

FINAL BILL REPORT

SHB 1701

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Synopsis as Enacted

Brief Description: Concerning basic education services to youth who are served through institutional education programs.

Sponsors: House Committee on Education (originally sponsored by Representatives Callan, Stonier, Simmons, Senn, Reed, Kloba, Pollet, Santos, Ortiz-Self, Ormsby, Macri and Bergquist).

House Committee on Education

Senate Committee on Early Learning & K-12 Education

Senate Committee on Ways & Means

Background:

Institutional Education—Overview.

Washington's program of basic education mandates that instruction and associated state funding be provided for school-aged students in institutional facilities. The institutional facilities are managed and operated by the Department of Children, Youth, and Families (DCYF), the Department of Social and Health Services (DSHS), the Department of Corrections (DOC), counties, and cities, but the basic education services are generally provided by local school districts and regionally based Educational Service Districts (ESDs).

The Office of the Superintendent of Public Instruction (OSPI) oversees school districts and ESDs that provide institutional education services. The OSPI also allocates funding to school districts and ESDs for institutional education services and has separate education duties and responsibilities for inmates who are under the age of 18 and incarcerated in adult facilities of the DOC.

Basic Education. As defined in statute, the program of basic education is that which is necessary to provide students with the opportunity to develop the knowledge and skills necessary to meet state-established high school graduation requirements. Those

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requirements are intended to allow students to have the opportunity to graduate with a meaningful diploma that prepares them for postsecondary education, gainful employment, and citizenship.

Funding. State institutional education funding is not calculated using the prototypical school funding model that is used for traditional public schools. Instead, other factors generate the funding amount for institutional education purposes, including student enrollment, variable staffing ratios, a 220-day school year, and the materials, supplies, and operating costs to support the program.

Six types of institutions receive institutional education funding:

- residential habilitation centers;
- state long-term juvenile institutions;
- state operated community facilities (also referred to as group homes);
- county juvenile detention centers;
- the DOC; and
- county and city adult jails.

Institutional education allocations are distributed to school districts and ESDs to hire staff and to develop and deliver a program of education in institutional facilities.

2020 Task Force on Improving Institutional Education Programs and Outcomes.

An 11-member Task Force on Improving Institutional Education Programs and Outcomes was established in 2020 and charged with examining various issues, including:

- goals and strategies for improving the coordination and delivery of education services to youth involved with the juvenile justice system;
- the transmission of student records for students in institutional facilities;
- goals and strategies for increasing the graduation rate of youth in institutional facilities;
- an assessment of the level and adequacy of basic and special education funding for institutional facilities; and
- special skills and services of faculty and staff, including associated professional development and nonacademic supports for addressing social-emotional and behavioral health needs.

2021 Legislation.

Legislation adopted in 2021 (Engrossed Second Substitute House Bill [E2SHB] 1295, enacted as Chapter 164, Laws of 2021) established numerous new and modified duties for the OSPI, the DCYF, and the State Board of Education (SBE) related to the provision of public education to youth in or released from secure facilities.

Among other requirements, E2SHB 1295 directed the OSPI and the DCYF 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. With limited exceptions, the recommendations were to be directed toward meeting the education needs of persons in or released from institutional education facilities that are not operated by or under the jurisdiction of the DSHS.

The Institutional Education Structure and Accountability Advisory Group was established through E2SHB 1295 for the purpose of providing advice, assistance, and information to the OSPI and the DCYF in developing the recommendations.

The OSPI and the DCYF were directed to provide an interim report to the Governor and the Legislature by December 15, 2021, with the required recommendations provided to the same recipients by November 1, 2022. In accordance with E2SHB 1295, the agency recommendations were encouraged to include a plan and a phased implementation timeline for different types of institutional education facilities.

The OSPI and the DCYF submitted a report titled *Improving Institutional Education Outcomes: Final Report* to the Legislature on December 22, 2022.

Summary:

Assignment of Basic Education Responsibilities.

Beginning September 1, 2027, the Superintendent of Public Instruction (SPI) is responsible for the delivery and oversight 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 (DSHS) or the Department of Corrections (DOC). Corresponding modifications are made to provisions delineating the general powers and duties of the SPI.

The Office of the Superintendent of Public Instruction (OSPI) must develop a timeline and plan for assuming, by September 1, 2027, the newly assigned basic education duties. The timeline and plan must consider:

- findings and recommendations of the Joint Select Committee on Governance and Funding for Institutional Education;
- recommendations provided in the *Improving Institutional Education Outcomes: Final Report* of the OSPI and the Department of Children, Youth, and Families (DCYF);
- staffing transitions for educators and staff that deliver education programming and services to the justice-involved students; and
- future legislation relating to the SPI's September 1, 2027, assumption of the delineated basic education responsibilities.

In meeting the timeline and plan duties, the OSPI must 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 DSHS or the DOC.

Beginning December 15, 2023, and annually thereafter through 2026, the OSPI must provide an interim report on progress made in achieving the timeline and plan requirements to the Governor and the education and fiscal committees of the Legislature.

Select Legislative Committee.

A Joint Select Committee on Governance and Funding for Institutional Education (Select Committee) is established. The membership of the Select Committee consists of two members from the House of Representatives and two members from the Senate, as appointed by legislative leaders.

The Select Committee must examine and evaluate revisions to statutes, funding formulae, funding sources, and operating and capital budget appropriation structures as necessary to assign the SPI 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 DSHS or the DOC.

The OSPI, the DCYF, and the DSHS must cooperate with the Select Committee and provide information as the cochairs may reasonably request. Staff support for the Select Committee will be provided by the Senate Committee Services and the Office of Program Research.

The Select Committee must report its findings and recommendations, which may be in the form of draft legislation, to the Governor, the SPI, the chair of the State Board of Education, and the appropriate committees of the Legislature by December 1, 2024.

Provisions establishing the Select Committee and prescribing its duties expire December 31, 2024.

Votes on Final Passage:

House	96	0	
Senate	49	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 23, 2023