

# SENATE BILL REPORT

## SB 6702

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As of February 2, 2010

**Title:** An act relating to providing education programs for juveniles in adult jails.

**Brief Description:** Providing education programs for juveniles in adult jails.

**Sponsors:** Senators Kline, McAuliffe, Gordon, McDermott, Fraser, Shin and Kohl-Welles; by request of Superintendent of Public Instruction.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 2/01/10.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Staff:** Juliana Roe (786-7438)

**Background:** Under current law, provisions are made in statute for educational programs for juveniles confined in state adult prisons, state institutions for juvenile rehabilitation, and county juvenile detention facilities. No specific statutory provision is made for educational programs for juveniles confined in adult jails.

**Summary of Bill:** Educational programs are available for juveniles confined in adult jails. Each school district, within which there exists an adult jail, must provide a program of education for juveniles confined therein. Districts may contract with educational service districts, community and technical colleges, four-year institutions, or other qualified entities to provide all or part of these services. A contract must be negotiated for each school year, or for a longer period if agreed to, that defines the respective duties and authority of each party, as well as the manner in which disputes or grievances are resolved. A district or other provider must: (1) employ, supervise, and control administrators, teachers, and other necessary personnel; (2) purchase, lease, rent, or provide textbooks, and other educational materials and supplies necessary for the program; (3) conduct programs for inmates under the age of 18 in accordance with program standards; (4) expend funds for the direct and indirect costs of maintaining and operating the program allocated for this exclusive purpose; and (5) provide educational services to juvenile inmates within five days of receiving notification from an adult jail that a juvenile has been incarcerated within the district's boundaries. The district or other provider must develop the curricula, instruction methods, and educational objectives of the program.

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School districts that provide an education program may: (1) award appropriate diplomas or certificates; (2) allow students who are 18 years of age and have participated in the program, to continue in the program; and (3) spend only funds appropriated by the Legislature allocated for these programs. Excess tax levy proceeds may not be used to pay for costs incurred in this program.

To support the education program, the adult jail facility and each superintendent or chief administrator of an adult jail facility must: (1) provide necessary building and exercise spaces apart from the space occupied by nonstudent inmates; (2) provide technology and supporting equipment necessary for the program; (3) provide heat, light, phone, janitorial services, repair services, and other support services for the building as well as exercise spaces, equipment, and fixtures necessary; (4) maintain a clean and appropriate classroom environment; (5) employ, supervise, and control security staff to safeguard students and teachers; (6) provide clinical and medical evaluation services necessary for educational needs; (7) provide other necessary support services and facilities; and (8) notify the district within three business days that an eligible inmate has been incarcerated.

By September 30, 2010, each school district with an adult jail facility within its boundaries must submit an instructional service plan to the Office of the Superintendent of Public Instruction (OSPI).

By April 15 of each school year, the adult jail administrator must provide written notice to OSPI and educational providers of any reasonable foreseeable education site closure, reduction in the number of inmates, or cause for reduction in certificated or classified staff for the next school year.

OSPI must: (1) allocate money appropriated by the Legislature to administer and provide education programs in adult jail facilities; and (2) adopt rules that establish reporting, program compliance, audit, and other accountability requirements.

**Appropriation:** None.

**Fiscal Note:** Requested on January 22, 2010.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: It is conceivable that the state can sue for not providing primary education to juveniles held in adult jails. Counties that have juvenile facilities already provide educational instruction. Now more juveniles are housed in adult jail facilities and are not always provided educational opportunities. In order to avoid a constitutional issue, we need to provide educational instruction to juveniles in adult jail facilities. There are various amendments being worked out regarding the facilities to be used to provide instruction to juveniles.

This legislation is based on the current Department of Corrections model, which limits services to youth under the age of 18. It is estimated that approximately 100 juveniles are

incarcerated in adult jail facilities in Washington for long stays (i.e., two to 12 months), while waiting for trial or adjudication. Most of these juveniles are two to three grade levels behind in school already. These juveniles should not continue to be left out.

OTHER: We support the intent of this bill, as providing education to juveniles can result in a positive impact. Education is already being provided in many adult jail facilities by way of interlocal agreements. As currently written, it will not be possible for most jails to have to build a separate space for juveniles to be provided educational instruction in. Furthermore, it is practical for the jail to estimate how many juveniles will be housed in the adult jail the following year, as the number fluctuate greatly.

**Persons Testifying:** PRO: Senator Kline, prime sponsor; Kathleen Sande, OSPI.

OTHER: Joanna Arlow, Washington Assoc. of Sheriffs and Police Chiefs.