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HOUSE BILL 1129

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State of Washington

65th Legislature

2017 Regular Session

By Representatives Haler and Pollet; by request of State Board for  
Community and Technical Colleges

Read first time 01/12/17. Referred to Committee on Higher Education.

1 AN ACT Relating to providing associate degree education to  
2 enhance education opportunities and public safety; amending RCW  
3 72.09.460 and 72.09.465; adding a new section to chapter 28B.50 RCW;  
4 and creating a new section.

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

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

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

20 (3) Ninety-five percent of incarcerated adults ultimately return  
21 to their communities to obtain employment and contribute to society.

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

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

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

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.50  
17 RCW to read as follows:

18 The college board may authorize any board of trustees within the  
19 system to promote and conduct associate degree education and training  
20 of incarcerated adults through new or expanded partnerships between  
21 the community and technical colleges and the department of  
22 corrections.

23 **Sec. 3.** RCW 72.09.460 and 2013 c 39 s 24 are each amended to  
24 read as follows:

25 (1) Recognizing that there is a positive correlation between  
26 education opportunities and reduced recidivism, it is the intent of  
27 the legislature to offer appropriate associate degree opportunities  
28 to inmates.

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

1       ~~((+2))~~ (3) The legislature recognizes more inmates may agree to  
2 participate in education and work programs than are available. The  
3 department must make every effort to achieve maximum public benefit  
4 by placing inmates in available and appropriate education and work  
5 programs.

6       ~~((+3))~~ (4)(a) The department shall, to the extent possible and  
7 considering all available funds, prioritize its resources to meet the  
8 following goals for inmates in the order listed:

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

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

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

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

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

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

1 of an inmate. Such payments shall not be subject to any of the  
2 deductions as provided in this chapter.

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

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

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

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

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

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

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

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

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

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

11 ~~((+6))~~ (7) Eligible inmates who refuse to participate in  
12 available education or work programs available at no charge to the  
13 inmates shall lose privileges according to the system established  
14 under RCW 72.09.130. Eligible inmates who are required to contribute  
15 financially to an education or work program and refuse to contribute  
16 shall be placed in another work program. Refusal to contribute shall  
17 not result in a loss of privileges.

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

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

1 savings account and which are correlated to a prorated portion or  
2 percent of the per credit fee for tuition, books, or other ancillary  
3 costs. The formula shall be reviewed every two years. A third party  
4 may pay directly to the department all or a portion of costs and  
5 tuition for any program on behalf of an inmate under this subsection.  
6 Such payments shall not be subject to any of the deductions as  
7 provided in this chapter.

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

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

15 (b) May not receive ~~((not more than one postsecondary))~~ an  
16 associate academic degree in a program offered by the department or  
17 its contracted providers;

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

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

22 **Sec. 4.** RCW 72.09.465 and 2016 sp.s. c 36 s 946 are each amended  
23 to read as follows:

24 (1) The department ~~((shall, if funds are appropriated for the~~  
25 ~~specific purpose,))~~ may implement ~~((postsecondary))~~ associate degree  
26 education ~~((degree))~~ programs ~~((within))~~ at state correctional  
27 institutions~~((, including the state correctional institution with the~~  
28 ~~largest population of female inmates))~~. During the 2015-2017 fiscal  
29 biennium, the department may implement postsecondary degree programs  
30 within state institutions, including the state correctional  
31 institution with the largest population of females, within its  
32 existing funds and under the limitations in this section, to include  
33 any funding provided under subsection (3) of this section. The  
34 department ~~((shall))~~ may consider for inclusion in any  
35 ~~((postsecondary))~~ associate degree education ~~((degree))~~ program, any  
36 ~~((postsecondary))~~ associate degree education ~~((degree))~~ program from  
37 an accredited community or technical college, college, or university  
38 that is part of an associate ~~((of arts,))~~ or baccalaureate~~((, masters~~  
39 ~~of arts, or other graduate))~~ degree program.

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

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

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

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

22           (4) An inmate may be selected to participate in a state-funded  
23 associate degree education program, based on priority criteria  
24 determined by the department, in which the following conditions may  
25 be considered:

26           (a) Priority should be given to inmates within five years or less  
27 of release;

28           (b) The inmate does not already possess a postsecondary education  
29 degree; and

30           (c) The inmate's individual reentry plan includes participation  
31 in an associate degree education program that is:

32           (i) Offered at the inmate's state correctional institution;

33           (ii) Approved by the department as an eligible and effective  
34 postsecondary education degree program; and

35           (iii) Limited to an associate's degree.

36           (5) During the 2015-2017 fiscal biennium, an inmate may be  
37 selected to participate in a state-funded postsecondary education  
38 degree program, based on priority criteria determined by the  
39 department, in which the following conditions may be considered:

1           (a) Priority should be given to inmates within five years of  
2 release;  
3           (b) The inmate does not already possess a postsecondary education  
4 degree; and  
5           (c) The inmate's individual reentry plan includes participation  
6 in a postsecondary education degree program that is:  
7           (i) Offered at the inmate's state correctional institution; and  
8           (ii) Approved by the department as an eligible and effective  
9 postsecondary education degree program.  
10          (~~(5)~~) (6) Any funds collected by the department under this  
11 section shall be used solely for the creation, maintenance, or  
12 expansion of inmate postsecondary education degree programs.

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