

---

## Education Committee

---

### HB 1295

**Brief Description:** Providing public education to youth in or released from institutional education facilities.

**Sponsors:** Representatives Callan, Eslick, Ramel, Leavitt, Simmons, Springer, Fitzgibbon, Dolan, Bateman, Shewmake, Johnson, J., Senn, Sutherland, Walen, Peterson, Davis, Goodman, Hackney, Kloba, Fey, Ramos, Frame, Ryu, Macri, Bergquist, Pollet and Stonier.

#### Brief Summary of Bill

- Establishes new and modified duties for the Office of the Superintendent of Public Instruction, the Department of Children, Youth, and Families, and the State Board of Education related to the provision of public education to youth in or released from secure facilities, including duties related to education access and delivery, student supports, data collection and reporting, and facility policies.
- Establishes a temporary Institutional Education Accountability Work Group and prescribes associated duties and staffing provisions.

**Hearing Date:** 1/22/21

**Staff:** Ethan Moreno (786-7386).

#### **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),

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

counties, and cities, but the basic education services are generally provided by local school districts and educational service districts (ESDs), regional kindergarten through grade 12 education entities that provide services to districts and students.

The Office of the Superintendent of Public Instruction (OSPI) oversees school districts and ESDs that provide institutional education services. The OSPI also allocates legislatively-provided funding to school districts and ESDs for institutional education services.

*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 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.* Institutional education funding is not calculated using the prototypical school funding model that is defined in statute and used for common schools. Instead, five factors generate the funding amount for institutional education purposes: student enrollment; the certificated instructional staff mix based on staff education and experience; staffing ratios; a 220-day school year instead of the regular 180-day school year; and the materials, supplies, and operating costs to support the program. This funding formula is not codified but is adopted in the biennial operating budget.

#### Operation of Institutional Education Programs.

Institutional education is provided through six programs that a total FTE enrollment of 846 students in the 2019-20 school year. Each of the six programs is briefly described and summarized below.

*Residential Habilitation Centers (RHC)* - Operated by the DSHS to provide 24-hour-a-day care for children with profound mental and physical deficiencies. The RHCs do not include the Washington State School for the Blind, the Washington State School for the Deaf, or adult correctional institutions:

- There are five RHC facilities in Washington: Fircrest Residential Habilitation Center (Shoreline); Lakeland Village (Medical Lake); Rainier School (Buckley); Yakima Valley School (Selah), and Western State Hospital (Lakewood).
- Budgeted enrollment for the 2019-20 school year: 57.81 FTEs.

*State Long-Term Juvenile Institutions (LTJI)* - Operated by the Juvenile Rehabilitation section of the DCYF, these facilities provide 24-hour-a-day diagnosis, confinement, and rehabilitation of juveniles committed by the courts:

- There are three LTJI facilities in Washington: Echo Glen Children's Center (Snoqualmie); Green Hill School (Chehalis); and Naselle Youth Camp (Naselle).
- Budgeted enrollment for the 2019-20 school year: 279 FTEs.

*State Operated Community Facilities (CF)* - Operated by the Juvenile Rehabilitation section of

the DCYF, these facilities provide 24-hour services to youth referred for services through the juvenile justice system. The CF facilities were previously referred to as group homes:

- There are eight CF facilities in Washington: Canyon View (Wenatchee); Oakridge (Lakewood); Parke Creek (Ellensburg); Ridgeview (Yakima); Sunrise (Ephrata); Touchstone (Olympia); Twin Rivers (Richland); and Woodinville (Kirkland).
- Budgeted enrollment for the 2019-20 school year: 45.88 FTEs.

*County Juvenile Detention Center (CDC)* - Operated and funded by counties, these facilities provide 24-hour-a-day treatment and care for juveniles who have been placed under protective custody or have committed a criminal offense. This includes day reporting students who are court ordered to receive education services at a county detention center during the day, even if the juvenile resides at home:

- Operated and funded by counties, there are 21 CDC facilities in Washington.
- Budgeted enrollment for the 2019-20 school year: 470.56 FTEs.

*Department of Corrections* - Operated and funded by the state, DOC facilities provide 24-hour-a-day incarceration of adults and juveniles committed as adults. Institutional education funding is provided by the state for the education of juveniles under the age of 18:

- Budgeted enrollment for the 2019-20 school year: .09 FTEs.

*County and City Adult Jails (AJL)* - Operated and funded by counties and cities, adult jails provide 24-hour-a-day holding, detention, or incarceration of adults and juveniles committed as adults. Institutional education funding is provided by the state for the education of juveniles under the age of 18:

- Budgeted enrollment for the 2019-20 school year: 1.0 FTEs.

### **Summary of Bill:**

Numerous new and modified duties are established for the Office of the Superintendent of Public Instruction (OSPI), the Department of Children, Youth, and Families (DCYF), and the State Board of Education (SBE) related to the provision of public education to youth in or released from secure facilities.

Related definitions are also established for key terms used throughout the legislation, including definitions for:

- institutional education facility;
- institutional education program; and
- institutional education provider.

Additionally, "youth" is defined as a person who is under the age of 21 who is a *resident* of an institutional education facility. A youth may be a public school student or a person who is eligible to be a public school student but who is not enrolled in a school or otherwise receiving basic education services.

"Post resident youth" is defined as a person who is under the age of 21 and a *former resident* of an institutional education facility. A postresident youth may be a public school student or a person who is eligible to be a public school student but who is not enrolled in a school or otherwise receiving basic education services.

#### I. Examination and Rulemaking Duties for the State Board of Education.

The SBE must examine and, to the extent practicable, resolve by rule making or other means the specified issues, including:

- authorizing or increasing the authority of institutional education providers to award full or partial academic credit to youth and postresident youth;
- the requisite content and form of guidance from the SBE for the awarding of credit to youth and postresident youth for mastery-based learning provided by institutional education providers;
- credit earning requirements and practices for youth and postresident youth, with the objective of determining whether and how credit-earning requirements and practices that apply to students in foster care could be extended or otherwise replicated for youth and postresident youth; and
- establishing new or modified requirements and practices related to educational continuity and on-time grade-level progression and graduation for youth and postresident youth.

Findings and recommendations resulting from the examination, and any related rulemaking actions, must be reported by November 1, 2021, to the Governor and the appropriate committees of the Legislature.

#### II. Dropout Reengagement Duties for the Office of the Superintendent of Public Instruction.

The OSPI is directed to examine an existing dropout prevention, intervention, and retrieval system and its associated rules for the purpose of recommending new or modified dropout reengagement requirements and practices that will promote credit earning and high school completion by youth and postresident youth.

Findings and recommendations resulting from the examination must be submitted by November 1, 2021, to the Governor and the appropriate committees of the Legislature.

#### III. Professional Development for Institutional Education Staff.

Institutional education providers must annually deliver to all staff providing an institutional education program, one day of professional development that builds pedagogical strategies to navigate the intersectionality of factors impacting student learning, including trauma, and physical, mental, and behavioral health in order to achieve academic milestone progression.

The professional development must, at a minimum, include training on delineated topics, examples of which include:

- the cognitive, psychosocial, and emotional development of adolescents;
- mental and behavioral health literacy;
- the complex needs of students involved in the juvenile justice system, including the trauma

- associated with incarceration; and
- racial literacy and cultural competency.

The required professional development must be in addition to other professional learning requirements previously established in statute.

#### IV. Service Improvement and Delivery Duties for the Department of Children, Youth, and Families.

The DCYF is directed to meet new requirements for the institutional students in facilities it operates. More specifically, the DCYF must:

- identify data needed by the DCYF and institutional education facilities to evaluate the facilities' administrative and operational role in providing education to students and supporting students' educational outcomes. This data must include attendance, discipline rates, course and certificate completion rates, and other educational metrics;
- analyze, and make a plan to resolve, the DCYF and institutional education facilities policies and practices that suspend the provision of educational services to a student as a disciplinary action, so that students are never denied the opportunity to engage in educational activities; and
- review and resolve the DCYF and institutional education facility policies and practices that create barriers to students participating in meaningful learning opportunities in whatever location and format those opportunities are provided.

#### V. Every Student Succeeds Act/Consolidated Plan - Reporting Duties for the Office of the Superintendent of Public Instruction.

New reporting requirements pertaining to the state's consolidated plan mandated by the federal Every Student Succeeds Act are established. Beginning July 1, 2022, and every four years thereafter, the OSPI must report on the funding and services provided in support of youth with respect to provisions of the consolidated plan addressing prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk. The OSPI report, which must be submitted to the appropriate committees of the Legislature, must also include information about the education outcomes resulting from the funding and provided services.

The stated purpose of the report required by the OSPI is to:

- ensure compliance with federal requirements;
- ensure consistency between the consolidated plan and implementation actions; and
- provide the Legislature with the opportunity to determine whether subsequent legislation should be enacted to ensure the education needs of youth and postresident youth.

#### VI. Additional Requirements and Supports for the Provision of Institutional Education - Duties for the Office of the Superintendent of Public Instruction.

The OSPI is directed to modify or establish requirements and supports for the provision of public education to youth and postresident youth. In meeting these requirements, the OSPI must complete the following duties:

- identify and recommend elements of common education, information, and support systems

that would improve system efficacy and minimize the negative academic impacts of transitions;

- expand access to education advocates for youth in state long-term juvenile institutions, state-operated community facilities, and reentry;
- adopt rules requiring institutional education providers to conduct an individualized education program (IEP) evaluation upon the youth's assignment to an institutional education facility, and a review and assessment of needed services for each facility transition the youth experiences within the juvenile justice system; and
- adopt, for youth in state long-term juvenile institutions and state-operated community facilities, rules to implement accountability measures for special education services delivered by institutional education providers, including the establishment of mediation and appeals options related to special education services that recognize the unique situation of youth and postresident youth.

The required recommendations, and a summary of any adopted or pending rules developed in accordance with the recommendations, must be submitted to the appropriate committees of the Legislature by November 1, 2021.

#### VII. Data Collection and Web Posting Duties for the Office of the Superintendent of Public Instruction.

The OSPI is directed to annually collect and post on its website data related to institutional education programs, disaggregated by gender, race, ethnicity, and age, including data on:

- IEPs;
- access to relevant instruction;
- student attendance;
- metrics of student education status upon the beginning of residency in an institutional education facility;
- student education progress during residency in an institutional education facility;
- student education attainment during residency in an institutional education facility; and
- long-term education outcomes during and after residency in an institutional education facility.

The OSPI is also directed to annually recommend modifications to the SBE for changes to annual school improvement plan requirements in rule that would allow plans for institutional education facilities to be formatted for the specific needs and circumstances of institutional settings.

Additionally, the OSPI must provide a copy of the disaggregated data to the board of directors of each school district that provides education services to youth and postresident youth. The stated purpose of providing the data is to give each board of directors the opportunity to:

- review the performance of the institutional education provider; and
- make changes to annual school improvement plans required by rule, or other policies and procedures as necessary to improve youth and postresident youth outcomes.

VIII. Jointly Developed Institutional Education Policies of the Office of the Superintendent of Public Instruction and the Department of Children, Youth, and Families.

The OSPI and the DCYF are directed to jointly develop institutional education facility and institutional education provider policies, interagency agreements, or both, that meet specified requirements, including:

- establishing a coordinated staffing model for institutional education facility and institutional education provider operations and effectiveness in meeting student needs, and a mechanism for developing subsequent recommendations for improvements to the model;
- establishing practices for shared data tracking and goal setting for youth progress and learning needs;
- promoting the effective delivery of tiered supports in institutional education facilities in coordination with state and county facility operators, institutional education providers, and community-based organizations delivering those services;
- promoting hiring practices and operations that prioritize education delivery;
- maximizing youth and postresident youth access to career and technical education (CTE) and postsecondary education pathways that occur at institutional education facilities and at off-site locations;
- identifying and establishing culturally responsive parent engagement strategies that support the education and well-being of youth and postresident youth and families; and
- developing partnerships with postsecondary institutions, CTE programs, and community-based organizations, and identify ways to incorporate those partnerships into education services delivered by institutional education providers.

In meeting the delineated joint requirements, the OSPI and the DCYF must:

- seek input from youth, postresident youth, and families of those youth; and
- provide an implementation report to the Governor and the education committees of the Legislature by November 1, 2021.

IX. Institutional Education Accountability Work Group.

A temporary Institutional Education Accountability Work Group (Work Group) is created. The Work Group is to be comprised of the Superintendent of Public Instruction (SPI), or the SPI's designee, the Secretary of the DCYF, or the Secretary's designee, and other members considered necessary by both the SPI and the Secretary or their designees.

The Work Group, in collaboration with legislators and stakeholders, is directed to examine and make recommendations on:

- the establishment of an organizational and accountability structure for institutional education that is focused on meeting complex student needs and improving student outcomes; and
- the establishment of an equitable, long-term funding model for institutional education.

Staffing and reporting requirements are established for the Work Group. Staff support for the Work Group must be provided jointly by the OSPI and the DCYF. Additionally, the Work Group is directed to provide an interim report to the Governor and appropriate committees of the

Legislature by December 1, 2021, and a final report to the same recipients by December 1, 2022.

All provisions establishing and governing the Work Group expire June 30, 2023.

**Appropriation:** None.

**Fiscal Note:** Requested on January 18, 2021.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.