

HOUSE BILL REPORT

HB 2486

As Reported by House Committee On:

Higher Education
Appropriations

Title: An act relating to inmate postsecondary education degree programs to reduce recidivism.

Brief Description: Addressing the implementation of inmate postsecondary education degree programs to reduce recidivism.

Sponsors: Representatives Pettigrew, Roberts, Fey, Springer, Freeman, Pollet and Santos.

Brief History:

Committee Activity:

Higher Education: 1/28/14, 1/31/14 [DPS];

Appropriations: 2/7/14, 2/10/14 [DP2S(w/o sub HE)].

Brief Summary of Second Substitute Bill

- Eliminates the statutory provision that prohibits the Department of Corrections (DOC) from using state funds to pay for postsecondary education programs.
- Adjusts statutory provisions related to providing postsecondary degree programs to inmates.
- Adds technical college programs to the list of higher education institutions that may be considered for offering postsecondary education degree programs.
- Requires the DOC, in coordination with the State Board for Community and Technical Colleges, to submit an annual evaluation to the Office of Financial Management and the Legislature.
- Provides that an inmate may be selected to participate in a postsecondary education degree program, based on priority determined by the DOC.

HOUSE COMMITTEE ON HIGHER EDUCATION

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 18 members: Representatives Seaquist, Chair; Pollet, Vice Chair; Haler, Ranking Minority Member; Zeiger, Assistant Ranking Minority Member; Gregerson, Hansen, Hargrove, Johnson, Magendanz, Muri, Reykdal, Sawyer, Sells, Smith, Tarleton, Walkinshaw, Walsh and Wylie.

Minority Report: Do not pass. Signed by 1 member: Representative Scott.

Staff: Madeleine Thompson (786-7304).

Background:

Legislation enacted in 1995 required that the Department of Corrections (DOC) prioritize resources for education. The DOC was required, to the extent possible and considering available funds, to prioritize its resources to meet the goals for incarcerated inmates. The agency had to prioritize its goals in the following order:

1. achievement of basic academic skills through obtaining a high school diploma or its equivalent, and achievement of vocational skills necessary for purposes of work programs, and for an inmate to qualify for work upon release;
2. additional work and education programs based on assessments and placements; and
3. other work and education programs as appropriate.

In 2007 legislation was enacted that required the DOC to reprioritize its resources to meet the goals for inmates in the following specific order:

1. achievement of basic academic skills through obtaining a high school diploma or its equivalent;
2. achievement of vocational skills necessary for purposes of work programs and for an inmate to qualify for work upon release;
3. additional work and education programs necessary for compliance with an offender's individual re-entry plan; and
4. any other appropriate vocational, work, or education programs that are not necessary for compliance with an offender's individual re-entry plan.

The DOC was explicitly prohibited from paying for postsecondary education. Any inmate that expressed interest in postsecondary courses had to self-pay for the costs of a postsecondary education degree program or by receiving funding from a third party.

The DOC has developed a process for offenders interested in participating in self-paid postsecondary academic, vocational, and theology programs through correspondence education involving an educational course or series of classes necessary to obtain or achieve a proficiency standard. Courses are completed through the mail with an accredited educational institution that meets all criteria necessary to gain accreditation recognized by the U.S. Department of Education and the Council for Higher Education Accreditation, or one of the approved accrediting commissions or councils listed in the DOC's policy.

Summary of Substitute Bill:

Recognizing the positive correlation between education opportunities and reduced recidivism, it is the intent of the Legislature to offer appropriate postsecondary opportunities to inmates.

The DOC is permitted to implement postsecondary education degree programs if funds are appropriated for the specific purpose or through grants and donations. Additionally, the DOC is authorized to actively solicit grants and donations from private sources for the purposes of providing postsecondary education.

An inmate may be selected to participate in a postsecondary education degree program, based on priority criteria determined by the DOC. An inmate not meeting the DOC's priority criteria for the state-funded postsecondary education degree program must pay the costs for participation in a postsecondary education degree program if he or she elects to participate in the program. The inmate may pay for the program through self-pay or may receive funding from a third party.

Substitute Bill Compared to Original Bill:

The substitute bill reinstates current law that authorizes the DOC to offer postsecondary degree programs to inmates using state funds if state funds are appropriated for the specific purpose, or if paid for through self-pay of the inmate, a third party on behalf of the inmate, or through donations and grants.

A provision is added that authorizes the DOC to actively solicit grants and donations from private sources for the purposes of providing postsecondary education. The DOC may use a competitive procurement process to contract with a fundraiser to actively solicit grants and donations for this purpose. Specific direction is provided that the fundraiser must not be a registered state lobbyist, and must be paid on a contingency fee basis, on a sliding scale, that must not exceed 15 percent of the total amount raised each year.

The DOC is permitted to use state funds on a one-time basis, within available resources, to start up the procurement of a fundraiser.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Education is a key for inmates who get out of the system to turn their lives around and succeed in the community. The evidence is clear that one of the most significant impacts is investing in education for inmates. For every dollar invested in education, \$5 is returned in terms of reduced costs related to recidivism. Education provides an opportunity

to transition more successfully into the community and be a law-abiding citizen. The proposal is not a request for resources. Instead, the provisions mean that a continuum can be provided and postsecondary degrees can be offered when it makes sense. Education programs help prevent idleness, which is the worst enemy for inmates. Many are entering prison with less than a twelfth grade education. Leaving prison without any education means a person might never have a chance at a living-wage job. Education helps inmates see value in themselves where none was seen before and this is particularly important for people who are low-income and people of color who are overrepresented in prison. Providing postsecondary education is an evidenced-based practice of what can reduce recidivism. It is important to provide postsecondary education because a degree has become the new high school diploma. Providing education and reducing recidivism will lead to cuts in capital expenses.

(Opposed) None.

Persons Testifying: Representative Pettigrew, prime sponsor; Bernie Warner, Department of Corrections; Senait Brown, Statewide Poverty Action Network; Carol Estes and Bryant Nolan, University Beyond Bars; Bob Cooper, Post Prison Education Program; Sheri Pewitt, Washington Defender Association and Washington Association of Criminal Defense Lawyers; Jacquie Armstrong and Kevin Miller, the State Board of Community and Technical Colleges; Nova Gattman, the Workforce Board; and Chanel Rhymes, The Evergreen State College.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Higher Education. Signed by 17 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Carlyle, Cody, Dunshee, Green, Haigh, Hudgins, S. Hunt, Jinkins, Kagi, Lytton, Pettigrew, Seaquist, Springer, Sullivan and Tharinger.

Minority Report: Do not pass. Signed by 12 members: Representatives Chandler, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Christian, Fagan, Harris, G. Hunt, Morrell, Parker, Schmick and Taylor.

Staff: Catrina Lucero (786-7192).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Higher Education:

The second substitute bill removes the requirement that only funds that are specifically appropriated for postsecondary education can be spent for that purpose. The second substitute bill also adds technical college programs to the list of higher education institutions that may be considered for offering postsecondary education degree programs. The permission for the Department of Corrections (DOC) to contract with a fundraiser to actively

solicit grants and donations from private sources for the purpose of postsecondary education programs is removed. The second substitute bill requires the DOC, in coordination with the State Board of Community and Technical Colleges (SBCTC), to submit an annual evaluation report to Office of Financial Management and the Legislature. The evaluation must include: the criteria established by the DOC for offender participation in the postsecondary education program; progress made implementing the program; and outcome data measuring the impacts of the program.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Second Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Investment in education is one of the most cost effective means of reducing recidivism in Washington. The Washington State Institute of Public Policy has shown that for every dollar invested in education programs there is about a \$19 return on investments in reduced victimization, and law enforcement and court costs. The DOC, in conjunction with the SBCTC, currently provides basic and vocational education programs but the DOC has been restricted from using state funds for postsecondary education programs. This bill removes that restriction. The two postsecondary programs currently offered through the DOC are privately funded and have had extremely positive results. There are currently 350 inmates enrolled. Thirty-six inmates have been released to date, 186 have completed Associates of Arts degrees, and 10 percent are enrolled in four-year programs at the University of Washington. None of the graduates released have reoffended.

We prefer the original bill, which provides an authorization rather than a requirement to spend state funds on postsecondary education programs. Postsecondary education programs provide inmates with the opportunity to gain skills and some college credit. This bill supports all goals throughout the criminal justice system. It addresses the needs of victims, people incarcerated, and provides the DOC with the tools it needs to do its job. Studies show that people who engage in educational activities while incarcerated are 43 percent less likely to recidivate than those that choose not to participate. Training people to support work activities increases the likelihood that they will be successful once released.

(With concerns) Lots of the things that we have been living with in the last 50 to 100 years we are not really familiar with. Life events have a lot to do with why and how people end up in the prison system. Our nation, since its birth, has been deliberately sabotaged. People end up in prison by no fault of their own. Education is important, but there needs to be systemic changes as well, to prevent people from entering the system.

(Opposed) None.

Persons Testifying: (In support) Bernie Warner, Department of Corrections; Marty Brown, State Board for Community and Technical Colleges; Alicia Le Duc, Sustainability in Prisons Project; and Steven Aldrich, Friends Committee on Washington Public Policy.

(With concerns) Lucy Luddington.

Persons Signed In To Testify But Not Testifying: None.