

ESHB 2116 - S COMM AMD
By Committee on Ways & Means

ADOPTED AS AMENDED 03/05/2020

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that the
4 federal every student succeeds act of 2015, P.L. 114-95, reauthorized
5 and amended the elementary and secondary education act of 1965, the
6 federal policy and funding assistance framework for the nation's
7 public education system.

8 Two of the stated purposes of the every student succeeds act are
9 to provide all children with a significant opportunity to receive a
10 fair, equitable, and high quality education, and to close educational
11 achievement gaps.

12 The legislature further recognizes that Article IX of the state
13 Constitution provides that it is the paramount duty of the state to
14 make ample provision for the education of all children residing
15 within its borders, without distinction or preference on account of
16 race, color, caste, or sex.

17 While the partnership of federal and state law is critical in
18 ensuring that the civil and education rights of students are upheld,
19 efforts in Washington to fully realize state and federal objectives,
20 especially with respect to the delivery of education services in
21 institutional facilities, remain unfinished.

22 The legislature, therefore, intends to establish a task force on
23 improving institutional education programs and outcomes, with tasks
24 and duties generally focused on educational programs in the juvenile
25 justice system. In so doing, the legislature intends to examine
26 issues that have not been significantly explored in recent years,
27 build a shared understanding of past and present circumstances, and
28 develop recommendations for improving the delivery of education
29 services, and associated outcomes, for youth in institutional
30 facilities.

1 NEW SECTION. **Sec. 2.** (1)(a) The task force on improving
2 institutional education programs and outcomes is established, with
3 members as provided in this subsection.

4 (i) The president of the senate shall appoint one member from
5 each of the two largest caucuses of the senate, with each member
6 serving on the committee with jurisdiction over education issues, and
7 one member serving on the committee with jurisdiction over basic
8 education funding.

9 (ii) The speaker of the house of representatives shall appoint
10 one member from each of the two largest caucuses of the house of
11 representatives, with one member serving on the committee with
12 jurisdiction over education issues, and one member serving on the
13 committee with jurisdiction over basic education funding.

14 (iii) The governor shall appoint one member each from the state
15 board of education and the department of children, youth, and
16 families, and one member representing an organization that provides
17 free legal advice to youth who are involved in, or at risk of being
18 involved in, the juvenile justice system.

19 (iv) The superintendent of public instruction shall appoint three
20 members: One member representing the superintendent of public
21 instruction; one member who is a principal from a school district
22 with at least twenty thousand enrolled students that provides
23 education services to a juvenile rehabilitation facility; and one
24 member who is a teacher with expertise in providing education
25 services to residents of a juvenile rehabilitation facility.

26 (v) The task force must also include one member representing the
27 educational opportunity gap oversight and accountability committee,
28 selected by the educational opportunity gap oversight and
29 accountability committee.

30 (b) The task force shall choose its cochairs from among its
31 legislative membership. One cochair must be from a minority caucus in
32 one of the two chambers of the legislature. A member from the
33 majority caucus of the house of representatives shall convene the
34 initial meeting of the task force by May 1, 2020.

35 (2) The task force shall examine the following issues:

36 (a) Goals and strategies for improving the coordination and
37 delivery of education services to youth involved with the juvenile
38 justice system, especially youth in juvenile rehabilitation
39 facilities, and children receiving education services, including home
40 or hospital instruction, under RCW 28A.155.090;

1 (b) The transmission of student records, including individualized
2 education programs and plans developed under section 504 of the
3 rehabilitation act of 1973, for students in institutional facilities,
4 and recommendations for ensuring that those records are available to
5 the applicable instructional staff within two business days of a
6 student's admission to the institution;

7 (c) Goals and strategies for increasing the graduation rate of
8 youth in institutional facilities, and in recognition of the
9 transitory nature of youth moving through the juvenile justice
10 system, issues related to grade level progression and academic credit
11 reciprocity and consistency to ensure that:

12 (i) Core credits earned in an institutional facility are
13 considered core credits by public schools that the students
14 subsequently attend; and

15 (ii) Public school graduation requirements, as they applied to a
16 student prior to entering an institutional facility, remain
17 applicable for the student upon returning to a public school;

18 (d) Goals and strategies for assessing adverse childhood
19 experiences of students in institutional education and providing
20 trauma-informed care;

21 (e) An assessment of the level and adequacy of basic and special
22 education funding for institutional facilities. The examination
23 required by this subsection (2)(e) must include information about the
24 number of students receiving special education services in
25 institutional facilities, and a comparison of basic and special
26 education funding in institutional facilities and public schools
27 during the previous ten school years;

28 (f) An assessment of the delivery methods, and their adequacy,
29 that are employed in the delivery of special education services in
30 institutional facilities, including associated findings;

31 (g) School safety, with a focus on school safety issues that are
32 applicable in institutional facilities; and

33 (h) Special skills and services of faculty and staff, including
34 associated professional development and nonacademic supports
35 necessary for addressing social emotional and behavioral health needs
36 presenting as barriers to learning for youth in institutional
37 facilities.

38 (3) The task force, in completing the duties prescribed by this
39 section, shall solicit and consider information and perspectives
40 provided by the department of corrections and persons and entities

1 with relevant interest and expertise, including from persons with
2 experience reintegrating youth from institutional facilities into
3 school and the community at large, and from persons who provide
4 education services in secure facilities housing persons under the age
5 of twenty-five, examples of which include county jails, juvenile
6 justice facilities, and community facilities as defined in RCW
7 72.05.020.

8 (4) Staff support for the task force must be provided by the
9 senate committee services and the house of representatives office of
10 program research. The office of financial management, the office of
11 the superintendent of public instruction, the department of children,
12 youth, and families, and the department of corrections shall
13 cooperate with the task force and provide information as the cochairs
14 may reasonably request.

15 (5) Legislative members of the task force are to be reimbursed
16 for travel expenses in accordance with RCW 44.04.120. Nonlegislative
17 members are not entitled to be reimbursed for travel expenses if they
18 are elected officials or are participating on behalf of an employer,
19 government entity, or other organization. Any reimbursement for other
20 nonlegislative members is subject to chapter 43.03 RCW.

21 (6) In accordance with RCW 43.01.036, the task force shall report
22 its findings and recommendations to the governor and the appropriate
23 committees of the house of representatives and the senate by December
24 15, 2020, in time for the legislature to take action on legislation
25 that is consistent with the findings and recommendations during the
26 2021 legislative session.

27 (7) This section expires June 30, 2021.

28 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
29 preservation of the public peace, health, or safety, or support of
30 the state government and its existing public institutions, and takes
31 effect immediately."

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1 On page 1, line 2 of the title, after "outcomes;" strike the
2 remainder of the title and insert "creating new sections; providing
3 an expiration date; and declaring an emergency."

EFFECT: (1) Reduces the legislative membership on the task force from two members of each caucus of the Senate and the House of Representatives (8 total) to one member of each caucus of the Senate and House of Representatives (4 total).

(2) Requires that the task force be staffed by Senate Committee Services and the House Office of Program Research, rather than the Office of the Superintendent of Public Instruction.

(3) Requires that the task force issue its final report by December 15, 2020, rather than issuing an initial report by that date and a final report by November 1, 2021.

(4) Changes the task force expiration date from June 30, 2022, to June 30, 2021, and removes language that allowed the task force to recommend an extension.

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