
ENGROSSED SUBSTITUTE HOUSE BILL 2116

State of Washington

66th Legislature

2020 Regular Session

By House Education (originally sponsored by Representatives Callan, Eslick, Frame, Klippert, Blake, Ramos, Lovick, Davis, Doglio, Leavitt, Senn, Pollet, and Santos)

READ FIRST TIME 02/06/20.

1 AN ACT Relating to establishing a task force on improving
2 institutional education programs and outcomes; creating new sections;
3 providing an expiration date; and declaring an emergency.

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

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

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

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

19 While the partnership of federal and state law is critical in
20 ensuring that the civil and education rights of students are upheld,
21 efforts in Washington to fully realize state and federal objectives,

1 especially with respect to the delivery of education services in
2 institutional facilities, remain unfinished.

3 The legislature, therefore, intends to establish a task force on
4 improving institutional education programs and outcomes, with tasks
5 and duties generally focused on educational programs in the juvenile
6 justice system. In so doing, the legislature intends to examine
7 issues that have not been significantly explored in recent years,
8 build a shared understanding of past and present circumstances, and
9 develop recommendations for improving the delivery of education
10 services, and associated outcomes, for youth in institutional
11 facilities.

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

15 (i) The president of the senate shall appoint two members from
16 each of the two largest caucuses of the senate, with two members
17 serving on the committee with jurisdiction over education issues, and
18 two members serving on the committee with jurisdiction over basic
19 education funding.

20 (ii) The speaker of the house of representatives shall appoint
21 two members from each of the two largest caucuses of the house of
22 representatives, with two members serving on the committee with
23 jurisdiction over education issues, and two members serving on the
24 committee with jurisdiction over basic education funding.

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

30 (iv) The superintendent of public instruction shall appoint three
31 members: One member representing the superintendent of public
32 instruction; one member who is a principal from a school district
33 with at least twenty thousand enrolled students that provides
34 education services to a juvenile rehabilitation facility; and one
35 member who is a teacher with expertise in providing education
36 services to residents of a juvenile rehabilitation facility.

37 (v) The task force must also include one member representing the
38 educational opportunity gap oversight and accountability committee,

1 selected by the educational opportunity gap oversight and
2 accountability committee.

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

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

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

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

20 (c) Goals and strategies for increasing the graduation rate of
21 youth in institutional facilities, and in recognition of the
22 transitory nature of youth moving through the juvenile justice
23 system, issues related to grade level progression and academic credit
24 reciprocity and consistency to ensure that:

25 (i) Core credits earned in an institutional facility are
26 considered core credits by public schools that the students
27 subsequently attend; and

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

31 (d) Goals and strategies for assessing adverse childhood
32 experiences of students in institutional education and providing
33 trauma-informed care;

34 (e) An assessment of the level and adequacy of basic and special
35 education funding for institutional facilities. The examination
36 required by this subsection (2)(e) must include information about the
37 number of students receiving special education services in
38 institutional facilities, and a comparison of basic and special
39 education funding in institutional facilities and public schools
40 during the previous ten school years;

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

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

6 (h) Special skills and services of faculty and staff, including
7 associated professional development and nonacademic supports
8 necessary for addressing social emotional and behavioral health needs
9 presenting as barriers to learning for youth in institutional
10 facilities.

11 (3) The task force, in completing the duties prescribed by this
12 section, shall solicit and consider information and perspectives
13 provided by the department of corrections and persons and entities
14 with relevant interest and expertise, including from persons with
15 experience reintegrating youth from institutional facilities into
16 school and the community at large, and from persons who provide
17 education services in secure facilities housing persons under the age
18 of twenty-five, examples of which include county jails, juvenile
19 justice facilities, and community facilities as defined in RCW
20 72.05.020.

21 (4) Staff support for the task force must be provided by the
22 office of the superintendent of public instruction, with additional
23 support provided by the department of children, youth, and families,
24 and the department of corrections. The office of financial
25 management, the office of the superintendent of public instruction,
26 the department of children, youth, and families, and the department
27 of corrections shall cooperate with the task force and provide
28 information as the cochairs may reasonably request.

29 (5) Legislative members of the task force are to be reimbursed
30 for travel expenses in accordance with RCW 44.04.120. Nonlegislative
31 members are not entitled to be reimbursed for travel expenses if they
32 are elected officials or are participating on behalf of an employer,
33 government entity, or other organization. Any reimbursement for other
34 nonlegislative members is subject to chapter 43.03 RCW.

35 (6) In accordance with RCW 43.01.036, the task force shall report
36 its initial findings and recommendations to the governor and the
37 appropriate committees of the house of representatives and the senate
38 by December 1, 2020. The initial findings and recommendations must
39 address subsections (2)(b) through (f) of this section. The task
40 force shall submit a final report to the same recipients by November

1 1, 2021, in time for the legislature to take action on legislation
2 that is consistent with the findings and recommendations during the
3 2022 legislative session. The findings and recommendations submitted
4 by November 1, 2021, may also include recommendations for extending
5 the duration of the task force.

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

7 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of
9 the state government and its existing public institutions, and takes
10 effect immediately.

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