

---

## Education Committee

---

### HB 1366

**Brief Description:** Requiring school districts to prioritize the resumption of in-person instruction to certain students following an emergency.

**Sponsors:** Representatives Caldier and Chase.

**Brief Summary of Bill**

- Requires school districts that have discontinued the provision of in-person instruction due to an emergency to, when resuming in-person instruction, prioritize instruction for students meeting specified requirements, including students in foster care and students experiencing homelessness.

**Hearing Date:** 2/2/21

**Staff:** Ethan Moreno (786-7386).

**Background:**

On January 30, 2020, the World Health Organization declared the outbreak of COVID-19 to be a public health emergency of international concern. On January 31, 2020, the federal Department of Health and Human Services declared a public health emergency for the United States. On February 29, 2020, Governor Inslee declared a state of emergency in all counties of Washington and directed state agencies to take all reasonable measures to assist affected local governments to respond to and recover from the COVID-19 outbreak.

On March 13, 2020, Governor Inslee announced the closure of all public and private kindergarten through grade 12 school facilities in the state until April 24, 2020. The closure directive was subsequently extended through the remainder of the 2019-20 school year.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Although school facilities were closed to in-person instruction during the final months of the school year, the provision of education remained mandatory and was provided through the implementation of remote instruction practices.

With few exceptions, school districts in Washington began the 2020-21 school year with the continuation and modification of remote instruction delivery practices that were employed in the prior school year.

The Office of the Superintendent of Public Instruction (OSPI) tracks school reopening data for the state. According to OSPI survey data from the week of January 18, 2021, 22 percent of public school students received in-person instruction at any point during the week. The OSPI survey for the same week also indicated that 38 of 295 school districts were providing traditional, in-person instruction to all district students.

Of the recently surveyed school districts that are targeting small groups for in-person instruction, students with disabilities and students who are English language learners are the most commonly served students.

**Summary of Bill:**

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:

- students in foster care;
- students experiencing homelessness;
- students recently released from a juvenile rehabilitation facility or other facility providing education services to students in an institutional setting;
- students with plans developed under section 504 of the rehabilitation act of 1973; and
- students who have 10 or more unexcused absences within any month during the current school year.

"Emergency" is defined as a natural event, mechanical failure, or an action or inaction by one or more persons, including negligence and threats, that: is beyond the control of both a school district and its employees; and 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.

**Appropriation:** None.

**Fiscal Note:** Requested on January 29, 2021.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.