
Education Committee

HB 1827

Brief Description: Concerning the effective delivery and administration of basic education services to justice-involved students.

Sponsors: Representatives Callan, McEntire, Doglio, Goodman, Eslick and Leavitt.

Brief Summary of Bill

- Modifies the institutional education duties of the Superintendent of Public Instruction (SPI) by requiring the SPI, beginning September 1, 2028, to be responsible for: (1) ensuring the effective delivery and administration of basic education services to justice-involved students; and (2) improving the educational outcomes of those students.
- Directs the Office of the Superintendent of Public Instruction (OSPI) to: (1) research and analyze specific institutional education service delivery and governance options; and (2) describe how the OSPI will ensure the effective delivery and administration of basic education services to justice-involved students.

Hearing Date: 2/13/25

Staff: Ethan Moreno (786-7386).

Background:

Institutional Education—Component of Basic Education.

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),

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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 the institutional education services. The OSPI also allocates funding to school districts and ESDs for institutional education services and has separate education duties and responsibilities if inmates who are under the age of 18 are incarcerated in adult facilities of the DOC.

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.

2020 Task Force on Improving Institutional Education Programs and Outcomes.

Legislation adopted in 2020 (Engrossed Substitute House Bill [ESHB] 2116, enacted as Chapter 226, Laws of 2020) established a temporary 11-member Task Force on Improving Institutional Education Programs and Outcomes (IIEPO Task Force). The IIEPO Task Force was 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.

The December 2020 final report of the IIEPO Task Force included 17 recommendations in 12 categories. Examples include:

- creating continuity for youth throughout the institutional education system and in the reentry process through common data, learning, and support systems;
- providing a high-quality education that meets the individualized needs of youth and ensures access to consistent and robust curriculum, programming, and academic and social-emotional supports;
- maximizing students' ability to accrue meaningful and universally recognized credits in institutional education settings; and
- building an equitable, long-term funding model while securing short-term transitional funding to meet the complex needs of students in institutional education.

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 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 were not operated by or under the jurisdiction of the DSHS.

The OSPI and the DCYF provided an interim report to the Governor and the Legislature in December of 2021, and submitted a final report, titled *Improving Institutional Education Outcomes: Final Report*, to the same recipients in December of 2022.

The final report of the OSPI and the DCYF included 10 recommendations addressing issues that included:

- increasing resources and structures at the OSPI and the DCYF to support state-level collaboration, oversight, data collection, and reporting to meet E2SHB 1295 requirements;
- establishing a state-level, joint Institutional Education Oversight Team, consisting of personnel from the OSPI and the DCYF, to oversee all aspects of education delivery in secure facilities and to provide oversight, accountability, technical assistance, and implementation support; and
- implementing a prototypical school-funding model for institutional education during the 2023–25 biennium that includes funding for special education services and categorical program funding for eligible students.

Assignment of Basic Education Responsibilities for Justice-Involved Students.

Legislation enacted in 2023 (Substitute House Bill [SHB] 1701, enacted as Chapter 303, Laws of 2023) 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 that are not under the jurisdiction of the DSHS or the DOC.

In preparation for the 2027 responsibilities, the OSPI is required to develop a timeline and plan that must consider certain documents and issues, including:

- the findings and recommendations produced by the Joint Select Committee on Governance and Funding for Institutional Education;
- recommendations provided in the *Improving Institutional Education Outcomes: Final Report* by the OSPI and the DCYF; and
- staffing transitions for educators and staff that deliver education programming and services to the justice-involved students.

In meeting the timeline and plan obligations, the OSPI must consult with organizations

representing educators and staff that deliver education programming and services to the justice-involved students.

The OSPI is required to provide an annual report each December 15 through December 15, 2026, on its progress made in achieving the timeline and planning requirements. The report is provided to the Governor and the education and fiscal committees of the Legislature.

Joint Select Legislative Committee.

Substitute House Bill 1701 also established a temporary Joint Select Committee on Governance and Funding for Institutional Education (Joint Select Committee).

The Joint Select Committee was directed to 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 as required by SHB 1701.

The Joint Select Committee concluded its operations and reported its findings and recommendations to the Governor, the SPI, the chair of the SBE, and the appropriate committees of the Legislature in December of 2024.

Recommendations. The Joint Select Committee's final report included a recommendation that the OSPI research and analyze two institutional education service delivery and governance options, both with the possibility of expanded roles for Educational Service Districts (ESDs). This recommendation included two options summarized below.

- *Option One.* The ESDs would deliver education services to students at county juvenile detention centers (JDCs) and the long-term juvenile institutions of the DCYF. The ESDs currently providing education services to students in the JDCs would continue doing so, and the delivery of education services to community facilities would remain with school districts.
- *Option Two.* The ESDs would deliver (or continue delivering) education services to students at the JDCs, but this option should also explore the joint delivery of education services at the JDCs through partnerships of the ESDs and school districts. The delivery of education services to long-term juvenile institutions and community facilities would remain with school districts.

The Joint Select Committee's report also recommended that the continued research and analysis of both options by the OSPI include other components, examples of which include:

- recommendations for a governance model that employs and is guided by best practices for the delivery of education services in secure settings, as identified by previous work of the OSPI, including work directed by E2SHB 1295 (2021);
- the development of a more comprehensive understanding of how proposed governance and funding reforms would affect entities involved in the delivery of education services, the legal and other implications of transferring duties to different entities, and the associated impacts on educators and staff;

- recommendations for a more robust institutional education funding model that accommodates fluctuating enrollments and examines how changes to an institutional education funding model would interact with potential changes to the prototypical school funding model; and
- the identification of systemic issues highlighted by the Task Force on Improving Institutional Education Programs and Outcomes and E2SHB 1295 (2021), including an explanation of how the OSPI's recommendations directly address these issues and what outcomes should be expected.

Summary of Bill:

Modified Institutional Education Duties for the Superintendent of Public Instruction.

The institutional education duties of the Superintendent of Public Instruction (SPI) are modified, and the implementation timeline is extended. Beginning September 1, 2028, the SPI is responsible for ensuring the effective delivery and administration of basic education services to justice-involved students and improving the educational outcomes of those students.

The Office of the Superintendent of Public Instruction (OSPI) is directed to adopt, and periodically revise as necessary, rules to implement the SPI's institutional education duties that begin on September 1, 2028.

"Justice-involved students" means students who are under the age of 21, or as otherwise required by law, and served through institutional education programs in accordance with basic education requirements in facilities that are not under the jurisdiction of the Department of Social and Health Services or the Department of Corrections.

Revised Timeline and Planning Duties and Implementing Recommendations.

The timeline and planning duties for the OSPI related to its 2028 institutional education duties are correspondingly modified to accommodate the duty and date revisions, and the timeline and plan are no longer required to consider staffing transitions for educators and staff. Related consultation duties of the OSPI are also revised to require consulting with organizations representing those who deliver, support, and receive education programming and services to justice-involved students.

The timeline and planning duties for the OSPI are expanded to require the agency to:

- implement the research and analysis recommendations for two institutional education service delivery and governance options identified in the final report of the Joint Select Committee on Governance and Funding for Institutional Education;
- examine an additional service delivery and governance option that preserves the role of school districts in providing basic education services to justice-involved youth, but includes additional state direction in furtherance of the:
 - December 2022 recommendations of the OSPI and the Department of Children, Youth, and Families in *Improving Institutional Education Outcomes: Final Report*; and

- December 2020 final report of the Task Force on Improving Institutional Education Programs and Outcomes;
- describe how the OSPI will ensure the effective delivery and administration of basic education services to justice-involved students as required by the bill; and
- make recommendations for statutory or other changes needed to ensure proper oversight of the delivery and administration of basic education services.

Appropriation: None.

Fiscal Note: Available.

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