

Funding for Youth in Adult Jails, JE

Agency: 350 Office of Superintendent of Public Instruction
Budget Period: 2009-11

Recommendation Summary Text:

The state currently funds instructional programs provided to students in institutions such as residential rehabilitation centers, state group homes, juvenile rehabilitation facilities, county detention centers, and state corrections facilities. However, the state does not currently provide such institutional funding for youth in adult jails. As a result, there are approximately 25-65 youth who may not be receiving education services at all. A pending lawsuit may force districts to begin providing education services. If districts are required to provide services in the adult jail, the district would be only funded by the state at basic education staffing levels for a complex and intensive program of education.

Superintendent Dorn requests that beginning in the 2010-11 school year, school districts, education service districts, or other basic education program providers receive funding to provide education services to inmates 18 or younger detained in adult jails. The cost of this change is estimated at \$1.1 million for the remainder of the biennium.

Fiscal Detail

Operating Expenditures		FY 2010	FY 2011	Total
General Fund	001-01		\$1,100,000	\$1,100,000
Total Cost			\$1,100,000	\$1,100,000

Staffing	FY 2010	FY 2011	Annual Avg.
Total FTEs Requested	0	0	0

Package Description

Background

Adult jails are not included among institutions that receive state funding for education programs. As a result youth in jails may not be guaranteed access to instructional services.

The state does not collect data regarding the number of youth in adult jails. A 1999 study conducted by the Department of Corrections and Office of Superintendent of Public Instruction estimated that at that time there was an average of 94 youths housed in county jails on any given day.¹ In October 2009, OSPI staff conducted an informal survey of the 37 county jails in the state. Based on the responses of 31 county jails we estimate that there are between 25 to 65 youths booked into and housed in county jails each year. Many county jails have entered into agreements with local detention centers

¹ State of Washington: Department of Corrections & Superintendent of Public Instruction. June, 1999. *Report on the Identification of the Educational Needs of Inmates Under Age Twenty-One in Adult Correctional Facilities.*

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that stipulate that the detention center will house all those who are under 18 regardless of their charges. This policy shift is likely one of the reasons for the population decline since the 1999 study.

Despite the fact that many jails have entered into agreements with county detention centers for the purposes of housing those who are under 18, there are counties where youth could potentially be and are being held in the county only. In these cases, some youth are held for a short period of time while awaiting a hearing, but most individuals have been transferred to the adult court and are either awaiting trial or are serving sentences. The average length of stay for youth held in county jails is from 2- 6 months, but can be up to a year. The county prosecutor determines where the youth will be held and if they will be transferred to the detention center. The prosecutor weighs the severity of offense, the safety of the youth and other inmates, and the potential length of stay. The state has no standing to intervene in this matter. This request is based, in large part, on the youth detained in the Pierce County jail. In the case of Pierce County, the prosecutor has determined that the youth in question cannot be appropriately housed in the detention center.

In addition to county jails, there are also 20 city jails where youth who have been accused as adults and are either awaiting trial or are serving their sentence could potentially be housed. There is currently no data available regarding the number of youth in city jails.

Current Situation

Institutional education funding is allocated, on a monthly basis, to local school districts, educational service districts, and other entities to provide instructional services to students in these facilities. The five types of institutions receiving institutional education program funding are:

1. **Residential habilitation centers**
2. **State group homes**
3. **Institutions for juvenile delinquents**
4. **County detention centers**
5. **State corrections facilities**

Adult jails housing youth under 18 currently do not qualify to receive institutional education funding. On average 25 to 65 juveniles under age 18 are being held in 11 out of the 37 county jails in the state, and may not be provided access to instruction.

Proposed Solution

In order to help ensure that all youths have access to educational services while they are in adult jails, Superintendent Dorn requests that jails receive enhanced funding for instructional, administrative, and classified staff and non-employee related costs (NERC). The allocation should provide a minimum of one CIS unit for enrollment equal or less than 9.3 student FTEs. The NERC allocation should be based on a per student

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amount. This funding model is similar in structure to the funding of instructional services for youth under 18 in state correction facilities.

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Narrative Justification and Impact Statement

Institutional funding to education program providers for youth in county jails will provide a stable state funding source to help allow students to continue their education while they await trial or serve out their sentence. The funding provides the local school district with the resources they need to provide access to instructional services to juveniles under 18.

Performance Measure Detail

Is this decision package essential to implement a strategy identified in the agency's strategic plan?

This decision package helps to meet one of the agency's strategic goals, which is to provide sufficient state resources for every student to succeed based on resources provided through an efficient, equitable, and responsive system of funding formulas.

The success of this change will be measured by the number of additional youth who are guaranteed access to education services while in jail.

Reason for change:

This change is requested in order to help ensure that all eligible youth are provided with access to an education regardless of their detention facility.

Does this decision package provide essential support to one of the Governor's priorities?

Yes, this decision package will help to ensure that every youth in Washington has access to a quality education.

Does this decision package make key contributions to statewide results? Would it rate as a high priority in the Priorities of Government process?

Yes, this decision package supports other efforts to lower the achievement gap, reduce dropouts, and increase graduation rates for at-risk youth.

What are the other important connections or impacts related to this proposal?

Former inmates at the Pierce County jail and their parents have brought forth a class action law suit against the jail, the Tacoma School District, and the State Superintendent's Office claiming that they have a right to receive instruction and that they were denied that right while incarcerated at the County Jail. Involved parties are in

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settlement talks and are scheduled to enter into court-sponsored mediation in mid-November.

Impact on Clients and Services

This decision package will provide inmates in county jails who are under 18 with a guarantee of access to instruction that they may not have had before. For some youth this instruction will mean the difference between gaining the skill they need to earn a general education diploma versus adding to the already high numbers of those in jail who do not have a high school credential.

Impact on Other State Programs

This change will not impact other state programs.

What alternatives were explored by the agency, and why was this alternative chosen?

The agency considered all the ways in which we currently fund state institutional programs. The institutional program most similar to jails is state correction facilities managed by DOC. Both jails and DOC facilities have a stable enrollment of youth under 18 housed in an adult setting. This kind of setting presents its own particular problems since a general policy of both facilities is to keep youth from interacting with adults.

What are the consequences of not funding this package?

If this decision package is not funded then individuals who are under 18 and held in adult jails will continue to have uncertain access to educational services.

What is the relationship, if any, to the state's capital budget?

There is no relationship between this decision package and the state's capital budget.

What changes would be required to existing statutes, rules, or contracts, in order to implement the change?

In order to implement this change language defining the Certificated Instructional Staff ratio for county jails needs to be included in section 510 of the 2010 supplemental budget. Current statute must be amended to appropriately address youth in adult jails. Based on statutory changes, OSPI would amend or create the appropriate WAC.

Expenditure and Revenue Calculations and Assumptions

Revenue Calculations and Assumptions:

There are no expected revenues associated with this decision package.

Expenditure Calculations and Assumptions:

The cost to implement this change is based on enrollment estimates of 65 FTEs obtained in informal interviews with county jails. Those enrollment figures were then inputted into the allocation model that provides one CIS unit for every 9.3 student FTEs and a minimum floor of one CIS unit for those county jails whose enrollments were

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greater than zero, but less than 9.3. The funding generates funding for classified and administrative staff and assumes \$311 per student for NERC. If this request is not funded, and districts must begin serving students, these student FTEs will generate some basic education funding (\$5,184 average BEA per FTE). The value of the basic education funding (\$336,944) has been deducted from the cost estimates so that only the increase associated with enhanced funding is included in this request.

Object Detail

		FY 2010	FY 2011	Total
A	Salary and Wages	\$0	\$0	\$0
B	Employee Benefits	\$0	\$0	\$0
C	Contracts	\$0	\$0	\$0
E	Goods/Services	\$0	\$0	\$0
G	Travel	\$0	\$0	\$0
J	Equipment	\$0	\$0	\$0
N	Grants	\$0	\$1,100,000	\$1,100,000
	Interagency Reimbursement	\$0	\$0	\$0
	Other	\$0	\$0	\$0
Total Objects		\$0	\$1,100,000	\$1,100,000

Expenditures & FTEs by Program

Activity Inventory Item	Prog	Staffing			Operating Expenditures		
		FY 2010	FY 2011	Avg	FY 2010	FY 2011	Total
A014 Institutional Education	010				\$0	\$1,100,000	\$1,100,000
Total Activities					\$0	\$1,100,000	\$1,100,000

Six-Year Expenditure Estimates

Fund	09-11 Total	11-13 Total	13-15 Total
General Fund State	\$1,100,000	\$2,200,000	\$2,200,000
Expenditure Total	\$1,100,000	\$2,200,000	\$2,200,000
FTEs			

Distinction between one-time and ongoing costs:

There are no one-time costs associated with this decision package. All costs represent on-going annual expenditures.

Budget impacts in future biennia:

The on-going costs would inflate based on the cost of staff and NERC.