

SENATE BILL REPORT

SHB 2793

As Reported By Senate Committee On:
Education, February 26, 1998

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

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

Sponsors: House Committee on Appropriations (originally sponsored by 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: 2/24/98 [DP].

SENATE COMMITTEE ON EDUCATION

Majority Report: Do pass.

Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Staff: William Bridges (786-7424)

Background: Each school district's basic educational program must be accessible to all students from ages five to 20. School districts must also insure an appropriate educational opportunity for persons with disabilities between the ages of three and 21.

An increasing number of juveniles are being incarcerated in adult prisons. These facilities are primarily equipped to educate adults and many lack the resources to teach juveniles. With the enactment of ESHB 3900 in 1997, the Department of Corrections (DOC) is required to assist juvenile inmates in obtaining high school diplomas or General Equivalency Diplomas. But current law is silent regarding the Superintendent of Public Instruction's (SPI) duties in providing services for juveniles incarcerated in adult facilities. In November 1997, a class action comprised of juvenile inmates in adult facilities was filed against SPI and DOC seeking (1) full basic education for youth under 21 years old; (2) special education programming for youth under 22 years old; and (3) compensatory educational services for youth beyond 21 years old.

Summary of Bill: The Superintendent of Public Instruction 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 SPI, DOC, 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 the correctional facilities can provide the services themselves.

DOC and SPI must study the issues surrounding the education of inmates under the age of 21 in jails and prisons. DOC and SPI must consult with a variety of organizations and people who may assist the study. By May 1, 1998, DOC and SPI must provide to several legislative committees a profile of all offenders under the age of 21 incarcerated in a DOC facility. By September 1, 1998, DOC and SPI must 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, 1998, DOC and SPI must 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.

The act is null and void if not funded in the budget.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The bill is necessary because educating juveniles in adult facilities is complex and needs study. The bill does not conflict with SSB 6600. The proposed study will compliment SSB 6600.

Testimony Against: None. But one witness expressed concerns that the proposed study will only delay action. In addition, the bill does not address educational needs through the age of 21.

Testified: Representative Johnson, prime sponsor; Jean Ameluxen, SPI (pro); Margaret Casey, Washington State Catholic Conference (concerns); and Jean Stewart, DOC (pro).