fully realize state and federal objectives,

1 especially with respect to the delivery of education services in  
2 institutional facilities, remain unfinished.

3 The legislature, therefore, intends to establish a joint select  
4 legislative task force on improving institutional education programs  
5 and outcomes, with tasks and duties generally focused on educational  
6 programs in the juvenile justice system. In so doing, the legislature  
7 intends to examine issues that have not been significantly explored  
8 in recent years, build a shared understanding of past and present  
9 circumstances, and develop recommendations for improving the delivery  
10 of education services, and associated outcomes, for youth in  
11 institutional facilities.

12 NEW SECTION. **Sec. 2.** (1)(a) A joint select legislative task  
13 force on improving institutional education programs and outcomes is  
14 established, with members as provided in this subsection.

15 (i) The president of the senate shall appoint two members from  
16 each of the two largest caucuses of the senate, with two members  
17 serving on the committee with jurisdiction over education issues, and  
18 two members serving on the committee with jurisdiction over basic  
19 education funding.

20 (ii) The speaker of the house of representatives shall appoint  
21 two members from each of the two largest caucuses of the house of  
22 representatives, with two members serving on the committee with  
23 jurisdiction over education issues, and two members serving on the  
24 committee with jurisdiction over basic education funding.

25 (iii) The governor shall appoint one member from each of the  
26 following: The state board of education; the department of children,  
27 youth, and families; and the educational opportunity gap oversight  
28 and accountability committee.

29 (iv) The superintendent of public instruction shall appoint three  
30 members: One member representing the superintendent of public  
31 instruction; one member who is a principal from a school district  
32 with at least twenty thousand enrolled students that provides  
33 education services to a juvenile rehabilitation facility; and one  
34 member who is a teacher with expertise in providing education  
35 services to residents of a juvenile rehabilitation facility.

36 (v) The task force must also include one member representing an  
37 organization that provides free legal advice to youth who are  
38 involved in, or at risk of being involved in, the juvenile justice  
39 system.

1 (b) The task force shall choose its cochairs from among its  
2 legislative membership. One cochair must be from a minority caucus in  
3 one of the two chambers of the legislature. A member from the  
4 majority caucus of the house of representatives shall convene the  
5 initial meeting of the task force by May 1, 2020.

6 (2) The task force shall examine the following issues:

7 (a) Goals and strategies for improving the coordination and  
8 delivery of education services to youth involved with the juvenile  
9 justice system, especially youth in juvenile rehabilitation  
10 facilities, and children receiving education services, including home  
11 or hospital instruction, under RCW 28A.155.090;

12 (b) The transmission of student records, including individualized  
13 education programs and plans developed under section 504 of the  
14 rehabilitation act of 1973, for students in institutional facilities,  
15 and recommendations for ensuring that those records are available to  
16 the applicable instructional staff within two business days of a  
17 student's admission to the institution;

18 (c) Goals and strategies for increasing the graduation rate of  
19 youth in institutional facilities, and in recognition of the  
20 transitory nature of youth moving through the juvenile justice  
21 system, issues related to grade level progression and academic credit  
22 reciprocity and consistency to ensure that:

23 (i) Core credits earned in an institutional facility are  
24 considered core credits by public schools that the students  
25 subsequently attend; and

26 (ii) Public school graduation requirements, as they applied to a  
27 student prior to entering an institutional facility, remain  
28 applicable for the student upon returning to a public school;

29 (d) Goals and strategies for assessing adverse childhood  
30 experiences of students in institutional education and providing  
31 trauma-informed care;

32 (e) An assessment of the level and adequacy of basic and special  
33 education funding for institutional facilities. The examination  
34 required by this subsection (2)(e) must include information about the  
35 number of students receiving special education services in  
36 institutional facilities, and a comparison of basic and special  
37 education funding in institutional facilities and public schools  
38 during the previous ten school years;

1 (f) An assessment of the delivery methods, and their adequacy,  
2 that are employed in the delivery of special education services in  
3 institutional facilities, including associated findings;

4 (g) School safety, with a focus on school safety issues that are  
5 applicable in institutional facilities; and

6 (h) Special skills and services of faculty and staff, including  
7 associated professional development and nonacademic supports that are  
8 necessary for addressing the behavioral health needs that are  
9 barriers to learning for youth in institutional facilities.

10 (3) The task force, in completing the duties prescribed by this  
11 section, shall solicit and consider information and perspectives  
12 provided by the department of corrections and persons and entities  
13 with relevant interest and expertise, including from persons with  
14 experience reintegrating youth from institutional facilities into  
15 school and the community at large, and from persons who provide  
16 education services in secure facilities housing persons under the age  
17 of twenty-five, examples of which include county jails, juvenile  
18 justice facilities, and community facilities as defined in RCW  
19 72.05.020.

20 (4) Staff support for the task force must be provided by senate  
21 committee services and the house of representatives office of program  
22 research. The office of financial management, the office of the  
23 superintendent of public instruction, the department of children,  
24 youth, and families, and the department of corrections shall  
25 cooperate with the task force and provide information as the cochairs  
26 may reasonably request.

27 (5) Legislative members of the task force are to be reimbursed  
28 for travel expenses in accordance with RCW 44.04.120. Nonlegislative  
29 members are not entitled to be reimbursed for travel expenses if they  
30 are elected officials or are participating on behalf of an employer,  
31 government entity, or other organization. Any reimbursement for other  
32 nonlegislative members is subject to chapter 43.03 RCW.

33 (6) The expenses of the task force must be paid jointly by the  
34 senate and the house of representatives. Task force expenditures are  
35 subject to approval by the senate facilities and operations committee  
36 and the house of representatives executive rules committee, or their  
37 successor committees.

38 (7) In accordance with RCW 43.01.036, the task force shall report  
39 its initial findings and recommendations to the governor and the  
40 appropriate committees of the house of representatives and the senate

1 by December 1, 2020. The initial findings and recommendations must  
2 address subsections (2)(b) through (e) of this section. The task  
3 force shall submit a final report to the same recipients by November  
4 1, 2021.

5 (8) This section expires June 30, 2022.

6 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
7 preservation of the public peace, health, or safety, or support of  
8 the state government and its existing public institutions, and takes  
9 effect immediately.

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