

1 **ESSB 6600** - H AMD TO H COMM AMD (H5330.1) **1137 ADOPTED 3-06-98**

2 By Representative Radcliff

3 On page 1, after line 6, strike the remaining sections of the
4 amendment and insert the following:

5 NEW SECTION. **Sec. 1.** The legislature intends to provide for the
6 operation of education programs for the department of corrections'
7 juvenile inmates. School districts, educational service districts, or
8 any combination thereof should be the primary providers of the
9 education programs. However, the legislature does not intend to
10 preclude community and technical colleges, four-year institutions of
11 higher education, or other qualified entities from contracting to
12 provide all or part of these education programs if no school district
13 or educational service district is willing to operate all or part of
14 the education programs.

15 The legislature finds that this chapter fully satisfies any
16 constitutional duty to provide education programs for juvenile inmates
17 in adult correctional facilities. The legislature further finds that
18 biennial appropriations for education programs under this chapter amply
19 provide for any constitutional duty to educate juvenile inmates in
20 adult correctional facilities.

21 NEW SECTION. **Sec. 2.** Any school district or educational service
22 district may operate all or any portion of an education program for
23 juveniles in accordance with this chapter, notwithstanding the fact the
24 services or benefits provided extend beyond the geographic boundaries
25 of the school district or educational service district providing the
26 service.

27 NEW SECTION. **Sec. 3.** The superintendent of public instruction
28 shall solicit an education provider for the department of corrections'
29 juvenile inmates within sixty days as follows:

30 (1) The superintendent of public instruction shall notify and
31 solicit proposals from all interested and capable school districts,
32 educational service districts, institutions of higher education,
33 private contractors, or any combination thereof. The notice shall
34 describe the proposed education program's requirements and the

1 appropriated amount. The selection of an education provider shall be
2 in the following order:

3 (a) The school district where there is an educational site for
4 juveniles in an adult correctional facility maintained by the state
5 department of corrections has first priority to operate an education
6 program for inmates at that site. The district may elect to operate an
7 education program by itself or with another school district,
8 educational service district, institution of higher education, private
9 contractor, or any combination thereof. If the school district elects
10 not to exercise its priority, it shall notify the superintendent of
11 public instruction within thirty calendar days of the day of
12 solicitation.

13 (b) The educational service district where there is an educational
14 site for juveniles in an adult correctional facility maintained by the
15 state department of corrections has second priority to operate an
16 education program for inmates at that site. The educational service
17 district may elect to do so by itself or with a school district,
18 another educational service district, institution of higher education,
19 private contractor, or any combination thereof. If the educational
20 service district elects not to exercise its priority, it shall notify
21 the superintendent of public instruction within forty-five calendar
22 days of the day of solicitation.

23 (c) If neither the school district nor the educational service
24 district chooses to operate an education program for inmates as
25 provided for in (a) and (b) of this subsection, the superintendent of
26 public instruction may contract with an entity, including, but not
27 limited to, school districts, educational service districts,
28 institutions of higher education, private contractors, or any
29 combination thereof, within sixty calendar days of the day of
30 solicitation. The selected entity may operate an education program by
31 itself or with another school district, educational service district,
32 institution of higher education, or private contractor, or any
33 combination thereof.

34 (2) If the superintendent of public instruction does not contract
35 with an interested entity within sixty days of the day of solicitation,
36 the educational service district where there is an educational site for
37 juveniles in an adult correctional facility maintained by the state
38 department of corrections shall begin operating the education program

1 for inmates at the site within ninety days from the day of solicitation
2 in subsection (1) of this section.

3 NEW SECTION. **Sec. 4.** Except as otherwise provided for by
4 contract under section 7 of this act, the duties and authority of a
5 school district, educational service district, institution of higher
6 education, or private contractor to provide for education programs
7 under this chapter are limited to the following:

8 (1) Employing, supervising, and controlling administrators,
9 teachers, specialized personnel, and other persons necessary to conduct
10 education programs, subject to security clearance by the department of
11 corrections;

12 (2) Purchasing, leasing, or renting and providing textbooks, maps,
13 audiovisual equipment, paper, writing instruments, physical education
14 equipment, and other instructional equipment, materials, and supplies
15 deemed necessary by the provider of the education programs;

16 (3) Conducting education programs for inmates under the age of
17 eighteen in accordance with program standards established by the
18 superintendent of public instruction. The education provider shall
19 develop the curricula, instructional methods, and educational
20 objectives of the education programs, subject to applicable
21 requirements of state and federal law. The department of corrections
22 shall establish behavior standards that govern inmate participation in
23 education programs, subject to applicable requirements of state and
24 federal law;

25 (4) Students age eighteen who have participated in an education
26 program governed by this chapter may continue in the program with the
27 permission of the department of corrections and the education provider,
28 under the rules adopted by the superintendent of public instruction.

29 NEW SECTION. **Sec. 5.** School districts and educational service
30 districts providing an education program to juvenile inmates in an
31 adult corrections facility, notwithstanding that their geographical
32 boundaries do not include the facility, may:

33 (1) Award appropriate diplomas or certificates to inmates who
34 successfully complete graduation requirements;

35 (2) Spend only funds appropriated by the legislature and allocated
36 by the superintendent of public instruction for the exclusive purpose

1 of maintaining and operating education programs under this chapter,
2 including direct and indirect costs of maintaining and operating the
3 education programs, and funds from federal and private grants,
4 bequests, and gifts made for that purpose. School districts may not
5 expend excess tax levy proceeds authorized for school district purposes
6 to pay costs incurred under this chapter.

7 NEW SECTION. **Sec. 6.** To support each education program under
8 this chapter, the department of corrections and each superintendent or
9 chief administrator of a correction facility shall:

10 (1) Through construction, lease, or rental of space, provide
11 necessary building and exercise spaces for the education program that
12 is secure, separate, and apart from space occupied by nonstudent
13 inmates;

14 (2) Through construction, lease, or rental, provide vocational
15 instruction machines; technology and supporting equipment; tools,
16 building, and exercise facilities; and other equipment and fixtures
17 deemed necessary by the department of corrections to conduct the
18 education program;

19 (3) Provide heat, lights, telephone, janitorial services, repair
20 services, and other support services for the building and exercise
21 spaces, equipment, and fixtures provided under this section;

22 (4) Employ, supervise, and control security staff to safeguard
23 agents of the education providers and inmates while engaged in
24 educational and related activities conducted under this chapter;

25 (5) Provide clinical and medical evaluation services necessary for
26 a determination by the education provider of the educational needs of
27 inmates; and

28 (6) Provide such other support services and facilities as are
29 reasonably necessary to conduct the education program.

30 NEW SECTION. **Sec. 7.** Each education provider under this chapter
31 and the department of corrections shall negotiate and execute a written
32 contract for each school year or such longer period as may be agreed to
33 that delineates the manner in which their respective duties and
34 authority will be cooperatively performed and exercised, and any
35 disputes and grievances resolved through mediation, and if necessary,
36 arbitration. Any such contract may provide for the performance of

1 duties by an education provider in addition to those set forth in this
2 chapter, including duties imposed upon the department of corrections
3 and its agents under section 6 of this act if supplemental funding
4 provided by the department of corrections is available to fully pay the
5 direct and indirect costs of these additional duties.

6 NEW SECTION. **Sec. 8.** By April 15th of each school year, the
7 department of corrections shall provide written notice to the
8 superintendent of public instruction and education providers operating
9 programs under this chapter of any reasonably foreseeable education
10 site closures, reductions in the number of inmates or education
11 services, or any other cause for a reduction in certificated or
12 classified staff the next school year. In the event the department of
13 corrections fails to provide notice as required by this section, the
14 department is liable and responsible for the payment of the salary and
15 employment-related costs for the next school year of each employee
16 whose contract would or could have been nonrenewed but for the failure
17 of the department to provide notice. Disputes arising under this
18 section shall be resolved in accordance with the alternative dispute
19 resolution method or methods specified in the contract required by
20 section 7 of this act.

21 NEW SECTION. **Sec. 9.** The superintendent of public instruction
22 shall:

23 (1) Allocate money appropriated by the legislature to administer
24 and provide education programs under this chapter to school districts,
25 educational service districts, and other education providers selected
26 under section 3 of this act that have assumed the primary
27 responsibility to administer and provide education programs under this
28 chapter. The allocation of moneys to any private contractor is
29 contingent upon and must be in accordance with a contract between the
30 private contractor and the department of corrections; and

31 (2) Adopt rules in accordance with chapter 34.05 RCW that
32 establish reporting, program compliance, audit, and such other
33 accountability requirements as are reasonably necessary to implement
34 this chapter and related provisions of the biennial operating act
35 effectively.

1 **Sec. 10.** RCW 72.09.460 and 1997 c 338 s 43 are each amended to
2 read as follows:

3 (1) The legislature intends that all inmates be required to
4 participate in department-approved education programs, work programs,
5 or both, unless exempted under subsection (4) of this section.
6 Eligible inmates who refuse to participate in available education or
7 work programs available at no charge to the inmates shall lose
8 privileges according to the system established under RCW 72.09.130.
9 Eligible inmates who are required to contribute financially to an
10 education or work program and refuse to contribute shall be placed in
11 another work program. Refusal to contribute shall not result in a loss
12 of privileges. The legislature recognizes more inmates may agree to
13 participate in education and work programs than are available. The
14 department must make every effort to achieve maximum public benefit by
15 placing inmates in available and appropriate education and work
16 programs.

17 (2) The department shall provide access to a program of education
18 to all offenders who are under the age of eighteen and who have not met
19 high school graduation or general equivalency diploma requirements in
20 accordance with chapter 28A.-- RCW (sections 1 through 9 of this act).
21 The program of education established by the department and education
22 provider under section 3 of this act for offenders under the age of
23 eighteen must provide each offender a choice of curriculum that will
24 assist the inmate in achieving a high school diploma or general
25 equivalency diploma. The program of education may include but not be
26 limited to basic education, prevocational training, work ethic skills,
27 conflict resolution counseling, substance abuse intervention, and anger
28 management counseling. The curriculum may balance these and other
29 rehabilitation, work, and training components.

30 (3) The department shall, to the extent possible and considering
31 all available funds, prioritize its resources to meet the following
32 goals for inmates in the order listed:

33 (a) Achievement of basic academic skills through obtaining a high
34 school diploma or its equivalent and achievement of vocational skills
35 necessary for purposes of work programs and for an inmate to qualify
36 for work upon release;

37 (b) Additional work and education programs based on assessments
38 and placements under subsection (5) of this section; and

1 (c) Other work and education programs as appropriate.

2 (4) The department shall establish, by rule, objective medical
3 standards to determine when an inmate is physically or mentally unable
4 to participate in available education or work programs. When the
5 department determines an inmate is permanently unable to participate in
6 any available education or work program due to a medical condition, the
7 inmate is exempt from the requirement under subsection (1) of this
8 section. When the department determines an inmate is temporarily
9 unable to participate in an education or work program due to a medical
10 condition, the inmate is exempt from the requirement of subsection (1)
11 of this section for the period of time he or she is temporarily
12 disabled. The department shall periodically review the medical
13 condition of all temporarily disabled inmates to ensure the earliest
14 possible entry or reentry by inmates into available programming.

15 (5) The department shall establish, by rule, standards for
16 participation in department-approved education and work programs. The
17 standards shall address the following areas:

18 (a) Assessment. The department shall assess all inmates for their
19 basic academic skill levels using a professionally accepted method of
20 scoring reading, math, and language skills as grade level equivalents.
21 The department shall determine an inmate's education history, work
22 history, and vocational or work skills. The initial assessment shall
23 be conducted, whenever possible, within the first thirty days of an
24 inmate's entry into the correctional system, except that initial
25 assessments are not required for inmates who are sentenced to life
26 without the possibility of release, assigned to an intensive management
27 unit within the first thirty days after entry into the correctional
28 system, are returning to the correctional system within one year of a
29 prior release, or whose physical or mental condition renders them
30 unable to complete the assessment process. The department shall track
31 and record changes in the basic academic skill levels of all inmates
32 reflected in any testing or assessment performed as part of their
33 education programming;

34 (b) Placement. The department shall follow the policies set forth
35 in subsection (1) of this section in establishing criteria for placing
36 inmates in education and work programs. The department shall, to the
37 extent possible, place all inmates whose composite grade level score
38 for basic academic skills is below the eighth grade level in a combined

1 education and work program. The placement criteria shall include at
2 least the following factors:

3 (i) An inmate's release date and custody level, except an inmate
4 shall not be precluded from participating in an education or work
5 program solely on the basis of his or her release date;

6 (ii) An inmate's education history and basic academic skills;

7 (iii) An inmate's work history and vocational or work skills;

8 (iv) An inmate's economic circumstances, including but not limited
9 to an inmate's family support obligations; and

10 (v) Where applicable, an inmate's prior performance in department-
11 approved education or work programs;

12 (c) Performance and goals. The department shall establish, and
13 periodically review, inmate behavior standards and program goals for
14 all education and work programs. Inmates shall be notified of
15 applicable behavior standards and program goals prior to placement in
16 an education or work program and shall be removed from the education or
17 work program if they consistently fail to meet the standards or goals;

18 (d) Financial responsibility. (i) The department shall establish
19 a formula by which inmates, based on their ability to pay, shall pay
20 all or a portion of the costs or tuition of certain programs. Inmates
21 shall, based on the formula, pay a portion of the costs or tuition of
22 participation in:

23 (A) Second and subsequent vocational programs associated with an
24 inmate's work programs; and

25 (B) An associate of arts or baccalaureate degree program when
26 placement in a degree program is the result of a placement made under
27 this subsection;

28 (ii) Inmates shall pay all costs and tuition for participation in:

29 (A) Any postsecondary academic degree program which is entered
30 independently of a placement decision made under this subsection; and

31 (B) Second and subsequent vocational programs not associated with
32 an inmate's work program.

33 Enrollment in any program specified in (d)(ii) of this subsection
34 shall only be allowed by correspondence or if there is an opening in an
35 education or work program at the institution where an inmate is
36 incarcerated and no other inmate who is placed in a program under this
37 subsection will be displaced; and

1 (e) Notwithstanding any other provision in this section, an inmate
2 sentenced to life without the possibility of release:

3 (i) Shall not be required to participate in education programming;
4 and

5 (ii) May receive not more than one postsecondary academic degree
6 in a program offered by the department or its contracted providers.

7 If an inmate sentenced to life without the possibility of release
8 requires prevocational or vocational training for a work program, he or
9 she may participate in the training subject to this section.

10 (6) The department shall coordinate education and work programs
11 among its institutions, to the greatest extent possible, to facilitate
12 continuity of programming among inmates transferred between
13 institutions. Before transferring an inmate enrolled in a program, the
14 department shall consider the effect the transfer will have on the
15 inmate's ability to continue or complete a program. This subsection
16 shall not be used to delay or prohibit a transfer necessary for
17 legitimate safety or security concerns.

18 (7) Before construction of a new correctional institution or
19 expansion of an existing correctional institution, the department shall
20 adopt a plan demonstrating how cable, closed-circuit, and satellite
21 television will be used for education and training purposes in the
22 institution. The plan shall specify how the use of television in the
23 education and training programs will improve inmates' preparedness for
24 available work programs and job opportunities for which inmates may
25 qualify upon release.

26 (8) The department shall adopt a plan to reduce the per-pupil cost
27 of instruction by, among other methods, increasing the use of volunteer
28 instructors and implementing technological efficiencies. The plan
29 shall be adopted by December 1996 and shall be transmitted to the
30 legislature upon adoption. The department shall, in adoption of the
31 plan, consider distance learning, satellite instruction, video tape
32 usage, computer-aided instruction, and flexible scheduling of offender
33 instruction.

34 (9) Following completion of the review required by section 27(3),
35 chapter 19, Laws of 1995 1st sp. sess. the department shall take all
36 necessary steps to assure the vocation and education programs are
37 relevant to work programs and skills necessary to enhance the
38 employability of inmates upon release.

1 **Sec. 11.** RCW 41.59.080 and 1975 1st ex.s. c 288 s 9 are each
2 amended to read as follows:

3 The commission, upon proper application for certification as an
4 exclusive bargaining representative or upon petition for change of unit
5 definition by the employer or any employee organization within the time
6 limits specified in RCW 41.59.070(3), and after hearing upon reasonable
7 notice, shall determine the unit appropriate for the purpose of
8 collective bargaining. In determining, modifying or combining the
9 bargaining unit, the commission shall consider the duties, skills, and
10 working conditions of the educational employees; the history of
11 collective bargaining; the extent of organization among the educational
12 employees; and the desire of the educational employees; except that:

13 (1) A unit including nonsupervisory educational employees shall
14 not be considered appropriate unless it includes all such
15 nonsupervisory educational employees of the employer; and

16 (2) A unit that includes only supervisors may be considered
17 appropriate if a majority of the employees in such category indicate by
18 vote that they desire to be included in such a unit; and

19 (3) A unit that includes only principals and assistant principals
20 may be considered appropriate if a majority of such employees indicate
21 by vote that they desire to be included in such a unit; and

22 (4) A unit that includes both principals and assistant principals
23 and other supervisory employees may be considered appropriate if a
24 majority of the employees in each category indicate by vote that they
25 desire to be included in such a unit; and

26 (5) A unit that includes supervisors and/or principals and
27 assistant principals and nonsupervisory educational employees may be
28 considered appropriate if a majority of the employees in each category
29 indicate by vote that they desire to be included in such a unit; and

30 (6) A unit that includes only employees in vocational-technical
31 institutes or occupational skill centers may be considered to
32 constitute an appropriate bargaining unit if the history of bargaining
33 in any such school district so justifies; and

34 (7) Notwithstanding the definition of collective bargaining, a
35 unit that contains only supervisors and/or principals and assistant
36 principals shall be limited in scope of bargaining to compensation,
37 hours of work, and the number of days of work in the annual employment
38 contracts; and

1 (8) The bargaining unit of certificated employees of school
2 districts, educational service districts, or institutions of higher
3 education that are education providers under chapter 28A.-- RCW
4 (sections 1 through 9 of this act) must be limited to the employees
5 working as education providers to juveniles in each adult correctional
6 facility maintained by the department of corrections and must be
7 separate from other bargaining units in school districts, educational
8 service districts, or institutions of higher education.

9 NEW SECTION. Sec. 12. A new section is added to chapter 41.56
10 RCW to read as follows:

11 This chapter applies to the bargaining unit of classified
12 employees of school districts, educational service districts, or
13 institutions of higher education that are education providers under
14 chapter 28A.-- RCW (sections 1 through 9 of this act). Such bargaining
15 units must be limited to the employees working as education providers
16 to juveniles in each adult correctional facility maintained by the
17 department of corrections and must be separate from other bargaining
18 units in school districts, educational service districts, or
19 institutions of higher education.

20 **Sec. 13.** RCW 28A.310.300 and 1990 c 33 s 283 are each amended to
21 read as follows:

22 In addition to other powers and duties as provided by law, each
23 educational service district superintendent shall:

24 (1) Assist the school districts in preparation of their budgets as
25 provided in chapter 28A.505 RCW.

26 (2) Enforce the provisions of the compulsory attendance law as
27 provided in RCW 28A.225.010 through ~~((28A.225.150))~~ 28A.225.140,
28 28A.200.010, and 28A.200.020.

29 (3) Perform duties relating to capital fund aid by nonhigh
30 districts as provided in chapter 28A.540 RCW.

31 (4) Carry out the duties and issue orders creating new school
32 districts and transfers of territory as provided in chapter 28A.315
33 RCW.

34 (5) Perform the limited duties as provided in chapter 28A.-- RCW
35 (sections 1 through 9 of this act).

1 (6) Perform all other duties prescribed by law and the educational
2 service district board.

3 **Sec. 14.** RCW 28A.225.010 and 1996 c 134 s 1 are each amended to
4 read as follows:

5 (1) All parents in this state of any child eight years of age and
6 under eighteen years of age shall cause such child to attend the public
7 school of the district in which the child resides and such child shall
8 have the responsibility to and therefore shall attend for the full time
9 when such school may be in session unless:

10 (a) The child is attending an approved private school for the same
11 time or is enrolled in an extension program as provided in RCW
12 28A.195.010(4);

13 (b) The child is receiving home-based instruction as provided in
14 subsection (4) of this section;

15 (c) The child is attending an education center as provided in
16 chapter 28A.205 RCW;

17 (d) The school district superintendent of the district in which
18 the child resides shall have excused such child from attendance because
19 the child is physically or mentally unable to attend school, is
20 attending a residential school operated by the department of social and
21 health services, is incarcerated in an adult correctional facility, or
22 has been temporarily excused upon the request of his or her parents for
23 purposes agreed upon by the school authorities and the parent:
24 PROVIDED, That such excused absences shall not be permitted if deemed
25 to cause a serious adverse effect upon the student's educational
26 progress: PROVIDED FURTHER, That students excused for such temporary
27 absences may be claimed as full time equivalent students to the extent
28 they would otherwise have been so claimed for the purposes of RCW
29 28A.150.250 and 28A.150.260 and shall not affect school district
30 compliance with the provisions of RCW 28A.150.220; or

31 (e) The child is sixteen years of age or older and:

32 (i) The child is regularly and lawfully employed and either the
33 parent agrees that the child should not be required to attend school or
34 the child is emancipated in accordance with chapter 13.64 RCW;

35 (ii) The child has already met graduation requirements in
36 accordance with state board of education rules and regulations; or

1 (iii) The child has received a certificate of educational
2 competence under rules and regulations established by the state board
3 of education under RCW 28A.305.190.

4 (2) A parent for the purpose of this chapter means a parent,
5 guardian, or person having legal custody of a child.

6 (3) An approved private school for the purposes of this chapter
7 and chapter 28A.200 RCW shall be one approved under regulations
8 established by the state board of education pursuant to RCW
9 28A.305.130.

10 (4) For the purposes of this chapter and chapter 28A.200 RCW,
11 instruction shall be home-based if it consists of planned and
12 supervised instructional and related educational activities, including
13 a curriculum and instruction in the basic skills of occupational
14 education, science, mathematics, language, social studies, history,
15 health, reading, writing, spelling, and the development of an
16 appreciation of art and music, provided for a number of hours
17 equivalent to the total annual program hours per grade level
18 established for approved private schools under RCW 28A.195.010 and
19 28A.195.040 and if such activities are:

20 (a) Provided by a parent who is instructing his or her child only
21 and are supervised by a certificated person. A certificated person for
22 purposes of this chapter and chapter 28A.200 RCW shall be a person
23 certified under chapter 28A.410 RCW. For purposes of this section,
24 "supervised by a certificated person" means: The planning by the
25 certificated person and the parent of objectives consistent with this
26 subsection; a minimum each month of an average of one contact hour per
27 week with the child being supervised by the certificated person; and
28 evaluation of such child's progress by the certificated person. The
29 number of children supervised by the certificated person shall not
30 exceed thirty for purposes of this subsection; or

31 (b) Provided by a parent who is instructing his or her child only
32 and who has either earned forty-five college level quarter credit hours
33 or its equivalent in semester hours or has completed a course in home-
34 based instruction at a postsecondary institution or a vocational-
35 technical institute; or

36 (c) Provided by a parent who is deemed sufficiently qualified to
37 provide home-based instruction by the superintendent of the local
38 school district in which the child resides.

1 (5) The legislature recognizes that home-based instruction is less
2 structured and more experiential than the instruction normally provided
3 in a classroom setting. Therefore, the provisions of subsection (4) of
4 this section relating to the nature and quantity of instructional and
5 related educational activities shall be liberally construed.

6 NEW SECTION. **Sec. 15.** A new section is added to chapter 28A.150
7 RCW to read as follows:

8 (1) The department of corrections and the superintendent of public
9 instruction shall conduct a study to determine the educational needs of
10 inmates under the age of twenty-one incarcerated in jail and prison,
11 the impact of providing educational services and special educational
12 services to those inmates on the security and penological interests of
13 the correctional institutions that incarcerate those inmates, and the
14 ability of local school districts, the community and technical
15 colleges, private vendors, juvenile detention centers, and the
16 correctional institutions to provide those educational and special
17 services.

18 (2) The department and the superintendent of public instruction
19 shall consult with the following groups:

- 20 (a) The Washington association of school administrators;
21 (b) The individual school districts and educational service
22 districts in which the department or a county jail may operate a school
23 for inmates under age twenty-one;
24 (c) The Washington association of counties;
25 (d) The state board for community and technical colleges;
26 (e) The higher education coordinating board;
27 (f) The United States department of education office of special
28 education programs and the office for civil rights;
29 (g) The juvenile rehabilitation administration's residential
30 school programs;
31 (h) The juvenile court administrators;
32 (i) The attorney general;
33 (j) Columbia legal services;
34 (k) The Washington association of prosecuting attorneys;
35 (l) The school districts that provide educational services to
36 juvenile offenders incarcerated in state juvenile residential schools;
37 and

1 (m) Any other person or association that in the opinion of the
2 department or the superintendent of public instruction may assist in
3 the study.

4 (3) No later than May 1, 1998, the department and the
5 superintendent of public instruction shall provide to the committees on
6 education in the house and senate, the criminal justice and corrections
7 committee in the house, the human services and corrections committee in
8 the senate, and the house and senate fiscal committees, a profile of
9 all offenders under the age of twenty-one who are incarcerated in a
10 department of corrections' facility. The profile shall identify the
11 offenders individually by the following:

12 (a) Age;

13 (b) Offense or offenses of commitment;

14 (c) Criminal history;

15 (d) Anticipated length of stay;

16 (e) The number of serious infractions committed by the offender
17 during incarceration and the number of times, if any, the offender has
18 been placed in an intensive management unit;

19 (f) The offender's custody level;

20 (g) Whether the offender has a high school diploma or a general
21 equivalency diploma;

22 (h) The last grade the offender completed;

23 (i) Whether the offender, in the educational placement prior to
24 incarceration was identified as a child with a disability or had an
25 individualized education program;

26 (j) Whether the offender would qualify for transition planning and
27 services under 20 U.S.C. Sec. 1414(d)(6);

28 (k) Whether the department has security or penological interests
29 that warrant modification of an existing individualized education
30 program or placement as provided by 20 U.S.C. Sec. 1414(d)(6);

31 (l) Whether the offender has participated in any educational
32 programs offered by the department; and

33 (m) Whether the offender may be in need of special education and
34 related services. This subsection does not require the department or
35 the superintendent to evaluate an offender to determine if the offender
36 is a child with disabilities in need of special education and related
37 services.

1 (4) No later than September 1, 1998, the department of corrections
2 and the superintendent of public instruction shall provide to the
3 committees identified in subsection (3) of this section a profile of
4 inmates under the age of twenty-one confined in county jails between
5 the effective date of this section and August 1, 1998. The profile
6 shall identify the inmates' characteristics as listed in subsection (3)
7 of this section and shall include all inmates detained in a county
8 correctional facility whether arrested, charged, pending trial, or
9 convicted. The department and the superintendent of public instruction
10 shall assist the counties in gathering this information.

11 (5) No later than September 1, 1998, the department and the
12 superintendent of public instruction shall make a preliminary report to
13 the committees listed in subsection (3) of this section, identifying
14 the educational needs of inmates under the age of twenty-one in adult
15 correctional facilities, the impact of providing educational services
16 to those inmates on the security and penological interests of the
17 correctional institutions that incarcerate those inmates, and the
18 ability of local school districts, the community and technical
19 colleges, private vendors, juvenile detention centers, and the
20 correctional institutions to provide those educational services. The
21 department and the superintendent, in consultation with the office of
22 financial management, shall estimate the various capital and operating
23 costs of providing basic educational services or basic skills education
24 to offenders under age twenty-one, and special education and related
25 services to all inmates under age twenty-one or to just those inmates
26 under age eighteen and between the ages of eighteen and twenty-one who
27 were identified as a child with a disability or had an individualized
28 education program in the educational placement prior to incarceration
29 in an adult correctional facility. The department and the
30 superintendent of public instruction shall inform the committees as to
31 which educational entity or entities are able and willing to provide
32 those educational services.

33 (6) No later than November 1, 1998, the department and the
34 superintendent of public instruction shall make final recommendations
35 to the committees.

36 NEW SECTION. **Sec. 16.** Sections 1 through 9 of this act
37 constitute a new chapter in Title 28A RCW.

1 NEW SECTION. **Sec. 17.** Sections 1 through 9 and 11 through 15 of
2 this act are necessary for the immediate preservation of the public
3 peace, health, or safety, or support of the state government and its
4 existing public institutions, and take effect immediately.

5 NEW SECTION. **Sec. 18.** Section 10 of this act takes effect
6 September 1, 1998.

7 NEW SECTION. **Sec. 19.** If any provision of this act or its
8 application to any person or circumstance is held invalid, the
9 remainder of the act or the application of the provision to other
10 persons or circumstances is not affected.-

11 Correct the title.

EFFECT: Replaces