



Washington Office of Superintendent of
PUBLIC INSTRUCTION

REPORT TO THE LEGISLATURE

Substitute House Bill (SHB) 1701: Institutional Education

2023

Authorizing Legislation: Amending RCW 28A.300.040

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EXECUTIVE SUMMARY

In 2023, [Substitute House Bill \(SHB\) 1701](#) was passed by the Legislature in response to E2SHB 1295 recommendations, with the intent of focusing attention on the Institutional Education governance structure and funding model. Specifically, SHB 1701:

- Assigns the Office of Superintendent of Public Instruction (OSPI) the responsibility for the delivery and oversight of basic education services to justice-involved youth through the Institutional Education programs in facilities that are not under the jurisdiction of the Department of Social and Health Services by September 1, 2027; and
- Establishes a Joint Select Committee (JSC) on governance and funding for Institutional Education. The committee will report findings and recommendations to the Governor, the superintendent of public instruction, the chair of the State Board of Education (SBE), and appropriate committees of the legislature by December 1, 2024.

Under SHB 1701, OSPI is responsible for the development of a timeline and plan for assuming the above responsibilities of SHB 1701 as well as annual interim reports. This report is the first annual interim progress report requirement detailing the progress OSPI has made in meeting its obligations under SHB 1701. Key progress to date is as follows:

- OSPI has developed a draft timeline and draft plan for assuming responsibilities laid out in SHB 1701 between now and 2027. In addition, OSPI and staff from the Department of Children, Youth, and Families (DCYF) met with the JSC on November 1, 2023, to support the committee in its work.
- OSPI has conducted site visits to several secure facilities around the state to better understand the student population and needs and to consider the impacts of various changes to governance and practice models. Additional site visits are planned.
- OSPI has reviewed other state governance and funding models to glean lessons from the state's experiences and best practices and to make recommendations for any reforms.
- OSPI has implemented one of the key recommendations in the 2022 HB 1295 report specifically related to hiring three full-time-equivalent staff who will be essential in the development and implementation of new facility practices and procedures to be implemented over the next 4 years as a result of E2SHB 1295 and SHB 1701.

The following are OSPI's next steps for 2024 under SHB 1701:

- Support the Joint Select Committee's work plan and implement their directives.
- Provide budget and policy recommendations in partnership with the JSC to make timely progress in implementing Institutional Education funding and governance reforms.
- Finalize practice, governance, and accountability models.
- Continue consultation and collaboration with stakeholders including other state agencies, Institutional Education educators, staff, and unions about the best path forward for Institutional Education students.

INTRODUCTION

Washington students in Juvenile Rehabilitation (JR) facilities across the state have had limited opportunities to access education and to receive the supports needed to successfully reenter their communities and connect with further education and employment opportunities following incarceration. Students in Institutional Education (IE) are among Washington’s most vulnerable—IE students are disproportionately more likely than students enrolled in K–12 public schools to be students of color; living in poverty; multilingual/English language learners; individuals who identify as members of the LGBTQIA community; students in foster care or experiencing homelessness; and those receiving special education services. And although the overall IE student population has declined in the last 10 years, educators and staff in juvenile facilities report the needs of the students have grown more complex. The state’s obligation to provide basic education services to youth in secure settings is codified in law and is significant because the courts have placed these youth in the state’s custody and care. Washington must not only provide for the safety and overall well-being of youth in the state’s care but ensure that youth succeed educationally.

The Office of Superintendent of Public Instruction (OSPI) is the agency responsible for overseeing all public education in Washington state, including the nearly 2,000 students enrolled in IE each year. IE is carried out in a wide variety of facility settings that include 19 public school districts and all nine educational service districts (ESDs) across the state. This includes 21 detention centers, JR facilities (two long-term and eight community facilities), Community Schools, and in-patient treatment centers. Addressing the needs of IE students in the differing facility types given the wide age range of students and the varied educational supports needed, as well as the different lengths of stay in the facilities, adds to the complexity of developing a state model to deliver high-quality, inclusive education. In addition, a contributing factor is the state’s funding model, which has not been updated since the 1995–1997 biennium ([Engrossed Substitute Senate Bill 5187](#)). Only interim fixes have been funded, with no long-term sustainable model to support the reforms necessary. Washington state’s 21 detention centers are currently facing a high-level deficit funding situation.

Efforts to reform IE in Washington State have been underway for more than a decade. This includes the important prior legislation: [Engrossed Second Substitute House Bill \(E2SHB\) 1646 \(2019\)](#) and [Engrossed Substitute House Bill \(ESHB\) 2116 \(2020\)](#). In addition, [Engrossed Second Substitute House Bill 1295 \(E2SHB 1295\)](#) was passed by the Legislature in 2021 (Section 14 of E2SHB 1295) and directed OSPI and the Department of Children, Youth, and Families (DCYF) to jointly develop recommendations for the establishment, implementation, and funding of a reformed IE system. More than 50 advisory group members, IE education and administrative staff, community stakeholders, and IE students met over 14 months to develop detailed recommendations, including practice delivery reforms, and a recommended a prototypical funding model. The 12 recommendations were provided to the legislature in the [2022 Improving Institutional Outcomes Final Report](#). In particular, the report recognized that education delivery must consider the continuum of needs young people in the justice system may experience. Youth who are system involved in Washington experience many interruptions in their education as they transition between facilities and into their communities. As a result, youth need a system that assigns

educators, coaches, advocates, and mentors to each individual to provide support to students in this process.

Institutional Education in Washington State

OSPI is the agency responsible for overseeing all public education in Washington state, including the nearly 2,000 students enrolled in Institutional Education each year. OSPI's mission is to transform K–12 education to a system that is centered on closing opportunity gaps and is characterized by high expectations for all students and educators. OSPI develops equity-based policies and supports that empower educators, families, and communities so that all students are prepared for postsecondary pathways, careers, and civic engagement.

Currently, OSPI supports juvenile justice–focused IE in a variety of settings that include 19 public school districts and nine Educational Service Districts, including:

- Two long-term juvenile rehabilitation facilities.
- Eight juvenile rehabilitation community facilities.
- 21 county-based juvenile detention centers.

In carrying out its duties to students in these facilities, OSPI supports include:

- Ensuring state and federal compliance with the law,
- Providing funding (i.e., pass-throughs to ESDs or school districts to deliver IE),
- Providing technical assistance to facilities (e.g., consultation on special education services),
- Conducting state and federal data collection and reporting, and
- Conducting oversight and coordination of the Education Advocate program.

IE Students in Washington's juvenile facilities have not had equitable opportunities to access the education and supports needed to be successful. IE students are some of the most vulnerable young people in our state. IE students are disproportionately more likely than students in traditional K–12 to be students of color; living in poverty; multilingual/English language learners; individuals who identify as LGBTQIA; are involved in the child welfare system, including contact with the foster care system; and highly mobile student populations.

Fully meeting the needs of IE students is complex because youth (ages 14–25) who are system involved in Washington may experience interruptions in their education as they transition between facilities and into their communities. This is why youth who are incarcerated need a system that assigns highly skilled educators, coaches, advocates, and mentors to each student to provide continuity across institutions until students transition successfully out of the justice system. Further, although the state's overall IE student population has declined in the last 10 years, educators and staff in the state's juvenile facilities report that the needs of the students have grown more complex. At the same time, the funding to support these students has not been adequate or sustainable. The current funding model was last updated in 1995 and was not addressed in the *McCleary v. Washington* decision on public education; in fact, the funding model is found only in

biennial appropriations acts. The majority of the IE programs generate state basic education funding through the following five factors:

- Student enrollment counted as an annual average full-time equivalent.
- Regionalization factors applied to base salaries.
- Staffing allocations inclusive of minimum funding level.
- A 220-day school year.
- Materials, supplies, and operating costs (MSOC).

The current funding model does not provide any transparency regarding the allocation of number and types of staff. Several IE program types do not generate the certificated administration and classified staff units needed to support the IE program. Consistently, iterations of the funding model for staffing units based on a prototypical model have been recommended by OSPI. In all recommendations, the prototypical model has been determined to be the best fit for bringing equity to the state's Institutional Education funding model.

Legislative Background on Institutional Education

In 2001 and again in 2016, OSPI submitted several reports on the state of Institutional Education regarding its policies, practices, and funding. Since that time both federal and state legislation has enacted various IE reforms (including the federal Juvenile Justice Reform Act of 2018). In 2019, with [E2SHB 1646](#), the State Legislature required OSPI, in collaboration with DCYF, to create a [comprehensive plan](#) for the education of students in the DCYF's Juvenile Rehabilitation (JR). In addition to providing a set of recommendations to the legislature, a small subset of the E2HB 1646 work group members met with the OSPI School Apportionment team and developed recommendations to bring equity to the [institutional funding model](#).

In 2020, the Legislature passed [ESHB 2116](#), which established the Task Force on Improving Institutional Education Programs and Outcomes. This task force examined educational programs located in the DCYF Juvenile Rehabilitation facilities and developed recommendations for improving the delivery of education services, and associated outcomes, for youth in these facilities.

Subsequently, [E2SHB 1295](#), passed by the Legislature in 2021, established several 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. Under Section 14 of E2SHB 1295, OSPI and DCYF were tasked with jointly developing recommendations for the establishment, implementation, and funding of a reformed Institutional Education system. More than 50 advisory group members, IE education and administrative staff, community stakeholders, and IE students met over 14 months to develop detailed recommendations for reforms. These recommendations were provided to the legislature in the [2022 Improving Institutional Outcomes Final Report](#). In particular, the report highlighted the need for facility type planning and accountability teams (e.g., detention team, JR team) to consider how to implement policy and practice changes in each facility type, thereby recognizing the varied education environments. The report also contained a "Blueprint for Action" providing an initial draft workplan for the state for implementing and

sequencing the 12 report recommendations over 5 years and recommended a prototypical funding model.

SHB 1701: Legislative Intent and Deliverables

In response to the 2022 E2SHB 1295 final report, the Legislature enacted SHB 1701, which is designed to continue to focus the Institutional Education governance structure and funding model. SHB 1701 (model IE reform, 2023 session) amends state law ([RCW 28A.300.040](#) and 2011 1st sp.s. c 43 s 302) to include in the official duties of the superintendent the responsibility “to perform all duties required by this act for the delivery and oversight of basic education services to justice-involved students under the age of 21 who are served through Institutional Education programs in facilities that are not under the jurisdiction of the Department of Social and Health Services or the Department of Corrections.”

Under SHB 1701, OSPI is responsible for the development of a timeline and plan for assuming the above responsibilities and must consider:

- The findings and recommendations of the Washington State Joint Select Committee;
- The recommendations provided in the 2022 E2SHB 1295 Institutional Education Legislative Report;
- Potential staffing transitions for educators and staff who deliver IE;
- Future legislation relating to OSPI's September 1, 2027, assumption of the delineated basic education responsibilities; and
- The perspectives and voices of organizations representing educators and staff who deliver IE.

Finally, OSPI is required to provide an interim report on progress made in achieving the goal (timeline and plan) to the governor as well as the Education and Fiscal committees of the legislature (annually, December 2023–December 2026).

In addition to the OSPI directives, the bill also establishes a Joint Select Committee (JSC) on governance and funding for Institutional Education. The JSC will report findings and recommendations to the governor, the superintendent of public instruction, the chair of the SBE, and appropriate committees of the Legislature by December 1, 2024.

This report is the first interim progress report requirement detailing OSPI’s progress in meeting its obligations under SHB 1701 to the Governor and the Legislature.

SHB 1701 INTERIM PROGRESS UPDATE

This section describes OSPI's progress in meeting HB 1701 responsibilities in four areas:

1. Developing a timeline and plan for SHB 1701
2. Consulting with organizations representing educators and staff who deliver Institutional Education
3. Evaluating governance structures and funding models
4. Implementing E2SHB 1295 recommendations

Timeline and Plan for SHB 1701

OSPI has developed a draft timeline to ensure implementation of HB 1701 requirements by 2027. This timeline may be adjusted in consultation with the Joint Select Committee and based on Year 2 decisions.

Between July and December 2023, OSPI:

- Met with the JSC on November 1 and provided supports;
- Began exploration of governance and funding models in collaboration with DCYF;
- Began consultations with IE educators, staff, and unions; and
- Began implementing some E2SHB 1295 recommendations (E2SHB 1295 Recommendation 1: hiring staff to implement practice and policy changes for reform)

OSPI will work to implement the JSC directives including finalizing the governance structure and funding model, developing a workplan for implementing the reforms, and preparing a decision package (with funding and statutes). Following the 2024 recommendations, OSPI will implement the work plan and assume responsibility for the delivery and oversight of basic education services to justice-involved youth through the Institutional Education programs in facilities that are not under the jurisdiction of the Department of Social and Health Services (DSHS) by September 1, 2027. In Year 6 (2028), OSPI envisions providing technical support and support for evaluation and continuous improvement to IE.

Review of Governance and Funding Models and Key Information for the Prototypical Model

OSPI reviewed various state governance and funding models for juvenile justice education and identified some examples of states with similar structures to Washington (see Appendix A). Although states are obligated by federal law to provide educational opportunities to all students, including those impacted by the juvenile justice system, states employ a variety of policy structures to govern and finance juvenile justice education, spanning multiple jurisdictions at the state and local levels (see Appendix B). OSPI continues to review these other models in consultation with the Joint Select Committee.

In addition, OSPI has conducted an analysis of IE funding based on several other models used in Washington State. In summary:

- The largest analysis was to model IE funding based on the **Small High School funding formula** specific to each facility type including: the two long-term juvenile institutions (LTJIs), eight community facilities (CFs), and 21 county-based juvenile detention centers (JDCs). The Small High School model, when applied to Institutional Education programming, will not support the basic funding needs of the IE programs.
 - Note: The Small High School analysis does not address special education funding.
- OSPI also reviewed the **funding formulas for Schools for the Blind and the Deaf, Open Doors programs, and Running Start**. The funding generated for these programs, in most instances, is typically less than what IE programs need to operate.

For nearly two decades, OSPI and IE programs, along with DSHS and DCYF, have been working to improve Washington's IE funding model. Workgroups have met, new funding models have been created, legislative requests have been made, and provisos have been made to provide interim solutions—but nothing has been sustainable. Consistently, iterations of the funding model for staffing units based on a prototypical model have been recommended.

To meet the immediate needs of IE students, JDC Maintenance Funding in the amount of \$3 million is needed. OSPI also recognized, as illuminated in E2SHB 1295 report's prototypical funding model and IE funding decision packages dating back to 2016, that the state's 21 county-based JDCs had reached **high-level deficit funding situations**. To address this situation in part at this time, OSPI decided to use the remainder of its E2SHB 1295 allocation to provide funding to the JDCs. Although OSPI acknowledges this funding does not cover the deficits the JDCs face, it does provide for a few basic services, supports, or materials these facilities need for basic operations.

Consultation With Organizations Representing Institutional Educators and Staff

It is critical that the educators and staff who deliver IE are deeply involved in all aspects of IE reform work to ensure their points of view, best practices, barriers, and concerns are at the forefront of the work under HB 1701. To better understand the student population and needs and to consider impacts of various governance and practice models on staffing and educational delivery, OSPI has been working closely with IE partners to conduct listening sessions and to participate in site visits to meet with administrators, educators, and students to ensure their voices are represented.

OSPI leadership staff made site visits to both long-term Juvenile Rehabilitation facilities and Juvenile Detention Centers. Staff observed educational programming and day-to-day operations of each of these facilities. The site visit teams also had an opportunity to meet with teachers and staff to learn about their concerns. OSPI leadership is planning site visits to community facilities in the next month.

Some key findings from the site visits are below.

Key Findings from Juvenile Detention Center Visits

In the Juvenile Detention Centers, education is delivered in essentially a one-room schoolhouse. One teacher is responsible for providing all of the educational and developmental supports to all grade levels and must also conduct assessments of students upon entry to the facility as well as ensure their successful transition to another facility or back to the community. This means if the teacher is ill and there is no substitute teacher, no educational programming is provided to students that day. Teachers report challenges related to providing educational supports across the many grade levels and subject areas, addressing trauma related to the detention and events that may have led to it, and the fact that the student group varies from day to day as some students transition to other facilities or to their community.

Key Findings from Long-Term Facility Visits

The long-term facilities have multiple teachers who teach various subjects. However, education is provided in a separate area from the living units, and it requires facility staff to escort students to the education classrooms. If there are facility safety staff shortages and there are no staff available to move students from the living units to the education area, educational services may be disrupted or methods of instruction may need to be altered. The site visit team observed this directly during their visit.

Implemented ES2HB 1295 Recommendations

One of the key recommendations of the E2SHB 1295 report was the need for specific facility-based education teams to develop tailored practice and policy guidelines to address the needs of IE students in the different facility types, the wide age range of the students, and the different lengths of stay for these students. Concurrent to the passage of HB 1701, the Legislature also funded staffing recommendations from the 2022 E2SHB 1295 Improving Institutional Education Report (Recommendation 1 recommended increases in resources and new structures at OSPI and DCYF to support state-level collaboration, oversight, data collection, and reporting). Both DCYF and OSPI received funding to hire several full-time-equivalent (FTE) state-level staff to implement the recommendations from the E2SHB 1295 report. These positions will be essential in the development and implementation of new practices and procedures under SHB 1701:

- **1 FTE IE program specialist.** Prior to this hire, only one dedicated FTE staff member was working with IE prior to 1295.
- **1 FTE data analyst** responsible for analyzing and reporting student-level data to monitor outcomes for OSPI and to each District/Educational Service District where IE schools are located and serving as a liaison for continued collaboration with other agencies regarding data reporting (DCYF, Administration of the Courts (AOC), and the Education Research Data Center (ERDC). The data analyst will serve in a key role to assist in conducting analysis and reporting on key outcomes of students in IE.
- **1 FTE special education program supervisor** responsible for focusing on providing technical assistance related to IE special education needs and challenges.

The duties of this team will be leveraged to include supporting students experiencing foster care and homelessness, given that the populations overlap with students enrolled in Institutional Education. OSPI's team will support the implementation of further E2SHB 1295 recommendations by working with the JSC on the SHB 1701 workplan and its implementation between now and 2027.

NEXT STEPS

SBH 1701 provides an opportunity to continue a decade of reform efforts for IE and to explore with the JSC a focus on a new governance model and system of accountability as well as funding to support urgently needed transformation. IE students cannot wait until 2027 for a funding model that is needed to support them now. Addressing their needs, particularly in the 21 detention centers, with additional funding is critical.

OSPI has taken the necessary steps to meet its obligations under SHB 1701 to consider governance and funding models and structures for accountability.

OSPI's next steps for 2024 under SHB 1701 include the following:

- Support the Joint Select Committee's work plan to implement their directives.
- Make budget and policy recommendations in partnership with the JSC to make timely progress in implementing Institutional Education funding and governance reforms.
- Finalize practice, governance, and accountability models.
- Continue consultations with stakeholders including other state agencies, IE educators, staff, and unions.
- Implementation of E2SHB 1295 recommendations and development of associated policies.
- Provide a report to the legislature with recommendations by December 1, 2024.

ACKNOWLEDGMENTS

The Office of the Superintendent for Public Instruction (OSPI) wishes to acknowledge the time and efforts of the Washington State 1701 Joint Select Committee members:¹

- Co-chair Representative Lisa Callan (5th District, member of the Human Services Committee and the Early Learning and K–12 Education Committee)
- Co-chair Senator Claire Wilson (30th District, chair of the Human Services Committee and vice chair of the Early Learning and K–12 Committee in the Senate)
- JSC member Representative Joel McEntire (19th District, assistant ranking member on the House Education Committee)

The authors of this report are grateful for the legislators' leadership and look forward to working with them in meeting our obligations under SHB 1701.

In addition, many OSPI and Department of Children, Youth, and Families (DCYF) staff (principals, teachers, and administrators) have contributed their time in thinking through the recommendations for reforms and made themselves available for site visits and meetings with OSPI. The authors of this report are extremely grateful for the OSPI and DCYF staff and their passion and dedication to this important work.

¹ The Senate Republican JSC position is unfilled at the time of this publication.

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APPENDICES

Appendix A: Findings of OSPI’s Review of State Governance and Funding Models

Governance Structures. The breadth and complexity of juvenile justice education policies make it difficult to classify state approaches into simplified categories. Multiple aspects of juvenile justice education require governance and oversight, and different agencies or entities may hold responsibility over one or more of these areas. The Office of the Superintendent for Public Instruction (OSPI) finds that many states designate separate entities with governance responsibilities for short-term, pre-adjudication environments and long-term detention facilities. This fragmentation further complicates the delivery of education services, transitions between environments, and reentry to education systems. An [analysis conducted by Bellwether Education](#) identified at least 16 different governance configurations are employed by states, with about half of the states designating the same entity with governance responsibility for both short- and long-term detention environments. In at least six states, including Washington, the state education agency is responsible for this oversight; however, this oversight role does not preclude states from contracting with local education agencies and/or detention facilities to ensure the delivery of education services.

State Finance Models. Students involved with the juvenile justice system receive education services in various settings. As a result, funding mechanisms may be less straightforward than those applying to students in a traditional K–12 setting. States receive some federal funding for supplemental education supports through Title I, Part D of the Every Student Succeeds Act and various grant programs administered by the U.S. Department of Education and the Office of Juvenile Justice and Delinquency Prevention within the U.S. Department of Justice. Federal funding amounts vary widely across states, but primary financial responsibility for juvenile justice education falls to state and local education agencies.

Funding Mechanisms. States employ three primary funding mechanisms to finance juvenile justice education: general fund appropriations, funding formulas, and separate education funds. Allocation of funds from these mechanisms may also involve an application and/or reimbursement process for education service providers.

- At least 19 states use general fund appropriations as the funding mechanism for juvenile justice education. This is typically a line item in the annual budget and may remain relatively flat regardless of the number of students being served.
- At least 19 states use the same funding formula for juvenile justice education as traditional K–12 education, though different or additional factors may be used to determine funding levels. An additional four states use a special funding formula tailored to the needs of students in juvenile justice settings.

- At least five states use a separate education fund or grant, allocating funds to juvenile justice education programs using a base amount and additional assistance as determined by the administering agency.

Financial Responsibility. The responsibility for financial management of state appropriations for juvenile justice education varies across states. OSPI found that some states designate separate entities with financial responsibility for local/regional juvenile justice facilities and state-run facilities and may use multiple funding mechanisms.

Similar State Examples. A review of state governance models indicates that Oregon and West Virginia are comparable to Washington as they are two of six states that delegate oversight authority to the state education agency for pre- and post-adjudication settings as well as for financial management of state appropriations for all facilities.

Oregon Overview: The Youth Corrections Juvenile Detention Education Program within the Oregon Department of Education is responsible for providing educational services to youth in juvenile justice facilities. This includes facilities run by the state's juvenile justice agency (Oregon Youth Authority [OYA]) and facilities under county jurisdiction. The superintendent of public instruction contracts with local education agencies to provide personnel and educational services as needed. The program is funded through a separate grant transferred from the main State School Fund. The amount allocated to the fund is determined by multiplying the program's Average Daily Membership (ADM) by a 2.0 factor for students in state OYA facilities and a 1.5 factor for students in county facilities (O.R.S. 327.026). An additional 1.0 weight is distributed for pupils with disabilities. In FY 2023–24, the estimated ADM for students in juvenile justice education is \$9,721, and the program received \$8 million for the 2021–23 biennium. The most recent budget also notes that due to falling numbers of youth receiving juvenile justice education services, the current funding structure is not sustainable and recommends revising the structure for the 2023–25 biennium. As of September 2023, a new budget has not yet been enacted; however, HB 2275 (enacted 2023) requires a minimum grant amount to be awarded to each site providing juvenile justice education beginning in 2023.

West Virginia Overview: The West Virginia Schools of Diversion and Transition (WVSDT) within the Department of Education provides educational services to youth primarily in state-operated facilities. However, the program is authorized to serve youth in county diversion programs at the request of the local board of education. WVSDT operates as a separate school district under the oversight of the state superintendent and Department of Education, and each juvenile center providing educational services must be accredited. Initiatives within the program include implementing facility-wide positive behavior interventions and supports, transition specialists, and career technical education curriculum supports. WVSDT is financed by an appropriation from the state general fund, which accounts for approximately 95% of the program budget. The funding amount is determined by annual school improvement plans prepared by each facility estimating student needs. These plans are compiled into a budget request by the WVSDT superintendent, and the subsequent appropriation is disseminated at the discretion of the superintendent based on facility needs and guidance from the state education agency. The total budget for Institutional

Education in 2023 was \$32 million; however, this includes education programs for incarcerated adults as administered by WVSDT, making a separate budget estimate for juvenile justice education difficult.

State Funding Allocation Process for education services in juvenile justice facilities, including the distribution of federal funds, varies across the states. Approaches to state funding include reimbursements, base funding and per pupil funding. The federal government provides most of the juvenile justice funding to states for redistribution to local entities. The use of federal grant dollars is determined by state and local policymakers and may or may not include educational services. For example, Colorado follows federal policy in the Juvenile Accountability Block Grant to distribute 75% of the money to local communities through a noncompetitive formula based on law enforcement data. To receive the federal grant money, the local government must provide a 10% match and use the funds for developing programs, which can include educational services, for juveniles currently or at risk of being involved in the justice system. Local entities can use federal delinquency block grant money to encourage students to stay in school, assist transitional services, identify disabilities and learning challenges, and coordinate services across local educational, justice, and social service providers.

The 2018 reauthorization of the Juvenile Justice and Delinquency Prevention Act provides support to states and local entities, including grant funding for education services for students in juvenile justice facilities, students at risk for delinquent behavior, and mentoring programs to increase educational success and skill attainment. Some states allocate funds to local education agencies and the associated juvenile justice facility through a reimbursement process. For example, Arkansas requires the school district where the juvenile justice facility is located to apply for funding from the state department of education. A district is deemed eligible to apply when a district's youth shelter facility—supervised by the Division of Youth Services in the department of human services—provides educational services for students in the juvenile justice system. The amount of a local district's reimbursement is calculated based on the total number of available beds in youth shelters and the available appropriation. Reimbursements are prorated if the requests exceed the amount of funds available in the appropriation. States can appropriate money for local districts to be reimbursed over time. For FY 2019–20, Michigan appropriated \$7.1 million for distribution to school districts educating students assigned by a court or the Department of Health and Human Services to reside in or to attend a juvenile justice facility. The Department of Education must pay the district an amount equal to the lesser of the district's added cost or the department's approved per-pupil allocation for the district.

Base Amount Funding. Some states require counties with education programs at juvenile justice facilities to allocate a base amount. For example, Arizona allows a county to operate its juvenile justice facility education program through an existing accommodation school. However, a county school superintendent can establish a detention center education fund to provide financial support to the program. For FY 2019–20, the base amount is \$100,000, and beginning with FY 2020–21, the base is the amount for the prior year adjusted by the growth rate prescribed by law. The base and variable amounts are funded with state general fund money, subject to appropriation. In some states that allocate education funding on a per-pupil basis, the funding can follow a student to a

juvenile justice facility. For example, Tennessee requires the department of education to provide a report that includes recommendations to allocate basic program funding for the education of youth in these facilities. The department of education requires the funds for a juvenile justice facility to equal the per-pupil state and local funds generated through the basic education program funding formula on a prorated daily basis for the length of the student's incarceration. These funds must be used for the student's education. The department is responsible for transferring funds if a student is transferred to a different local education entity. In Texas, students confined in a juvenile justice facility operated by a juvenile board count in the district's average daily attendance for purposes of receipt of state funds under the Foundation School Program. If a student is transferred to a juvenile justice facility in a district without sufficient revenue, then the district of origin must transfer money to the receiving district in the amount equivalent to the costs per student under the Foundation School Program.

Appendix B: Supplemental Funding Information

IE Funding Model Analysis

The Office of the Superintendent of Public Instruction (OSPI) conducted an analysis for Institutional Education (IE) funding based on several other models used in Washington State. The largest analysis was to model IE funding based on the Small High School funding formula specific to each facility type: two long-term juvenile institutions (LTJIs), eight community facilities (CFs), and 21 county-based juvenile detention centers (JDCs).

Small Schools Funding Model

Per RCW 28A.150.260, the prototypical funding model is to be adjusted in the operating budget to provide, among other factors, minimum allocations for small schools. The state budget currently provides minimum staffing levels for Certificated Instructional Staff and Certificated Administrative Staff that varies by

- grade span of the district’s program offerings,
- number of total student FTEs,
- whether the district is a non–high school district, and
- whether the schools are considered remote and necessary—that is, meet criteria for sparsely located.

In general, school districts with fewer than 300 students qualify for minimum staffing allocations.

IE schools are funded to provide a minimum of one Certificated Instructional Staff per facility if the student FTE is less than 10 students. Funding for these programs is tied to a staffing ratio from 1995–97 only found in the state budget. This funding model provides for no Certificated Instructional Administrative staff, meaning that administrators, registrars, paraeducators, and so on are not funded.

Comparison of Funding Formulas as Applied to IE Facilities

When modeling funding based on a Small High Schools funding formula for Institutional Education facilities (LTJIs, CFs, and JDCs), regionalization rates were applied for Education Service District–run facilities based on the district where the IE facility is. Staff allocations for nurses, social workers, custodians, student and staff safety, family coordinators, facilities and warehouse, laborers, and mechanics were eliminated because these positions should be provided by the juvenile providers in the facilities in which the schools are located. Additionally, the allocation for Materials, Supplies and Operating Costs (MSOC) was removed for utilities, insurance, facilities maintenance, security, and central office because these should be provided by the facility as well.

The small high school model when applied to Institutional Education programming will not support the basic funding needs of the IE programs:

- The two long-term juvenile residential institutions (Echo Glen and Green Hill) would get less funding than they are currently receiving.

- The small JDCs and all 8 community facilities would receive significantly more than what would be needed (i.e., this model would generate nine staff for each location).
- Several JDCs may receive just enough funding under this model (King, Peirce, Spokane, Cowlitz, and Benton).

Multiple and Mixed-Facility Analysis

	Current		Prototypical		Small high	
	Allocation	Per student	Allocation	Per student	Allocation	Per student
LTJI	5,097,989	25,618	6,754,578	39,139	3,534,493	20,480
CF	1,092,425	37,094	1,593,188	45,887	11,488,360	330,886
JDC	5,416,766	21,895	15,822,030	57,677	34,736,978	126,629
Total	11,380,067	23,629	24,169,797	50,184	49,759,831	103,318

- Grouping all JDCs together as a small high school district would most likely generate very little small high funding because the total JDC enrollment is almost 300. When the enrollment gets to 300 FTE, no small high funding is generated. Also, the small high funding would generate funding for nine teachers. Nine teachers would not be enough to provide an educational program at 21 JDCs.
- Grouping all JDCs and community facilities together as a small high school district would not work for the same reasons. The total enrollment at all facilities is over 300, so no small high funding would be generated. Additionally, the nine teachers generated would not be sufficient to provide educational services for 29 facilities.
- The eight community facilities may be able to be grouped together as a small high school district and may make sense. There would be nine teachers for eight facilities as well as other administrative and classified staff and related MSOC funding.

Additional Funding Models Considered

OSPI also reviewed the funding formulas for Schools for the Blind and the Deaf, Open Doors programs, and Running Start. The funding generated for these programs, in most instances, is typically less than what IE programs need to operate.

- Base level of floor funding or staff, like the small high school funding model, is extremely important to continue to deliver necessary services to these students.
- Floor funding guarantees IE programs funding for one class, even if enrollment falls below the amount to generate.
- For detention center programs, fund day reporting and residential programs separately. Treating them as two separate IE programs.
- Continue differentiated instructional funding, which is intended to address special education.

Facility Type	RHC	LTJI	CF	CDC AJ
Number of Students	8.00	100.00	7.00	25.00
Students per Teacher	8.00	9.00	7.00	10.00
Teachers	1.20	16.67	1.20	3.00
Principals	0.15	1.59	0.10	0.50
Librarians	-	0.75	-	-
Transition Counselors	0.25	1.00	-	1.00
Psychologists	1.00	1.00	0.20	0.20
Teaching Assistants	1.00	6.76	-	3.00
Office Support	0.15	2.50	0.20	1.00

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