

SENATE BILL REPORT

SHB 1827

As Reported by Senate Committee On:
Early Learning & K-12 Education, March 20, 2025

Title: An act relating to the effective delivery and administration of basic education services to justice-involved students.

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

Sponsors: House Committee on Education (originally sponsored by Representatives Callan, McEntire, Doglio, Goodman, Eslick and Leavitt).

Brief History: Passed House: 3/4/25, 79-17.

Committee Activity: Early Learning & K-12 Education: 3/13/25, 3/20/25 [DP, DNP].

Brief Summary of Bill

- Modifies the duties and timeline related to the Office of the Superintendent of Public Instruction assuming responsibility for the delivery and administration of basic education to certain justice-involved students.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass.

Signed by Senators Wellman, Chair; Wilson, C., Vice Chair, Early Learning; Harris, Ranking Member; Dozier, Hansen and Krishnadasan.

Minority Report: Do not pass.

Signed by Senator McCune.

Staff: Alex Fairfortune (786-7416)

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.

Background: Institutional Education. Washington's program of basic education mandates that instruction and associated state funding be provided for school-aged students in institutional facilities. The 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 and allocates funding to school districts and ESDs that provide the education services.

2020 Task Force on Improving Education Programs and Outcomes. In 2020, ESHB 2116 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 December 2020 final report of the IIEPO Task Force included 17 recommendations in 12 categories.

2021 Legislation. 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 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 education facilities that were not operated by or under the jurisdiction of DSHS.

OSPI and 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*, in December of 2022. OSPI and DCYF's final report included ten recommendations.

Assignment of Basic Education Responsibilities for Justice-Involved Students. Enacted in 2023, SHB 1701 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 DSHS or DOC.

In preparation for the 2027 responsibilities, 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 (Joint Select Committee);

- recommendations provided in the *Improving Institutional Education Outcomes: Final Report* by OSPI and 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, OSPI must consult with organizations representing educators and staff that deliver education programming and services to the justice-involved students.

OSPI is required to annually report to the Governor and Legislature on its progress made in achieving the timeline and planning requirements, with the final report due December 2026.

Joint Select Committee on Governance and Funding for Institutional Education, SHB 1701 also established a temporary 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 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, SPI, the chair of SBE, and the appropriate committees of the Legislature in December of 2024.

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

- ESDs would deliver education services to students at county juvenile detention centers (JDCs) and the long-term juvenile institutions of DCYF. ESDs currently providing education services to students in JDCs would continue doing so, and the delivery of education services to community facilities would remain with school districts; or
- ESDs would deliver—or continue delivering—education services to students at 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 OSPI include other components, such as:

- 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 OSPI, including work directed by E2SHB 1295;
- 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 education funding model would interact with potential changes to the prototypical school funding model; and
- the identification of systemic issues highlighted by the IIEPO Task Force and E2SHB 1295, including an explanation of how 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 SPI are modified, and the implementation timeline is extended. Beginning September 1, 2028, 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.

OSPI is directed to adopt, and periodically revise as necessary, rules to implement 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 DSHS or DOC.

Revised Timeline and Planning Duties and Implementing Recommendations. The timeline and planning duties for 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 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 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;
- 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:
 1. December 2022 recommendations of OSPI and DCYF in *Improving Institutional Education Outcomes: Final Report*; and

2. December 2020 final report of the IIEPO Task Force;
- describe how OSPI will ensure the effective delivery and administration of basic education services to justice-involved students as required by the bill; and
 - make recommendations, in accordance with specified requirements, for statutory or other changes needed to ensure proper oversight of the delivery and administration of basic education services.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: This bill ensures that we are delivering education in the best format given the juvenile rehabilitation conditions. The Joint Select Committee came out with recommendations and this brings those forward to continue the work. It also clarifies that OSPI is not in the classroom delivering education, but they are responsible for the education outcomes because this is a full state and systemic issue. Current outcomes are not great and the state can do better. This bill extends the timeline for OSPI to assume responsibilities which is good because big systemic changes take time and the state needs time to get it right. OSPI needs to talk to educators and students to discuss how system changes will change wages and benefits. Adding a service delivery model that keeps education delivery with the school districts is appreciated because it is what educators and staff prefer. It is important for the process to proceed collaboratively and constructively so that the solutions make sense and it leverages the strengths of those involved. This highlights the need for sufficient funding, healthy staffing and labor relationships, and the need for time to pilot new models.

Persons Testifying: PRO: Representative Lisa Callan, Prime Sponsor; Misha Cherniske, Office of Superintendent of Public Instruction (OSPI); Jessica Vavrus, Assoc. of Educational Service Districts; Aaron Leavell, Assoc. of Educational Service Districts, Olympic ESD 114; Simone Boe, Washington Education Association.

Persons Signed In To Testify But Not Testifying: No one.