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**SUBSTITUTE HOUSE BILL 1366**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** House Education (originally sponsored by Representatives Caldier and Chase)

READ FIRST TIME 02/11/21.

1 AN ACT Relating to requiring school districts to prioritize the  
2 resumption of in-person instruction to certain students following an  
3 emergency; adding a new section to chapter 28A.320 RCW; and declaring  
4 an emergency.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.320  
7 RCW to read as follows:

8 (1) School districts that have discontinued the provision of in-  
9 person instruction to all or most students in response to an  
10 emergency must, when resuming in-person instruction through a phased,  
11 hybrid, or otherwise noncomprehensive process, prioritize the  
12 offering and delivery of in-person instruction to the following:

13 (a) Students in foster care;

14 (b) Students experiencing homelessness;

15 (c) Students recently released from a juvenile rehabilitation  
16 facility or other facility providing education services to students  
17 in an institutional setting, and, to the extent practicable, students  
18 in a juvenile rehabilitation facility or other facility providing  
19 education services to students in an institutional setting;

20 (d) Students who are English language learners;

21 (e) Students with individualized education programs;

1 (f) Students with plans developed under section 504 of the  
2 rehabilitation act of 1973; and

3 (g) Students who have 10 or more unexcused absences within any  
4 month during the current school year.

5 (2) A student who is offered a return to in-person instruction in  
6 accordance with this section may, at the discretion of the student or  
7 the student's parent or guardian, continue remote instruction until  
8 the school district resumes in-person instruction for all students.  
9 This subsection (2) does not apply to students in a juvenile  
10 rehabilitation facility or other facility providing education  
11 services to students in an institutional setting.

12 (3) For purposes of this section, "emergency" has the same  
13 meaning as "emergency or disaster" in RCW 38.52.010. "Emergency" may  
14 also include a national declaration of emergency by an authorized  
15 federal official.

16 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
17 preservation of the public peace, health, or safety, or support of  
18 the state government and its existing public institutions, and takes  
19 effect immediately.

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