

SENATE BILL REPORT

ESHB 2116

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 26, 2020
Ways & Means, March 2, 2020

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

Committee Activity: Early Learning & K-12 Education: 2/26/20, 2/26/20 [DP-WM, w/oRec].

Ways & Means: 2/29/20, 3/02/20 [DPA, w/oRec].

Brief Summary of Amended Bill

- Establishes a Task Force on Improving Institutional Education Programs and Outcomes.

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; Wilson, C., Vice Chair; Holy, Hunt, McCoy, Mullet, Pedersen, Salomon and Wagoner.

Minority Report: That it be referred without recommendation.

Signed by Senator Hawkins, Ranking Member.

Staff: Alex Fairfortune (786-7416)

SENATE COMMITTEE ON WAYS & MEANS

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: Do pass as amended.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Billig, Carlyle, Conway, Darneille, Hasegawa, Hunt, Keiser, Liias, Pedersen, Van De Wege, Wagoner, Warnick and Wilson, L..

Minority Report: That it be referred without recommendation.

Signed by Senators Becker, Muzzall and Schoesler.

Staff: Kayla Hammer (786-7305)

Background: The Legislature's statutory definition of “basic education” includes the educational programs for individuals under the age of 18 in juvenile detention centers and state institutions. The education funding for these programs does not use the statutory prototypical school funding model. Instead, five factors generate the funding amount: student enrollment, the certificated instructional staff mix based on education and experience of the staff, 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.

Summary of Amended Bill: A Task Force on Improving Institutional Education Programs and Outcomes (Task Force) is established, with membership as follows:

- The President of the Senate must appoint one members from each of the two largest caucuses of the Senate. One members must serve on the committee with jurisdiction over education issues, and one members must serve on the committee with jurisdiction over basic education funding.
- The Speaker of the House of Representatives must appoint one members from each of the two largest caucuses of the House of Representatives. One members must serve on the committee with jurisdiction over education issues, and one members must serve on the committee with jurisdiction over basic education funding.
- The Governor must appoint three members: One member from the State Board of Education; one member from the Department of Children, Youth, and Families (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 must appoint three members: One member representing the Superintendent of Public Instruction; 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.
- The Educational Opportunity Gap Oversight and Accountability Committee must select one member to represent the committee.

Procedures to convene the task force by May 1, 2020, and elect chairs, are established. The task force must examine the following issues:

- 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, including Individualized Education Programs (IEPs) and 504 Plans, and recommendations for ensuring that those records are available to instructional staff within two business days of a student's admission to an institution;
- goals and strategies for increasing the graduation rate of youth in institutional facilities and addressing issues related to grade level progress, credit reciprocity, and consistency;
- goals and strategies for assessing adverse childhood experiences of students in institutional education and providing trauma-informed care;
- an assessment of the level and adequacy of basic and special education funding for institutional facilities;
- an assessment of the delivery methods that are employed in the delivery of special education services in institutional facilities, and the adequacy of those delivery methods;
- school safety, with a focus on school safety issues that are applicable to institutional facilities; and
- special skills and services of faculty and staff.

Staff support must be provided by Senate Committee Services and the House of Representatives Office of Program Research. The Office of Financial Management, the Office of the Superintendent of Public Instruction, the Department of Children, Youth and Families, and the Department of Corrections shall cooperate and provide information as requested by the co-chairs. Additional provisions regarding member reimbursement are established.

The Task Force must submit a report and recommendations to the Governor and the Legislature by December 15, 2020.

EFFECT OF WAYS & MEANS COMMITTEE AMENDMENT(S):

- Reduces the legislative membership on the task force from two members of each caucus of the Senate and the House of Representatives—eight total—to one member of each caucus of the Senate and House of Representatives—four total.
- Requires that the task force be staffed by Senate Committee Services and the House Office of Program Research, rather than the Office of the Superintendent of Public Instruction.
- Requires that the task force issue its final report by December 15, 2020, rather than issuing an initial report by that date and a final report by November 1, 2021.
- Changes the task force expiration date from June 30, 2022, to June 30, 2021, and removes language that allowed the task force to recommend an extension.

Appropriation: None.

Fiscal Note: Available.

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

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

Staff Summary of Public Testimony on Engrossed Substitute House Bill (Early Learning & K-12 Education): PRO: It has been over two decades at least since legislative attention has been given to K-12 in our juvenile justice institutions. Institutional education was left far behind in the McCleary lawsuit. School districts who must provide these services are working with limited resources and tools to teach our youth within the confines of their incarcerated environment. Policies implemented in our K-12 schools regarding trauma-informed and social-emotional learning have not been incorporated into our institutional facilities. We know through a Department of Social and Health Services report that we have an 85 percent drop-out rate from students in institutional education and we can have three to four districts touching youth through the process of their incarceration. That mobility of student records is causing great harm to students. The best guess is that 50 percent of those students are in need of an IEP. Every child will return to society and if they are further behind than when they went in, if they have been more traumatized, then we have failed our constitutional duty and have done harm, and can expect nothing less than to see these children back in our courts and our jails. One special education teacher that works at Green Hill has filed multiple complaints with OSPI because adequate special education is not being provided. Instead of rehabilitating these children, the institutions are just making the situation worse. Having the right people at the table will help build a pathway. This work is incredibly important and the need is urgent.

Persons Testifying (Early Learning & K-12 Education): PRO: Representative Lisa Callan, Prime Sponsor; Lorrell Noahr, Washington Education Association; Steven Staden, Special Education Teacher, Green Hill Academic School; Haley Lowe, Office of the Superintendent of Public Instruction.

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

Staff Summary of Public Testimony Engrossed Substitute House Bill (Ways & Means): *The committee recommended a different version of the bill than what was heard.* PRO: The bill is critical to the overall agency goal to prepare these youth for a future after their release from institutions. These youth have been historically underfunded, and this task force can really get into the weeds and solve the problems including low graduation rates and underfunding.

Persons Testifying (Ways & Means): PRO: Katherine Mahoney, OSPI; Allison Krutsinger, DCYF; Charlie Brown, Tacoma Public Schools.

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