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**SENATE BILL 5354**

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**State of Washington                      64th Legislature                      2015 Regular Session**

**By** Senators Hargrove, Litzow, McAuliffe, Kohl-Welles, Darneille, Bailey, Hasegawa, and Chase

Read first time 01/20/15. Referred to Committee on Law & Justice.

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  
5 read 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  
15 loss 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  
19 by placing inmates in available and appropriate education and work  
20 programs.

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

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

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

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

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

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

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

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

1 (d) 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 complete the purposes of  
5 this section.

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

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

24 ~~((+5))~~ (6)(a) In addition to the policies set forth in this  
25 section, the department shall consider the following factors in  
26 establishing criteria for assessing the inclusion of education and  
27 work programs in an inmate's individual reentry plan and in placing  
28 inmates in education and work programs:

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

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

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

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

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

3 (b) The department shall establish, and periodically review,  
4 inmate behavior standards and program goals for all education and  
5 work programs. Inmates shall be notified of applicable behavior  
6 standards and program goals prior to placement in an education or  
7 work program and shall be removed from the education or work program  
8 if they consistently fail to meet the standards or goals.

9 ~~((+6))~~ (7) 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 contribute  
13 financially to an education or work program and refuse to contribute  
14 shall be placed in another work program. Refusal to contribute shall  
15 not result in a loss of privileges.

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

30 ~~((+8))~~ (9) The department shall establish policies requiring an  
31 offender to pay all or a portion of the costs and tuition for any  
32 vocational training or postsecondary education program if the  
33 offender previously abandoned coursework related to education or  
34 vocational training without excuse as defined in rule by the  
35 department. Department policies shall include a formula for  
36 determining how much an offender shall be required to pay. The  
37 formula shall include steps which correlate to an offender average  
38 monthly income or average available balance in a personal inmate  
39 savings account and which are correlated to a prorated portion or  
40 percent of the per credit fee for tuition, books, or other ancillary

1 costs. The formula shall be reviewed every two years. A third party  
2 may pay directly to the department all or a portion of costs and  
3 tuition for any program on behalf of an inmate under this subsection.  
4 Such payments shall not be subject to any of the deductions as  
5 provided in this chapter.

6 ~~((9))~~ (10) Notwithstanding any other provision in this section,  
7 an inmate sentenced to life without the possibility of release,  
8 sentenced to death under chapter 10.95 RCW, or subject to the  
9 provisions of 8 U.S.C. Sec. 1227:

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

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

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

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

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

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

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

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

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

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

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

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

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