

# HOUSE BILL REPORT

## ESSB 6600

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### As Reported By House Committee On:

Education  
Appropriations

**Title:** An act relating to education of juveniles incarcerated in adult correctional facilities.

**Brief Description:** Establishing an education program for juveniles incarcerated in adult correctional facilities.

**Sponsors:** Senate Committee on Education (originally sponsored by Senators T. Sheldon, Hochstatter, Long, Kohl, Oke and Winsley; by request of Superintendent of Public Instruction).

### Brief History:

#### Committee Activity:

Education: 2/24/98, 2/27/98 [DPA];

Appropriations: 2/28/98 [DPA(ED/APP)s].

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass as amended. Signed by 6 members: Representatives Johnson, Chairman; Hickel, Vice Chairman; Smith; Sterk; Sump and Talcott.

**Minority Report:** Without recommendation. Signed by 5 members: Representatives Cole, Ranking Minority Member; Keiser, Assistant Ranking Minority Member; Linville; Quall and Veloria.

**Staff:** Charlie Gavigan (786-7340).

**Background:** Generally, local school districts must provide basic education to children that reside in the district who are 5 years or older up to age 21. The school district also is responsible for providing educational services to juvenile offenders (adjudicated in juvenile court) under the jurisdiction of county authorities or the Department of Social and Health Services. School districts must provide education services for persons with disabilities between the ages of 3 and 21.

A juvenile may be prosecuted as an adult in adult criminal court if the juvenile is subject to "automatic decline" or if the juvenile court declines to exercise jurisdiction over the

juvenile after a decline hearing. Persons convicted as adults typically are incarcerated in county adult correctional facilities or Department of Corrections' facilities. The Department of Corrections must provide a program of education to an inmate under the age of 18 who has not met high school or general equivalency degree (GED) requirements. The department must provide the inmate with a choice of a curriculum that will assist the inmate in achieving either a diploma or a GED. In addition, to the extent funds are available, state law requires that the Department of Corrections help all inmates achieve basic academic skills.

Federal law may require that inmates with disabilities who are 18 years or older up to 22 years old, whose disability was identified prior to age 18, be provided special education services.

**Summary of Amended Bill:** The Legislature finds that the state is not required to provide juveniles in adult correctional facilities basic or special education services through the common schools, although it intends to provide some education services consistent with their incarceration. School districts cannot be required to provide any education services in adult correctional facilities.

To the extent the Department of Corrections (DOC) must or chooses to provide education services to juveniles, the department may contract with school districts, education service districts (ESDs), community and technical colleges, and private providers. If a contract is not entered into with a willing and capable provider, the DOC provides its own education services. The DOC may consult with the Superintendent of Public Instruction (SPI), community and technical colleges, and others in finding a provider and developing education programs.

To the extent a local adult correctional facility must or chooses to provide education services to juvenile inmates, the local facility may provide the services itself, request the local school district provide services, or, if the school district chooses not to, ask the ESD to provide the service. If the ESD chooses to provide the service, it may apply for funds from SPI. Education services to these inmates necessarily are limited services, but can include some special education to the extent required by federal law. To the extent funds are appropriated, SPI provides funds to ESDs providing education services to local adult correction facilities;

The education needs of juveniles in adult jails and prisons is to be studied. The study is to be done by DOC with assistance from SPI and the Administrator for the Courts. The final report is due by November 1, 1998.

Current law on educating juveniles in DOC facilities is modified: (1) clarification is made that education services to juveniles in DOC facilities are a part of overall incarceration program for these inmates; (2) the DOC chooses whether particular juveniles receive a curriculum to assist in a high school diploma or a GED; and (3) clarification is made that

special education services are included for those inmates ages 18 to 22 to the extent required by federal law.

Funds are to be appropriated for these programs in the budget, and the appropriation is considered sufficient to meet the education needs of juveniles in adult facilities.

**Amended Bill Compared to Engrossed Substitute Bill:** The striking amendment replaces the underlying bill with provisions that: (1) find that the state is not required to give juveniles in adult correctional facilities basic or special education services through the common schools, and provide that school districts cannot be required to provide any education services in adult correctional facilities; (2) allow DOC, to the extent DOC must or chooses to provide education services to juveniles, to contract with school districts, ESDs, community and technical colleges, and private providers. If a contract is not entered into with a willing and capable provider, DOC provides its own education services; (3) allow, to the extent a local adult correctional facility must or chooses to provide education services to juvenile inmates, the local facility to provide the services itself, request the local school district provide services, or, if the school district chooses not to, ask the ESD to provide the service; (4) to the extent funds are appropriated, provides funds to ESDs providing education services to local adult correction facilities; (5) create a study of the education needs of juveniles in adult jails and prisons; (6) amend current law to clarify that education services to juveniles in DOC facilities are a part of overall incarceration program for these inmates, provide that DOC chooses whether particular juveniles receive a curriculum to assist in a high school diploma or a GED, and provide that special education services can be provided to those ages 18 to 22 to the extent required by federal law; and (7) provide that funds are to be appropriated for these programs in the budget, and the appropriation is considered sufficient to meet the education needs of juveniles in adult facilities.

**Appropriation:** None.

**Fiscal Note:** Available. Requested on amended bill on February 27, 1998.

**Effective Date of Amended Bill:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** Local school districts should not be required to provide education services in adult correctional facilities. This bill will establish a process for finding a willing and capable education provider. The process for selecting the education provider and the process for providing the education services if no willing and capable provider is contracted with should be modified by amendment. This bill is a start but does not address the issues of juveniles in jails or issues regarding special education.

**Testimony Against:** None.

**Testified:** Senator Sheldon, prime sponsor; Jean Ameluxen, Office of Superintendent of Public Instruction; Jean Stewart, Department of Corrections; and Margaret Casey, Washington State Catholic Council (all pro with amendment).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass as amended by Committee on Education as such amendment is amended by Committee on Appropriations. Signed by 28 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Benson; Carlson; Cody; Cooke; Crouse; Dyer; Grant; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Parlette; Poulsen; D. Schmidt; Sehlin; Sheahan and Talcott.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Chopp; Regala and Tokuda.

**Staff:** Jack Daray (786-7178).

**Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Education:** An intent statement is added to confirm the state's responsibility to provide a basic education to juveniles incarcerated in adult corrections facilities and county jails.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 27, 1998.

**Effective Date of Amended Bill:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** This is an opportunity to find out more about the educational needs of juveniles incarcerated in adult prisons and jails. The proposed study will assess what educational programming best fits their needs and what educational programs can reasonably be delivered.

**Testimony Against:** The proposal to require county jails, rather than school districts, to provide educational programs means that state funds need to be available to local government to contract with educational organizations and personnel to provide education in the jails. It may be a problem for local governments to qualify for federal special education funds. There is nothing new about juveniles being incarcerated in adult corrections facilities and the state needs to improve programs to meet its obligation to provide an education consistent with the basic education act. One solution to provide

the efficiency to run good programs would be to have a single superintendent for all the institution and jail based education programs rather than depending on local school districts which may resent putting on these programs.

**Testified:** Representative Peggy Johnson, (pro); Michael Shaw, Washington Association of Counties (con); and Margaret Casey, Washington State Catholic Conference (con).