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**SENATE BILL 5962**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Nguyen, Darneille, Wilson, C., and Kuderer

AN ACT Relating to providing for the welfare of children in the custody of juvenile rehabilitation; and adding a new section to chapter 43.216 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 43.216 RCW to read as follows:

(1) The department has a duty to comply with RCW 28A.155.090 by assuring that persons in the custody of a juvenile institution who are enrolled in school and who are in need of a special education assessment receive a timely assessment as required by state and federal law.

(2) In furtherance of this duty, the department must assure that any school district operating within one of its facilities that is providing instruction to a student who is in need of a special education assessment has made reasonable efforts to contact a person authorized to act as a parent in order to authorize the appropriate special education assessment. If after reasonable efforts the need arises for assignment of a surrogate parent to authorize the special education assessment, such assignment of a surrogate parent must be accomplished within thirty days of the point at which the district or facility determines or reasonably should have determined that assignment of a surrogate is required.

(3) The department shall review the educational records of all children receiving instruction within a juvenile rehabilitation facility for the purpose of establishing whether any children in its care are in need of special education assessments and ensure that they receive them. The department shall report its findings to the appropriate committees of the legislature by October 1, 2019.

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