
SENATE BILL 5069

State of Washington

65th Legislature

2017 Regular Session

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 01/11/17. Referred to Committee on Law & Justice.

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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