
SECOND SUBSTITUTE SENATE BILL 6702

State of Washington

61st Legislature

2010 Regular Session

By Senate Ways & Means (originally sponsored by Senators Kline, McAuliffe, Gordon, McDermott, Fraser, Shin, and Kohl-Welles; by request of Superintendent of Public Instruction)

READ FIRST TIME 02/09/10.

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 jail
16 facilities shall be provided by the school district for students in
17 adult jail facilities, to the extent that it is practical and judged
18 appropriate by the school district and the administrator of the adult
19 jail facility.

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

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

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

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

1 NEW SECTION. **Sec. 6.** SUPPORT OF EDUCATION PROGRAMS. To support
2 each education program under this chapter, the adult jail facility and
3 each superintendent or chief administrator of an adult jail facility
4 shall:

5 (1) Provide necessary instructional and exercise spaces for the
6 education program that are safe and secure;

7 (2) Provide equipment deemed necessary by the adult jail facility
8 to conduct the education program;

9 (3) Maintain a clean and appropriate classroom environment that is
10 sufficient to meet the program requirements and consistent with
11 security conditions;

12 (4) Provide appropriate supervision of juvenile inmates consistent
13 with security conditions to safeguard agents of the education providers
14 and juvenile inmates while engaged in educational and related
15 activities conducted under this chapter;

16 (5) Provide such other support services and facilities deemed
17 necessary by the adult jail facilities to conduct the education
18 program;

19 (6) Provide the available medical and mental health records
20 necessary to a determination by the school district of the educational
21 needs of the juvenile inmate; and

22 (7) Notify the school district within which the adult jail facility
23 resides within five school days that an eligible juvenile inmate has
24 been incarcerated in the adult jail facility.

25 NEW SECTION. **Sec. 7.** CONTRACT BETWEEN SCHOOL DISTRICTS AND ADULT
26 JAIL FACILITIES. Each education provider under this chapter and the
27 adult jail facility shall negotiate and execute a written contract for
28 each school year, or such longer period as may be agreed to, that
29 delineates the manner in which their respective duties and authority
30 will be cooperatively performed and exercised, and any disputes and
31 grievances resolved through mediation, and if necessary, arbitration.
32 Any such contract may provide for the performance of duties by an
33 education provider in addition to those in this chapter, including
34 duties imposed upon the adult jail facility and its agents under
35 section 6 of this act, if supplemental funding is available to fully
36 pay the direct and indirect costs of these additional duties.

1 NEW SECTION. **Sec. 8.** EDUCATION SITE CLOSURES OR REDUCTION IN
2 SERVICES--NOTICE. (1) By September 30, 2010, districts must, in
3 coordination with adult jail facilities residing within their
4 boundaries, submit an instructional service plan to the office of the
5 superintendent of public instruction. Service plans must meet
6 requirements stipulated in the rules of the office of the
7 superintendent of public instruction, provided that (a) the rules shall
8 not govern requirements regarding security within the jail facility nor
9 the physical facility of the adult jail, including but not limited to,
10 the classroom space chosen for instruction, and (b) any excess costs to
11 the jails associated with implementing rules shall be negotiated
12 pursuant to the contractual agreements between the education provider
13 and adult jail facility. The provisions of the contractual agreements
14 shall cover the responsibilities for costs associated with, including
15 but not limited to, technology access, transportation, and student
16 medical or learning assessments.

17 (2) Once districts have submitted a plan to the office of the
18 superintendent of public instruction, districts are not required to
19 resubmit their plans unless either districts or adult jail facilities
20 initiate a significant change to their plans.

21 (3) An adult jail facility shall notify the office of the
22 superintendent of public instruction as soon as practicable upon the
23 closure of any adult jail facility or upon the adoption of a policy
24 that no juvenile shall be held in the adult jail facility.

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

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

32 (2) Adopt rules in accordance with chapter 34.05 RCW that establish
33 reporting, program compliance, audit, and such other accountability
34 requirements as are reasonably necessary to implement this chapter and
35 related provisions of the omnibus appropriations act effectively. In
36 adopting the rules pursuant to this subsection, the superintendent of
37 public instruction shall collaborate with representatives from the

1 Washington association of sheriffs and police chiefs and shall attempt
2 to negotiate rules that deliver the educational program in the most
3 cost-effective manner while, to the extent practicable, not imposing
4 additional costs on local jail facilities.

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

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

--- END ---