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**SUBSTITUTE HOUSE BILL 1701**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** House Education (originally sponsored by Representatives Callan, Stonier, Simmons, Senn, Reed, Kloba, Pollet, Santos, Ortiz-Self, Ormsby, Macri, and Bergquist)

AN ACT Relating to assigning the superintendent of public instruction the responsibility for the delivery and oversight of basic education services to justice-involved youth served through institutional education programs in facilities that are not under the jurisdiction of the department of social and health services; amending RCW 28A.300.040; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.190 RCW; creating new sections; and providing expiration dates.

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

NEW SECTION. **Sec.**  (1) The legislature finds that students who are served though institutional education programs are constitutionally entitled to full access to the state's statutory program of basic education and its promise of an opportunity to graduate with a meaningful diploma that prepares them for postsecondary education, gainful employment, and citizenship. Ensuring full access to a foundational education for these students is unquestionably in the best interest of the youth, their families, and society at large.

(2) Legislative actions dedicated to improving the educational circumstances for students receiving services through institutional education programs have been enacted in recent years. In 2021, building upon the efforts of the task force on improving instructional education programs and outcomes established in the previous year, the legislature enacted numerous reforms intended to improve the provision of public education to youth in or released from secure juvenile justice facilities.

(3) Among other requirements, the 2021 legislation directed the office of the superintendent of public instruction and the department of children, youth, and families to jointly develop recommendations for the establishment, implementation, and funding of a reformed institutional education system that successfully meets the education and support needs of persons in and released from secure settings. The recommendations were to be directed toward meeting the educational needs of persons who are in or have been released from state long-term juvenile institutions and community facilities operated by the department of children, youth, and families, county juvenile detention centers, and facilities of the department of corrections that incarcerate juveniles committed as adults.

(4) The legislature finds that the office of the superintendent of public instruction and the department of children, youth, and families did not sufficiently address legislative directives for reform recommendations.

(5) The legislature, recognizing the ongoing need for systemic reforms to the process by which basic education services are delivered and overseen in secure juvenile justice facilities, intends to initiate the process of assigning the superintendent of public instruction responsibility for the delivery and oversight of basic education services to justice-involved youth served through institutional education programs in facilities that are not under the jurisdiction of the department of social and health services. The legislature directs that this new program must implement the state's educational duties and goals under RCW 28A.150.210 in a way that better serves the needs of these students.

(6) In centralizing both delivery and oversight of these educational services with the superintendent, the legislature intends to decisively address essential governance, oversight and accountability, and continuity of education reforms. The legislature intends these reforms to recognize, support, and fully fund the unique educational needs of youth who receive education in these settings. Most importantly, however, the legislature intends for these reforms to provide these students with the opportunity to access the education and supports needed to make life-changing, and life-improving, academic progress.

NEW SECTION. **Sec.**  (1)(a) A joint select committee on governance and funding for institutional education 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.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(b) The committee shall choose its cochairs from among its membership. The member from the majority caucus of the house of representatives shall convene the initial meeting of the committee.

(2) The committee shall examine and evaluate revisions to statutes, funding formulae, funding sources, and operating and capital budget appropriation structure as necessary to assign the superintendent of public instruction with the responsibility for the delivery and oversight of basic education services to youth receiving education through institutional education programs in facilities that are not under the jurisdiction of the department of social and health services.

(3) The office of the superintendent of public instruction, the department of children, youth, and families, and the department of social and health services shall cooperate with the committee and provide information as the cochairs may reasonably request.

(4) Staff support for the committee must be provided by the senate committee services and the house of representatives office of program research.

(5) Members of the committee are entitled to be reimbursed for travel expenses in accordance with RCW 44.04.120.

(6) The expenses of the committee must be paid jointly by the senate and the house of representatives. Committee 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) The committee shall report its findings and recommendations, which may be in the form of draft legislation, to the governor, the superintendent of public instruction, the chair of the state board of education, and the appropriate committees of the legislature by December 1, 2024.

(8) This section expires December 31, 2024.

**Sec.**  RCW 28A.300.040 and 2011 1st sp.s. c 43 s 302 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state;

(2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools;

(3) To prepare and have printed such forms, registers, courses of study, rules for the government of the common schools, and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents;

(4) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, and of consulting educational service district superintendents or other school officials;

(5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be made available online and which shall be sold at approximate actual cost of publication and distribution per volume to public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules related to the common schools, and such other matter as the state superintendent or the state board of education shall determine;

(6) To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to;

(7) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager, or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct;

(8) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state;

(9) To issue certificates as provided by law;

(10) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education;

(11) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall publish his or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction;

(12) To administer oaths and affirmations in the discharge of the superintendent's official duties;

(13) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office;

(14) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025;

(15) To promote the adoption of school-based curricula and policies that provide quality, daily physical education for all students, and to encourage policies that provide all students with opportunities for physical activity outside of formal physical education classes;

(16) To perform all duties required by this act for the delivery and oversight of basic education services to justice-involved students under the age of 21 who are served through institutional education programs in facilities that are not under the jurisdiction of the department of social and health services; and

(17) To perform such other duties as may be required by law.

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

(1) The office of the superintendent of public instruction shall develop a timeline and plan for assuming, by September 1, 2027, responsibility for the delivery of basic education services to justice-involved students who are under the age of 21 and served through institutional education programs in facilities that are not under the jurisdiction of the department of social and health services. The timeline and plan shall consider: The findings and recommendations produced in accordance with section 2 of this act; recommendations provided in the December 1, 2022, improving institutional education outcomes final report of the office of the superintendent of public instruction and the department of children, youth, and families; staffing transitions for educators and staff that, as of the effective date of this section, deliver education programming and services to the justice-involved students; and legislation enacted in 2024 and in subsequent years relating to the superintendent's requirements under section 5 of this act.

(2) Beginning December 15, 2023, and annually thereafter through 2026, the office of the superintendent of public instruction shall, in accordance with RCW 43.01.036, provide an interim report on progress made in achieving the requirements of this section to the governor and the education and fiscal committees of the legislature.

(3) In meeting the requirements of this section, the office of the superintendent of public instruction shall consult with organizations representing educators and staff that deliver education programming and services to justice-involved students who are under the age of 21 and served through institutional education programs in facilities that are not under the jurisdiction of the department of social and health services.

(4) This section expires June 30, 2027.

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

Beginning September 1, 2027, the superintendent of public instruction is responsible for the delivery and oversight of basic education services to justice-involved students are who under the age of 21 and served through institutional education programs in facilities that are not under the jurisdiction of the department of social and health services.

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