
SECOND SUBSTITUTE HOUSE BILL 2486

State of Washington

63rd Legislature

2014 Regular Session

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

READ FIRST TIME 02/11/14.

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))~~;

19 (iii) Achievement of vocational skills necessary for purposes of
20 work programs and for an inmate to qualify for work upon release; and

21 (iv) Other appropriate vocational, work, or education programs that
22 are not necessary for compliance with an offender's individual reentry
23 plan under RCW 72.09.270 ~~((with the exception of))~~ including
24 postsecondary education degree programs ~~((as provided in RCW~~
25 ~~72.09.465))~~.

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

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

1 fee for tuition, books, or other ancillary costs. The formula shall be
2 reviewed every two years. A third party may pay directly to the
3 department all or a portion of costs and tuition for any programming
4 provided pursuant to (a)(iv) of this subsection on behalf of an inmate.
5 Such payments shall not be subject to any of the deductions as provided
6 in this chapter.

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

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

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

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

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

1 future shall not comprise more than ten percent of inmates
2 participating in a new class I correctional industry not in existence
3 on June 10, 2004;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (1) The department ~~((shall, if funds are appropriated for the
30 specific purpose,))~~ may implement postsecondary education degree
31 programs ~~((within))~~ at state correctional institutions~~((, including the
32 state correctional institution with the largest population of female
33 inmates))~~. The department shall consider for inclusion in any
34 postsecondary education degree program, any postsecondary education
35 degree program from an accredited community or technical college,
36 college, or university that is part of an associate of arts,
37 baccalaureate, masters 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 state-funded postsecondary education degree program shall be
4 required to pay the costs for participation in (~~any~~) a postsecondary
5 education degree program(~~s established under this subsection~~
6 [~~section~~]) if he or she elects to participate through self-pay,
7 including costs of books, fees, tuition, or any other appropriate
8 ancillary costs, by one or more of 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.

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

24 (5) By December 1, 2014, and December 1st every year thereafter,
25 the department shall, in coordination with the state board for
26 community and technical colleges, submit a report to the office of
27 financial management and the appropriate fiscal and policy committees
28 of the legislature that evaluates the department's postsecondary
29 education program. The evaluation must include the criteria
30 established by the department for offender participation in the
31 postsecondary education program, progress made implementing the
32 program, and outcome data measuring the impacts of the program.

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

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