**2116-S.E AMS WELL S7635.1 - NOT FOR FLOOR USE**

**ESHB 2116** - S AMD **1370**

By Senator Wellman

**ADOPTED 03/10/2020**

Strike everything after the enacting clause and insert the following:

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

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

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

While the partnership of federal and state law is critical in ensuring that the civil and education rights of students are upheld, efforts in Washington to fully realize state and federal objectives, especially with respect to the delivery of education services in institutional facilities, remain unfinished.

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

NEW SECTION. **Sec.**  (1)(a) The task force on improving institutional education programs and outcomes is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate, with each member serving on the committee with jurisdiction over education issues, and one member serving on the committee with jurisdiction over basic education funding.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives, with one member serving on the committee with jurisdiction over education issues, and one member serving on the committee with jurisdiction over basic education funding.

(iii) The governor shall appoint one member each from the state board of education and the department of children, youth, and families, and one member representing an organization that provides free legal advice to youth who are involved in, or at risk of being involved in, the juvenile justice system.

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

(v) The task force must also include one member representing the educational opportunity gap oversight and accountability committee, selected by the educational opportunity gap oversight and accountability committee.

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

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

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

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

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

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

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

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

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

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

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

(h) Special skills and services of faculty and staff, including associated professional development and nonacademic supports necessary for addressing social emotional and behavioral health needs presenting as barriers to learning for youth in institutional facilities.

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

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

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

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

(7) In accordance with RCW 43.01.036, the task force shall report its findings and recommendations to the governor and the appropriate committees of the house of representatives and the senate by December 15, 2020, in time for the legislature to take action on legislation that is consistent with the findings and recommendations during the 2021 legislative session. The findings and recommendations may also include recommendations for extending the duration of the task force.

(8) This section expires June 30, 2021.

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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On page 1, line 2 of the title, after "outcomes;" strike the remainder of the title and insert "creating new sections; providing an expiration date; and declaring an emergency."

EFFECT: (1) Removes the requirement that the task force meet no less than six times before issuing its report;

(2) Requires Senate Committee Services and the House of Representatives Office of Program Research staff the task force, rather than the Office of the Superintendent of Public Instruction;

(3) Specifies that the expenses of the task force must be paid jointly by the Senate and the House of Representatives, and that task force expenditures are subject to approval by the Senate Facilities and Operations Committee and the House of Representatives Executive Rules Committee; and

(4) Authorizes the task force to include recommendations for extending its duration.