

1 **3SHB 3900 - H AMD 262 ADOPTED 3-17-97**

2 By Representative Costa

3 On page 102, after line 21, insert the following:

4 "Sec. 36. RCW 72.09.460 and 1995 1st sp.s. c 19 s 5 are each  
5 amended to read as follows:

6 (1) The legislature intends that all inmates be required to  
7 participate in department-approved education programs, work  
8 programs, or both, unless exempted under subsection (~~((3))~~) (4) of  
9 this section. Eligible inmates who refuse to participate in  
10 available education or work programs available at no charge to the  
11 inmates shall lose privileges according to the system established  
12 under RCW 72.09.130. Eligible inmates who are required to  
13 contribute financially to an education or work program and refuse  
14 to contribute shall be placed in another work program. Refusal to  
15 contribute shall not result in a loss of privileges. The  
16 legislature recognizes more inmates may agree to participate in  
17 education and work programs than are available. The department  
18 must make every effort to achieve maximum public benefit by placing  
19 inmates in available and appropriate education and work programs.

20 (2) The department shall provide a program of education to all  
21 inmates who are under the age of eighteen and who have not met high  
22 school graduation requirements as established by the state board of  
23 education. The program of education established by the department  
24 for inmates under the age of eighteen must consist of curriculum  
25 that will enable the inmate to achieve a high school diploma. The  
26 department shall extend the program of education required under  
27 this subsection to an inmate who is over the age of eighteen but  
28 less than twenty-one if the inmate was incarcerated prior to his or  
29 her eighteenth birthday and failed to obtain a high school diploma  
30 before reaching the age of eighteen.

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

34 (a) Achievement of basic academic skills through obtaining a  
35 high school diploma or its equivalent and achievement of vocational

1 skills necessary for purposes of work programs and for an inmate to  
2 qualify for work upon release;

3 (b) Additional work and education programs based on  
4 assessments and placements under subsection ~~((4))~~ (5) of this  
5 section; and

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

7 ~~((3))~~ (4) The department shall establish, by rule, objective  
8 medical standards to determine when an inmate is physically or  
9 mentally unable to participate in available education or work  
10 programs. When the department determines an inmate is permanently  
11 unable to participate in any available education or work program  
12 due to a medical condition, the inmate is exempt from the  
13 requirement under subsection (1) of this section. When the  
14 department determines an inmate is temporarily unable to  
15 participate in an education or work program due to a medical  
16 condition, the inmate is exempt from the requirement of subsection  
17 (1) of this section for the period of time he or she is temporarily  
18 disabled. The department shall periodically review the medical  
19 condition of all temporarily disabled inmates to ensure the  
20 earliest possible entry or reentry by inmates into available  
21 programming.

22 ~~((4))~~ (5) The department shall establish, by rule, standards  
23 for participation in department-approved education and work  
24 programs. The standards shall address the following areas:

25 (a) Assessment. The department shall assess all inmates for  
26 their basic academic skill levels using a professionally accepted  
27 method of scoring reading, math, and language skills as grade level  
28 equivalents. The department shall determine an inmate's education  
29 history, work history, and vocational or work skills. The initial  
30 assessment shall be conducted, whenever possible, within the first  
31 thirty days of an inmate's entry into the correctional system,  
32 except that initial assessments are not required for inmates who  
33 are sentenced to life without the possibility of release, assigned  
34 to an intensive management unit within the first thirty days after  
35 entry into the correctional system, are returning to the  
36 correctional system within one year of a prior release, or whose  
37 physical or mental condition renders them unable to complete the  
38 assessment process. The department shall track and record changes

1 in the basic academic skill levels of all inmates reflected in any  
2 testing or assessment performed as part of their education  
3 programming;

4 (b) Placement. The department shall follow the policies set  
5 forth in subsection (1) of this section in establishing criteria  
6 for placing inmates in education and work programs. The department  
7 shall, to the extent possible, place all inmates whose composite  
8 grade level score for basic academic skills is below the eighth  
9 grade level in a combined education and work program. The  
10 placement criteria shall include at least the following factors:

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

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

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

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

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

20 (c) Performance and goals. The department shall establish,  
21 and periodically review, inmate behavior standards and program  
22 goals for all education and work programs. Inmates shall be  
23 notified of applicable behavior standards and program goals prior  
24 to placement in an education or work program and shall be removed  
25 from the education or work program if they consistently fail to  
26 meet the standards or goals;

27 (d) Financial responsibility. (i) The department shall  
28 establish a formula by which inmates, based on their ability to  
29 pay, shall pay all or a portion of the costs or tuition of certain  
30 programs. Inmates shall, based on the formula, pay a portion of  
31 the costs or tuition of participation in:

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

34 (B) An associate of arts or baccalaureate degree program when  
35 placement in a degree program is the result of a placement made  
36 under this subsection;

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

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

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

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

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

13 (i) Shall not be required to participate in education  
14 programming; and

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

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

22 ~~((+5))~~ (6) The department shall coordinate education and work  
23 programs among its institutions, to the greatest extent possible,  
24 to facilitate continuity of programming among inmates transferred  
25 between institutions. Before transferring an inmate enrolled in a  
26 program, the department shall consider the effect the transfer will  
27 have on the inmate's ability to continue or complete a program.  
28 This subsection shall not be used to delay or prohibit a transfer  
29 necessary for legitimate safety or security concerns.

30 ~~((+6))~~ (7) Before construction of a new correctional  
31 institution or expansion of an existing correctional institution,  
32 the department shall adopt a plan demonstrating how cable, closed-  
33 circuit, and satellite television will be used for education and  
34 training purposes in the institution. The plan shall specify how  
35 the use of television in the education and training programs will  
36 improve inmates' preparedness for available work programs and job  
37 opportunities for which inmates may qualify upon release.

1           (~~(7)~~) (8) The department shall adopt a plan to reduce the  
2 per-pupil cost of instruction by, among other methods, increasing  
3 the use of volunteer instructors and implementing technological  
4 efficiencies. The plan shall be adopted by December 1996 and shall  
5 be transmitted to the legislature upon adoption. The department  
6 shall, in adoption of the plan, consider distance learning,  
7 satellite instruction, video tape usage, computer-aided  
8 instruction, and flexible scheduling of offender instruction.

9           (~~(8)~~) (9) Following completion of the review required by  
10 section 27(3), chapter 19, Laws of 1995 1st sp. sess. the  
11 department shall take all necessary steps to assure the vocation  
12 and education programs are relevant to work programs and skills  
13 necessary to enhance the employability of inmates upon release."

14 Renumber the remaining sections consecutively, correct internal  
15 references accordingly, and correct the title.

**EFFECT:** The Department of Corrections (DOC) must provide an education program to a person under the age of eighteen who is incarcerated at a DOC facility. The program must enable the inmate to obtain a high school diploma. If an inmate incarcerated before the age of eighteen is unable to obtain the diploma before he or she reaches the age of eighteen, the DOC must continue to provide a program of education for that inmate, up to age twenty-one.