
HOUSE BILL 1295

State of Washington

67th Legislature

2021 Regular Session

By Representatives Callan, Eslick, Ramel, Leavitt, Simmons, Springer, Fitzgibbon, Dolan, Bateman, Shewmake, J. Johnson, Senn, Sutherland, Walen, Peterson, Davis, Goodman, Hackney, Kloba, Fey, Ramos, Frame, Ryu, Macri, Bergquist, Pollet, and Stonier

Read first time 01/19/21. Referred to Committee on Education.

1 AN ACT Relating to the provision of public education to youth in
2 or released from institutional education facilities; amending RCW
3 13.04.145; adding new sections to chapter 28A.190 RCW; adding a new
4 section to chapter 28A.305 RCW; adding a new section to chapter
5 28A.300 RCW; creating new sections; repealing RCW 28A.190.015 and
6 28A.190.020; and providing expiration dates.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.190
9 RCW to read as follows:

10 The definitions in this section apply throughout this chapter
11 unless the context clearly requires otherwise.

12 (1) "Institutional education facility" means residential
13 habilitation centers operated by the department of social and health
14 services, state long-term juvenile institutions operated by the
15 department of children, youth, and families, state-operated community
16 facilities, county juvenile detention centers, and facilities of the
17 department of corrections that incarcerate juveniles committed as
18 adults.

19 (2) "Institutional education program" means the program of
20 education that is provided to youth in institutional education
21 facilities in accordance with RCW 28A.150.200.

1 (3) "Institutional education provider" or "provider" means a
2 school district, educational service district, or other entity
3 providing education services to youth in an institutional education
4 facility.

5 (4) "Postresident youth" means a person who is under the age of
6 21 and a former resident of an institutional education facility. A
7 postresident youth may be a public school student or a person who is
8 eligible to be a public school student but who is not enrolled in a
9 school or otherwise receiving basic education services.

10 (5) "Residential school" means the following institutional
11 education facilities: Green Hill school, Naselle Youth Camp, Echo
12 Glen, Lakeland Village, Rainier school, Yakima Valley school,
13 Fircrest school, the Child Study and Treatment Center and Secondary
14 School of western state hospital, and other schools, camps, and
15 centers established by the department of social and health services
16 or the department of children, youth, and families for the diagnosis,
17 confinement, and rehabilitation of juveniles committed by the courts
18 or for the care and treatment of persons who are exceptional in their
19 needs by reason of mental or physical deficiency. "Residential
20 school" does not include the state schools for the blind, the
21 Washington state center for childhood deafness and hearing loss, or
22 adult correctional institutions.

23 (6) "School district" has the same meaning as in RCW 28A.315.025
24 and includes any educational service district that has entered into
25 an agreement to provide a program of education for residents at an
26 institutional education facility on behalf of the school district as
27 a cooperative service program pursuant to RCW 28A.310.180.

28 (7) "Youth" means a person who is under the age of 21 who is a
29 resident of an institutional education facility. A youth may be a
30 public school student or a person who is eligible to be a public
31 school student but who is not enrolled in a school or otherwise
32 receiving basic education services.

33 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.305
34 RCW to read as follows:

35 (1) The state board of education shall examine and, to the extent
36 practicable, resolve by rule making or other means the following
37 issues:

38 (a) Authorizing or increasing the authority of institutional
39 education providers to award full or partial academic credit to youth

1 and postresident youth. In meeting the requirements of this
2 subsection (1)(a), the state board of education shall also address
3 barriers to:

4 (i) Awarding credit to youth and postresident youth for
5 successfully completing language proficiency tests; and

6 (ii) Awarding core subject credit to youth and postresident youth
7 for successfully completing all or part of a general educational
8 development test;

9 (b) The requisite content and form of guidance from the state
10 board of education for the awarding of credit to youth and
11 postresident youth for mastery-based learning provided by
12 institutional education providers;

13 (c) Credit earning requirements and practices for youth and
14 postresident youth, with the objective of determining whether and how
15 credit-earning requirements and practices that apply to students in
16 foster care could be extended or otherwise replicated for youth and
17 postresident youth; and

18 (d) Establishing new or modified requirements and practices
19 related to educational continuity and on-time grade-level progression
20 and graduation for youth and postresident youth. The purpose of the
21 review required by this subsection (1)(d) is to determine how
22 requirements and practices related to educational continuity and on-
23 time grade-level progression and graduation that apply to students in
24 foster care could be extended or otherwise replicated for youth and
25 postresident youth.

26 (2) The state board of education shall adopt rules as necessary
27 to implement this section.

28 (3) Findings and recommendations resulting from the examination
29 required by this section, and any related rule-making actions, must
30 be reported by November 1, 2021, to the governor and the appropriate
31 committees of the legislature in accordance with RCW 43.01.036.

32 (4) For purposes of this section, "institutional education
33 provider," "postresident youth," and "youth" have the same meanings
34 as in section 1 of this act.

35 NEW SECTION. **Sec. 3.** (1) The office of the superintendent of
36 public instruction shall examine the dropout prevention,
37 intervention, and retrieval system established under chapter 28A.175
38 RCW, including associated rules. The purpose of the examination is to
39 recommend new or modified dropout reengagement requirements and

1 practices that will promote credit earning and high school completion
2 by youth and postresident youth.

3 (2) Findings and recommendations resulting from the examination
4 required by this section must be submitted by November 1, 2021, to
5 the governor and the appropriate committees of the house of
6 representatives and the senate in accordance with RCW 43.01.036.

7 (3) This section expires June 30, 2022.

8 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.190
9 RCW to read as follows:

10 (1) Institutional education providers shall annually deliver to
11 all staff providing an institutional education program one day of
12 professional development that builds pedagogical strategies to
13 navigate the intersectionality of factors impacting student learning,
14 including trauma, and physical, mental, and behavioral health in
15 order to achieve academic milestone progression. At a minimum, the
16 professional development must include training on the following
17 topics:

18 (a) The cognitive, psychosocial, and emotional development of
19 adolescents;

20 (b) Mental and behavioral health literacy;

21 (c) The complex needs of students involved in the juvenile
22 justice system, including the trauma associated with incarceration;

23 (d) Racial literacy and cultural competency, as defined in RCW
24 28A.410.260; and

25 (e) Working with adolescents with many adverse childhood
26 experiences.

27 (2) The requirement in this section is in addition to
28 professional learning requirements under RCW 28A.150.415,
29 28A.415.440, and 28A.415.445.

30 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.190
31 RCW to read as follows:

32 With respect to students in institutional education facilities
33 governed by this chapter, the department of children, youth, and
34 families must:

35 (1) Identify data needed by the department and institutional
36 education facilities to evaluate the facilities' administrative and
37 operational role in providing education to students and supporting
38 students' educational outcomes. This data must include attendance,

1 discipline rates, course and certificate completion rates, and other
2 educational metrics;

3 (2) Analyze, and make a plan to resolve, department and
4 institutional education facilities policies and practices that
5 suspend the provision of educational services to a student as a
6 disciplinary action, so that students are never denied the
7 opportunity to engage in educational activities; and

8 (3) Review and resolve department and institutional education
9 facility policies and practices that create barriers to students
10 participating in meaningful learning opportunities, for example,
11 career and technical education and postsecondary opportunities, in
12 whatever location and format those opportunities are provided.

13 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.300
14 RCW to read as follows:

15 (1)(a) Beginning July 1, 2022, and every four years thereafter,
16 the office of the superintendent of public instruction shall report
17 on the funding and services provided in support of youth pursuant to
18 Washington's every student succeeds act consolidated plan, Title I,
19 part D: Prevention and intervention programs for children and youth
20 who are neglected, delinquent, or at-risk, and the education outcomes
21 resulting from the funding and provided services.

22 (b) The purpose of the report is to: Ensure compliance with
23 federal requirements; ensure consistency between the consolidated
24 plan and implementation actions; and provide the legislature with the
25 opportunity to determine whether subsequent legislation should be
26 enacted to ensure the education needs of youth and postresident
27 youth.

28 (2) Reports required by this section must be submitted to the
29 appropriate committees of the house of representatives and the senate
30 in accordance with RCW 43.01.036.

31 (3) For purposes of this section, "postresident youth" and
32 "youth" have the same meanings as in section 1 of this act.

33 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.190
34 RCW to read as follows:

35 (1) The legislature intends to ensure that institutional
36 education facilities include efficient systems to minimize learning
37 loss and maximize credit accrual during transitions for youth and
38 postresident youth. The legislature intends also for the report

1 required by this section to inform its understanding of policy and
2 funding changes that may be necessary to accomplish the objective of
3 improving institutional education programs and outcomes.

4 (2) The office of the superintendent of public instruction shall
5 modify or establish requirements and supports for the provision of
6 public education to youth and postresident youth. In meeting the
7 requirements of this section, the office of the superintendent of
8 public instruction shall:

9 (a) Identify and recommend elements of common education,
10 information, and support systems that would improve system efficacy
11 and minimize the negative academic impacts of transitions;

12 (b) Expand access to education advocates for youth in: State
13 long-term juvenile institutions; state-operated community facilities;
14 and reentry;

15 (c) Adopt rules requiring institutional education providers to
16 conduct an individualized education program evaluation upon the
17 youth's assignment to an institutional education facility, and a
18 review and assessment of needed services for each facility transition
19 the youth experiences within the juvenile justice system; and

20 (d) Adopt, for youth in state long-term juvenile institutions and
21 state-operated community facilities, rules to implement
22 accountability measures for special education services delivered by
23 institutional education providers, including the establishment of
24 mediation and appeals options related to special education services
25 that recognize the unique situation of youth and postresident youth.

26 (3) The recommendations required by this section, and a summary
27 of any adopted or pending rules developed in accordance with this
28 section, must be submitted to the appropriate committees of the
29 legislature in accordance with RCW 43.01.036 by November 1, 2021, in
30 time for any needed legislative action during the 2022 regular
31 legislative session.

32 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.190
33 RCW to read as follows:

34 (1) The office of the superintendent of public instruction shall
35 annually collect and post on its website data related to
36 institutional education programs, disaggregated by gender, race,
37 ethnicity, and age, including data on:

38 (a) Individualized education programs;

39 (b) Access to relevant instruction;

1 (c) Student attendance;

2 (d) Metrics of student education status upon the beginning of
3 residency in an institutional education facility;

4 (e) Student education progress during residency in an
5 institutional education facility;

6 (f) Student education attainment during residency in an
7 institutional education facility; and

8 (g) Long-term education outcomes during and after residency in an
9 institutional education facility.

10 (2)(a) The office of the superintendent of public instruction
11 shall also annually recommend modifications to the state board of
12 education for changes to annual school improvement plan requirements
13 in WAC 180-16-220 that would allow plans for institutional education
14 facilities to be formatted for the specific needs and circumstances
15 of institutional settings.

16 (b) In meeting the requirements of this section, the office of
17 the superintendent of public instruction may make recommendations to
18 the state board of education for changes to annual school improvement
19 plan requirements based upon data collected under this section, other
20 provisions of law, or both.

21 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.190
22 RCW to read as follows:

23 The office of the superintendent of public instruction must
24 provide a copy of the disaggregated data provided under section 8(1)
25 of this act to the board of directors of each school district that
26 provides education services to youth and postresident youth for the
27 purpose of giving the board the opportunity to:

28 (1) Review the performance of the institutional education
29 provider; and

30 (2) Make changes to annual school improvement plans required by
31 WAC 180-16-220, or other policies and procedures as necessary to
32 improve youth and postresident youth outcomes.

33 NEW SECTION. **Sec. 10.** A new section is added to chapter 28A.190
34 RCW to read as follows:

35 (1) The office of the superintendent of public instruction and
36 the department of children, youth, and families shall jointly develop
37 institutional education facility and institutional education provider
38 policies, interagency agreements, or both, that:

- 1 (a) Establish a coordinated staffing model for institutional
2 education facility and institutional education provider operations
3 and effectiveness in meeting student needs, and a mechanism for
4 developing subsequent recommendations for improvements to the model.
5 Subsequent recommendations must be developed with the input of
6 facility staff, educators, records coordinators, transition
7 coordinators, and education advocates;
- 8 (b) Establish practices for shared data tracking and goal setting
9 for youth progress and learning needs;
- 10 (c) Promote the effective delivery of tiered supports in
11 institutional education facilities in coordination with state and
12 county facility operators, institutional education providers, and
13 community-based organizations delivering those services;
- 14 (d) Promote the development of an operational safety strategy for
15 safe learning environments for students and staff;
- 16 (e) Promote hiring practices and operations that prioritize
17 education delivery. Policies developed and implemented in accordance
18 with this subsection (1)(e) must be based on the foundational concept
19 that every student can succeed if given the necessary supports;
- 20 (f) Maximize youth and postresident youth access to career and
21 technical education and postsecondary education pathways that occur
22 at institutional education facilities and at off-site locations;
- 23 (g) Review and evaluate requirements and procedures for the
24 successful release of youth from institutional education facilities.
25 The purpose of the review and evaluation required by this subsection
26 (1)(g) is to improve youth reentry practices by developing an
27 effective team-based transition process with identified preresident
28 and postresident transition services and support, including, but not
29 limited to, basic needs, social-emotional support, and academic
30 support;
- 31 (h) Establish and support youth advisory, leadership, and
32 mentoring programs to ensure pathways for youth and postresident
33 youth involvement and development;
- 34 (i) Identify and establish culturally responsive parent
35 engagement strategies that support the education and well-being of
36 youth and postresident youth and families;
- 37 (j) Examine and expand opportunities to include enrichment
38 activities in institutional education programs and offer enrichment
39 opportunities that promote academic and career goals; and

1 (k) Develop partnerships with postsecondary institutions, career
2 and technical education programs, and community-based organizations,
3 and identify ways to incorporate those partnerships into education
4 services delivered by institutional education providers.

5 (2) In meeting the requirements of this section, the office of
6 the superintendent of public instruction and the department of
7 children, youth, and families must seek input from youth,
8 postresident youth, and families of those youth.

9 (3) The office of the superintendent of public instruction and
10 the department of children, youth, and families shall, by November 1,
11 2021, and in accordance with RCW 43.01.036, provide a report on the
12 implementation of this section to the governor and the education
13 committees of the house of representatives and the senate.

14 NEW SECTION. **Sec. 11.** (1) The institutional education
15 accountability work group is established, with members as provided in
16 this subsection.

17 (a) The superintendent of public instruction, or the
18 superintendent's designee;

19 (b) The secretary of the department of children, youth, and
20 families, or the secretary's designee; and

21 (c) Other members considered necessary by both the superintendent
22 of public instruction and the secretary of the department of
23 children, youth, and families, or their designees.

24 (2) The work group, in collaboration with legislators and
25 stakeholders, shall examine and make recommendations on:

26 (a) The establishment of an organizational and accountability
27 structure for institutional education that is focused on meeting
28 complex student needs and improving student outcomes; and

29 (b) The establishment of an equitable, long-term funding model
30 for institutional education.

31 (3) Staff support for the work group must be provided jointly by
32 the office of the superintendent of public instruction and the
33 department of children, youth, and families.

34 (4) The work group, in accordance with RCW 43.01.036, shall
35 provide an interim report to the governor and appropriate committees
36 of the house of representatives and the senate by December 1, 2021,
37 and a final report to the same recipients by December 1, 2022.

38 (5) This section expires June 30, 2023.

1 **Sec. 12.** RCW 13.04.145 and 2017 3rd sp.s. c 6 s 604 are each
2 amended to read as follows:

3 A program of education shall be provided for by the several
4 counties and school districts of the state for common school-age
5 persons confined in each of the detention facilities staffed and
6 maintained by the several counties of the state under this chapter
7 and chapters 13.16 and 13.20 RCW. The division of duties, authority,
8 and liabilities of the several counties and school districts of the
9 state respecting the educational programs is the same in all respects
10 as set forth in chapter 28A.190 RCW respecting programs of education
11 for state residential school residents. (~~For the purposes of this~~
12 ~~section, the terms "department of children, youth, and families,"~~
13 ~~"residential school" or "schools," and "superintendent or chief~~
14 ~~administrator of a residential school" as used in chapter 28A.190 RCW~~
15 ~~shall be respectively construed to mean "the several counties of the~~
16 ~~state," "detention facilities," and "the administrator of juvenile~~
17 ~~court detention services.") Nothing in this section shall prohibit a
18 school district from utilizing the services of an educational service
19 district subject to RCW 28A.310.180.~~

20 NEW SECTION. **Sec. 13.** The following acts or parts of acts are
21 each repealed:

22 (1) RCW 28A.190.015 ("School district" defined—Application of RCW
23 13.04.145) and 2014 c 157 s 1; and

24 (2) RCW 28A.190.020 (Educational programs for residential school
25 residents—"Residential school" defined) and 2017 3rd sp.s. c 6 s 721,
26 2014 c 157 s 3, 1990 c 33 s 171, & 1979 ex.s. c 217 s 1.

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