
HOUSE BILL 1704

State of Washington

64th Legislature

2015 Regular Session

By Representatives Pettigrew, Haler, Reykdal, Zeiger, Tarleton, Sells, Pollet, Klippert, Appleton, Goodman, Santos, Fey, and Hudgins

Read first time 01/27/15. Referred to Committee on Higher Education.

1 AN ACT Relating to enhancing public safety and reducing
2 recidivism through postsecondary education; amending RCW 72.09.460
3 and 72.09.465; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that reducing
6 recidivism would decrease the financial burden to taxpayers and the
7 emotional burden of victims. The legislature finds that studies
8 clearly and consistently demonstrate that incarcerated adults who
9 obtain education and training are more likely to be employed
10 following release, which leads to a dramatic reduction in recidivism
11 rates, significant improvements in public safety, and a major return
12 on investment.

13 (2) The legislature finds that research indicates that
14 postsecondary education is an effective evidence-based practice for
15 reducing recidivism. A meta-analysis commissioned by the United
16 States department of justice determined that adults who received
17 education while incarcerated were forty-three percent less likely to
18 recidivate.

19 (3) Ninety-five percent of incarcerated adults ultimately return
20 to their communities to obtain employment and contribute to society.
21 The legislature finds that according to the bureau of labor

1 statistics, unemployment rates for people with only a high school
2 education are twice the unemployment rates of those with an associate
3 degree. Research has shown that adults who participated in education
4 while incarcerated were thirteen percent more likely to be employed.

5 (4) The legislature further finds that correctional education is
6 cost-effective. A 2014 study by the Washington state institute for
7 public policy estimated that the state received a return on
8 investment of twenty dollars for every dollar invested in
9 correctional education.

10 (5) It is the intent of the legislature to enhance public safety
11 by reducing crime and increasing employment rates in a cost-effective
12 manner by authorizing postsecondary education and training of
13 incarcerated adults through expanded partnerships between the
14 community and technical colleges and the department of corrections.

15 **Sec. 2.** RCW 72.09.460 and 2013 c 39 s 24 are each amended to
16 read as follows:

17 (1) Recognizing that there is a positive correlation between
18 education opportunities and reduced recidivism, it is the intent of
19 the legislature to offer appropriate postsecondary opportunities to
20 inmates.

21 (2) The legislature intends that all inmates be required to
22 participate in department-approved education programs, work programs,
23 or both, unless exempted as specifically provided in this section.
24 Eligible inmates who refuse to participate in available education or
25 work programs available at no charge to the inmates shall lose
26 privileges according to the system established under RCW 72.09.130.
27 Eligible inmates who are required to contribute financially to an
28 education or work program and refuse to contribute shall be placed in
29 another work program. Refusal to contribute shall not result in a
30 loss of privileges.

31 ~~((2))~~ (3) The legislature recognizes more inmates may agree to
32 participate in education and work programs than are available. The
33 department must make every effort to achieve maximum public benefit
34 by placing inmates in available and appropriate education and work
35 programs.

36 ~~((3))~~ (4)(a) The department shall, to the extent possible and
37 considering all available funds, prioritize its resources to meet the
38 following goals for inmates in the order listed:

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

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

6 ~~(iii))~~ Additional work and education programs necessary for
7 compliance with an offender's individual reentry plan under RCW
8 72.09.270 ~~((with the exception of postsecondary education degree
9 programs as provided in RCW 72.09.465))~~;

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

12 (iv) Other appropriate vocational, work, or education programs
13 that are not necessary for compliance with an offender's individual
14 reentry plan under RCW 72.09.270 ~~((with the exception of))~~ including
15 postsecondary education degree programs ((as provided in RCW
16 72.09.465)).

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

21 (c) If programming is provided pursuant to (a)(iv) of this
22 subsection, inmates shall be required to pay all or a portion of the
23 costs, including books, fees, and tuition, for participation in any
24 vocational, work, or education program as provided in department
25 policies. Department policies shall include a formula for determining
26 how much an offender shall be required to pay. The formula shall
27 include steps which correlate to an offender average monthly income
28 or average available balance in a personal inmate savings account and
29 which are correlated to a prorated portion or percent of the per
30 credit fee for tuition, books, or other ancillary costs. The formula
31 shall be reviewed every two years. A third party may pay directly to
32 the department all or a portion of costs and tuition for any
33 programming provided pursuant to (a)(iv) of this subsection on behalf
34 of an inmate. Such payments shall not be subject to any of the
35 deductions as provided in this chapter.

36 (d) The department may accept any and all donations and grants of
37 money, equipment, supplies, materials, and services from any third
38 party, including but not limited to nonprofit entities, and may
39 receive, utilize, and dispose of same to complete the purposes of
40 this section.

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

5 (~~((4))~~) (5) The department shall provide access to a program of
6 education to all offenders who are under the age of eighteen and who
7 have not met high school graduation requirements or requirements to
8 earn a high school equivalency certificate as provided in RCW
9 28B.50.536 in accordance with chapter 28A.193 RCW. The program of
10 education established by the department and education provider under
11 RCW 28A.193.020 for offenders under the age of eighteen must provide
12 each offender a choice of curriculum that will assist the inmate in
13 achieving a high school diploma or high school equivalency
14 certificate. The program of education may include but not be limited
15 to basic education, prevocational training, work ethic skills,
16 conflict resolution counseling, substance abuse intervention, and
17 anger management counseling. The curriculum may balance these and
18 other rehabilitation, work, and training components.

19 (~~((5))~~) (6)(a) In addition to the policies set forth in this
20 section, the department shall consider the following factors in
21 establishing criteria for assessing the inclusion of education and
22 work programs in an inmate's individual reentry plan and in placing
23 inmates in education and work programs:

24 (i) An inmate's release date and custody level. An inmate shall
25 not be precluded from participating in an education or work program
26 solely on the basis of his or her release date, except that inmates
27 with a release date of more than one hundred twenty months in the
28 future shall not comprise more than ten percent of inmates
29 participating in a new class I correctional industry not in existence
30 on June 10, 2004;

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

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

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

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

37 (b) The department shall establish, and periodically review,
38 inmate behavior standards and program goals for all education and
39 work programs. Inmates shall be notified of applicable behavior
40 standards and program goals prior to placement in an education or

1 work program and shall be removed from the education or work program
2 if they consistently fail to meet the standards or goals.

3 ~~((6))~~ (7) Eligible inmates who refuse to participate in
4 available education or work programs available at no charge to the
5 inmates shall lose privileges according to the system established
6 under RCW 72.09.130. Eligible inmates who are required to contribute
7 financially to an education or work program and refuse to contribute
8 shall be placed in another work program. Refusal to contribute shall
9 not result in a loss of privileges.

10 ~~((7))~~ (8) The department shall establish, by rule, objective
11 medical standards to determine when an inmate is physically or
12 mentally unable to participate in available education or work
13 programs. When the department determines an inmate is permanently
14 unable to participate in any available education or work program due
15 to a health condition, the inmate is exempt from the requirement
16 under subsection ~~((1))~~ (2) of this section. When the department
17 determines an inmate is temporarily unable to participate in an
18 education or work program due to a medical condition, the inmate is
19 exempt from the requirement of subsection ~~((1))~~ (2) of this section
20 for the period of time he or she is temporarily disabled. The
21 department shall periodically review the medical condition of all
22 inmates with temporary disabilities to ensure the earliest possible
23 entry or reentry by inmates into available programming.

24 ~~((8))~~ (9) The department shall establish policies requiring an
25 offender to pay all or a portion of the costs and tuition for any
26 vocational training or postsecondary education program if the
27 offender previously abandoned coursework related to education or
28 vocational training without excuse as defined in rule by the
29 department. Department policies shall include a formula for
30 determining how much an offender shall be required to pay. The
31 formula shall include steps which correlate to an offender average
32 monthly income or average available balance in a personal inmate
33 savings account and which are correlated to a prorated portion or
34 percent of the per credit fee for tuition, books, or other ancillary
35 costs. The formula shall be reviewed every two years. A third party
36 may pay directly to the department all or a portion of costs and
37 tuition for any program on behalf of an inmate under this subsection.
38 Such payments shall not be subject to any of the deductions as
39 provided in this chapter.

1 (~~(9)~~) (10) Notwithstanding any other provision in this section,
2 an inmate sentenced to life without the possibility of release,
3 sentenced to death under chapter 10.95 RCW, or subject to the
4 provisions of 8 U.S.C. Sec. 1227:

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

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

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

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

14 **Sec. 3.** RCW 72.09.465 and 2007 c 483 s 403 are each amended to
15 read as follows:

16 (1) The department (~~(shall, if funds are appropriated for the~~
17 ~~specific purpose,)~~) may implement postsecondary education degree
18 programs (~~(within))~~ at state correctional institutions(~~(, including~~
19 ~~the state correctional institution with the largest population of~~
20 ~~female inmates))~~). The department shall consider for inclusion in any
21 postsecondary education degree program, any postsecondary education
22 degree program from an accredited community or technical college,
23 college, or university that is part of an associate of arts,
24 baccalaureate, masters of arts, or other graduate degree program.

25 (2) (~~Except as provided in subsection (3) of this section,)~~
26 Inmates (shall) not meeting the department's priority criteria for
27 the state-funded postsecondary education degree program shall be
28 required to pay the costs for participation in (~~(any))~~ a
29 postsecondary education degree program(~~(s established under this~~
30 ~~subsection [section])~~) if he or she elects to participate through
31 self-pay, including costs of books, fees, tuition, or any other
32 appropriate ancillary costs, by one or more of the following means:

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

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

1 (3) The department may accept any and all donations and grants of
2 money, equipment, supplies, materials, and services from any third
3 party, including but not limited to nonprofit entities, and may
4 receive, utilize, and dispose of same to provide postsecondary
5 education to inmates.

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

9 (5) By December 1, 2015, and December 1st every year thereafter,
10 the department shall, in coordination with the state board for
11 community and technical colleges, submit a report to the office of
12 financial management and the appropriate fiscal and policy committees
13 of the legislature that evaluates the department's postsecondary
14 education program. The evaluation must include the criteria
15 established by the department for offender participation in the
16 postsecondary education program, progress made implementing the
17 program, and outcome data measuring the impacts of the program.

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

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