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SENATE BILL 6702

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State of Washington

61st Legislature

2010 Regular Session

By Senators Kline, McAuliffe, Gordon, McDermott, Fraser, Shin, and Kohl-Welles; by request of Superintendent of Public Instruction

Read first time 01/22/10. Referred to Committee on Early Learning & K-12 Education.

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 days of receiving notification from an adult jail facility within the  
6 district's boundaries that an individual under the age of eighteen has  
7 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 and who have not met high  
13 school graduation requirements, appropriate courses of instruction and  
14 school-related student activities shall be provided by the school  
15 district for students in adult jails, to the extent that it is  
16 practical and judged appropriate by the school district and the  
17 administrator of the adult jail facility.

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

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

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

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

34 NEW SECTION. **Sec. 6.** SUPPORT OF EDUCATION PROGRAMS. To support  
35 each education program under this chapter, the adult jail facility and

1 each superintendent or chief administrator of an adult jail facility  
2 shall:

3 (1) Through construction, lease, or rental of space, provide  
4 necessary building and exercise spaces for the education program that  
5 is secure, safe, separate, and apart from space occupied by nonstudent  
6 inmates;

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

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

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

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

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

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

24 (8) Notify the school district within which the adult jail facility  
25 resides within three business days that an eligible juvenile inmate has  
26 been incarcerated in the adult jail facility.

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

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

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

16 (2) By April 15th of each school year, the adult jail administrator  
17 shall provide written notice to the office of the superintendent of  
18 public instruction and education providers operating programs under  
19 this chapter of any reasonably foreseeable education site closures,  
20 reductions in the number of inmates or education services, or any other  
21 cause for a reduction in certificated or classified staff the next  
22 school year. In the event the adult jail administrator fails to  
23 provide notice as required by this section, the adult jail is liable  
24 and responsible for the payment of the salary and employment-related  
25 costs for the next school year of each employee whose contract would or  
26 could have been nonrenewed but for the failure of the adult jail  
27 administrator to provide notice. Disputes arising under this section  
28 shall be resolved in accordance with the alternative dispute resolution  
29 method or methods specified in the contract required by section 7 of  
30 this act.

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

33 (1) Allocate money appropriated by the legislature to administer  
34 and provide education programs under this chapter to school districts  
35 that have assumed the primary responsibility to administer and provide

1 education programs under this chapter or to the educational service  
2 district operating the program under contract; and

3 (2) Adopt rules in accordance with chapter 34.05 RCW that establish  
4 reporting, program compliance, audit, and such other accountability  
5 requirements as are reasonably necessary to implement this chapter and  
6 related provisions of the omnibus appropriations act effectively.

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

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

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