

---

**SUBSTITUTE HOUSE BILL 3029**

---

**State of Washington                      61st Legislature                      2010 Regular Session**

**By** House Education (originally sponsored by Representatives Haigh, Pettigrew, Quall, Ormsby, Appleton, Kagi, Wallace, Kenney, and Darneille; by request of Superintendent of Public Instruction)

READ FIRST TIME 02/03/10.

1            AN ACT Relating to providing education programs for juveniles in  
2 adult jails; and adding a new chapter to Title 28A RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.**    INTENT.    The legislature intends to provide  
5 for the operation of education programs for juvenile inmates  
6 incarcerated in adult jails.

7            The legislature finds that this chapter fully satisfies any  
8 constitutional duty to provide education programs for juvenile inmates  
9 in adult jails.    The legislature further finds that biennial  
10 appropriations for education programs under this chapter amply provide  
11 for any constitutional duty to educate juvenile inmates in adult jails.

12            NEW SECTION.    **Sec. 2.**    EDUCATION PROGRAMS FOR JUVENILES IN ADULT  
13 JAILS.    A program of education shall be made available for juvenile  
14 inmates by adult jail facilities and the several school districts of  
15 the state for persons under the age of eighteen years who have been  
16 incarcerated in any adult jail facilities operated under the authority  
17 of chapter 70.48 RCW.    Each school district within which there is  
18 located an adult jail facility shall, singly or in concert with another

1 school district pursuant to RCW 28A.335.160 and 28A.225.250 or chapter  
2 39.34 RCW, conduct a program of education, including related student  
3 activities for inmates in adult jail facilities. School districts are  
4 not precluded from contracting with educational service districts,  
5 community and technical colleges, four-year institutions of higher  
6 education, or other qualified entities to provide all or part of these  
7 education programs. The division of duties, authority, and liabilities  
8 of the adult jail facilities and the several school districts of the  
9 state respecting the educational programs shall be as provided for in  
10 this chapter with regard to programs for juveniles in adult jail  
11 facilities.

12 NEW SECTION. **Sec. 3.** "ADULT JAIL FACILITY"--DEFINED. As used in  
13 this chapter, "adult jail facility" means an adult jail operated under  
14 the authority of chapter 70.48 RCW.

15 NEW SECTION. **Sec. 4.** DUTIES, AUTHORITY, AND RESPONSIBILITIES OF  
16 EDUCATION PROVIDER. (1) Except as otherwise provided for by contract  
17 under section 7 of this act, the duties and authority of a school  
18 district, educational service district, institution of higher  
19 education, or private contractor to provide for education programs  
20 under this chapter include:

21 (a) Employing, supervising, and controlling administrators,  
22 teachers, specialized personnel, and other persons necessary to conduct  
23 education programs, subject to security clearance by the adult jail  
24 facilities;

25 (b) Purchasing, leasing, renting, or providing textbooks, maps,  
26 audiovisual equipment paper, writing instruments, physical education  
27 equipment, and other instructional equipment, materials, and supplies  
28 deemed necessary by the provider of the education programs;

29 (c) Conducting education programs for inmates under the age of  
30 eighteen in accordance with program standards established by the  
31 superintendent of public instruction;

32 (d) Expending funds for the direct and indirect costs of  
33 maintaining and operating the program of education that are  
34 appropriated by the legislature and allocated by the superintendent of  
35 public instruction for the exclusive purpose of maintaining and  
36 operating education programs for juvenile inmates incarcerated in adult

1 jail facilities, in addition to funds from federal and private grants,  
2 and bequests, and gifts made for the purpose of maintaining and  
3 operating the program of education; and

4 (e) Providing educational services to juvenile inmates within five  
5 school days of receiving notification from an adult jail facility  
6 within the district's boundaries that an individual under the age of  
7 eighteen has been incarcerated.

8 (2) The school district, educational service district, institution  
9 of higher education, or private contractor shall develop the curricula,  
10 instruction methods, and educational objectives of the education  
11 programs, subject to applicable requirements of state and federal law.  
12 For inmates who are under the age of eighteen when they commence the  
13 program and who have not met high school graduation requirements, such  
14 courses of instruction and school-related student activities as are  
15 provided by the school district for students outside of adult jails  
16 shall be provided by the school district for students in adult jails,  
17 to the extent that it is practical and judged appropriate by the school  
18 district and the administrator of the adult jail facility.

19 NEW SECTION. **Sec. 5.** SCHOOL DISTRICTS--ADDITIONAL AUTHORITY AND  
20 LIMITATION. School districts providing an education program to  
21 juvenile inmates in an adult jail facility, may:

22 (1) Award appropriate diplomas or certificates to juvenile inmates  
23 who successfully complete graduation requirements;

24 (2) Allow students eighteen years of age who have participated in  
25 an education program under this chapter to continue in the program,  
26 under rules adopted by the superintendent of public instruction; and

27 (3) Spend only funds appropriated by the legislature and allocated  
28 by the superintendent of public instruction for the exclusive purpose  
29 of maintaining and operating education programs under this chapter,  
30 including direct and indirect costs of maintaining and operating the  
31 education programs, and funds from federal and private grants,  
32 bequests, and gifts made for that purpose. School districts may not  
33 expend excess tax levy proceeds authorized for school district purposes  
34 to pay costs incurred under this chapter.

35 NEW SECTION. **Sec. 6.** SUPPORT OF EDUCATION PROGRAMS. To support

1 each education program under this chapter, the adult jail facility and  
2 each superintendent or chief administrator of an adult jail facility  
3 shall:

4 (1) Through existing space, construction, lease, or rental of  
5 space, provide necessary building and exercise space for the education  
6 program that is secure, safe, separate, and apart from space occupied  
7 by nonstudent inmates while educational services are being provided;

8 (2) Through existing space, construction, lease, or rental, provide  
9 technology and supporting equipment; and other equipment and fixtures  
10 deemed necessary by the adult jail facility to conduct the education  
11 program;

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

15 (4) Maintain a clean and appropriate classroom environment that is  
16 sufficient to meet the program requirements and consistent with  
17 security conditions;

18 (5) Employ, supervise, and control security staff to safeguard  
19 agents of the education providers and juvenile inmates while engaged in  
20 educational and related activities conducted under this chapter;

21 (6) Provide clinical and medical evaluation services necessary for  
22 a determination by the education provider of the educational needs of  
23 juvenile inmates;

24 (7) Provide such other support services and facilities as are  
25 reasonably necessary to conduct the education program; and

26 (8) Notify the school district within which the adult jail facility  
27 resides within five school days that an eligible juvenile inmate has  
28 been incarcerated in the adult jail facility.

29 NEW SECTION. **Sec. 7.** CONTRACT BETWEEN SCHOOL DISTRICTS AND ADULT  
30 JAIL FACILITIES. Each education provider under this chapter and the  
31 adult jail facility shall negotiate and execute a written contract for  
32 each school year, or such longer period as may be agreed to, that  
33 delineates the manner in which their respective duties and authority  
34 will be cooperatively performed and exercised, and any disputes and  
35 grievances resolved through mediation, and if necessary, arbitration.  
36 Any such contract may provide for the performance of duties by an  
37 education provider in addition to those in this chapter, including

1 duties imposed upon the adult jail facility and its agents under  
2 section 6 of this act, if supplemental funding provided by the adult  
3 jail facility is available to fully pay the direct and indirect costs  
4 of these additional duties.

5 NEW SECTION. **Sec. 8.** EDUCATION SITE CLOSURES OR REDUCTION IN  
6 SERVICES--NOTICE--LIABILITY FOR FAILURE TO PROVIDE NOTICE--ALTERNATIVE  
7 DISPUTE RESOLUTION. (1) By September 30, 2010, districts must, in  
8 coordination with adult jail facilities residing within their  
9 boundaries, submit an instructional service plan to the office of the  
10 superintendent of public instruction. Service plans must meet  
11 requirements stipulated in the rules of the office of the  
12 superintendent of public instruction. Once districts have submitted a  
13 plan to the office of the superintendent of public instruction,  
14 districts are not required to resubmit their plans unless either  
15 districts or adult jail facilities initiate a significant change to  
16 their plans. Annually, before April 15th, districts and the adult jail  
17 facilities must review their plans.

18 (2) By April 15th of each school year, the adult jail administrator  
19 shall provide written notice to the office of the superintendent of  
20 public instruction and education providers operating programs under  
21 this chapter of any reasonably foreseeable education site closures,  
22 reductions in the number of inmates or education services, or any other  
23 cause for a reduction in certificated or classified staff the next  
24 school year. The office of the superintendent of public instruction  
25 shall adopt rules regarding school district funding when the number of  
26 enrolled students decreases below the number associated with supporting  
27 either certificated contracts or classified contracts, or both.

28 NEW SECTION. **Sec. 9.** ALLOCATION OF MONEY--ACCOUNTABILITY  
29 REQUIREMENTS--RULES. The superintendent of public instruction shall:

30 (1) Allocate money appropriated by the legislature to administer  
31 and provide education programs under this chapter to school districts  
32 that have assumed the primary responsibility to administer and provide  
33 education programs under this chapter or to the educational service  
34 district operating the program under contract; and

35 (2) Adopt rules in accordance with chapter 34.05 RCW that establish

1 reporting, program compliance, audit, and such other accountability  
2 requirements as are reasonably necessary to implement this chapter and  
3 related provisions of the omnibus appropriations act effectively.

4 NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act constitute  
5 a new chapter in Title 28A RCW.

6 NEW SECTION. **Sec. 11.** If any provision of this act or its  
7 application to any person or circumstance is held invalid, the  
8 remainder of the act or the application of the provision to other  
9 persons or circumstances is not affected.

--- END ---