

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1295

Chapter 164, Laws of 2021

67th Legislature
2021 Regular Session

INSTITUTIONAL EDUCATION—VARIOUS PROVISIONS

EFFECTIVE DATE: July 25, 2021

Passed by the House April 15, 2021
Yeas 96 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 3, 2021
Yeas 46 Nays 0

DENNY HECK

President of the Senate

Approved May 3, 2021 2:18 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1295** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 3, 2021

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1295

AS AMENDED BY THE SENATE

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

By House Appropriations (originally sponsored 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 02/22/21.

1 AN ACT Relating to the provision of public education to youth in
2 or released from institutional education facilities; amending RCW
3 28A.150.200, 28A.175.105, 43.41.400, and 13.04.145; reenacting and
4 amending RCW 28A.320.192; adding new sections to chapter 28A.190 RCW;
5 adding a new section to chapter 28A.300 RCW; creating new sections;
6 repealing RCW 28A.190.015 and 28A.190.020; and providing expiration
7 dates.

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

9 NEW SECTION. **Sec. 1.** (1) The legislature finds that students in
10 Washington's secure facilities have been unable to access the
11 education and supports they need to make life-changing academic
12 progress. As a result, these students have experienced dismal
13 graduation and recidivism rates, and have lost invaluable
14 opportunities for hope and transformation.

15 (2) In 2020, the legislature enacted chapter 226, Laws of 2020,
16 and established the task force on improving institutional education
17 programs and outcomes. The task force efforts resulted in a series of
18 well-considered recommendations that inform this act and, perhaps
19 more importantly, offer a new opportunity to make critical policy
20 advances for students and dedicated staff that are too often
21 overlooked.

1 (3) The legislature acknowledges that institutional education
2 facilities are part of the public school system and that the students
3 in secure facilities deserve full access to the state's basic
4 education program and its promise of an opportunity to graduate with
5 a meaningful diploma that prepares them for postsecondary education,
6 gainful employment, and citizenship.

7 (4) The legislature finds that key reforms are needed to the
8 institutional education system, including the development of an
9 education program that is both student-centered and anchored in the
10 principle that student improvement through education must be the
11 system's primary objective. The legislature further finds that an
12 effective institutional education system must have sufficient funding
13 and proper administrative structures to assure effective
14 functionality, oversight, and accountability.

15 (5) Although the task of making meaningful reforms to the
16 institutional education system cannot be accomplished through a
17 single legislative act, the legislature intends for this act to be a
18 significant step of progress in better meeting the needs of students
19 who are in or have been involved with the traditional components of
20 the juvenile justice system, with subsequent legislative efforts to
21 be focused on the education of students in other institutional
22 settings, including those in long-term inpatient programs and those
23 with exceptional mental or physical needs.

24 (6) The legislature, therefore, intends to establish new and
25 modified requirements for the institutional education system that
26 promote student success through improved agency and education
27 provider practices, updated credit-awarding practices, new data
28 collection and reporting requirements, and the development of expert
29 recommendations that will create an implementable blueprint for
30 successfully meeting complex student needs and improving education
31 and postrelease outcomes.

32 **Sec. 2.** RCW 28A.150.200 and 2017 3rd sp.s. c 13 s 401 are each
33 amended to read as follows:

34 (1) The program of basic education established under this chapter
35 is deemed by the legislature to comply with the requirements of
36 Article IX, section 1 of the state Constitution, which states that
37 "It is the paramount duty of the state to make ample provision for
38 the education of all children residing within its borders, without
39 distinction or preference on account of race, color, caste, or sex,"

1 and is adopted pursuant to Article IX, section 2 of the state
2 Constitution, which states that "The legislature shall provide for a
3 general and uniform system of public schools."

4 (2) The legislature defines the program of basic education under
5 this chapter as that which is necessary to provide the opportunity to
6 develop the knowledge and skills necessary to meet the state-
7 established high school graduation requirements that are intended to
8 allow students to have the opportunity to graduate with a meaningful
9 diploma that prepares them for postsecondary education, gainful
10 employment, and citizenship. Basic education by necessity is an
11 evolving program of instruction intended to reflect the changing
12 educational opportunities that are needed to equip students for their
13 role as productive citizens and includes the following:

14 (a) The instructional program of basic education the minimum
15 components of which are described in RCW 28A.150.220;

16 (b) The program of education provided by chapter 28A.190 RCW for
17 students in residential schools as defined by (~~RCW 28A.190.020~~)
18 section 3 of this act and for juveniles in detention facilities as
19 identified by RCW 28A.190.010;

20 (c) The program of education provided by chapter 28A.193 RCW for
21 individuals under the age of eighteen who are incarcerated in adult
22 correctional facilities;

23 (d) Transportation and transportation services to and from school
24 for eligible students as provided under RCW 28A.160.150 through
25 28A.160.180; and

26 (e) Statewide salary allocations necessary to hire and retain
27 qualified staff for the state's statutory program of basic education.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.190
29 RCW to read as follows:

30 The definitions in this section apply throughout this chapter
31 unless the context clearly requires otherwise.

32 (1) "Institutional education facility" means residential
33 habilitation and child study and treatment centers operated by the
34 department of social and health services, state long-term juvenile
35 institutions operated by the department of children, youth, and
36 families, state-operated community facilities, county juvenile
37 detention centers, and facilities of the department of corrections
38 that incarcerate juveniles committed as adults.

1 (2) "Institutional education program" means the program of
2 education that is provided to youth in institutional education
3 facilities as a mandatory component of the program of basic education
4 under RCW 28A.150.200.

5 (3) "Institutional education provider" or "provider" means a
6 school district, educational service district, or other entity
7 providing education services to youth in an institutional education
8 facility.

9 (4) "Postresident youth" means a person who is under the age of
10 21 and a former resident of an institutional education facility. A
11 postresident youth may be a public school student or a person who is
12 eligible to be a public school student but who is not enrolled in a
13 school or otherwise receiving basic education services.

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

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

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

37 **Sec. 4.** RCW 28A.320.192 and 2017 c 166 s 1 and 2017 c 40 s 1 are
38 each reenacted and amended to read as follows:

1 (1) In order to eliminate barriers and facilitate the on-time
2 grade level progression and graduation of students who are homeless
3 as described in RCW 28A.300.542, dependent pursuant to chapter 13.34
4 RCW, (~~(or)~~) at-risk youth or children in need of services pursuant to
5 chapter 13.32A RCW, or in or have been released from an institutional
6 education facility, school districts must incorporate the procedures
7 in this section.

8 (2) School districts must waive specific courses required for
9 graduation if similar coursework has been satisfactorily completed in
10 another school district or must provide reasonable justification for
11 denial. Should a waiver not be granted to a student who would qualify
12 to graduate from the sending school district, the receiving school
13 district must provide an alternative means of acquiring required
14 coursework so that graduation may occur on time.

15 (3) School districts must consolidate partial credit, unresolved,
16 or incomplete coursework and provide opportunities for credit accrual
17 in a manner that eliminates academic and nonacademic barriers for the
18 student.

19 (4) For students in or released from an institutional education
20 facility, school districts must provide students with access to world
21 language proficiency tests, American sign language proficiency tests,
22 and general education development tests. Access to the tests may not
23 be conditioned or otherwise dependent upon a student's request.
24 School districts must award at least one high school credit to
25 students upon meeting the standard established by the state board of
26 education under subsection (9) of this section on a world language or
27 American sign language proficiency test or a general education
28 development test. Additional credits may be awarded by the district
29 if a student has completed a course or courses of study to prepare
30 for the test. If the school district has a local policy for awarding
31 mastery-based credit on state or local assessments, the school
32 district must apply this policy for students in or released from an
33 institutional education facility.

34 (5) For students who have been unable to complete an academic
35 course and receive full credit due to withdrawal or transfer, school
36 districts must grant partial credit for coursework completed before
37 the date of withdrawal or transfer and the receiving school must
38 accept those credits, apply them to the student's academic progress
39 or graduation or both, and allow the student to earn credits

1 regardless of the student's date of enrollment in the receiving
2 school.

3 ~~((5))~~ (6) Should a student who is transferring at the beginning
4 or during the student's junior or senior year be ineligible to
5 graduate from the receiving school district after all alternatives
6 have been considered, the sending and receiving districts must ensure
7 the receipt of a diploma from the sending district if the student
8 meets the graduation requirements of the sending district.

9 ~~((6))~~ (7) The superintendent of public instruction shall adopt
10 and distribute to all school districts lawful and reasonable rules
11 prescribing the substantive and procedural obligations of school
12 districts to implement these provisions.

13 ~~((7))~~ (8) Should a student have enrolled in three or more
14 school districts as a high school student and have met state
15 requirements but be ineligible to graduate from the receiving school
16 district after all alternatives have been considered, the receiving
17 school district must waive its local requirements and ensure the
18 receipt of a diploma.

19 (9) The state board of education, in consultation with the office
20 of the superintendent of public instruction, shall identify the
21 scores students must achieve in order to meet the standard on world
22 language or American sign language proficiency tests and general
23 education development tests in accordance with subsection (4) of this
24 section.

25 (10) For purposes of this section, "institutional education
26 facility" and "school district" have the same meaning as in section 3
27 of this act.

28 NEW SECTION. Sec. 5. (1) The office of the superintendent of
29 public instruction shall examine the dropout prevention,
30 intervention, and retrieval system established under chapter 28A.175
31 RCW, including associated rules. The purpose of the examination is to
32 recommend new or modified dropout reengagement requirements and
33 practices that will promote credit earning and high school completion
34 by youth and postresident youth.

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

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

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

4 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.190
5 RCW to read as follows:

6 Beginning in the 2021-22 school year, enrollments for students in
7 residential schools as defined in section 3 of this act, for
8 juveniles in detention facilities as identified by RCW 28A.190.010,
9 and for individuals under the age of 18 who are incarcerated in adult
10 correctional facilities may be funded above one full-time equivalent,
11 provided that enrollments above one full-time equivalent allow for
12 participation in dropout reengagement programs as defined in RCW
13 28A.175.105. State funding for enrollments in dropout reengagement
14 programs in addition to institutional education facility enrollments
15 must be allocated pursuant to RCW 28A.175.110 excluding
16 administrative fees. The office of the superintendent of public
17 instruction shall develop procedures for school districts to report
18 student enrollment in institutional education facilities and dropout
19 reengagement programs.

20 **Sec. 7.** RCW 28A.175.105 and 2013 c 39 s 5 are each amended to
21 read as follows:

22 The definitions in this section apply throughout RCW 28A.175.100
23 through 28A.175.110 unless the context clearly requires otherwise:

24 (1) "Dropout reengagement program" means an educational program
25 that offers at least the following instruction and services:

26 (a) Academic instruction, including but not limited to
27 preparation to earn a high school equivalency certificate as provided
28 in RCW 28B.50.536 in accordance with rules adopted under RCW
29 28A.305.190, academic skills instruction, and college and work
30 readiness preparation, that generates credits that can be applied to
31 a high school diploma from the student's school district or from a
32 community or technical college under RCW 28B.50.535 and has the goal
33 of enabling the student to obtain the academic and work readiness
34 skills necessary for employment or postsecondary study. A dropout
35 reengagement program is not required to offer instruction in only
36 those subject areas where a student is deficient in accumulated
37 credits. Academic instruction must be provided by teachers certified
38 by the Washington professional educator standards board or by

1 instructors employed by a community or technical college whose
2 required credentials are established by the college;

3 (b) Case management, academic and career counseling, and
4 assistance with accessing services and resources that support at-risk
5 youth and reduce barriers to educational success; and

6 (c) If the program provider is a community or technical college,
7 the opportunity for qualified students to enroll in college courses
8 that lead to a postsecondary degree or certificate. The college may
9 not charge an eligible student tuition for such enrollment.

10 (2) "Eligible student" means a student who:

11 (a) Is at least sixteen but less than twenty-one years of age at
12 the beginning of the school year;

13 (b) Is not accumulating sufficient credits toward a high school
14 diploma to reasonably complete a high school diploma from a public
15 school before the age of twenty-one or is recommended for the program
16 by case managers from the department of social and health services or
17 the juvenile justice system; and

18 (c) Is enrolled or enrolls in the school district in which the
19 student resides, or is enrolled or enrolls in an institutional
20 education program as defined in section 3 of this act or a
21 nonresident school district under RCW 28A.225.220 through
22 28A.225.230.

23 (3) "Full-time equivalent eligible student" means an eligible
24 student whose enrollment and attendance meet criteria adopted by the
25 office of the superintendent of public instruction specifically for
26 dropout reengagement programs. The criteria shall be:

27 (a) Based on the community or technical college credits generated
28 by the student if the program provider is a community or technical
29 college; and

30 (b) Based on a minimum amount of planned programming or
31 instruction and minimum attendance by the student rather than hours
32 of seat time if the program provider is a community-based
33 organization.

34 NEW SECTION. Sec. 8. A new section is added to chapter 28A.190
35 RCW to read as follows:

36 (1) Institutional education providers shall annually deliver to
37 all staff providing an institutional education program one day of
38 professional development that builds pedagogical strategies to
39 navigate the intersectionality of factors impacting student learning,

1 including trauma, and physical, mental, and behavioral health in
2 order to achieve academic milestone progression. At a minimum, the
3 professional development must include training on the following
4 topics:

5 (a) The cognitive, psychosocial, and emotional development of
6 adolescents;

7 (b) Mental and behavioral health literacy;

8 (c) The complex needs of students involved in the juvenile
9 justice system, including the trauma associated with incarceration or
10 voluntary or involuntary commitment in a long-term psychiatric
11 inpatient program;

12 (d) Racial literacy and cultural competency, as defined in RCW
13 28A.410.260; and

14 (e) Working with adolescents with many adverse childhood
15 experiences.

16 (2) In addition to the professional learning allocations provided
17 in RCW 28A.150.415, the legislature shall provide and the
18 superintendent of public instruction shall allocate to institutional
19 education providers one professional learning day of funding to
20 provide the professional development required under this section.

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

23 With respect to students in institutional education facilities
24 governed by this chapter, the department of children, youth, and
25 families must:

26 (1) Identify data needed by the department and institutional
27 education facilities to evaluate the facilities' administrative and
28 operational role in providing education to students and supporting
29 students' educational outcomes. This data must include attendance,
30 discipline rates, course and certificate completion rates, and other
31 educational metrics;

32 (2) Analyze, and make a plan to resolve, department and
33 institutional education facilities policies and practices that
34 suspend the provision of educational services to a student as a
35 disciplinary action, so that students are never denied the
36 opportunity to engage in educational activities; and

37 (3) Review and resolve department and institutional education
38 facility policies and practices that create barriers to students
39 participating in meaningful learning opportunities, for example,

1 career and technical education and postsecondary opportunities, in
2 whatever location and format those opportunities are provided.

3 (4) In meeting the requirements of this section, the department
4 of children, youth, and families must seek input from institutional
5 education providers.

6 NEW SECTION. **Sec. 10.** A new section is added to chapter 28A.300
7 RCW to read as follows:

8 (1)(a) Beginning July 1, 2022, and every three years thereafter,
9 the office of the superintendent of public instruction shall report
10 on the funding and services provided in support of youth pursuant to
11 Washington's every student succeeds act consolidated plan, Title I,
12 part D: Prevention and intervention programs for children and youth
13 who are neglected, delinquent, or at-risk, and the education outcomes
14 resulting from the funding and provided services.

15 (b) The purpose of the report is to inform the legislature of
16 progress toward the goals established in the consolidated plan and
17 provide the legislature with the opportunity to determine whether
18 subsequent legislation should be enacted to ensure the education
19 needs of youth and postresident youth.

20 (2) Reports required by this section, which must delineate the
21 recipients of the federal funds and how they are being used to
22 support the education needs of youth and postresident youth, must be
23 submitted to the appropriate committees of the house of
24 representatives and the senate in accordance with RCW 43.01.036.

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

27 NEW SECTION. **Sec. 11.** A new section is added to chapter 28A.190
28 RCW to read as follows:

29 (1) The legislature intends to ensure that institutional
30 education facilities include efficient systems to minimize learning
31 loss and maximize credit accrual during transitions for youth and
32 postresident youth. The legislature intends also for the report
33 required by this section to inform its understanding of policy and
34 funding changes that may be necessary to accomplish the objective of
35 improving institutional education programs and outcomes.

36 (2) The office of the superintendent of public instruction shall
37 modify or establish requirements and supports for the provision of
38 public education to youth and postresident youth. In meeting the

1 requirements of this section, the office of the superintendent of
2 public instruction shall:

3 (a) Adopt rules requiring institutional education providers at
4 state long-term juvenile institutions and state-operated community
5 facilities to conduct an individualized education program review for
6 each newly admitted youth who either does not have an individualized
7 education program or does not have an individualized education
8 program that has been reviewed in a meeting with the youth, parent or
9 guardian, and applicable school personnel in the previous 12 months;

10 (b) Adopt rules requiring institutional education providers to,
11 upon admission of a youth to an institutional education facility,
12 conduct a review and assessment of needed services for each facility
13 transition the youth experiences within the juvenile justice system.
14 Rules adopted in accordance with this subsection (2)(b) do not apply
15 to institutional education providers at facilities operated by or
16 under the jurisdiction of the department of social and health
17 services; and

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

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

29 NEW SECTION. **Sec. 12.** A new section is added to chapter 28A.190
30 RCW to read as follows:

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

35 (a) Individualized education programs;

36 (b) Access to relevant instruction that is aligned with the
37 youth's high school and beyond plan and any unmet graduation
38 requirements;

39 (c) Student attendance;

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

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

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

7 (g) Long-term education and workforce outcomes of youth in and
8 released from institutional education facilities as provided annually
9 by the education data center under RCW 43.41.400.

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 state long-term juvenile
14 institutions to be formatted for the specific needs and circumstances
15 of institutional settings. In meeting the requirements of this
16 subsection (2)(a), the office of the superintendent of public
17 instruction shall seek input from institutional education providers
18 and the department of children, youth, and families.

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

24 NEW SECTION. **Sec. 13.** A new section is added to chapter 28A.190
25 RCW to read as follows:

26 The office of the superintendent of public instruction must
27 provide a copy of the disaggregated data provided under section 12(1)
28 of this act to the board of directors of each school district that
29 provides education services to youth and postresident youth for the
30 purpose of giving the board the opportunity to:

31 (1) Review the performance of the institutional education
32 provider; and

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

36 NEW SECTION. **Sec. 14.** A new section is added to chapter 28A.190
37 RCW to read as follows:

1 (1) (a) The office of the superintendent of public instruction and
2 the department of children, youth, and families shall jointly develop
3 recommendations for the establishment, implementation, and funding of
4 a reformed institutional education system that successfully meets the
5 education and support needs of persons in and released from secure
6 settings. Recommendations developed under this subsection (1) must be
7 based on the foundational concept that every student can succeed if
8 given the necessary supports. With the exception of funding
9 recommendations required by (a)(ii) of this subsection (1), the
10 recommendations developed under this subsection (1) should be
11 directed toward meeting the education needs of persons who are in or
12 have been released from state long-term juvenile institutions and
13 community facilities operated by the department of children, youth,
14 and families, county juvenile detention centers, and facilities of
15 the department of corrections that incarcerate juveniles committed as
16 adults. The recommendations must address:

17 (i) The establishment of an organizational and accountability
18 structure for institutional education that is focused on meeting
19 complex student needs and improving student outcomes;

20 (ii) The establishment of an equitable, long-term funding model
21 for institutional education that sustainably supports the
22 organizational and accountability structure established under (a)(i)
23 of this subsection (1); and

24 (iii) The development of a regular and ongoing review of system
25 performance and education outcomes.

26 (b) The recommendations developed under this subsection (1) must
27 also include the following:

28 (i) The content and structure of common education, information,
29 and support systems that would include a common, culturally competent
30 curriculum, improve system efficacy, and minimize the negative
31 academic impacts of transitions;

32 (ii) A coordinated staffing model for institutional education
33 facility and institutional education provider operations and
34 effectiveness in meeting student needs, and a mechanism for
35 developing subsequent recommendations for improvements to the model;

36 (iii) Practices to ensure that there is a robust program of
37 education advocates for youth in all institutional education
38 facilities;

39 (iv) Practices for shared data tracking and goal setting for
40 youth progress and learning needs;

1 (v) Promoting the effective delivery of tiered supports in
2 institutional education facilities in coordination with state and
3 county facility operators, institutional education providers, and
4 community-based organizations delivering those services;

5 (vi) Promoting the development of an operational safety strategy
6 for safe learning environments for students and staff;

7 (vii) Promoting operations that prioritize education delivery;

8 (viii) Maximizing youth and postresident youth access to: (A)
9 Career and technical education and postsecondary education pathways
10 that occur at institutional education facilities and at off-site
11 locations; and (B) mastery-based learning that leads to credit
12 accrual and graduation pathways;

13 (ix) Establishing new or modified requirements and procedures for
14 the successful release of youth from institutional education
15 facilities by recommending an effective team-based transition process
16 with identified preresident and postresident transition services and
17 supports that include, but are not limited to, basic needs, social-
18 emotional support, and academic support;

19 (x) Establishing and supporting youth advisory, leadership, and
20 mentoring programs to ensure pathways for youth and postresident
21 youth involvement and development;

22 (xi) Identifying and establishing culturally responsive parent
23 engagement strategies that support the education and well-being of
24 youth and postresident youth and families;

25 (xii) Examining and expanding opportunities to include enrichment
26 activities in institutional education programs and offer enrichment
27 opportunities that promote academic and career goals; and

28 (xiii) Developing partnerships with postsecondary institutions,
29 career and technical education programs, and community-based
30 organizations, and identify ways to incorporate those partnerships
31 into education services delivered by institutional education
32 providers.

33 (c) In developing the recommendations required by this subsection
34 (1), the office of the superintendent of public instruction and the
35 department of children, youth, and families shall consult with the
36 advisory group established in subsection (3) of this section.

37 (2) The superintendent of public instruction and the secretary of
38 the department of children, youth, and families shall, by August 15,
39 2021, jointly designate an entity to facilitate the process of
40 developing recommendations required by subsection (1) of this

1 section, and the advisory group established in subsection (3) of this
2 section. The office of the superintendent of public instruction is
3 responsible for contracts or other agreements necessary to secure the
4 services of the designated entity. The designated entity must: (a) Be
5 a nonprofit and nonpartisan organization with content expertise in
6 improving education for incarcerated young people, including
7 education program delivery, system structure, accountability, and
8 school finance; and (b) have experience facilitating complex cross-
9 agency facilitation.

10 (3) (a) The institutional education structure and accountability
11 advisory group is established for the purpose of providing advice,
12 assistance, and information to the office of the superintendent of
13 public instruction and the department of children, youth, and
14 families in meeting the requirements of subsection (1) of this
15 section. The advisory group must consist of representatives from the
16 following, but other members may be added by request of the
17 superintendent of public instruction or the secretary of the
18 department of children, youth, and families:

- 19 (i) The state board of education;
- 20 (ii) The department of social and health services;
- 21 (iii) A statewide organization representing counties;
- 22 (iv) The administrative office of the courts;
- 23 (v) The office of the education ombuds;
- 24 (vi) The educational opportunity gap oversight and accountability
25 committee;
- 26 (vii) A statewide organization representing teachers;
- 27 (viii) A statewide organization representing classified education
28 staff;
- 29 (ix) Nonprofit organizations representing the interest of youth
30 and families involved in the juvenile justice system;
- 31 (x) Persons who are or have been involved in the juvenile justice
32 system and their families; and
- 33 (xi) A statewide organization representing state employees.

34 (b) In recognition of the need to ensure representation on the
35 advisory group, persons serving under (a) (x) of this subsection are
36 eligible for travel expense reimbursement. Other members of the
37 advisory group are not entitled to expense reimbursement.

38 (4) Staff support for the advisory group must be provided by the
39 entity selected under subsection (2) of this section.

1 (5) (a) Recommendations required by this section must, in
2 accordance with RCW 43.01.036, be provided to the governor and the
3 education and fiscal committees of the house of representatives and
4 the senate, by November 1, 2022. The recommendations should include a
5 plan and a phased timeline for their implementation in different
6 types of institutional education facilities, including state long-
7 term juvenile institutions, state-operated community facilities,
8 residential habilitation centers, and county juvenile detention
9 centers.

10 (b) By December 15, 2021, the office of the superintendent of
11 public instruction and the department of children, youth, and
12 families shall, in accordance with RCW 43.01.036, provide an interim
13 report on progress made in achieving the requirements of this section
14 to the governor and the education and fiscal committees of the house
15 of representatives and the senate.

16 (6) This section expires June 30, 2023.

17 **Sec. 15.** RCW 43.41.400 and 2017 3rd sp.s. c 6 s 223 are each
18 amended to read as follows:

19 (1) An education data center shall be established in the office
20 of financial management. The education data center shall jointly,
21 with the legislative evaluation and accountability program committee,
22 conduct collaborative analyses of early learning, K-12, and higher
23 education programs and education issues across the P-20 system, which
24 includes the department of children, youth, and families, the
25 superintendent of public instruction, the professional educator
26 standards board, the state board of education, the state board for
27 community and technical colleges, the workforce training and
28 education coordinating board, the student achievement council, public
29 and private nonprofit four-year institutions of higher education, and
30 the employment security department. The education data center shall
31 conduct collaborative analyses under this section with the
32 legislative evaluation and accountability program committee and
33 provide data electronically to the legislative evaluation and
34 accountability program committee, to the extent permitted by state
35 and federal confidentiality requirements. The education data center
36 shall be considered an authorized representative of the state
37 educational agencies in this section under applicable federal and
38 state statutes for purposes of accessing and compiling student record
39 data for research purposes.

1 (2) The education data center shall:

2 (a) In consultation with the legislative evaluation and
3 accountability program committee and the agencies and organizations
4 participating in the education data center, identify the critical
5 research and policy questions that are intended to be addressed by
6 the education data center and the data needed to address the
7 questions;

8 (b) Coordinate with other state education agencies to compile and
9 analyze education data, including data on student demographics that
10 is disaggregated by distinct ethnic categories within racial
11 subgroups, and complete P-20 research projects;

12 (c) Collaborate with the legislative evaluation and
13 accountability program committee and the education and fiscal
14 committees of the legislature in identifying the data to be compiled
15 and analyzed to ensure that legislative interests are served;

16 (d) Annually provide to the K-12 data governance group a list of
17 data elements and data quality improvements that are necessary to
18 answer the research and policy questions identified by the education
19 data center and have been identified by the legislative committees in
20 (c) of this subsection. Within three months of receiving the list,
21 the K-12 data governance group shall develop and transmit to the
22 education data center a feasibility analysis of obtaining or
23 improving the data, including the steps required, estimated time
24 frame, and the financial and other resources that would be required.
25 Based on the analysis, the education data center shall submit, if
26 necessary, a recommendation to the legislature regarding any
27 statutory changes or resources that would be needed to collect or
28 improve the data;

29 (e) Monitor and evaluate the education data collection systems of
30 the organizations and agencies represented in the education data
31 center ensuring that data systems are flexible, able to adapt to
32 evolving needs for information, and to the extent feasible and
33 necessary, include data that are needed to conduct the analyses and
34 provide answers to the research and policy questions identified in
35 (a) of this subsection;

36 (f) Track enrollment and outcomes through the public centralized
37 higher education enrollment system;

38 (g) Assist other state educational agencies' collaborative
39 efforts to develop a long-range enrollment plan for higher education
40 including estimates to meet demographic and workforce needs;

1 (h) Provide research that focuses on student transitions within
2 and among the early learning, K-12, and higher education sectors in
3 the P-20 system;

4 (i) Prepare (~~(a regular)~~) an annual report on the educational and
5 workforce outcomes of youth in ((the juvenile justice system)) and
6 released from institutional education facilities as defined in
7 section 3 of this act, using data disaggregated by age, and by ethnic
8 categories and racial subgroups in accordance with RCW 28A.300.042.
9 The annual report required by this subsection (2)(i) must be provided
10 to the office of the superintendent of public instruction in a manner
11 that is suitable for compliance with section 12 of this act; and

12 (j) Make recommendations to the legislature as necessary to help
13 ensure the goals and objectives of this section and RCW 28A.655.210
14 and 28A.300.507 are met.

15 (3) The department of children, youth, and families,
16 superintendent of public instruction, professional educator standards
17 board, state board of education, state board for community and
18 technical colleges, workforce training and education coordinating
19 board, student achievement council, public four-year institutions of
20 higher education, department of social and health services, and
21 employment security department shall work with the education data
22 center to develop data-sharing and research agreements, consistent
23 with applicable security and confidentiality requirements, to
24 facilitate the work of the center. The education data center shall
25 also develop data-sharing and research agreements with the
26 administrative office of the courts to conduct research on
27 educational and workforce outcomes using data maintained under RCW
28 13.50.010(12) related to juveniles. Private, nonprofit institutions
29 of higher education that provide programs of education beyond the
30 high school level leading at least to the baccalaureate degree and
31 are accredited by the Northwest association of schools and colleges
32 or their peer accreditation bodies may also develop data-sharing and
33 research agreements with the education data center, consistent with
34 applicable security and confidentiality requirements. The education
35 data center shall make data from collaborative analyses available to
36 the education agencies and institutions that contribute data to the
37 education data center to the extent allowed by federal and state
38 security and confidentiality requirements applicable to the data of
39 each contributing agency or institution.

1 **Sec. 16.** 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. 17.** 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.

27 NEW SECTION. **Sec. 18.** If specific funding for the purposes of
28 this act, referencing this act by bill or chapter number, is not
29 provided by June 30, 2021, in the omnibus appropriations act, this
30 act is null and void.

Passed by the House April 15, 2021.
Passed by the Senate April 3, 2021.
Approved by the Governor May 3, 2021.
Filed in Office of Secretary of State May 3, 2021.

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