
SUBSTITUTE SENATE BILL 5433

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)

READ FIRST TIME 01/31/19.

1 AN ACT Relating to providing postsecondary education
2 opportunities to enhance public safety; amending RCW 28B.50.815,
3 72.09.460, and 72.09.465; amending 2017 c 120 s 1 (uncodified);
4 creating a new section; and providing an expiration date.

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

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

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

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

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

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

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

19 (~~The legislature does not intend to provide additional~~
20 ~~funding to the department of corrections with chapter 120, Laws of~~
21 ~~2017 and intends that the department of corrections incorporate~~
22 ~~associate degree education into its available educational and~~
23 ~~vocational opportunities for offenders within existing funds set~~
24 ~~aside for this purpose.)) It is the intent of the legislature to
25 support the use of secure internet connections expressly for the
26 purposes of furthering postsecondary education degree opportunities
27 and training of incarcerated adults. The legislature intends for the
28 department to be able to provide complete assurance that all
29 offender-used internet connections are secure.~~

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

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

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

1 (1) 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 (~~associate—degree~~)
4 postsecondary education opportunities to inmates (~~designed to~~
5 ~~prepare the inmate to enter the workforce~~)).

6 (2) 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 (3) 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.

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

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

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

29 (iii) Additional work and education programs necessary for
30 compliance with an offender's individual reentry plan under RCW
31 72.09.270; and

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

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

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

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

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

25 (5) The department shall provide access to a program of education
26 to all offenders who are under the age of eighteen and who have not
27 met high school graduation requirements or requirements to earn a
28 high school equivalency certificate as provided in RCW 28B.50.536 in
29 accordance with chapter 28A.193 RCW. The program of education
30 established by the department and education provider under RCW
31 28A.193.020 for offenders under the age of eighteen must provide each
32 offender a choice of curriculum that will assist the inmate in
33 achieving a high school diploma or high school equivalency
34 certificate. The program of education may include but not be limited
35 to basic education, prevocational training, work ethic skills,
36 conflict resolution counseling, substance abuse intervention, and
37 anger management counseling. The curriculum may balance these and
38 other rehabilitation, work, and training components.

39 (6) (a) In addition to the policies set forth in this section, the
40 department shall consider the following factors in establishing

1 criteria for assessing the inclusion of education and work programs
2 in an inmate's individual reentry plan and in placing inmates in
3 education and work programs:

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

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

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

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

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

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

23 (7) Eligible inmates who refuse to participate in available
24 education or work programs available at no charge to the inmates
25 shall lose privileges according to the system established under RCW
26 72.09.130. Eligible inmates who are required to contribute
27 financially to an education or work program and refuse to contribute
28 shall be placed in another work program. Refusal to contribute shall
29 not result in a loss of privileges.

30 (8) The department shall establish, by rule, objective medical
31 standards to determine when an inmate is physically or mentally
32 unable to participate in available education or work programs. When
33 the department determines an inmate is permanently unable to
34 participate in any available education or work program due to a
35 health condition, the inmate is exempt from the requirement under
36 subsection (2) of this section. When the department determines an
37 inmate is temporarily unable to participate in an education or work
38 program due to a medical condition, the inmate is exempt from the
39 requirement of subsection (2) of this section for the period of time
40 he or she is temporarily disabled. The department shall periodically

1 review the medical condition of all inmates with temporary
2 disabilities to ensure the earliest possible entry or reentry by
3 inmates into available programming.

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

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

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

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

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

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

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

36 (1) The department may implement (~~associate degree~~)
37 postsecondary education degree programs at state correctional
38 institutions. (~~During the 2015-2017 fiscal biennium, the department~~
39 ~~may implement postsecondary degree programs within state~~

1 ~~institutions, including the state correctional institution with the~~
2 ~~largest population of females, within its existing funds and under~~
3 ~~the limitations in this section, to include any funding provided~~
4 ~~under subsection (3) of this section.)~~ The department may consider
5 for inclusion in any (~~associate degree~~) postsecondary education
6 degree program, any education program from an accredited community or
7 technical college, college, or university that is part of an
8 associate (~~workforce~~) or baccalaureate degree program (~~designed to~~
9 ~~prepare the inmate to enter the workforce~~).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 ~~((+6))~~ (5) Any funds collected by the department under this
18 section shall be used solely for the creation, maintenance, or
19 expansion of inmate postsecondary education degree programs.

20 NEW SECTION. **Sec. 5.** (1) The department of corrections, the
21 state board for community and technical colleges, and the office of
22 the chief information officer shall submit, in compliance with RCW
23 43.01.036, a report to the governor and the appropriate committees of
24 the legislature by December 1, 2019, outlining a plan for
25 implementing secure internet connections to achieve the purposes of
26 this act. This report must contain the barriers and costs associated
27 with implementing secure internet connections for the purpose of
28 postsecondary education and training of incarcerated individuals.

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

32 (3) This section expires December 31, 2019.

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