
SUBSTITUTE SENATE BILL 5069

State of Washington

65th Legislature

2017 Regular Session

By Senate Law & Justice (originally sponsored by Senators Walsh, Frockt, O'Ban, Zeiger, Chase, Hasegawa, Conway, and Palumbo; by request of State Board for Community and Technical Colleges)

READ FIRST TIME 02/09/17.

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 (6) The legislature does not intend to provide additional funding
17 to the department of corrections with chapter . . . , Laws of 2017
18 (this act) and intends that the department of corrections incorporate
19 associate degree education into its available educational and
20 vocational opportunities for offenders within existing funds set
21 aside for this purpose.

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

24 The college board may authorize any board of trustees within the
25 system to promote and conduct associate degree education and training
26 of incarcerated adults through new or expanded partnerships between
27 the community and technical colleges and the department of
28 corrections.

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

31 (1) Recognizing that there is a positive correlation between
32 education opportunities and reduced recidivism, it is the intent of
33 the legislature to offer appropriate associate degree opportunities
34 to inmates designed to prepare the inmate to enter the workforce.

35 (2) The legislature intends that all inmates be required to
36 participate in department-approved education programs, work programs,
37 or both, unless exempted as specifically provided in this section.
38 Eligible inmates who refuse to participate in available education or

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

7 ~~((+2))~~ (3) The legislature recognizes more inmates may agree to
8 participate in education and work programs than are available. The
9 department must make every effort to achieve maximum public benefit
10 by placing inmates in available and appropriate education and work
11 programs.

12 ~~((+3))~~ (4)(a) The department shall, to the extent possible and
13 considering all available funds, prioritize its resources to meet the
14 following goals for inmates in the order listed:

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

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

20 (iii) Additional work and education programs necessary for
21 compliance with an offender's individual reentry plan under RCW
22 72.09.270 ~~((with the exception of postsecondary education degree
23 programs as provided in RCW 72.09.465))~~; and

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

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

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

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

8 (d) 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 complete the purposes of
12 this section.

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

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

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

36 (i) An inmate's release date and custody level. An inmate shall
37 not be precluded from participating in an education or work program
38 solely on the basis of his or her release date, except that inmates
39 with a release date of more than one hundred twenty months in the
40 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
6 limited to an inmate's family support obligations; and

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

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

15 ~~((6))~~ (7) Eligible inmates who refuse to participate in
16 available education or work programs available at no charge to the
17 inmates shall lose privileges according to the system established
18 under RCW 72.09.130. Eligible inmates who are required to contribute
19 financially to an education or work program and refuse to contribute
20 shall be placed in another work program. Refusal to contribute shall
21 not result 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
24 mentally unable to participate in available education or work
25 programs. When the department determines an inmate is permanently
26 unable to participate in any available education or work program due
27 to a health condition, the inmate is exempt from the requirement
28 under subsection ~~((1))~~ (2) of this section. When the department
29 determines an inmate is temporarily unable to participate in an
30 education or work program due to a medical condition, the inmate is
31 exempt from the requirement of subsection ~~((1))~~ (2) of this section
32 for the period of time he or she is temporarily disabled. The
33 department shall periodically review the medical condition of all
34 inmates with temporary disabilities to ensure the earliest possible
35 entry or reentry by inmates into available 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
39 offender previously abandoned coursework related to associate degree
40 education or vocational training without excuse as defined in rule by

1 the department. Department policies shall include a formula for
2 determining how much an offender shall be required to pay. The
3 formula shall include steps which correlate to an offender average
4 monthly income or average available balance in a personal inmate
5 savings account and which are correlated to a prorated portion or
6 percent of the per credit fee for tuition, books, or other ancillary
7 costs. The formula shall be reviewed every two years. A third party
8 may pay directly to the department all or a portion of costs and
9 tuition for any program on behalf of an inmate under this subsection.
10 Such payments shall not be subject to any of the deductions as
11 provided in this chapter.

12 ~~((+9))~~ (10) Notwithstanding any other provision in this section,
13 an inmate sentenced to life without the possibility of release,
14 sentenced to death under chapter 10.95 RCW, or subject to the
15 provisions of 8 U.S.C. Sec. 1227:

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

19 (b) May ~~((receive not more than one postsecondary academic))~~ not
20 participate in an associate degree ~~((in a))~~ education program offered
21 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. 4.** RCW 72.09.465 and 2016 sp.s. c 36 s 946 are each amended
27 to read as follows:

28 (1) The department ~~((shall, if funds are appropriated for the~~
29 ~~specific purpose,))~~ may implement ~~((postsecondary))~~ associate degree
30 education ~~((degree))~~ programs ~~((within))~~ at state correctional
31 institutions~~((, including the state correctional institution with the~~
32 ~~largest population of female inmates))~~. During the 2015-2017 fiscal
33 biennium, the department may implement postsecondary degree programs
34 within state institutions, including the state correctional
35 institution with the largest population of females, within its
36 existing funds and under the limitations in this section, to include
37 any funding provided under subsection (3) of this section. The
38 department ~~((shall))~~ may consider for inclusion in any
39 ~~((postsecondary))~~ associate degree education ~~((degree))~~ program, any

1 ((~~postsecondary~~)) education ((~~degree~~)) program from an accredited
2 community or technical college, college, or university that is part
3 of an associate ((~~of arts, baccalaureate, masters of arts, or other~~
4 ~~graduate~~)) workforce degree program designed to prepare the inmate to
5 enter the workforce.

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

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

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

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

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

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

32 (b) The inmate does not already possess a postsecondary education
33 degree; and

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

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

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

39 (iii) Limited to an associate workforce degree.

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

5 (a) Priority should be given to inmates within five years of
6 release;

7 (b) The inmate does not already possess a postsecondary education
8 degree; and

9 (c) The inmate's individual reentry plan includes participation
10 in a postsecondary education degree program that is:

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

12 (ii) Approved by the department as an eligible and effective
13 postsecondary education degree program.

14 (~~(5)~~) (6) Any funds collected by the department under this
15 section shall be used solely for the creation, maintenance, or
16 expansion of inmate postsecondary education degree programs.

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