S-1260.1

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**SUBSTITUTE SENATE BILL 5433**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators Wilson, C., Nguyen, Das, Darneille, Dhingra, Hasegawa, Kuderer, and Saldaña)

AN ACT Relating to providing postsecondary education opportunities to enhance public safety; amending RCW 28B.50.815, 72.09.460, and 72.09.465; amending 2017 c 120 s 1 (uncodified); creating a new section; and providing an expiration date.

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

**Sec.**  2017 c 120 s 1 (uncodified) is amended to read as follows:

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

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

(3) Ninety-five percent of incarcerated adults ultimately return to their communities to obtain employment and contribute to society. The legislature finds that according to the bureau of labor statistics, unemployment rates for people with only a high school education are twice that of those with an associate degree. Research has shown that adults who participated in such education while incarcerated were thirteen percent more likely to be employed.

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

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

(6) ((~~The legislature does not intend to provide additional funding to the department of corrections with chapter 120, Laws of 2017 and intends that the department of corrections incorporate associate degree education into its available educational and vocational opportunities for offenders within existing funds set aside for this purpose.~~)) It is the intent of the legislature to support the use of secure internet connections expressly for the purposes of furthering postsecondary education degree opportunities and training of incarcerated adults. The legislature intends for the department to be able to provide complete assurance that all offender-used internet connections are secure.

**Sec.**  RCW 28B.50.815 and 2017 c 120 s 2 are each amended to read as follows:

The college board may authorize any board of trustees within the system to promote and conduct ((~~associate degree~~)) postsecondary education degree opportunities and training of incarcerated adults through new or expanded partnerships between the community and technical colleges and the department of corrections.

**Sec.**  RCW 72.09.460 and 2017 c 120 s 3 are each amended to read as follows:

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

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

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

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

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

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

(iii) Additional work and education programs necessary for compliance with an offender's individual reentry plan under RCW 72.09.270; and

(iv) Other appropriate vocational, work, or education programs that are not necessary for compliance with an offender's individual reentry plan under RCW 72.09.270 including ((~~associate degree~~)) postsecondary education degree programs.

(b) If programming is provided pursuant to (a)(i) through (iii) of this subsection, the department shall pay the cost of such programming, including but not limited to books, materials, and supplies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) May ((~~not participate in an associate~~)) receive a postsecondary degree in an education program offered by the department or its contracted providers;

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

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

**Sec.**  RCW 72.09.465 and 2017 c 120 s 4 are each amended to read as follows:

(1) The department may implement ((~~associate degree~~)) postsecondary education degree programs at state correctional institutions. ((~~During the 2015-2017 fiscal biennium, the department may implement postsecondary degree programs within state institutions, including the state correctional institution with the largest population of females, within its existing funds and under the limitations in this section, to include any funding provided under subsection (3) of this section.~~)) The department may consider for inclusion in any ((~~associate degree~~)) postsecondary education degree program, any education program from an accredited community or technical college, college, or university that is part of an associate ((~~workforce~~)) or baccalaureate degree program ((~~designed to prepare the inmate to enter the workforce~~)).

(2) Inmates not meeting the department's priority criteria for the state-funded ((~~associate degree~~)) postsecondary education degree program shall be required to pay the costs for participation in a postsecondary education degree program if he or she elects to participate through self-pay, including costs of books, fees, tuition, or any other appropriate ancillary costs, by one or more of the following means:

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

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

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

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

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

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

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

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

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

~~(iii) Limited to an associate workforce degree.~~

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

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

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

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

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

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

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

NEW SECTION. **Sec.**  (1) The department of corrections, the state board for community and technical colleges, and the office of the chief information officer shall submit, in compliance with RCW 43.01.036, a report to the governor and the appropriate committees of the legislature by December 1, 2019, outlining a plan for implementing secure internet connections to achieve the purposes of this act. This report must contain the barriers and costs associated with implementing secure internet connections for the purpose of postsecondary education and training of incarcerated individuals.

(2) The department may not implement or utilize a new secure internet connection for offender postsecondary education until the legislature reviews the report mentioned in this subsection.

(3) This section expires December 31, 2019.

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