

HOUSE BILL ANALYSIS

ESSB 6600

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: Senators T. Sheldon, Hochstatter, Long, Kohl, Oke and Winsley; by request of Superintendent of Public Instruction.

HOUSE COMMITTEE ON EDUCATION

Meeting Date: February 24, 1998.

Analysis Prepared by: 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 (persons under the age of 18 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, although a person whose sentence is less than one year typically is incarcerated in a local jail. 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 inmates achieve basic academic skills by obtaining a high school diploma or a GED.

Federal law may require that inmates with disabilities who are 18 years or older up to 21 years old, whose disability was identified prior to age 18, be provided education services.

Summary of Bill: The Superintendent of Public Instruction (SPI) must select an education provider to provide education services to juveniles in Department of Corrections facilities. SPI notifies and solicits proposals from interested and capable entities. The school district where there is a juvenile education site in an adult correctional facility has first priority. If the school district does not exercise its priority, it must notify SPI within 30 calendar days of the solicitation. The Educational Service District (ESD) where there is a juvenile education site in an adult correctional facility has second priority. If the ESD elects not to exercise its priority, it must notify SPI within 45 days of the solicitation. If neither the school district nor ESD chooses to operate an education program, other entities, such as community and technical colleges, four-year institutions of higher learning, and private contractors have the opportunity to do so. Only school districts and ESDs may award diplomas. If no one chooses to provide the education service, the local ESD must within 90 days.

A contract must be entered into with the selected education provider specifying the duties and setting forth a dispute resolution procedure. Except as provided by contract, the selected education provider must be limited to the following duties: (1) employing and supervising administrators, teachers, and other persons conducting the program, subject to security clearances by the Department of Corrections (DOC); (2) providing education materials and supplies; (3) conducting a program for inmates under the age of 18 subject to applicable state and federal law; and (4) with the permission of the DOC, and under rules adopted by SPI, conducting an education program for 18-year olds who wish to continue their participation in an education program.

The DOC and heads of correctional facilities have the following responsibilities: (1) provide access to an education program for inmates under the age of 18; (2) provide space and equipment; (3) provide heat, lights, and other building support; (4) provide custodial and security services; (5) provide clinical and medical services; (6) provide other reasonable support services; (7) establish behavior standards for students participating in education programs, subject to federal and state law; and (8) notify SPI and the education provider of any foreseeable reduction in inmate levels by April 15 of each year. If DOC does not make the notifications, it is responsible for the provider's resulting staff costs.

SPI must: (1) allocate funds appropriated by the Legislature for this act; and (2) adopt implementation rules. Classified and certificated employees that are employed to provide services in an adult correctional facility are represented by separate bargaining units.

The Legislature intends that this act satisfy any constitutional duty to provide education services to juveniles in adult correctional facilities.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately, except Section 10 which takes effect September 1, 1998.