

HOUSE BILL REPORT

HB 2793

As Reported By House Committee On:

Education
Appropriations

Title: An act relating to education of offenders prosecuted as adults.

Brief Description: Revising provisions relating to education of offenders prosecuted as adults.

Sponsors: Representatives Johnson, Sheahan, Talcott, DeBolt, Sump, Honeyford, Sterk, Eickmeyer, Pennington, Robertson, Carrell, Sherstad, Mielke, Clements, Cairnes, Hickel, Romero, Backlund and Mulliken.

Brief History:

Committee Activity:

Education: 1/30/98, 2/6/98 [DP];

Appropriations: 2/7/98 [DPS].

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 11 members: Representatives Johnson, Chairman; Hickel, Vice Chairman; Cole, Ranking Minority Member; Keiser, Assistant Ranking Minority Member; Linville; Quall; Smith; Sterk; Sump; Talcott and Veloria.

Staff: 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. 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 appears to require that persons with disabilities in adult prisons who are 18 years or older up to 21 years old, whose disability was identified prior to age 18, must be provided education services.

Summary of Bill: The Superintendent of Public Instruction (SPI) may not require school districts to provide basic or special education services to inmates of county adult correctional facilities or Department of Corrections facilities even when the inmates are under the age of 21. To the extent the SPI, the Department of Corrections, or counties must provide basic or special education services, they may contract with school districts, educational service districts, community and technical colleges, private vendors, or juvenile court administrators to provide these services, or they can provide the services themselves.

The Department of Corrections and the SPI are to study the educational needs of inmates under the age of 21 in jail or prison, the impact on security and penological needs of providing these education services, and the ability of local school districts, community and technical colleges, private vendors, juvenile detention centers, and the correctional institutions to provide education services. The department and the SPI must consult with a variety of organizations and people who may assist the study. By May 1, 1998, the department and the SPI must provide to several legislative committees a profile of all offenders under the age of 21 incarcerated in a Department of Corrections facility. By September 1, 1998, the department and the SPI shall provide to the legislative committees a profile of inmates under the age of 21 in county jails between the effective date of this act and August 1, 1998.

By September 1, the department and the SPI shall make a preliminary report to the legislative committees identifying: (1) the educational needs of inmates under the age of 21 in adult correctional facilities; (2) the impact on security and penological needs of providing these educational services; (3) the ability of local school districts, community and technical colleges, private vendors, juvenile detention centers, and the correctional institutions to provide educational services; (4) the various capital and operating costs of providing these services to inmates under 21 and to inmates with disabilities under 18 or between 18 and 21 where the disability was identified prior to incarceration in the adult facility; and (5) the educational organizations that are able and willing to provide the educational services. The final report is due November 1, 1998.

Appropriation: None.

Fiscal Note: Requested on January 29, 1998.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: SPI does not want to mandate that local school districts provide education in adult prisons. The education of regular students by a school district is negatively impacted when school district resources are used for adult or juvenile correctional facilities.

Testimony Against: None.

Testified: Jean Ameluxen, Office of Superintendent of Public Instruction (concerns); Jean Steward, Department of Corrections (concerns); John Lidington, citizen (support); and Jayni Kamin, Shelton School District (support).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 26 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Benson; Carlson; Chopp; Cody; Cooke; Crouse; Keiser; Kenney; Lambert; Lisk; Mastin; Parlette; Poulsen; Regala; D. Schmidt; Sehlin; Sheahan; Talcott and Tokuda.

Staff: Jack Daray (786-7178).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Education: A new section was added which makes the bill null and void unless specific funding is provided in the Omnibus Appropriations Act by June 30, 1998.

Appropriation: None.

Fiscal Note: Requested on January 29, 1998.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately. However, the bill is null and void unless funded in the budget.

Testimony For: None.

Testimony Against: There has been a state policy of automatic decline of certain juveniles to the adult corrections system and there are problems in terms of providing education in high security situations. The Department of Corrections and county jails

do not address issues of what is happening to juveniles in prison and jails at the present time.

Testified: Margaret Casey, Washington State Catholic Conference (concerns).