



Report to the Washington State Legislature

JUVENILE RECORD SEALING – STUDENT TRANSCRIPTS

November 2020



Washington State Department of
CHILDREN, YOUTH & FAMILIES



Washington State Department of
CHILDREN, YOUTH & FAMILIES



Washington Office of Superintendent of
PUBLIC INSTRUCTION

CONTENTS

Executive Summary	1
Introduction	2
Description of the Problem	3
Key Action Steps	8
Action Steps	8
Policy Updates	8
Conclusion	9

In Collaboration With
The Office of Superintendent of Public Instruction (OSPI)

Executive Summary

The 2020 Legislature, through Substitute House Bill (SHB) 2794, amended RCW 13.50.260 and 10.97.050, making changes to juvenile record sealing. Section 3 of SHB 2794 requires the Department of Children, Youth, and Families (DCYF) and the Office of Superintendent of Public Instruction (OSPI) to submit a report to the appropriate committees of the Legislature, outlining the action, policies, and procedures in place to prevent information from being included on a student transcript indicating that a student received credit while confined.

The juvenile justice facility specifically identified on the student’s transcript has rendered outcomes due to implicit bias that has caused and created many barriers for youth transitioning to living and working in the community. Youth of color are disproportionately represented in the juvenile justice system and disparities exist and contribute to the school-to-prison pipeline. Removing the name of the juvenile justice facility from the student transcript allows youth to transition from detention facilities and state institutions without the added prejudices, stereotypes, and discriminations that are already in place.

The juvenile justice facilities impacted include: detention facilities under RCW 13.40.020, institutions under RCW 13.40.020, juvenile correctional facilities under alternative administration operated by a consortium of counties under RCW 13.04.035, community facilities under RCW 72.05.020, and correctional facilities as under RCW 70.48.020.

DCYF and OSPI have worked collaboratively to identify key action steps to ensure students who attend school while in the juvenile justice system receive a transcript without the juvenile justice facility name. OSPI staff initiated statewide discussion with school districts/schools and Education Service Districts (ESDs) to change the school designation name and code for each identified location. Once changed, a student’s transcript will no longer identify them as a student who received credits while in a juvenile justice facility. We know that it is imperative that all transcripts are corrected showing the school district/school name and not the juvenile justice facility, for the future success of the student.

DCYF and OSPI will continue to work in collaboration to prevent information from being included on a student transcript indicating that a student received credit while confined in a juvenile justice facility. These changes support successful reentry and contribute to a pathway for independence and opportunities for future success. DCYF and OSPI will ensure that as part of the future collaboration, the students are included in the discussions to ensure that this change has rendered positive outcomes.

Introduction

In accordance with SHB 2794, the Legislature required DCYF and OSPI to provide a written report to the appropriate committees of the Legislature. This report is to provide information about the actions, policies, and procedures in place to prevent information from being included on a student transcript indicating that a student received credits while confined in a detention facility, jail, institution, or community facility. The juvenile correctional facilities identified include: defined under RCW 13.40.020, an institution as defined under RCW 13.40.020, a juvenile correctional facility under alternative administration operated by a consortium of counties under RCW 13.04.035, a community facility as defined under RCW 72.05.020, or correctional facility as defined under RCW 70.48.020.

In recent years there have been significant changes to the laws that govern juvenile record sealing. The changes have improved the ability for individuals to get records sealed and provide equity to individuals by mitigating the challenges of navigating record sealing in the justice system. Sealing of juvenile records can help remove barriers for individuals to assist in successfully reintegrating into their communities. School records/transcripts are one critical element to successful reentry.

This report includes the following:

- Description of the Problem
- Proposed Solution
- Conclusion

Description of the Problem

Juveniles who spend time in institutions are still guaranteed access to a basic education in Washington state. Institutional Education programming is required in all juvenile justice facilities without exception. The goal is to provide students with the opportunity to meet the same learning standards that all children in the state are expected to meet. Students can be served up to age 21 if a high school diploma or GED has not been earned.

RCW 28A.230.125 requires OSPI, in collaboration with higher education partners, to create a standardized high school transcripts that all public schools must use. OSPI's administrative rule capturing the outcomes of this collaborative work, WAC 392-415-070, requires that a high school transcript includes a list of previous schools attended where high school credit was attempted.

From 2018 to 2019, 2,557 students were served in long term facilities and 6,246 students were served in short term detention facilities and other habilitation centers in Washington State (OSPI, 2020). Students attending school and attempting high school credit at a local detention facility, jail, or Juvenile Rehabilitation (JR) institution or community facility, receive a transcript that includes the juvenile justice facility name. Anyone then reviewing the transcript, including colleges and universities, employers, or other K-12 schools, can then identify the student has having been justice involved. This can create barriers to successful reentry and have long-term impact on a student's educational and employment outcomes.

This is particularly concerning when looking at impacts to students of color. OSPI's Report Card data shows that students of color already experience gaps in educational outcomes. Students of color also experience higher rates of institutionalization, impacting their educational experience even further. A high school transcript that identifies a student's time in an institution is yet another potential barrier. The 2020 Legislature recognized this as an issue and tasked DCYF and OSPI to make a plan to prevent information from being included on a student transcript indicating that a student received credits while confined.

This is a complex issue to address because it involves entities from state and local government, school districts as well as ESDs. There are 31 different facilities in 18 different school districts, and six ESDs. Each district has their own process for reporting student credits. Each of the local detention facilities, jails, and JR institutions or community facilities offer individuals an opportunity to attend school and earn academic credit. City and County jails also serve individuals who are awaiting sentencing. Students are mobile and often attend school at multiple locations. The local school districts and ESDs directly provide a program of education at each of the academic schools for these justice-involved facilities (county detention, city/county jails, JR residential facilities).

High school credits earned are reported in school records that are specific to each facility location. WAC 392-415-070 outlines required contents of a mandatory high school transcript. School districts and educational service districts have transcript policies on site. Issuing, tracking, and reporting school credit is a function of the school and associated local school district. There are occasions where a youth may request copies of their legal file and unofficial school transcripts may be a part of the legal file. DCYF does not have any current policy or procedure regarding school transcripts as this is the responsibility of the local school at each site. The name of the school on each student's transcripts will vary across Washington State. School districts (SD) and Educational Service Districts (ESD) are the approving authority to change school names.

State law requires OSPI, in consultation with higher education, to develop a standard high school transcript for use by all public schools. Information regarding transcripts is located on OSPI's website at the following links:

JUVENILE RECORD SEALING – STUDENT TRANSCRIPTS

- **High School Transcript Developer User Guide for Students With Graduation Requirements Years of 2020 and Beyond** (updated February 2020)
- **High School Transcript Developer User Guide for Students With Graduation Requirements Years Prior to 2020** (updated February 2020)
- **High School Transcript FAQs** (updated February 2020)
- **RCW 28A.230.125**

School names represent part of the local community, are printed on a student’s high school transcript, are used for state and federal reporting, and are an important way that the public connects with their local education jurisdictions. Stating the name of the juvenile detention facility or JR institution can render negative consequences for individuals upon reentry. When selecting a school name, stakeholder input must include input from the local community, families, and students impacted by this change. Historical names should be evaluated for appropriateness with specific attention to racial and social context. Some school settings often become part of a name and can lead to a negative stigma or incorrect perception of a school (e.g., detention center school, youth camp, or alternative school). The name should represent a school and the uniqueness of the community while focusing on the education provided, not the setting in which it was delivered.

DCYF and OSPI have been working collaboratively, meeting on multiple occasions, to develop a plan and key action steps to address the student transcripts issue. DCYF has a limited role regarding official student transcripts. OSPI is working with the schools that are impacted by this legislation as well as a solution to ensure student transcripts no longer include the juvenile justice entity name on the transcript.

The schools in Table 1 are considered Institutional Education (IE) programs and are impacted by SHB 2794. County Jails are also impacted, however, the numbers are small.

JUVENILE RECORD SEALING – STUDENT TRANSCRIPTS

Table 1. Institutional Education Schools (Table created by Office of Superintendent of Public Instruction)

Secure Residential Facilities (RCW 13.40.020)	
School Name/City	School District/ESD
Echo Glen Children’s Center, Issaquah, WA	Issaquah School District
Green Hill Academic School, Chehalis, WA	Chehalis School District
Naselle Youth Camp, Naselle, WA	Grays Harbor School District

Community Facilities (RCW 72.05.020)	
School Name/City	School District/ESD
Canyon View, Wenatchee, WA	Eastmont School District
Oakridge, Lakewood, WA	Clover Park School District
Parke Creek, Ellensburg, WA	Kittitas School District
Ridgeview, Yakima, WA	Yakima School District
Touchstone, Olympia, WA	Olympia School District
Twin Rivers, Richland, WA	Richland School District
Woodinville, Kirkland, WA	Northshore School District

County Detention Centers (RCW 13.04.035)	
School Name/City	School District/ESD
Benton-Franklin Counties Juvenile Justice Center, Kennewick, WA	Kennewick School District
Chelan County Juvenile Justice Center, Wenatchee, WA	NCESD 171
Clallam County Juvenile Detention, Port Angeles, WA	OESD 114
Clark County Juvenile Detention, Vancouver, WA	ESD 112
Cowlitz County Juvenile Detention, Longview, WA	ESD 112
Grays Harbor Juvenile Detention, Aberdeen, WA	Aberdeen School District
Island County Juvenile Detention, Coupeville, WA	Coupeville School District
King County Juvenile Detention, Seattle, WA	Seattle Public Schools
Kitsap Juvenile Detention, Port Orchard, WA	OESD 114
Lewis County Juvenile Detention, Chehalis, WA	Chehalis School District
Martin Hall Juvenile Detention, Medical Lake, WA	ESD 101
Mason County Juvenile Detention, Shelton, WA	Shelton School District
Okanogan Juvenile Detention, Okanogan, WA	Okanogan School District
Remann Hall Juvenile Detention, Tacoma, WA	Tacoma School District
Skagit County Juvenile Detention, Mount Vernon, WA	NWESD 189
Denney Juvenile Justice Center, Snohomish, WA	NWESD 189
Spokane County Juvenile Detention, Spokane, WA	ESD 101
Tumwater West Juvenile Detention, Tumwater, WA	Tumwater School District
Walla Walla Juvenile Justice, Walla Walla, WA	ESD 113
Whatcom County Juvenile Detention, Bellingham, WA	NWESD 189
Yakima County Juvenile Justice, Yakima, WA	Yakima School District

JUVENILE RECORD SEALING – STUDENT TRANSCRIPTS

Table 2. Student Demographics

Student Group	Adult Jail	Percent	Community Facility	Percent	Detention Center	Percent
All Students	9	100%	114	100%	3429	100%
F	0	0%	17	15%	924	27%
M	9	100%	97	85%	2499	73%
X	0	0%	0	0%	6	0.2%
Low income	5	56%	41	36%	1673	49%
Non-low income	4	45%	74	65%	1815	53%
American Indian/Alaskan Native	0	0%	3	3%	185	5%
Asian	0	0%	2	2%	42	1%
Black/African American	0	0%	21	18%	385	11%
Hispanic/Latino of Any Race(s)	6	67%	36	32%	795	23%
Native Hawaiian/Other Pacific Islander	0	0%	5	4%	35	1%
Not Provided	0	0%	0	0%	13	0.4%
Two or More Races	1	11%	6	5%	150	4%
White	2	22%	41	36%	1865	54%
Non-Section 504	9	100%	114	100%	3404	99%
Section 504	0	0%	0	0%	26	0.8%
Non-SWD	7	78%	94	83%	3090	90%
SWD	2	22.2%	21	18.4%	369	10.8%

JUVENILE RECORD SEALING – STUDENT TRANSCRIPTS

Table 2. (Continued) Student Demographics

Student Group	Long term juvenile institution	Percent	Rehab center	Percent
All Students	737	100%	102	100%
F	60	8%	24	24%
M	677	92%	77	76%
X	0	0%	1	1%
Low income	394	54%	28	28%
Non-low income	366	50%	74	73%
American Indian/Alaskan Native	24	3%	2	2%
Asian	10	1%	2	2%
Black/African American	129	18%	15	15%
Hispanic/Latino of Any Race(s)	221	30%	18	18%
Native Hawaiian/Other Pacific Islander	14	2%	0	0%
Not Provided	0	0%	0	0%
Two or More Races	85	12%	7	7%
White	268	36%	58	57%
Non-Section504	699	95%	101	99%
Section 504	44	6%	1	1%
Non-SWD	488	66%	31	30%
SWD	259	35%	71	70%

Source: OSPI CEDARS 2018-2019 School Year, 10/2/2020

The chart(s) above outline the characteristics of the population of students enrolled in a juvenile facility:

- Fifty-four percent of those who were enrolled in a long term juvenile institution are low income.
- Youth of color (American Indian/Alaska Native, Black/African American, Hispanic/Latino, and multiracial youth) are over represented in the juvenile facilities compared to the population who was never enrolled.
- Thirty-five percent of youth who were enrolled in a long term juvenile institution were considered Students with Disabilities (SWD) as compared to 11% of the population who never served in a juvenile facility. Note: A recent presentation to the Joint Committee Improving Institutional Education Programs and Outcomes indicated that the percent of students who were ever SWD in the last three years is 46%.

Key Action Steps

DCYF and OSPI are in the process of developing policies and procedures to ensure those students who attend school while in a juvenile detention, jail, or JR facility receive a transcript that no longer includes the juvenile justice entity name on the transcript. OSPI Institutional Education and Title 1, Part D Neglected-Delinquent Program and the Records and Information Technology (IT) departments have begun working with school districts and ESDs to begin this process.

Action Steps

- OSPI will examine and explore modifications to policies and procedures around transcription.
- OSPI will develop a process and timeline to support school districts in adopting school designation name and code to eliminate the juvenile facility name from the transcript. This is anticipated to be completed by the end of the 2020-2021 school year.
- OSPI will support school districts to establish consistency between schools related to transcripts.
- OSPI will continue to develop a standardized high school transcript for use by all public school districts.
- OSPI will continue to establish clear definitions for the terms "credits" and "hours" so school programs operating on the quarter, semester, or trimester system can be compared.
- In collaboration with DCYF, OSPI will continue to support and engage school districts with this process.
- DCYF and OSPI represent the philosophy and intent of SHB 2794 through IE Taskforce Workgroup (ESHB2116).
- DCYF Racial Equity and Social Justice review.
- DCYF will ensure youth are provided education and training to help them feel adequately equipped to discuss their history if necessary.
- JR policy considerations.
- Student Transcript Quality Improvement review.

It is anticipated that this project will be complete at the end of the 2020-2021 school year.

Policy Updates

- Review OSPI WAC 392-415-070 outlining required contents of a mandatory high school transcript.
- JR Policy 1.40 and procedures – managing JR juvenile and operations records revisions, to add a requirement to redact the school transcript if there is indication of a student’s attendance at a school clearly identified as a detention facility, institution, or community facility.
- DCYF Policy 13.05 – Public Records Request and Disclosure – to add changes identified by SHB 2796, impacting RCW 13.50.260 and 10.97.050

Conclusion

DCYF and OSPI have worked collaboratively to outline the action, policies, and procedures in place to prevent information from being included on a student transcript indicating that a student received credit while confined. As noted in this report, DCYF does not have an identified duty and responsibility for student transcripts and school transcripts are obtained through the school district directly.

DCYF and OSPI have been appointed members to the Institution Education (IE) Taskforce Workgroup (ESHB 2116). The workgroup goals and strategies include: improving the coordination and delivery of education services for youth involved in the juvenile justice system; increasing graduation rates of youth in institutional facilities; assessing adverse childhood experiences in institutional facilities; and transmitting student records within two business days of a student's admission. The tasks of the IE Taskforce Workgroup aligns with the intent of SHB 2794.

OSPI staff have begun the work to support school districts and ESDs with the process of changing the school designation name and code for each identified location. Once changed, a student's transcript will no longer indicate that a student received credits while in the juvenile justice system. Implementing this change will help advance racial equity and remove one of the many barriers for young adults to successfully reintegrate into their communities.