

SENATE BILL REPORT

SHB 1701

As Passed Senate - Amended, April 12, 2023

Title: An act relating to assigning the superintendent of public instruction the responsibility for the delivery and oversight of basic education services to justice-involved youth served through institutional education programs in facilities that are not under the jurisdiction of the department of social and health services.

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).

Brief History: Passed House: 2/27/23, 96-0.

Committee Activity: Early Learning & K-12 Education: 3/16/23, 3/20/23 [DP-WM].
Ways & Means: 3/28/23, 4/04/23 [DP].

Floor Activity: Passed Senate - Amended: 4/12/23, 49-0.

Brief Summary of Bill (As Amended by Senate)

- Makes the Superintendent of Public Instruction (SPI), beginning September 1, 2027, 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 not under the jurisdiction of the Department of Social and Health Services or the Department of Corrections.
- Directs the Office of the Superintendent of Public Instruction to develop a timeline and plan for assuming the delineated basic education responsibilities.
- Establishes a Joint Select Committee on Governance and Funding for

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Institutional Education and directs it to examine and evaluate revisions to statutes, funding formulae, funding sources, and operating and capital budget appropriation structures as necessary to assign the delineated basic education responsibilities to SPI.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Wellman, Chair; Nobles, Vice Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Dozier, Hunt, McCune, Mullet and Pedersen.

Staff: Alexandra Fairfortune (786-7416)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Mullet, Vice Chair, Capital; Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Billig, Boehnke, Braun, Conway, Dhingra, Hasegawa, Hunt, Keiser, Muzzall, Nguyen, Pedersen, Saldaña, Torres, Van De Wege, Wagoner and Wellman.

Staff: Kayla Hammer (786-7305)

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. OSPI also allocates funding to school districts and ESDs for institutional education services.

State institutional education funding is not calculated using the prototypical school funding model 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;
- DOC; and
- county and city adult jails.

Recent Task Forces, Reports, and Legislation. 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, and an assessment of the level and adequacy of basic and special education funding for institutional facilities. The Task Force published a report to the Governor and Legislature in December 2020.

Legislation passed in 2021 (E2SHB 1295), established numerous new and modified duties for OSPI, 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 OSPI and 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 not operated by or under the jurisdiction of DSHS.

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

OSPI and DCYF submitted a report titled *Improving Institutional Education Outcomes: Final Report to the Legislature on December 1, 2022.*

Summary of Amended Bill: 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 not under the jurisdiction of DSHS or the Department of Corrections (DOC).

OSPI must develop a timeline and plan for assuming, by September 1, 2027, responsibility for the delivery of such services. The timeline and plan must consider:

- the findings and recommendations produced by the Joint Select Committee on Governance and Funding for Institutional Education (Select Committee);

- recommendations provided in the Improving Institutional Education Outcomes: Final Report of OSPI and DCYF;
- staffing transitions for educators and staff that deliver education programming and services to the justice-involved students; and
- legislation enacted in 2024, and in subsequent years relating to the SPI's September 1, 2027 assumption of the delineated basic education responsibilities.

In meeting the timeline and plan duties, 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 not under the jurisdiction of DSHS or DOC.

Beginning December 15, 2023, and annually thereafter through 2026, 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 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 SPI with the responsibility for the delivery and oversight of basic education services to youth receiving education through institutional education programs in facilities not under the jurisdiction of DSHS or DOC.

OSPI, DCYF, and DSHS must cooperate with the Select Committee and provide information as the co-chairs may reasonably request. Staff support for the Select Committee must be provided by the Senate Committee Services and the Office of Program Research. Select Committee expenses must be paid jointly by the House of Representatives and Senate, subject to approval, and members are entitled to be reimbursed for travel expenses.

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

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

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: Yes.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (Early Learning & K-12 Education): PRO: Workgroup recommendation have been published but OSPI and DCYF have not developed their plan in a common format that would prevent credit and learning loss. This bill provides a date certain by which we will have a common system. For youth in the juvenile justice system: 13-17% graduate, 40% have been or are in foster care, most qualify for special education. They are not getting the opportunity to break the cycle. We don't have the basic education fundamentals occurring, must less creating 21st century career path opportunities. The challenge is that workgroups and task forces have been focused on day to day delivery and what has been missing is structural level accountability. Right now delivery is diffused across school districts. This bill charts a clear course by saying by date certain something will be done. We also need to increase funding, but that needs to go through the right structure to get into the classroom. We also need to ensure that employees are consulted and provided for, and that labor groups will be consulted.

OTHER: DOC amendments should be included. The State Board and DOC have a long history of partnering, and this bill includes duplicative language.

Persons Testifying (Early Learning & K-12 Education): PRO: Representative Lisa Callan, Prime Sponsor; Simone Boe, Washington Education Association; Allison Krutsinger, Dept of Children, Youth, and Families; Mikhail Cherniske, Office of Superintendent of Public Instruction.

OTHER: Troy Goracke, WA State Board for Community and Technical Colleges.

Persons Signed In To Testify But Not Testifying (Early Learning & K-12 Education): No one.

Staff Summary of Public Testimony (Ways & Means): PRO: Current funding structures have limited opportunities to meet the unique educational needs of institutional education students. OSPI has some concerns with the timeline of the select committee's work.

Persons Testifying (Ways & Means): PRO: Mikhail Cherniske, Office of Superintendent of Public Instruction.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.