

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6600

Chapter 244, Laws of 1998

55th Legislature
1998 Regular Session

EDUCATION OF JUVENILES INCARCERATED IN ADULT CORRECTIONAL
FACILITIES

EFFECTIVE DATE: 6/11/98 - Except sections 1 through 9 and 11
through 15 which become effective on 3/30/98; and section 10 which
becomes effective on 9/1/98.

Passed by the Senate March 9, 1998
YEAS 45 NAYS 1

BRAD OWEN

President of the Senate

Passed by the House March 5, 1998
YEAS 98 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved March 30, 1998

CERTIFICATE

I, Mike O Connell, Secretary of the
Senate of the State of Washington, do
hereby certify that the attached is
ENGROSSED SUBSTITUTE SENATE BILL 6600
as passed by the Senate and the House
of Representatives on the dates hereon
set forth.

MIKE O'CONNELL

Secretary

FILED

March 30, 1998 - 3:23 p.m.

GARY LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6600

AS AMENDED BY THE HOUSE

Passed Legislature - 1998 Regular Session

State of Washington 55th Legislature 1998 Regular Session

By Senate Committee on Education (originally sponsored by Senators T. Sheldon, Hochstatter, Long, Kohl, Oke and Winsley; by request of Superintendent of Public Instruction)

Read first time 02/04/98.

1 AN ACT Relating to education of juveniles incarcerated in adult
2 correctional facilities; amending RCW 72.09.460, 41.59.080,
3 28A.310.300, and 28A.225.010; adding a new section to chapter 41.56
4 RCW; adding a new section to chapter 28B.150 RCW; adding a new chapter
5 to Title 28A RCW; providing an effective date; and declaring an
6 emergency.

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

8 NEW SECTION. **Sec. 1.** The legislature intends to provide for the
9 operation of education programs for the department of corrections'
10 juvenile inmates. School districts, educational service districts, or
11 any combination thereof should be the primary providers of the
12 education programs. However, the legislature does not intend to
13 preclude community and technical colleges, four-year institutions of
14 higher education, or other qualified entities from contracting to
15 provide all or part of these education programs if no school district
16 or educational service district is willing to operate all or part of
17 the education programs.

18 The legislature finds that this chapter fully satisfies any
19 constitutional duty to provide education programs for juvenile inmates

1 in adult correctional facilities. The legislature further finds that
2 biennial appropriations for education programs under this chapter amply
3 provide for any constitutional duty to educate juvenile inmates in
4 adult correctional facilities.

5 NEW SECTION. **Sec. 2.** Any school district or educational service
6 district may operate all or any portion of an education program for
7 juveniles in accordance with this chapter, notwithstanding the fact the
8 services or benefits provided extend beyond the geographic boundaries
9 of the school district or educational service district providing the
10 service.

11 NEW SECTION. **Sec. 3.** The superintendent of public instruction
12 shall solicit an education provider for the department of corrections'
13 juvenile inmates within sixty days as follows:

14 (1) The superintendent of public instruction shall notify and
15 solicit proposals from all interested and capable school districts,
16 educational service districts, institutions of higher education,
17 private contractors, or any combination thereof. The notice shall
18 describe the proposed education program's requirements and the
19 appropriated amount. The selection of an education provider shall be
20 in the following order:

21 (a) The school district where there is an educational site for
22 juveniles in an adult correctional facility maintained by the state
23 department of corrections has first priority to operate an education
24 program for inmates at that site. The district may elect to operate an
25 education program by itself or with another school district,
26 educational service district, institution of higher education, private
27 contractor, or any combination thereof. If the school district elects
28 not to exercise its priority, it shall notify the superintendent of
29 public instruction within thirty calendar days of the day of
30 solicitation.

31 (b) The educational service district where there is an educational
32 site for juveniles in an adult correctional facility maintained by the
33 state department of corrections has second priority to operate an
34 education program for inmates at that site. The educational service
35 district may elect to do so by itself or with a school district,
36 another educational service district, institution of higher education,
37 private contractor, or any combination thereof. If the educational

1 service district elects not to exercise its priority, it shall notify
2 the superintendent of public instruction within forty-five calendar
3 days of the day of solicitation.

4 (c) If neither the school district nor the educational service
5 district chooses to operate an education program for inmates as
6 provided for in (a) and (b) of this subsection, the superintendent of
7 public instruction may contract with an entity, including, but not
8 limited to, school districts, educational service districts,
9 institutions of higher education, private contractors, or any
10 combination thereof, within sixty calendar days of the day of
11 solicitation. The selected entity may operate an education program by
12 itself or with another school district, educational service district,
13 institution of higher education, or private contractor, or any
14 combination thereof.

15 (2) If the superintendent of public instruction does not contract
16 with an interested entity within sixty days of the day of solicitation,
17 the educational service district where there is an educational site for
18 juveniles in an adult correctional facility maintained by the state
19 department of corrections shall begin operating the education program
20 for inmates at the site within ninety days from the day of solicitation
21 in subsection (1) of this section.

22 NEW SECTION. **Sec. 4.** Except as otherwise provided for by contract
23 under section 7 of this act, the duties and authority of a school
24 district, educational service district, institution of higher
25 education, or private contractor to provide for education programs
26 under this chapter are limited to the following:

27 (1) Employing, supervising, and controlling administrators,
28 teachers, specialized personnel, and other persons necessary to conduct
29 education programs, subject to security clearance by the department of
30 corrections;

31 (2) Purchasing, leasing, or renting and providing textbooks, maps,
32 audiovisual equipment, paper, writing instruments, physical education
33 equipment, and other instructional equipment, materials, and supplies
34 deemed necessary by the provider of the education programs;

35 (3) Conducting education programs for inmates under the age of
36 eighteen in accordance with program standards established by the
37 superintendent of public instruction. The education provider shall
38 develop the curricula, instructional methods, and educational

1 objectives of the education programs, subject to applicable
2 requirements of state and federal law. The department of corrections
3 shall establish behavior standards that govern inmate participation in
4 education programs, subject to applicable requirements of state and
5 federal law;

6 (4) Students age eighteen who have participated in an education
7 program governed by this chapter may continue in the program with the
8 permission of the department of corrections and the education provider,
9 under the rules adopted by the superintendent of public instruction.

10 NEW SECTION. **Sec. 5.** School districts and educational service
11 districts providing an education program to juvenile inmates in an
12 adult corrections facility, notwithstanding that their geographical
13 boundaries do not include the facility, may:

14 (1) Award appropriate diplomas or certificates to inmates who
15 successfully complete graduation requirements;

16 (2) Spend only funds appropriated by the legislature and allocated
17 by the superintendent of public instruction for the exclusive purpose
18 of maintaining and operating education programs under this chapter,
19 including direct and indirect costs of maintaining and operating the
20 education programs, and funds from federal and private grants,
21 bequests, and gifts made for that purpose. School districts may not
22 expend excess tax levy proceeds authorized for school district purposes
23 to pay costs incurred under this chapter.

24 NEW SECTION. **Sec. 6.** To support each education program under this
25 chapter, the department of corrections and each superintendent or chief
26 administrator of a correction facility shall:

27 (1) Through construction, lease, or rental of space, provide
28 necessary building and exercise spaces for the education program that
29 is secure, separate, and apart from space occupied by nonstudent
30 inmates;

31 (2) Through construction, lease, or rental, provide vocational
32 instruction machines; technology and supporting equipment; tools,
33 building, and exercise facilities; and other equipment and fixtures
34 deemed necessary by the department of corrections to conduct the
35 education program;

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

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

7 (5) Provide clinical and medical evaluation services necessary for
8 a determination by the education provider of the educational needs of
9 inmates; and

10 (6) Provide such other support services and facilities as are
11 reasonably necessary to conduct the education program.

12 NEW SECTION. **Sec. 7.** Each education provider under this chapter
13 and the department of corrections shall negotiate and execute a written
14 contract for each school year or such longer period as may be agreed to
15 that delineates the manner in which their respective duties and
16 authority will be cooperatively performed and exercised, and any
17 disputes and grievances resolved through mediation, and if necessary,
18 arbitration. Any such contract may provide for the performance of
19 duties by an education provider in addition to those set forth in this
20 chapter, including duties imposed upon the department of corrections
21 and its agents under section 6 of this act if supplemental funding
22 provided by the department of corrections is available to fully pay the
23 direct and indirect costs of these additional duties.

24 NEW SECTION. **Sec. 8.** By April 15th of each school year, the
25 department of corrections shall provide written notice to the
26 superintendent of public instruction and education providers operating
27 programs under this chapter of any reasonably foreseeable education
28 site closures, reductions in the number of inmates or education
29 services, or any other cause for a reduction in certificated or
30 classified staff the next school year. In the event the department of
31 corrections fails to provide notice as required by this section, the
32 department is liable and responsible for the payment of the salary and
33 employment-related costs for the next school year of each employee
34 whose contract would or could have been nonrenewed but for the failure
35 of the department to provide notice. Disputes arising under this
36 section shall be resolved in accordance with the alternative dispute

1 resolution method or methods specified in the contract required by
2 section 7 of this act.

3 NEW SECTION. **Sec. 9.** The superintendent of public instruction
4 shall:

5 (1) Allocate money appropriated by the legislature to administer
6 and provide education programs under this chapter to school districts,
7 educational service districts, and other education providers selected
8 under section 3 of this act that have assumed the primary
9 responsibility to administer and provide education programs under this
10 chapter. The allocation of moneys to any private contractor is
11 contingent upon and must be in accordance with a contract between the
12 private contractor and the department of corrections; and

13 (2) Adopt rules in accordance with chapter 34.05 RCW that establish
14 reporting, program compliance, audit, and such other accountability
15 requirements as are reasonably necessary to implement this chapter and
16 related provisions of the biennial operating act effectively.

17 **Sec. 10.** RCW 72.09.460 and 1997 c 338 s 43 are each amended to
18 read as follows:

19 (1) The legislature intends that all inmates be required to
20 participate in department-approved education programs, work programs,
21 or both, unless exempted under subsection (4) of this section.
22 Eligible inmates who refuse to participate in available education or
23 work programs available at no charge to the inmates shall lose
24 privileges according to the system established under RCW 72.09.130.
25 Eligible inmates who are required to contribute financially to an
26 education or work program and refuse to contribute shall be placed in
27 another work program. Refusal to contribute shall not result in a loss
28 of privileges. The legislature recognizes more inmates may agree to
29 participate in education and work programs than are available. The
30 department must make every effort to achieve maximum public benefit by
31 placing inmates in available and appropriate education and work
32 programs.

33 (2) The department shall provide access to a program of education
34 to all offenders who are under the age of eighteen and who have not met
35 high school graduation or general equivalency diploma requirements in
36 accordance with chapter 28A.-- RCW (sections 1 through 9 of this act).
37 The program of education established by the department and education

1 provider under section 3 of this act for offenders under the age of
2 eighteen must provide each offender a choice of curriculum that will
3 assist the inmate in achieving a high school diploma or general
4 equivalency diploma. The program of education may include but not be
5 limited to basic education, prevocational training, work ethic skills,
6 conflict resolution counseling, substance abuse intervention, and anger
7 management counseling. The curriculum may balance these and other
8 rehabilitation, work, and training components.

9 (3) The department shall, to the extent possible and considering
10 all available funds, prioritize its resources to meet the following
11 goals for inmates in the order listed:

12 (a) Achievement of basic academic skills through obtaining a high
13 school diploma or its equivalent and achievement of vocational skills
14 necessary for purposes of work programs and for an inmate to qualify
15 for work upon release;

16 (b) Additional work and education programs based on assessments and
17 placements under subsection (5) of this section; and

18 (c) Other work and education programs as appropriate.

19 (4) The department shall establish, by rule, objective medical
20 standards to determine when an inmate is physically or mentally unable
21 to participate in available education or work programs. When the
22 department determines an inmate is permanently unable to participate in
23 any available education or work program due to a medical condition, the
24 inmate is exempt from the requirement under subsection (1) of this
25 section. When the department determines an inmate is temporarily
26 unable to participate in an education or work program due to a medical
27 condition, the inmate is exempt from the requirement of subsection (1)
28 of this section for the period of time he or she is temporarily
29 disabled. The department shall periodically review the medical
30 condition of all temporarily disabled inmates to ensure the earliest
31 possible entry or reentry by inmates into available programming.

32 (5) The department shall establish, by rule, standards for
33 participation in department-approved education and work programs. The
34 standards shall address the following areas:

35 (a) Assessment. The department shall assess all inmates for their
36 basic academic skill levels using a professionally accepted method of
37 scoring reading, math, and language skills as grade level equivalents.
38 The department shall determine an inmate's education history, work
39 history, and vocational or work skills. The initial assessment shall

1 be conducted, whenever possible, within the first thirty days of an
2 inmate's entry into the correctional system, except that initial
3 assessments are not required for inmates who are sentenced to life
4 without the possibility of release, assigned to an intensive management
5 unit within the first thirty days after entry into the correctional
6 system, are returning to the correctional system within one year of a
7 prior release, or whose physical or mental condition renders them
8 unable to complete the assessment process. The department shall track
9 and record changes in the basic academic skill levels of all inmates
10 reflected in any testing or assessment performed as part of their
11 education programming;

12 (b) Placement. The department shall follow the policies set forth
13 in subsection (1) of this section in establishing criteria for placing
14 inmates in education and work programs. The department shall, to the
15 extent possible, place all inmates whose composite grade level score
16 for basic academic skills is below the eighth grade level in a combined
17 education and work program. The placement criteria shall include at
18 least the following factors:

19 (i) An inmate's release date and custody level, except an inmate
20 shall not be precluded from participating in an education or work
21 program solely on the basis of his or her release date;

22 (ii) An inmate's education history and basic academic skills;

23 (iii) An inmate's work history and vocational or work skills;

24 (iv) An inmate's economic circumstances, including but not limited
25 to an inmate's family support obligations; and

26 (v) Where applicable, an inmate's prior performance in department-
27 approved education or work programs;

28 (c) Performance and goals. The department shall establish, and
29 periodically review, inmate behavior standards and program goals for
30 all education and work programs. Inmates shall be notified of
31 applicable behavior standards and program goals prior to placement in
32 an education or work program and shall be removed from the education or
33 work program if they consistently fail to meet the standards or goals;

34 (d) Financial responsibility. (i) The department shall establish
35 a formula by which inmates, based on their ability to pay, shall pay
36 all or a portion of the costs or tuition of certain programs. Inmates
37 shall, based on the formula, pay a portion of the costs or tuition of
38 participation in:

1 (A) Second and subsequent vocational programs associated with an
2 inmate's work programs; and

3 (B) An associate of arts or baccalaureate degree program when
4 placement in a degree program is the result of a placement made under
5 this subsection;

6 (ii) Inmates shall pay all costs and tuition for participation in:

7 (A) Any postsecondary academic degree program which is entered
8 independently of a placement decision made under this subsection; and

9 (B) Second and subsequent vocational programs not associated with
10 an inmate's work program.

11 Enrollment in any program specified in (d)(ii) of this subsection
12 shall only be allowed by correspondence or if there is an opening in an
13 education or work program at the institution where an inmate is
14 incarcerated and no other inmate who is placed in a program under this
15 subsection will be displaced; and

16 (e) Notwithstanding any other provision in this section, an inmate
17 sentenced to life without the possibility of release:

18 (i) Shall not be required to participate in education programming;
19 and

20 (ii) May receive not more than one postsecondary academic degree in
21 a program offered by the department or its contracted providers.

22 If an inmate sentenced to life without the possibility of release
23 requires prevocational or vocational training for a work program, he or
24 she may participate in the training subject to this section.

25 (6) The department shall coordinate education and work programs
26 among its institutions, to the greatest extent possible, to facilitate
27 continuity of programming among inmates transferred between
28 institutions. Before transferring an inmate enrolled in a program, the
29 department shall consider the effect the transfer will have on the
30 inmate's ability to continue or complete a program. This subsection
31 shall not be used to delay or prohibit a transfer necessary for
32 legitimate safety or security concerns.

33 (7) Before construction of a new correctional institution or
34 expansion of an existing correctional institution, the department shall
35 adopt a plan demonstrating how cable, closed-circuit, and satellite
36 television will be used for education and training purposes in the
37 institution. The plan shall specify how the use of television in the
38 education and training programs will improve inmates' preparedness for

1 available work programs and job opportunities for which inmates may
2 qualify upon release.

3 (8) The department shall adopt a plan to reduce the per-pupil cost
4 of instruction by, among other methods, increasing the use of volunteer
5 instructors and implementing technological efficiencies. The plan
6 shall be adopted by December 1996 and shall be transmitted to the
7 legislature upon adoption. The department shall, in adoption of the
8 plan, consider distance learning, satellite instruction, video tape
9 usage, computer-aided instruction, and flexible scheduling of offender
10 instruction.

11 (9) Following completion of the review required by section 27(3),
12 chapter 19, Laws of 1995 1st sp. sess. the department shall take all
13 necessary steps to assure the vocation and education programs are
14 relevant to work programs and skills necessary to enhance the
15 employability of inmates upon release.

16 **Sec. 11.** RCW 41.59.080 and 1975 1st ex.s. c 288 s 9 are each
17 amended to read as follows:

18 The commission, upon proper application for certification as an
19 exclusive bargaining representative or upon petition for change of unit
20 definition by the employer or any employee organization within the time
21 limits specified in RCW 41.59.070(3), and after hearing upon reasonable
22 notice, shall determine the unit appropriate for the purpose of
23 collective bargaining. In determining, modifying or combining the
24 bargaining unit, the commission shall consider the duties, skills, and
25 working conditions of the educational employees; the history of
26 collective bargaining; the extent of organization among the educational
27 employees; and the desire of the educational employees; except that:

28 (1) A unit including nonsupervisory educational employees shall not
29 be considered appropriate unless it includes all such nonsupervisory
30 educational employees of the employer; and

31 (2) A unit that includes only supervisors may be considered
32 appropriate if a majority of the employees in such category indicate by
33 vote that they desire to be included in such a unit; and

34 (3) A unit that includes only principals and assistant principals
35 may be considered appropriate if a majority of such employees indicate
36 by vote that they desire to be included in such a unit; and

37 (4) A unit that includes both principals and assistant principals
38 and other supervisory employees may be considered appropriate if a

1 majority of the employees in each category indicate by vote that they
2 desire to be included in such a unit; and

3 (5) A unit that includes supervisors and/or principals and
4 assistant principals and nonsupervisory educational employees may be
5 considered appropriate if a majority of the employees in each category
6 indicate by vote that they desire to be included in such a unit; and

7 (6) A unit that includes only employees in vocational-technical
8 institutes or occupational skill centers may be considered to
9 constitute an appropriate bargaining unit if the history of bargaining
10 in any such school district so justifies; and

11 (7) Notwithstanding the definition of collective bargaining, a unit
12 that contains only supervisors and/or principals and assistant
13 principals shall be limited in scope of bargaining to compensation,
14 hours of work, and the number of days of work in the annual employment
15 contracts; and

16 (8) The bargaining unit of certificated employees of school
17 districts, educational service districts, or institutions of higher
18 education that are education providers under chapter 28A.-- RCW
19 (sections 1 through 9 of this act) must be limited to the employees
20 working as education providers to juveniles in each adult correctional
21 facility maintained by the department of corrections and must be
22 separate from other bargaining units in school districts, educational
23 service districts, or institutions of higher education.

24 NEW SECTION. Sec. 12. A new section is added to chapter 41.56 RCW
25 to read as follows:

26 This chapter applies to the bargaining unit of classified employees
27 of school districts, educational service districts, or institutions of
28 higher education that are education providers under chapter 28A.-- RCW
29 (sections 1 through 9 of this act). Such bargaining units must be
30 limited to the employees working as education providers to juveniles in
31 each adult correctional facility maintained by the department of
32 corrections and must be separate from other bargaining units in school
33 districts, educational service districts, or institutions of higher
34 education.

35 **Sec. 13.** RCW 28A.310.300 and 1990 c 33 s 283 are each amended to
36 read as follows:

1 In addition to other powers and duties as provided by law, each
2 educational service district superintendent shall:

3 (1) Assist the school districts in preparation of their budgets as
4 provided in chapter 28A.505 RCW.

5 (2) Enforce the provisions of the compulsory attendance law as
6 provided in RCW 28A.225.010 through (~~28A.225.150~~) 28A.225.140,
7 28A.200.010, and 28A.200.020.

8 (3) Perform duties relating to capital fund aid by nonhigh
9 districts as provided in chapter 28A.540 RCW.

10 (4) Carry out the duties and issue orders creating new school
11 districts and transfers of territory as provided in chapter 28A.315
12 RCW.

13 (5) Perform the limited duties as provided in chapter 28A.-- RCW
14 (sections 1 through 9 of this act).

15 (6) Perform all other duties prescribed by law and the educational
16 service district board.

17 **Sec. 14.** RCW 28A.225.010 and 1996 c 134 s 1 are each amended to
18 read as follows:

19 (1) All parents in this state of any child eight years of age and
20 under eighteen years of age shall cause such child to attend the public
21 school of the district in which the child resides and such child shall
22 have the responsibility to and therefore shall attend for the full time
23 when such school may be in session unless:

24 (a) The child is attending an approved private school for the same
25 time or is enrolled in an extension program as provided in RCW
26 28A.195.010(4);

27 (b) The child is receiving home-based instruction as provided in
28 subsection (4) of this section;

29 (c) The child is attending an education center as provided in
30 chapter 28A.205 RCW;

31 (d) The school district superintendent of the district in which the
32 child resides shall have excused such child from attendance because the
33 child is physically or mentally unable to attend school, is attending
34 a residential school operated by the department of social and health
35 services, is incarcerated in an adult correctional facility, or has
36 been temporarily excused upon the request of his or her parents for
37 purposes agreed upon by the school authorities and the parent:
38 PROVIDED, That such excused absences shall not be permitted if deemed

1 to cause a serious adverse effect upon the student's educational
2 progress: PROVIDED FURTHER, That students excused for such temporary
3 absences may be claimed as full time equivalent students to the extent
4 they would otherwise have been so claimed for the purposes of RCW
5 28A.150.250 and 28A.150.260 and shall not affect school district
6 compliance with the provisions of RCW 28A.150.220; or

7 (e) The child is sixteen years of age or older and:

8 (i) The child is regularly and lawfully employed and either the
9 parent agrees that the child should not be required to attend school or
10 the child is emancipated in accordance with chapter 13.64 RCW;

11 (ii) The child has already met graduation requirements in
12 accordance with state board of education rules and regulations; or

13 (iii) The child has received a certificate of educational
14 competence under rules and regulations established by the state board
15 of education under RCW 28A.305.190.

16 (2) A parent for the purpose of this chapter means a parent,
17 guardian, or person having legal custody of a child.

18 (3) An approved private school for the purposes of this chapter and
19 chapter 28A.200 RCW shall be one approved under regulations established
20 by the state board of education pursuant to RCW 28A.305.130.

21 (4) For the purposes of this chapter and chapter 28A.200 RCW,
22 instruction shall be home-based if it consists of planned and
23 supervised instructional and related educational activities, including
24 a curriculum and instruction in the basic skills of occupational
25 education, science, mathematics, language, social studies, history,
26 health, reading, writing, spelling, and the development of an
27 appreciation of art and music, provided for a number of hours
28 equivalent to the total annual program hours per grade level
29 established for approved private schools under RCW 28A.195.010 and
30 28A.195.040 and if such activities are:

31 (a) Provided by a parent who is instructing his or her child only
32 and are supervised by a certificated person. A certificated person for
33 purposes of this chapter and chapter 28A.200 RCW shall be a person
34 certified under chapter 28A.410 RCW. For purposes of this section,
35 "supervised by a certificated person" means: The planning by the
36 certificated person and the parent of objectives consistent with this
37 subsection; a minimum each month of an average of one contact hour per
38 week with the child being supervised by the certificated person; and
39 evaluation of such child's progress by the certificated person. The

1 number of children supervised by the certificated person shall not
2 exceed thirty for purposes of this subsection; or

3 (b) Provided by a parent who is instructing his or her child only
4 and who has either earned forty-five college level quarter credit hours
5 or its equivalent in semester hours or has completed a course in home-
6 based instruction at a postsecondary institution or a vocational-
7 technical institute; or

8 (c) Provided by a parent who is deemed sufficiently qualified to
9 provide home-based instruction by the superintendent of the local
10 school district in which the child resides.

11 (5) The legislature recognizes that home-based instruction is less
12 structured and more experiential than the instruction normally provided
13 in a classroom setting. Therefore, the provisions of subsection (4) of
14 this section relating to the nature and quantity of instructional and
15 related educational activities shall be liberally construed.

16 NEW SECTION. **Sec. 15.** A new section is added to chapter 28A.150
17 RCW to read as follows:

18 (1) The department of corrections and the superintendent of public
19 instruction shall conduct a study to determine the educational needs of
20 inmates under the age of twenty-one incarcerated in jail and prison,
21 the impact of providing educational services and special educational
22 services to those inmates on the security and penological interests of
23 the correctional institutions that incarcerate those inmates, and the
24 ability of local school districts, the community and technical
25 colleges, private vendors, juvenile detention centers, and the
26 correctional institutions to provide those educational and special
27 services.

28 (2) The department and the superintendent of public instruction
29 shall consult with the following groups:

30 (a) The Washington association of school administrators;

31 (b) The individual school districts and educational service
32 districts in which the department or a county jail may operate a school
33 for inmates under age twenty-one;

34 (c) The Washington association of counties;

35 (d) The state board for community and technical colleges;

36 (e) The higher education coordinating board;

37 (f) The United States department of education office of special
38 education programs and the office for civil rights;

1 (g) The juvenile rehabilitation administration's residential school
2 programs;

3 (h) The juvenile court administrators;

4 (i) The attorney general;

5 (j) Columbia legal services;

6 (k) The Washington association of prosecuting attorneys;

7 (l) The school districts that provide educational services to
8 juvenile offenders incarcerated in state juvenile residential schools;
9 and

10 (m) Any other person or association that in the opinion of the
11 department or the superintendent of public instruction may assist in
12 the study.

13 (3) No later than May 1, 1998, the department and the
14 superintendent of public instruction shall provide to the committees on
15 education in the house and senate, the criminal justice and corrections
16 committee in the house, the human services and corrections committee in
17 the senate, and the house and senate fiscal committees, a profile of
18 all offenders under the age of twenty-one who are incarcerated in a
19 department of corrections' facility. The profile shall identify the
20 offenders individually by the following:

21 (a) Age;

22 (b) Offense or offenses of commitment;

23 (c) Criminal history;

24 (d) Anticipated length of stay;

25 (e) The number of serious infractions committed by the offender
26 during incarceration and the number of times, if any, the offender has
27 been placed in an intensive management unit;

28 (f) The offender's custody level;

29 (g) Whether the offender has a high school diploma or a general
30 equivalency diploma;

31 (h) The last grade the offender completed;

32 (i) Whether the offender, in the educational placement prior to
33 incarceration was identified as a child with a disability or had an
34 individualized education program;

35 (j) Whether the offender would qualify for transition planning and
36 services under 20 U.S.C. Sec. 1414(d)(6);

37 (k) Whether the department has security or penological interests
38 that warrant modification of an existing individualized education
39 program or placement as provided by 20 U.S.C. Sec. 1414(d)(6);

1 (1) Whether the offender has participated in any educational
2 programs offered by the department; and

3 (m) Whether the offender may be in need of special education and
4 related services. This subsection does not require the department or
5 the superintendent to evaluate an offender to determine if the offender
6 is a child with disabilities in need of special education and related
7 services.

8 (4) No later than September 1, 1998, the department of corrections
9 and the superintendent of public instruction shall provide to the
10 committees identified in subsection (3) of this section a profile of
11 inmates under the age of twenty-one confined in county jails between
12 the effective date of this section and August 1, 1998. The profile
13 shall identify the inmates' characteristics as listed in subsection (3)
14 of this section and shall include all inmates detained in a county
15 correctional facility whether arrested, charged, pending trial, or
16 convicted. The department and the superintendent of public instruction
17 shall assist the counties in gathering this information.

18 (5) No later than September 1, 1998, the department and the
19 superintendent of public instruction shall make a preliminary report to
20 the committees listed in subsection (3) of this section, identifying
21 the educational needs of inmates under the age of twenty-one in adult
22 correctional facilities, the impact of providing educational services
23 to those inmates on the security and penological interests of the
24 correctional institutions that incarcerate those inmates, and the
25 ability of local school districts, the community and technical
26 colleges, private vendors, juvenile detention centers, and the
27 correctional institutions to provide those educational services. The
28 department and the superintendent, in consultation with the office of
29 financial management, shall estimate the various capital and operating
30 costs of providing basic educational services or basic skills education
31 to offenders under age twenty-one, and special education and related
32 services to all inmates under age twenty-one or to just those inmates
33 under age eighteen and between the ages of eighteen and twenty-one who
34 were identified as a child with a disability or had an individualized
35 education program in the educational placement prior to incarceration
36 in an adult correctional facility. The department and the
37 superintendent of public instruction shall inform the committees as to
38 which educational entity or entities are able and willing to provide
39 those educational services.

1 (6) No later than November 1, 1998, the department and the
2 superintendent of public instruction shall make final recommendations
3 to the committees.

4 NEW SECTION. **Sec. 16.** Sections 1 through 9 of this act constitute
5 a new chapter in Title 28A RCW.

6 NEW SECTION. **Sec. 17.** Sections 1 through 9 and 11 through 15 of
7 this act are necessary for the immediate preservation of the public
8 peace, health, or safety, or support of the state government and its
9 existing public institutions, and take effect immediately.

10 NEW SECTION. **Sec. 18.** Section 10 of this act takes effect
11 September 1, 1998.

12 NEW SECTION. **Sec. 19.** If any provision of this act or its
13 application to any person or circumstance is held invalid, the
14 remainder of the act or the application of the provision to other
15 persons or circumstances is not affected.

Passed the Senate March 9, 1998.

Passed the House March 5, 1998.

Approved by the Governor March 30, 1998.

Filed in Office of Secretary of State March 30, 1998.