

HOUSE BILL REPORT

ESHB 2116

As Amended by the Senate

Title: An act relating to establishing a task force on improving institutional education programs and outcomes.

Brief Description: Establishing a task force on improving institutional education programs and outcomes.

Sponsors: House Committee on Education (originally sponsored by Representatives Callan, Eslick, Frame, Klippert, Blake, Ramos, Lovick, Davis, Doglio, Leavitt, Senn, Pollet and Santos).

Brief History:

Committee Activity:

Education: 1/21/20, 2/4/20 [DPS].

Floor Activity:

Passed House: 2/19/20, 98-0.

Senate Amended.

Passed Senate: 3/5/20, 47-1.

House Refused to Concur.

Senate Amended.

Passed Senate: 3/10/20, 44-2.

Brief Summary of Engrossed Substitute Bill

- Establishes a 15-member Joint Select Legislative Task Force on Improving Institutional Education Programs and Outcomes (Task Force).
- Establishes membership, duties, governance, and staffing provisions for the Task Force.
- Directs the Task Force to make findings and recommendations in two reports to the Governor and the appropriate committees of the House of Representatives and the Senate, with the initial report due December 1, 2019, and the final report due November 1, 2021.

HOUSE COMMITTEE ON EDUCATION

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

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist, Caldier, Callan, Corry, Harris, Ortiz-Self, Rude, Stonier, Thai, Valdez and Ybarra.

Staff: Ethan Moreno (786-7386).

Background:

Article IX of the Washington Constitution establishes that the paramount duty of the state is to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.

Article XIII of the Washington Constitution requires the state to foster and support educational, reformatory, and penal institutions, institutions for the benefit of youth who are blind or deaf or otherwise disabled, institutions for persons who are mentally ill or developmentally disabled, and other institutions as the public good may require.

Institutional facilities that provide services for youth are operated by the Department of Social and Health Services, the Department of Children, Youth, and Families (DCYF), the Department of Corrections (DOC), and counties. The provided institutional facilities include, but are not limited to, residential habilitation facilities, long-term juvenile institutions (juvenile rehabilitation facilities), community facilities, and county detention centers.

State law also includes specific requirements establishing and governing residential education programs and education programs for juvenile inmates and juveniles in adult jails.

Summary of Engrossed Substitute Bill:

A 15-member Joint Select Legislative Task Force on Improving Institutional Education Programs and Outcomes (Task Force) is established. The membership of the Task Force is as follows:

- the President of the Senate must appoint two members from each of the two largest caucuses of the Senate, with two members serving on the committee with jurisdiction over education issues, and two members serving on the committee with jurisdiction over basic education funding;
- the Speaker of the House of Representatives (Speaker) must appoint two members from each of the two largest caucuses of the House of Representatives, two members serving on the committee with jurisdiction over education issues, and two members serving on the committee with jurisdiction over basic education funding;
- the Governor must appoint one member from the State Board of Education, one member from the DCYF, and one member representing an organization that provides free legal advice to youth who are involved in, or at risk of being involved in, the juvenile justice system;
- the Superintendent of Public Instruction (SPI) must appoint three members: one member representing the SPI; one member who is a principal from a school district

- with at least 20,000 enrolled students that provides education services to a juvenile rehabilitation facility; and one member who is a teacher with expertise in providing education services to residents of a juvenile rehabilitation facility; and
- the Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC) must select one member representing the EOGOAC.

The Task Force is directed to examine delineated 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;
- school safety, with a focus on school safety issues that are applicable in institutional facilities; and
- special skills and services of faculty and staff, including associated professional development and nonacademic supports necessary for addressing social emotional and behavioral health needs that are barriers to learning for youth in institutional facilities.

The Task Force, in completing its prescribed duties, must solicit and consider information and perspectives provided by the DOC and persons and entities with relevant interest and expertise, including from persons with experience reintegrating youth from institutional facilities into school and the community at large, and from persons who provide education services in secure facilities housing persons under the age of 25.

Governance and initial meeting provisions are also established for the Task Force. The Task Force must choose its cochairs from among its legislative membership. The initial meeting of the Task Force, which is to be called by a member from the majority caucus of the House of Representatives, must be by May 1, 2020.

Staff support for the Task Force is to be provided by the Office of the Superintendent of Public Instruction (OSPI), with additional support provided by the DCYF. The Office of Financial Management, the OSPI, the DCYF, and the DOC must cooperate with the Task Force and provide information as the cochairs may reasonably request.

In accordance with specified requirements, the Task Force must report its initial findings and recommendations to the Governor and the appropriate committees of the House of Representatives and the Senate by December 1, 2020. The Task Force must submit a final report, which may include recommendations for extending the duration of the task force, to the same recipients by November 1, 2021.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment:

- reduces the number of lawmakers serving on the Task Force on Improving Institutional Education Programs and Outcomes (Task Force) from eight to four;

- reduces the duration of the Task Force by one year and makes corresponding changes, including eliminating the November 1, 2021 report, making its final (and only) report due December 15, 2020;
- assigns the Office of Program Research and Senate Committee Services with providing staff support to the Task Force instead of the Office of the Superintendent of Public Instruction with additional support from the Department of Children, Youth, and Families; and
- specifies that expenses of the Task Force must be paid jointly by the Senate and the House of Representatives, and makes expenditures of the Task Force subject to approval by the Senate Facilities and Operations Committee and the Executive Rules Committee of the House of Representatives.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) The duty to provide education to the students in institutional facilities falls upon the local school districts, but it has been at least two decades since the Legislature has devoted any attention to the delivery of educational services to these students. The delivery of those services was not included in the McCleary case. Much has been learned about supporting these students in institutional facilities, including that youth can touch 3 or 4 school districts between their arrest and eventual return to the education system, and that an estimated 50 percent of incarcerated youth need individualized education programs. There is a great reason for this Task Force: almost every student in the juvenile justice system will eventually be released. Society wants to provide a pathway for hope and a chance for success for these students.

There are multiple schools and educational service districts that provide education to institutional students. The needs of those students are very high and disproportionate. Funding for education services is provided by state and federal funds, but funding models have not been revised since the late 1990s. Society has a duty to provide graduation pathways for these students. There are success stories, but education providers have insufficient staff to meet student needs.

Students in institutional settings have an average stay of only 100 days, and this helps to make the education setting unique. High school has changed significantly in the last 20 years and institutional education should evolve, too.

Students in juvenile rehabilitation facilities deserve a chance to succeed. The applicable funding formula has gone largely unchanged and is much overdue. Current law does not prohibit categorical funding for institutional facilities, but by practice, it has not been provided to the facilities.

The composition of the Task Force should be expanded. The Legislature has very little knowledge about institutional education. The Task Force should include community representatives, including parents, service providers, formerly incarcerated youth, and members of the community that are working with these kids. The Legislature should also explore more immediate solutions.

Society knows that institutionalization is incredibly disruptive to students' education. The Task Force should expand the array of people participating and should recognize the limits and impacts to students in county facilities. There are no students at the Echo Glen Children's Center receiving appropriate special education services, and those students will be at that facility this year and next school year.

The bill will help address persistent inequities and an equity gap. The OSPI is working with the DCYF to provide improved student services. This bill is the next step in improving education outcomes and services.

Thank you for paying attention to youth who need education services.

(Opposed) None.

Persons Testifying: Representative Callan, prime sponsor; LaShae Lee and Donna Hood, Issaquah School District; Lorrell Noahr, Washington Education Association; Damian Davis NoOneElse and Karen Pillar, TeamChild; Haley Lowe, Office of the Superintendent of Public Instruction; and Jess Lewis, Department of Children, Youth, and Families.

Persons Signed In To Testify But Not Testifying: None.