

SENATE BILL REPORT

SB 6702

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 4, 2010
Ways & Means, February 9, 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, 2/04/10 [DPS-WM, DNP].
Ways & Means: 2/08/10, 2/09/10 [DP2S, w/oRec].

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 6702 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; Gordon, Hobbs, McDermott and Roach.

Minority Report: Do not pass.

Signed by Senators King, Ranking Minority Member; Brandland.

Staff: Juliana Roe (786-7438)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 6702 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hewitt, Hobbs, Honeyford, Keiser, Kline, Kohl-Welles, McDermott, Murray, Pridemore, Regala and Rockefeller.

Minority Report: That it be referred without recommendation.

Signed by Senators Parlette, Pflug and Schoesler.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Elise Greef (786-7708)

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 (Recommended Second Substitute): 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.

School districts that provide an education program may: (1) award appropriate diplomas or certificates; (2) allow students who are under the age of 18 when they commence 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 instructional and exercise space that is safe and secure; (2) provide necessary equipment to conduct the education program; (3) maintain a clean and appropriate classroom environment that is consistent with security conditions; (4) provide appropriate supervision of juvenile inmates and education providers while engaged in educational related activities; (5) provide support services and facilities necessary to conduct the education program; (6) provide available medical and mental health records necessary for the educational needs of the juvenile inmate; (7) notify the district within five school days that an eligible juvenile inmate has been incarcerated in the adult jail facility.

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).

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.

OSPI rules must not govern requirements regarding security within the jail facility nor the physical facility of the jail. Any excess costs to the jail facilities must be negotiated between OSPI and the jail facility. OSPI must collaborate with representatives of jail facilities in development of rules for implementation of the educational program.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Second Substitute): OSPI rules must not govern requirements regarding security within the jail facility nor the physical facility of the jail. Any excess costs to the jail facilities must be negotiated between OSPI and the jail facility. OSPI must collaborate with representatives of jail facilities in development of rules for implementation of the educational program.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (Recommended First Substitute): The provision of educational services must commence within five school days, rather than calendar days, of receiving notice from the jail facility that an individual under 18 is incarcerated. The program of education is for inmates who are under the age of 18 at the time they commence the program. School districts must provide such courses and activities as are provided for students outside of jails, to the extent that it is practical and judged appropriate by the district and the jail administrator. The adult jail facility and each superintendent of an adult jail facility must: (1) provide necessary instructional and exercise space that is safe and secure; (2) provide necessary equipment to conduct the education program; (3) maintain a clean and appropriate classroom environment that is consistent with security conditions; (4) provide appropriate supervision of juvenile inmates and education providers while engaged in educational related activities; (5) provide support services and facilities necessary to conduct the education program; (6) provide available medical and mental health records necessary for the educational needs of the juvenile inmate; and (7) notify the school district within five school days that an eligible juvenile inmate has been incarcerated in the adult jail facility. The provision that made the jail liable for salary and employment costs in cases where the jail failed to notify the district of reductions before April 15 has been removed. The subsection that required jail administrators to provide written notice to OSPI and education providers by April 15 of each year of any reasonably foreseeable education site closures, reductions in the number of inmates or services, or any other reduction of staff for the upcoming school year is removed.

Appropriation: None.

Fiscal Note: Requested on proposed substitute on February 6, 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 on Original Bill (Early Learning & K-12 Education): 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 (Early Learning & K-12 Education): PRO: Senator Kline, prime sponsor; Kathleen Sande, OSPI.

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

Staff Summary of Public Testimony on Recommended First Substitute (Ways & Means): OTHER: Many changes have been made to the original bill to take concerns into account. The remaining concern is OSPI having rule-making authority over the program of education service delivery.

Persons Testifying (Ways & Means): OTHER: Jo Arlow, Washington Association of Sheriffs and Police Chiefs.