

## 2019-21 Biennial Budget Decision Package

**Agency:** 350 – Supt of Public Instruction

**DP code/title:** Institutional Education Funding Formula

**Budget period:** 19-21 Regular Session

**Budget level:** PL

**Agency RecSum text:**

Washington state provides K–12 education services to incarcerated youth under the age of 18. During this time, educators have an opportunity to re-engage students in school and to set them up for successful transitions. The Superintendent is proposing a revision to the funding model for these programs, using prototypical school principles. This change will provide programs with adequate support to achieve their mission. In addition, the Superintendent is requesting funds to provide targeted enhancements to programs to meet students’ specific education needs at costs over and above the average allocation generated through the prototypical model.

**Fiscal detail: To be completed by budget staff**

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001-1	\$16,500,000	\$21,500,000	\$21,800,000	\$22,250,000
<b>Total Expenditures</b>	<b>\$16,500,000</b>	<b>\$21,500,000</b>	<b>\$21,800,000</b>	<b>\$22,500,000</b>
<b>Biennial Totals</b>	<b>\$38,000,000</b>		<b>\$44,300,000</b>	
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0.0	0.0	0.0	0.0
<b>Average Annual</b>	<b>0.0</b>		<b>0.0</b>	
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Obj. N	\$16,500,000	\$21,500,000	\$21,800,000	\$22,250,000

### Package description

There are six types of institutional education programs where the state is responsible for providing enrolled students with a fully funded basic education. All six are briefly described below:

1. Residential habilitation centers (RHC) provide 24-hour-a-day care of children with disabilities. The disabilities range from profoundly intellectually delayed, physically impaired, and/or severe behavior disorders.
2. Long-term juvenile justice institutions (LTJI) provide 24-hour-a-day diagnosis, confinement, and rehabilitation of juveniles committed by the courts, operated by Juvenile Rehabilitation.

3. Community facilities (CF), previously referred to as group homes, are facilities operated by Juvenile Rehabilitation, which provide 24-hour-a-day services for adjudicated youth.
4. County juvenile detention centers (CDC) 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 educational services at the county detention centers during the day, even though they reside at their home.
5. State corrections facilities (DOC) provide 24-hour-a-day incarceration of adults and juveniles committed as adults. Institutional education funding is provided for the education of juveniles under the age of 18.
6. County and city jails (AJL) provide 24-hour-a-day holding, detention, or incarceration of adults and juveniles committed as adults. Institutional education funding is provided for the education of juveniles under the age of 18.

Over the past 20 years, the Legislature has continued to reform the juvenile justice system focusing on rehabilitation, not incarceration. These reforms have been successful at reducing the overall numbers of students who are detained, but also in this time, the needs of the students who are incarcerated are more complex than they have been in the past. These reforms have created a need to increase our investment in services so we can successfully re-engage the students in these facilities and provide them with an opportunity to develop the knowledge and skills necessary to meet the state-established high school graduation requirements.

The majority of the institutional education programs generate state basic education funding through five factors:

- Student enrollment counted as an annual average full-time equivalent
- Certificated instructional staff (CIS) staff mix factor
- Staffing ratios inclusive of minimum funding factors
- 220-day school year factor
- Materials, Supplies, and Operating Costs (MSOC)

The current model does not provide any transparency with regard to the types of staff the allocations assumed are within the CIS allocation. This request will implement a prototypical school funding model and allocate school-based staff in the positions of teachers, principals, guidance counselors, psychologists, teaching assistance, and office support. This change will increase transparency in the model and will provide the Office of Superintendent of Public Instruction (OSPI) with a basis for analyzing the adequacy of the model at meeting programmatic needs moving forward.

Each of the institutions serves students at various ages and educational levels. Many students also have previously identified special education needs. In addition to revising the base funding model to provide more transparency, this request also includes a funding enhancement at each institution that will provide them with the capacity to differentiate instruction across the grade spans and meet students' special education needs.

**What is the problem, opportunity or priority you are addressing with the request?**

The current funding formula for institutional education programs is outlined in state operating budget language, and is indexed against staffing levels from either the 1995–97 or 1997–99 biennium depending on the program. In addition, the funding model for these programs is not transparent, and the model has not been adjusted in response to recent changes in juvenile justice policies or in light of best practices in juvenile justice and basic education for high-need students. This request attempts to address both of these issues.

### **What is your proposed solution?**

The Superintendent is proposing a new funding model based on prototypical school principles and staffing levels that are more in line with the current needs of the programs. This model focuses on school-based staff only, and does not include staff who currently are not employed by the programs, such as teacher-librarians, nurses, social workers, custodians, student and staff safety personnel, and parent involvement coordinators.

This request also includes a funding enhancement based on an assumed number of students that have unique high-cost educational needs, who are under the age of 18 at the time they participated in the educational program.

In addition, the proposed model will provide more funding to help with challenges that are unique to the institutional education programs. The three main challenges are:

1. programs are statutorily prohibited in Revised Code of Washington (RCW) [28A.190.030](#) from utilizing local levy funds to help pay for services,
2. the administrative workload due to the high rate of re-enrollment due to recidivism, and
3. the challenges related to meeting the educational needs of the students these programs serve in a non-traditional education setting.

The proposed new allocation model by program type is provided in the charts located in the detailed assumptions and calculations section.

### **What are you purchasing and how does it solve the problem?**

Providing the funding requested for institutional education programs will allow these programs to provide a basic education experience that is similar, to the extent practicable, to the program of instruction offered to non-incarcerated students, while spending money only appropriated by the Legislature.

In addition, the funding model will be more transparent, and will allow the programs to meet the unique needs of their students. In November 2014, the United States Department of Justice and the United States Department of Education jointly expressed the responsibility of public schools to ensure the educational needs of students in the juvenile justice system are met through providing a high-quality amply funded program of education. This request follows this guidance.

### **What alternatives did you explore and why was this option chosen?**

The first alternative option included increasing the staffing ratios within the existing funding structure. While this would achieve the goal of increasing funding for the programs, it would not provide more transparency to the allocation formula.

The second alternative option was to transition the institutional education funding model to one currently utilized by another state. Models from Arizona and New York were evaluated for strengths and weaknesses. It was ultimately determined that the implementation of a model currently used by another state would not be the most efficient or effective means of providing more transparency or adequacy of funding for student enrolled in these programs.

**Assumptions and calculations**

**Expansion or alteration of a current program or service**

The institutional education programs were provided a biennial appropriation of \$28 million in 2015–17 and \$27.3 million in 2017–19. Since institutional education programs are subject to carryover/recovery provisions, money allocated but not spent on the program is recovered by the state. Most of the funds recovered at the end of each school year are recovered from programs intended to serve juveniles in adult jails.

**Detailed assumptions and calculations**

The estimated increased and decreased expenditures related to this proposal shown in Figure 1 below are based on institutional education enrollments as of June 2018, and maintenance level salary and benefit values for the 2019–20 school year.

The details of the prototypical school structure and staff ratios are outlined in Figure 1 below.

Prototypical School Structure and Staff Ratios							
Staff Type	Residential Habilitation Centers	Long-Term Juvenile Institutions	Community Facilities	County Detention Centers	Department of Corrections	County & City Jails	Residential Mental Health Unit
Prototypical Size	8.00	125.00	7.00	25.00	25.00	25.00	125.00
Class Size	8.00	9.00	7.00	10.00	10.00	10.00	7.50
Teachers	1.20	16.67	1.20	3.00	3.00	3.00	20.00
Principals	0.15	1.59	0.10	0.50	0.50	0.50	1.59
Counselors	0.25	1.00	0.00	1.00	1.00	1.00	1.00
Psychologists	1.00	1.00	0.20	0.20	0.20	0.20	1.00
Teaching Assistance	1.00	6.76	0.00	3.00	3.00	3.00	6.76
Office Support	0.15	2.50	0.20	1.00	1.00	1.00	2.50

**Figure 1.** Details of the prototypical school structure and staff ratios in the six types of institutional education programs.

The estimated cost of implementing the staffing ratios as outlined in Figure 1 for the 2019–20 school year is \$17.5 million.

The funding enhancement for students with additional unique needs is based on a percentage of overall program enrollment of 35 percent. The average annual total number of eligible students would be 350.54, compared to the program total of 1,004.15. Each of these 350.54 students would generate an additional allocation of approximately \$8,337.31 for the 2019–20 school year. The total enhanced funding generated would be \$2.9 million for the 2019–20 school year.

In addition to the request for staff allocated through the prototypical school funding formula as proposed, additional school security officers are requested to ensure the safety of both staff and students in residential mental health units or maximum security unit classrooms. Students in these environments demonstrate a continued inability to stabilize or regulate their own behavior, and do not respond well to traditional behavioral interventions. In some cases, these students engage in extensive property damage, or exhibit a willingness to physically harm themselves in the classroom environment. The request includes \$730,000 per school year to provide 15 school security officers and one school security officer supervisor in order to preserve the safety and well-being of the students and staff in these classrooms.

Total combined cost for the 2019–20 school year is as follows:

Prototypical transition	\$17.5 million
Enhanced funding	\$ 2.9 million
Security staff	<u>\$ 0.8 million</u>
<b>Total Cost</b>	<b>\$21.2 million</b>

### **Workforce assumptions**

No additional staff would be required to implement this request.

### **Strategic and performance outcomes**

#### **Strategic framework**

This request increases the allocation for providing a basic education to some of the state’s most vulnerable students. It aligns with the core Office of Superintendent of Public Instruction (OSPI) vision of closing opportunity gaps in order to prepare every student for post-secondary pathways, careers, and civic engagement and with OSPI’s strategic priority to provide comprehensive supports for all students.

#### **Performance outcomes**

If funding is provided for this request, OSPI will monitor usage of funds through measuring student-to-staff ratios and the amount of program funds impacted by the carryover/recovery process in the future. These two actions will, in part, show the Legislature the impact of the additional funds, and how they are being utilized by the programs.

### **Other collateral connections**

#### **Intergovernmental**

Institutional education programs are implemented through partnerships with education providers (i.e. local school districts, educational service districts, and community colleges) and correctional facility administrators (i.e. local counties; the Department of Children, Youth, and Families; and the Department of Corrections). This request will add staff support to the education programs within the facilities, which we believe will help improve students' engagement and behavior in the institution overall.

**Stakeholder response**

Not applicable.

**Legal or administrative mandates**

This request is responsive to state requirements to provide adjudicated youth with access to education services during the period of their detainment, pursuant to Chapters 28A.193 – education programs for juvenile inmates, and 28A.194 – education programs for juveniles in adult jails.

**Changes from current law**

The current institutional education funding formula is not codified. Allocation ratios are referenced in the biennial appropriations act only. Therefore, there is no underlying statute that would need to be changed. The option to codify this proposed formula exists.

**State workforce impacts**

Not applicable.

**State facilities impacts**

Not applicable.

**Puget Sound recovery**

Not applicable to OSPI.

**Other supporting materials**

The Washington State Education Research and Data Center published a study in 2017 titled [“Students Before and After Juvenile Court Dispositions: Student Characteristics, Education Progress, Juvenile Court Dispositions, and Educational Outcomes in Washington State.”](#) The study affirmed the need to provide students with more responsive educational programming and support during the period of their incarceration in order to ensure their successful transition and future educational success.

**Information technology (IT)**

<b>Information Technology</b>
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Does this DP include funding for any IT-related costs, including hardware, software (including cloud-based services), contracts or IT staff?

No

Yes

Please download the [IT-addendum](#) and follow the directions on the bottom of the addendum to meet requirements for OCIO review. After completing the IT addendum, please upload the document to continue.