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**HOUSE BILL 1701**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Representatives Callan and Stonier

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

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

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

19 (2) Legislative actions dedicated to improving the educational  
20 circumstances for students receiving services through institutional  
21 education programs have been enacted in recent years. In 2021,

1 building upon the efforts of the task force on improving  
2 instructional education programs and outcomes established in the  
3 previous year, the legislature enacted numerous reforms intended to  
4 improve the provision of public education to youth in or released  
5 from secure juvenile justice facilities.

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

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

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

33 (6) In centralizing both delivery and oversight of these  
34 educational services with the superintendent, the legislature intends  
35 to decisively address essential governance, oversight and  
36 accountability, and continuity of education reforms. The legislature  
37 intends these reforms to recognize, support, and fully fund the  
38 unique educational needs of youth who receive education in these  
39 settings. Most importantly, however, the legislature intends for  
40 these reforms to provide these students with the opportunity to

1 access the education and supports needed to make life-changing, and  
2 life-improving, academic progress.

3 NEW SECTION. **Sec. 2.** (1)(a) A joint select committee on  
4 governance and funding for institutional education is established,  
5 with members as provided in this subsection.

6 (i) The president of the senate shall appoint one member from  
7 each of the two largest caucuses of the senate.

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

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

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

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

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

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

31 (6) The expenses of the committee must be paid jointly by the  
32 senate and the house of representatives. Committee expenditures are  
33 subject to approval by the senate facilities and operations committee  
34 and the house of representatives executive rules committee, or their  
35 successor committees.

36 (7) The committee shall report its findings and recommendations,  
37 which may be in the form of draft legislation, to the governor, the  
38 superintendent of public instruction, the chair of the state board of

1 education, and the appropriate committees of the legislature by  
2 December 1, 2024.

3 (8) This section expires December 31, 2024.

4 **Sec. 3.** RCW 28A.300.040 and 2011 1st sp.s. c 43 s 302 are each  
5 amended to read as follows:

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

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

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

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

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

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

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

1 and when so certified shall be evidence of the papers or acts so  
2 certified to;

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

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

12 (9) To issue certificates as provided by law;

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

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

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

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

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

37 (15) To promote the adoption of school-based curricula and  
38 policies that provide quality, daily physical education for all  
39 students, and to encourage policies that provide all students with

1 opportunities for physical activity outside of formal physical  
2 education classes;

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

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

9 NEW SECTION. Sec. 4. A new section is added to chapter 28A.300  
10 RCW to read as follows:

11 (1) The office of the superintendent of public instruction shall  
12 develop a timeline and plan for assuming, by September 1, 2027,  
13 responsibility for the delivery of basic education services to  
14 justice-involved students who are under the age of 21 and served  
15 through institutional education programs in facilities that are not  
16 under the jurisdiction of the department of social and health  
17 services. The timeline and plan shall consider: The findings and  
18 recommendations produced in accordance with section 2 of this act;  
19 recommendations provided in the December 1, 2022, improving  
20 institutional education outcomes final report of the office of the  
21 superintendent of public instruction and the department of children,  
22 youth, and families, and legislation enacted in 2024 and in  
23 subsequent years relating to the superintendent's requirements under  
24 section 5 of this act.

25 (2) Beginning December 15, 2023, and annually thereafter through  
26 2026, the office of the superintendent of public instruction shall,  
27 in accordance with RCW 43.01.036, provide an interim report on  
28 progress made in achieving the requirements of this section to the  
29 governor and the education and fiscal committees of the legislature.

30 (3) This section expires June 30, 2027.

31 NEW SECTION. Sec. 5. A new section is added to chapter 28A.190  
32 RCW to read as follows:

33 Beginning September 1, 2027, the superintendent of public  
34 instruction is responsible for the delivery and oversight of basic  
35 education services to justice-involved students who are under the age  
36 of 21 and served through institutional education programs in

1 facilities that are not under the jurisdiction of the department of  
2 social and health services.

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