
SUBSTITUTE HOUSE BILL 2486

State of Washington

63rd Legislature

2014 Regular Session

By House Higher Education (originally sponsored by Representatives Pettigrew, Roberts, Fey, Springer, Freeman, Pollet, and Santos)

READ FIRST TIME 02/04/14.

1 AN ACT Relating to inmate postsecondary education degree programs
2 to reduce recidivism; and amending RCW 72.09.460 and 72.09.465.

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

4 **Sec. 1.** RCW 72.09.460 and 2013 c 39 s 24 are each amended to read
5 as follows:

6 (1) The legislature intends that all inmates be required to
7 participate in department-approved education programs, work programs,
8 or both, unless exempted as specifically provided in this section.
9 Eligible inmates who refuse to participate in available education or
10 work programs available at no charge to the inmates shall lose
11 privileges according to the system established under RCW 72.09.130.
12 Eligible inmates who are required to contribute financially to an
13 education or work program and refuse to contribute shall be placed in
14 another work program. Refusal to contribute shall not result in a loss
15 of privileges.

16 (2) The legislature recognizes more inmates may agree to
17 participate in education and work programs than are available. The
18 department must make every effort to achieve maximum public benefit by

1 placing inmates in available and appropriate education and work
2 programs.

3 (3) Recognizing that there is a positive correlation between
4 education opportunities and reduced recidivism, it is the intent of the
5 legislature to offer appropriate postsecondary opportunities to
6 inmates.

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

10 (i) Achievement of basic academic skills through obtaining a high
11 school diploma or a high school equivalency certificate as provided in
12 RCW 28B.50.536;

13 (ii) Achievement of vocational skills necessary for purposes of
14 work programs and for an inmate to qualify for work upon release;

15 (iii) Additional work and education programs necessary for
16 compliance with an offender's individual reentry plan under RCW
17 72.09.270 (~~with the exception of postsecondary education degree~~
18 ~~programs as provided in RCW 72.09.465)); and~~

19 (iv) Other appropriate vocational, work, or education programs that
20 are not necessary for compliance with an offender's individual reentry
21 plan under RCW 72.09.270 (~~with the exception of~~) including
22 postsecondary education degree programs (~~as provided in RCW~~
23 ~~72.09.465)).~~

24 (b) If programming is provided pursuant to (a)(i) through (iii) of
25 this subsection, the department shall pay the cost of such programming,
26 including but not limited to books, materials, supplies, and postage
27 costs related to correspondence courses.

28 (c) If programming is provided pursuant to (a)(iv) of this
29 subsection, inmates shall be required to pay all or a portion of the
30 costs, including books, fees, and tuition, for participation in any
31 vocational, work, or education program as provided in department
32 policies. Department policies shall include a formula for determining
33 how much an offender shall be required to pay. The formula shall
34 include steps which correlate to an offender average monthly income or
35 average available balance in a personal inmate savings account and
36 which are correlated to a prorated portion or percent of the per credit
37 fee for tuition, books, or other ancillary costs. The formula shall be
38 reviewed every two years. A third party may pay directly to the

1 department all or a portion of costs and tuition for any programming
2 provided pursuant to (a)(iv) of this subsection on behalf of an inmate.
3 Such payments shall not be subject to any of the deductions as provided
4 in this chapter.

5 (d) The department may accept any and all donations and grants of
6 money, equipment, supplies, materials, and services from any third
7 party, including but not limited to nonprofit entities, and may
8 receive, utilize, and dispose of same to complete the purposes of this
9 section.

10 (e) Any funds collected by the department under (c) and (d) of this
11 subsection and subsections ~~((+8) and))~~ (9) and (10) of this section
12 shall be used solely for the creation, maintenance, or expansion of
13 inmate educational and vocational programs.

14 ~~((+4))~~ (5) The department shall provide access to a program of
15 education to all offenders who are under the age of eighteen and who
16 have not met high school graduation requirements or requirements to
17 earn a high school equivalency certificate as provided in RCW
18 28B.50.536 in accordance with chapter 28A.193 RCW. The program of
19 education established by the department and education provider under
20 RCW 28A.193.020 for offenders under the age of eighteen must provide
21 each offender a choice of curriculum that will assist the inmate in
22 achieving a high school diploma or high school equivalency certificate.
23 The program of education may include but not be limited to basic
24 education, prevocational training, work ethic skills, conflict
25 resolution counseling, substance abuse intervention, and anger
26 management counseling. The curriculum may balance these and other
27 rehabilitation, work, and training components.

28 ~~((+5))~~ (6)(a) In addition to the policies set forth in this
29 section, the department shall consider the following factors in
30 establishing criteria for assessing the inclusion of education and work
31 programs in an inmate's individual reentry plan and in placing inmates
32 in education and work programs:

33 (i) An inmate's release date and custody level. An inmate shall
34 not be precluded from participating in an education or work program
35 solely on the basis of his or her release date, except that inmates
36 with a release date of more than one hundred twenty months in the
37 future shall not comprise more than ten percent of inmates

1 participating in a new class I correctional industry not in existence
2 on June 10, 2004;

- 3 (ii) An inmate's education history and basic academic skills;
- 4 (iii) An inmate's work history and vocational or work skills;
- 5 (iv) An inmate's economic circumstances, including but not limited
6 to an inmate's family support obligations; and

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

9 (b) The department shall establish, and periodically review, inmate
10 behavior standards and program goals for all education and work
11 programs. Inmates shall be notified of applicable behavior standards
12 and program goals prior to placement in an education or work program
13 and shall be removed from the education or work program if they
14 consistently fail to meet the standards or goals.

15 ~~((+6))~~ (7) Eligible inmates who refuse to participate in available
16 education or work programs available at no charge to the inmates shall
17 lose privileges according to the system established under RCW
18 72.09.130. Eligible inmates who are required to contribute financially
19 to an education or work program and refuse to contribute shall be
20 placed in another work program. Refusal to contribute shall not result
21 in a loss of privileges.

22 ~~((+7))~~ (8) The department shall establish, by rule, objective
23 medical standards to determine when an inmate is physically or mentally
24 unable to participate in available education or work programs. When
25 the department determines an inmate is permanently unable to
26 participate in any available education or work program due to a health
27 condition, the inmate is exempt from the requirement under subsection
28 (1) of this section. When the department determines an inmate is
29 temporarily unable to participate in an education or work program due
30 to a medical condition, the inmate is exempt from the requirement of
31 subsection (1) of this section for the period of time he or she is
32 temporarily disabled. The department shall periodically review the
33 medical condition of all inmates with temporary disabilities to ensure
34 the earliest possible entry or reentry by inmates into available
35 programming.

36 ~~((+8))~~ (9) The department shall establish policies requiring an
37 offender to pay all or a portion of the costs and tuition for any
38 vocational training or postsecondary education program if the offender

1 previously abandoned coursework related to education or vocational
2 training without excuse as defined in rule by the department.
3 Department policies shall include a formula for determining how much an
4 offender shall be required to pay. The formula shall include steps
5 which correlate to an offender average monthly income or average
6 available balance in a personal inmate savings account and which are
7 correlated to a prorated portion or percent of the per credit fee for
8 tuition, books, or other ancillary costs. The formula shall be
9 reviewed every two years. A third party may pay directly to the
10 department all or a portion of costs and tuition for any program on
11 behalf of an inmate under this subsection. Such payments shall not be
12 subject to any of the deductions as provided in this chapter.

13 ((+9)) (10) Notwithstanding any other provision in this section,
14 an inmate sentenced to life without the possibility of release,
15 sentenced to death under chapter 10.95 RCW, or subject to the
16 provisions of 8 U.S.C. Sec. 1227:

17 (a) Shall not be required to participate in education programming
18 except as may be necessary for the maintenance of discipline and
19 security;

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

22 (c) May participate in prevocational or vocational training that
23 may be necessary to participate in a work program;

24 (d) Shall be subject to the applicable provisions of this chapter
25 relating to inmate financial responsibility for programming.

26 **Sec. 2.** RCW 72.09.465 and 2007 c 483 s 403 are each amended to
27 read as follows:

28 (1) The department shall, if funds are appropriated for the
29 specific purpose, implement postsecondary education degree programs
30 ((within)) at state correctional institutions(~~(, including the state~~
31 ~~correctional institution with the largest population of female~~
32 ~~inmates)~~). The department shall consider for inclusion in any
33 postsecondary education degree program, any postsecondary education
34 degree program from an accredited community college, college, or
35 university that is part of an associate of arts, baccalaureate, masters
36 of arts, or other graduate degree program.

1 (2) (~~Except as provided in subsection (3) of this section,~~)
2 Inmates (~~shall~~) not meeting the department's priority criteria for
3 the postsecondary education degree program shall be required to pay the
4 costs for participation in (~~any~~) a postsecondary education degree
5 program(~~s established under this subsection [section]~~) if he or she
6 elects to participate through self-pay, including costs of books, fees,
7 tuition, or any other appropriate ancillary costs, by one or more of
8 the following means:

9 (a) The inmate who is participating in the postsecondary education
10 degree program (~~shall~~) may, during confinement, provide the required
11 payment or payments to the department; or

12 (b) A third party (~~shall~~) may provide the required payment or
13 payments directly to the department on behalf of an inmate, and such
14 payments shall not be subject to any of the deductions as provided in
15 this chapter.

16 (3) The department may accept any and all donations and grants of
17 money, equipment, supplies, materials, and services from any third
18 party, including but not limited to nonprofit entities, and may
19 receive, utilize, and dispose of same to provide postsecondary
20 education to inmates. Additionally, the department may use a
21 competitive procurement to contract with a fund-raiser to actively
22 solicit grants and donations from private sources for the purposes of
23 this section. The fund-raiser shall be paid on a contingency fee basis
24 on a sliding scale but must not exceed fifteen percent of the total
25 amount raised each year. The fund-raiser shall not be a registered
26 state lobbyist. Within available resources, the department may use
27 state funds on a one-time basis, in order to start up the
28 administration for procuring a fund-raiser.

29 (4) An inmate may be selected to participate in a state-funded
30 postsecondary education degree program, based on priority determined by
31 the department.

32 (5) Any funds collected by the department under this section (~~and~~
33 ~~REW 72.09.450(4)~~) shall be used solely for the creation, maintenance,
34 or expansion of inmate postsecondary education degree programs.

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