
HOUSE BILL 2001

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Holland, Peery, Forner, Winsley, Broback, Brough, Miller, Mitchell, Brumsickle and Rasmussen.

Read first time February 18, 1991. Referred to Committee on Education\Appropriations.

1 AN ACT Relating to educational programs and funding for juveniles
2 in detention facilities; amending RCW 28A.190.010, 28A.190.030, and
3 28A.190.050; and adding a new section to chapter 28A.150 RCW.

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

5 **Sec. 1.** RCW 28A.190.010 and 1990 c 33 s 170 are each amended to
6 read as follows:

7 A program of education shall be provided for by the department of
8 social and health services ~~((and))~~, the ~~((several))~~ office of the
9 superintendent of public instruction, and those school districts of the
10 state that have entered into contracts with the department of social
11 and health services and the office of the superintendent of public
12 instruction for common school age persons who have been admitted to
13 facilities staffed and maintained by the department of social and
14 health services for the education and treatment of juveniles who have
15 been diverted or who have been found to have committed a juvenile

1 offense. The division of duties, authority, and liabilities of the
2 department of social and health services, the office of the
3 superintendent of public instruction, and the several school districts
4 of the state respecting the educational programs shall be the same in
5 all respects as set forth in RCW 28A.190.030 through 28A.190.060
6 respecting programs of education for state residential school
7 residents. For the purposes of this section, the term "residential
8 school" or "schools" as used in RCW 28A.190.030 through 28A.190.060
9 shall be construed to mean a facility staffed and maintained by the
10 department of social and health services for the education and
11 treatment of juvenile offenders on probation or parole. Nothing in
12 this section shall prohibit a school district from utilizing the
13 services of an educational service district subject to RCW 28A.310.180.

14 **Sec. 2.** RCW 28A.190.030 and 1990 c 33 s 172 are each amended to
15 read as follows:

16 ~~((Each school district within which there is located a residential~~
17 ~~school shall, singly or in concert with another school district~~
18 ~~pursuant to RCW 28A.335.160 and 28A.225.250 or pursuant to chapter~~
19 ~~39.34 RCW,)) The department of social and health services and the
20 office of the superintendent of public instruction shall contract with
21 one or more school districts to conduct a program of education,
22 including related student activities, for residents of the residential
23 schools. Two or more school districts may act jointly under RCW
24 28A.335.160 and 28A.225.250 or under chapter 39.34 RCW. Except as
25 otherwise provided for by contract pursuant to RCW 28A.190.050, the
26 duties and authority of a school district and its employees to conduct
27 such a program shall ~~((be limited to))~~ include the following:~~

1 (1) The employment, supervision and control of administrators,
2 teachers, specialized personnel and other persons, deemed necessary by
3 the school district for the conduct of the program of education;

4 (2) The purchase, lease or rental and provision of textbooks, maps,
5 audio-visual equipment, paper, writing instruments, physical education
6 equipment and other instructional equipment, materials and supplies,
7 deemed necessary by the school district for the conduct of the program
8 of education;

9 (3) The development and implementation, in consultation with the
10 superintendent or chief administrator of the residential school or his
11 or her designee, of the curriculum;

12 (4) The conduct of a program of education, including related
13 student activities, for residents who are three years of age and less
14 than twenty-one years of age, and have not met high school graduation
15 requirements as now or hereafter established by the state board of
16 education and the school district which includes:

17 (a) Not less than ~~((one))~~ two hundred ~~((and eighty))~~ forty school
18 days each school year;

19 (b) Special education pursuant to RCW 28A.155.010 through
20 28A.155.100, and vocational education, as necessary to address the
21 unique needs and limitations of residents; and

22 (c) Such courses of instruction and school related student
23 activities as are provided by the school district for nonresidential
24 school students to the extent it is practical and judged appropriate
25 for the residents by the school district after consultation with the
26 superintendent or chief administrator of the residential school:
27 PROVIDED, That a preschool special education program may be provided
28 for handicapped residential school students;

29 (5) The control of students while participating in a program of
30 education conducted pursuant to this section and the discipline,

1 suspension or expulsion of students for violation of reasonable rules
2 of conduct adopted by the school district; and

3 (6) The expenditure of funds for the direct and indirect costs of
4 maintaining and operating the program of education that are
5 appropriated by the legislature and allocated by the superintendent of
6 public instruction for the exclusive purpose of maintaining and
7 operating residential school programs of education, and funds from
8 federal and private grants, bequests and gifts made for the purpose of
9 maintaining and operating the program of education.

10 **Sec. 3.** RCW 28A.190.050 and 1990 c 33 s 174 are each amended to
11 read as follows:

12 Each school district required to conduct a program of education
13 pursuant to RCW 28A.190.030, (~~and~~) the department of social and
14 health services, and the office of the superintendent of public
15 instruction shall hereafter negotiate and execute a written contract
16 for each school year or such longer period as may be agreed to which
17 delineates the manner in which their respective duties and authority
18 will be cooperatively performed and exercised, and any disputes and
19 grievances resolved. Any such contract may provide for the performance
20 of duties by a school district in addition to those set forth in RCW
21 28A.190.030 (1) through (5), including duties imposed upon the
22 department of social and health services and its agents pursuant to RCW
23 28A.190.040: PROVIDED, That funds identified in RCW 28A.190.030(6)
24 and/or funds provided by the department of social and health services
25 are available to fully pay the direct and indirect costs of such
26 additional duties and the district is otherwise authorized by law to
27 perform such duties in connection with the maintenance and operation of
28 a school district.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.150
2 RCW to read as follows:

3 (1) The basic education allocation for each annual average full-
4 time equivalent student in a residential school as defined in RCW
5 28A.190.020 shall be 2.15 times greater than the teacher-student
6 funding ratio set by the legislature for other schools serving students
7 in grades four through twelve.

8 (2) In addition to the basic education allocation set forth in
9 subsection (1) of this section, the office of the superintendent of
10 public instruction shall contribute to the educational program at the
11 residential schools, a sum of money equal to the dollars per student
12 raised in the local tax levy by the school district conducting a
13 program of education under RCW 28A.190.030.

14 (3) Each school district required to conduct a program of education
15 under RCW 28A.190.030 shall take all necessary action to designate
16 students in need of special education and to obtain all available
17 funding for special education.

18 (4) Each school district required to conduct a program of education
19 under RCW 28A.190.030 is entitled to receive and shall take all
20 necessary action to receive for the benefit of the residential schools,
21 any specialized funding available, including but not limited to funding
22 for transitional bilingual programs, gifted programs, the learning
23 assistance programs, and block grants.