

**2SHB 1044** - S COMM AMD

By Committee on Human Services, Reentry & Rehabilitation

**ADOPTED 04/09/2021**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. 2019 c 397 s 1 (uncodified) is amended to read as  
4 follows:

5 (1) The legislature finds that incarceration is both a rural and  
6 urban issue in the state. According to one recent report, the highest  
7 rates of prison admissions are in rural counties. In addition, since  
8 1980, the number of women in prison has increased more than eight  
9 hundred percent. Additionally, people of color are overrepresented in  
10 the prison system. The legislature finds that studies clearly and  
11 consistently demonstrate that postsecondary education in prisons  
12 improves safety in facilities, and incarcerated adults who obtain  
13 postsecondary education and training are more likely to be employed  
14 following release, which leads to a ~~((dramatic))~~ significant  
15 reduction in recidivism rates, ~~((significant))~~ improvements in public  
16 safety, and a major return on investment. The legislature finds that  
17 reducing recidivism ~~((would))~~ decreases the financial burden to  
18 taxpayers and the emotional burden of victims.

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

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

1 (4) The legislature further finds that correctional education is  
2 cost-effective. A 2014 study by the Washington state institute for  
3 public policy estimated that ~~((the state received))~~, based on a  
4 review of national research literature and cost-benefit analysis,  
5 there is a return on investment of twenty dollars for every dollar  
6 invested in correctional education.

7 (5) It is the intent of the legislature to enhance public safety,  
8 including the safety of prison workers as findings show that violence  
9 rates are reduced in institutions where there are educational  
10 programs, to reduce crime, and to increase employment rates in a  
11 cost-effective manner by exploring benefits and costs associated with  
12 providing postsecondary education degree opportunities and training  
13 to incarcerated adults through expanded partnerships between ((the  
14 ~~community and technical colleges)) postsecondary institutions,~~  
15 nonprofit entities and community-based postsecondary education  
16 programs, and the department of corrections.

17 (6) It is the intent of the legislature to support exploring the  
18 use of secure internet connections expressly for the purposes of  
19 furthering postsecondary education degree opportunities and training  
20 of incarcerated adults, including providing assistance to  
21 incarcerated adults with completing financial aid materials. The  
22 legislature intends for the department to be able to provide complete  
23 assurance that all ~~((offender-used))~~ internet connections used by  
24 incarcerated individuals are secure.

25 (7) It is the intent of the legislature to support expanded  
26 access and opportunities to postsecondary degree and certificate  
27 education programs for persons of color by setting goals and  
28 partnering with nonprofit entities and community-based postsecondary  
29 education programs with historical evidence of providing education  
30 programs for people of color.

31 (8) It is also the intent of the legislature, by requiring the  
32 study under section 2 of this act, to examine the effects of  
33 providing postsecondary education while incarcerated on enrollment in  
34 the postsecondary education system postrelease.

35 NEW SECTION. Sec. 2. (1)(a) Subject to the availability of  
36 amounts appropriated for this specific purpose, the Washington state  
37 institute for public policy shall study enrollment, completion, and  
38 recidivism rates of incarcerated individuals in the postsecondary  
39 education system postrelease.

1 (b) The goal of the study is to understand whether participation  
2 in postsecondary education while incarcerated contributes to greater  
3 enrollment and completion of postsecondary education and reduced  
4 recidivism postrelease. The scope of the study shall focus on  
5 postrelease enrollment and completion trends in the community and  
6 technical college sector for formerly incarcerated individuals of all  
7 ages. The timeline of the study may include data from 2015 to the  
8 present, to the extent possible. The study's findings shall be  
9 divided into a preliminary and final report. The reports shall  
10 complement similar studies conducted at the University of Washington  
11 or elsewhere. To the extent that it is not duplicative of other  
12 studies, the Washington state institute for public policy shall study  
13 the following:

14 (i) For the preliminary report, which is due October 1, 2024:

15 (A) Patterns and any effects on postrelease enrollment and  
16 participation in the community and technical college system by  
17 individuals who, while incarcerated, participated in postsecondary  
18 education programs, including those individuals that completed some  
19 coursework but did not earn a degree or certificate; and

20 (B) Differential outcomes for individuals participating in  
21 different types of postsecondary education courses, certificate  
22 programs, and degree programs.

23 (ii) For the final report, which is due October 1, 2027, a  
24 continuation of the preliminary report in addition to:

25 (A) Changes in enrollment and completion of postsecondary  
26 education courses, certificate programs, and degree programs due to  
27 the changes and expansion of educational programming in this act, to  
28 the extent possible; and

29 (B) Recidivism outcomes beyond incarceration for those  
30 incarcerated individuals that participated in postsecondary  
31 certificate and degree programs while incarcerated, including  
32 arrests, charges, and convictions.

33 (iii) The preliminary and final reports shall be submitted to the  
34 appropriate committees of the legislature and in accordance with RCW  
35 43.01.036.

36 (iv) The department of corrections, the student achievement  
37 council, the state board for community and technical colleges, and  
38 the education research and data center shall provide data necessary  
39 to conduct the study.

40 (2) This section expires January 1, 2029.

1       **Sec. 3.** RCW 72.09.270 and 2008 c 231 s 48 are each amended to  
2 read as follows:

3       (1) The department of corrections shall develop an individual  
4 reentry plan as defined in RCW 72.09.015 for every ~~((offender))~~  
5 incarcerated individual who is committed to the jurisdiction of the  
6 department except:

7       (a) ~~((offenders))~~ incarcerated individuals who are sentenced to  
8 life without the possibility of release or sentenced to death under  
9 chapter 10.95 RCW; and

10       (b) ~~((offenders))~~ incarcerated individuals who are subject to the  
11 provisions of 8 U.S.C. Sec. 1227.

12       (2) The individual reentry plan may be one document, or may be a  
13 series of individual plans that combine to meet the requirements of  
14 this section.

15       (3) In developing individual reentry plans, the department shall  
16 assess all ~~((offenders))~~ incarcerated individuals using standardized  
17 and comprehensive tools to identify the criminogenic risks,  
18 programmatic needs, and educational and vocational skill levels for  
19 each ~~((offender))~~ incarcerated individual. The assessment tool should  
20 take into account demographic biases, such as culture, age, and  
21 gender, as well as the needs of the ~~((offender))~~ incarcerated  
22 individual, including any learning disabilities, substance abuse or  
23 mental health issues, and social or behavior ~~((deficits))~~ challenges.

24       (4)(a) The initial assessment shall be conducted as early as  
25 sentencing, but, whenever possible, no later than forty-five days of  
26 being sentenced to the jurisdiction of the department of corrections.

27       (b) The ~~((offender's))~~ incarcerated individual's individual  
28 reentry plan shall be developed as soon as possible after the initial  
29 assessment is conducted, but, whenever possible, no later than sixty  
30 days after completion of the assessment, and shall be periodically  
31 reviewed and updated as appropriate.

32       (5) The individual reentry plan shall, at a minimum, include:

33       (a) A plan to maintain contact with the ~~((inmate's))~~ incarcerated  
34 individual's children and family, if appropriate. The plan should  
35 determine whether parenting classes, or other services, are  
36 appropriate to facilitate successful reunification with the  
37 ~~((offender's))~~ incarcerated individual's children and family;

38       (b) An individualized portfolio for each ~~((offender))~~  
39 incarcerated individual that includes the ~~((offender's))~~ incarcerated  
40 individual's education achievements, certifications, employment, work

1 experience, skills, and any training received prior to and during  
2 incarceration; and

3 (c) A plan for the ((offender)) incarcerated individual during  
4 the period of incarceration through reentry into the community that  
5 addresses the needs of the ((offender)) incarcerated individual  
6 including education, employment, substance abuse treatment, mental  
7 health treatment, family reunification, and other areas which are  
8 needed to facilitate a successful reintegration into the community.

9 (6) (a) Prior to discharge of any ((offender)) incarcerated  
10 individual, the department shall:

11 (i) Evaluate the ((offender's)) incarcerated individual's needs  
12 and, to the extent possible, connect the ((offender)) incarcerated  
13 individual with existing services and resources that meet those  
14 needs; and

15 (ii) Connect the ((offender)) incarcerated individual with a  
16 community justice center and/or community transition coordination  
17 network in the area in which the ((offender)) incarcerated individual  
18 will be residing once released from the correctional system if one  
19 exists.

20 (b) If the department recommends partial confinement in an  
21 ((offender's)) incarcerated individual's individual reentry plan, the  
22 department shall maximize the period of partial confinement for the  
23 ((offender)) incarcerated individual as allowed pursuant to RCW  
24 9.94A.728 to facilitate the ((offender's)) incarcerated individual's  
25 transition to the community.

26 (7) The department shall establish mechanisms for sharing  
27 information from individual reentry plans to those persons involved  
28 with the ((offender's)) incarcerated individual's treatment,  
29 programming, and reentry, when deemed appropriate. When feasible,  
30 this information shall be shared electronically.

31 (8) (a) In determining the county of discharge for an ((offender))  
32 incarcerated individual released to community custody, the department  
33 may ~~((not))~~ approve a residence location that is not in the  
34 ((offender's)) incarcerated individual's county of origin ~~((unless it~~  
35 ~~is determined by))~~ if the department determines that the ((offender's  
36 ~~return to his or her county of origin would be inappropriate~~  
37 ~~considering))~~ residence location would be appropriate based on any  
38 court-ordered condition of the ((offender's)) incarcerated  
39 individual's sentence, victim safety concerns, ~~((negative influences~~  
40 ~~on the offender in the community, or the))~~ and factors that increase

1 opportunities for successful reentry and long-term support including,  
2 but not limited to, location of family or other sponsoring persons or  
3 organizations that will support the ~~((offender))~~ incarcerated  
4 individual, ability to complete an educational program that the  
5 incarcerated individual is enrolled in, availability of appropriate  
6 programming or treatment, and access to housing, employment, and  
7 prosocial influences on the person in the community.

8 (b) In implementing the provisions of this subsection, the  
9 department shall approve residence locations in a manner that will  
10 not cause any one county to be disproportionately impacted.

11 (c) If the ~~((offender))~~ incarcerated individual is not returned  
12 to his or her county of origin, the department shall provide the law  
13 and justice council of the county in which the ~~((offender))~~  
14 incarcerated individual residence at the time of the incarcerated  
15 individual's is placed with a written explanation.

16 ~~((e))~~ (d) (i) For purposes of this section, except as provided  
17 in (d) (ii) of this subsection, the ~~((offender's))~~ incarcerated  
18 individual's county of origin means the county of the ~~((offender's))~~  
19 incarcerated individual's residence at the time of the incarcerated  
20 individual's first felony conviction in Washington state.

21 (ii) If the incarcerated individual is a homeless person as  
22 defined in RCW 43.185C.010, or the incarcerated individual's  
23 residence is unknown, then the incarcerated individual's county of  
24 origin means the county of the incarcerated individual's first felony  
25 conviction in Washington state.

26 (9) Nothing in this section creates a vested right in  
27 programming, education, or other services.

28 **Sec. 4.** RCW 72.09.460 and 2017 c 120 s 3 are each amended to  
29 read as follows:

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

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

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

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

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

17 (i) Achievement of basic academic skills through obtaining a high  
18 school diploma or a high school equivalency certificate as provided  
19 in RCW 28B.50.536, including achievement by those incarcerated  
20 individuals eligible for special education services pursuant to state  
21 or federal law;

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

25 (iii) Additional work and education programs necessary for  
26 compliance with an ((offender's)) incarcerated individual's  
27 individual reentry plan under RCW 72.09.270, including special  
28 education services and postsecondary degree or certificate education  
29 programs; and

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

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

39 (c) If programming is provided pursuant to (a)(iv) of this  
40 subsection, ((inmates)) incarcerated individuals shall be required to

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

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

23 (e) Any funds collected by the department under (c) and (d) of  
24 this subsection and subsections ~~((9) and (10))~~ (11) and (12) of  
25 this section shall be used solely for the creation, maintenance, or  
26 expansion of ~~((inmate))~~ incarcerated individual educational and  
27 vocational programs.

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



1 substance abuse intervention, and anger management counseling. The  
2 curriculum may balance these and other rehabilitation, work, and  
3 training components.

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

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

18 (ii) An ((~~inmate's~~)) incarcerated individual's education history  
19 and basic academic skills;

20 (iii) An ((~~inmate's~~)) incarcerated individual's work history and  
21 vocational or work skills;

22 (iv) An ((~~inmate's~~)) incarcerated individual's economic  
23 circumstances, including but not limited to an ((~~inmate's~~))  
24 incarcerated individual's family support obligations; and

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

27 (b) The department shall establish, and periodically review,  
28 ((~~inmate~~)) incarcerated individual behavior standards and program  
29 ((~~goals~~)) outcomes for all education and work programs. ((~~Inmates~~))  
30 Incarcerated individuals shall be notified of applicable behavior  
31 standards and program goals prior to placement in an education or  
32 work program and shall be removed from the education or work program  
33 if they consistently fail to meet the standards or ((~~goals~~))  
34 outcomes.

35 (7) Eligible ((~~inmates~~)) incarcerated individuals who refuse to  
36 participate in available education or work programs available at no  
37 charge to the ((~~inmates~~)) incarcerated individuals shall lose  
38 privileges according to the system established under RCW 72.09.130.  
39 Eligible ((~~inmates~~)) incarcerated individuals who are required to  
40 contribute financially to an education or work program and refuse to

1 contribute shall be placed in another work program. Refusal to  
2 contribute shall not result in a loss of privileges.

3 (8) The department shall establish, by rule, a process for  
4 identifying and assessing incarcerated individuals with learning  
5 disabilities, traumatic brain injuries, and other cognitive  
6 impairments to determine whether the person requires accommodations  
7 in order to effectively participate in educational programming,  
8 including general educational development tests and postsecondary  
9 education. The department shall establish a process to provide such  
10 accommodations to eligible incarcerated individuals.

11 (9) The department shall establish, and periodically review,  
12 goals for expanding access to postsecondary degree and certificate  
13 education programs and program completion for all incarcerated  
14 individuals, including persons of color. The department may contract  
15 and partner with any accredited educational program sponsored by a  
16 nonprofit entity, community-based postsecondary education program, or  
17 institution with historical evidence of providing education programs  
18 to people of color.

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

36 ~~((+9))~~ (11) The department shall establish policies requiring an  
37 ((offender)) incarcerated individual to pay all or a portion of the  
38 costs and tuition for any vocational training or postsecondary  
39 education program if the ((offender)) incarcerated individual  
40 previously abandoned coursework related to ((associate))

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

15 ~~((10))~~ (12) Notwithstanding any other provision in this  
16 section, an ~~((inmate sentenced to life without the possibility of~~  
17 ~~release))~~ incarcerated individual sentenced to death under chapter  
18 10.95 RCW~~((7))~~ or subject to the provisions of 8 U.S.C. Sec. 1227:

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

22 (b) May not participate in ~~((an associate))~~ a postsecondary  
23 degree education program offered by the department or its contracted  
24 providers, unless the incarcerated individual's participation in the  
25 program is paid for by a third party;

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

28 (d) Shall be subject to the applicable provisions of this chapter  
29 relating to ~~((inmate))~~ incarcerated individual financial  
30 responsibility for programming.

31 (13) If an incarcerated individual has participated in  
32 postsecondary education programs, the department shall provide the  
33 incarcerated individual with a copy of the incarcerated individual's  
34 unofficial transcripts, at no cost to the individual, upon the  
35 incarcerated individual's release or transfer to a different  
36 facility. Upon the incarcerated individual's completion of a  
37 postsecondary education program, the department shall provide to the  
38 incarcerated individual, at no cost to the individual, a copy of the  
39 incarcerated individual's unofficial transcripts. This requirement  
40 applies regardless of whether the incarcerated individual became

1 ineligible to participate in or abandoned a postsecondary education  
2 program.

3 (14) For the purposes of this section, "third party" includes a  
4 nonprofit entity or community-based postsecondary education program  
5 that partners with the department to provide accredited postsecondary  
6 education degree and certificate programs at state correctional  
7 facilities.

8 **Sec. 5.** RCW 72.09.465 and 2017 c 120 s 4 are each amended to  
9 read as follows:

10 (1) (a) The department may implement ~~((associate))~~ postsecondary  
11 degree or certificate education programs at state correctional  
12 institutions. ~~((During the 2015-2017 fiscal biennium, the department~~  
13 ~~may implement postsecondary degree programs within state~~  
14 ~~institutions, including the state correctional institution with the~~  
15 ~~largest population of females, within its existing funds and under~~  
16 ~~the limitations in this section, to include any funding provided~~  
17 ~~under subsection (3) of this section.))~~

18 (b) The department may consider for inclusion in any  
19 ~~((associate))~~ postsecondary degree or certificate education program,  
20 any education program from an accredited community or technical  
21 college, college, or university that is ~~((part of an associate~~  
22 ~~workforce degree program designed to prepare the inmate to enter the~~  
23 ~~workforce))~~ limited to no more than a bachelor's degree. Washington  
24 state-recognized preapprenticeship programs may also be included as  
25 appropriate postsecondary education programs.

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

33 (a) The ~~((inmate))~~ incarcerated individual who is participating  
34 in the postsecondary education degree program may, during  
35 confinement, provide the required payment or payments to the  
36 department; or

37 (b) A third party shall provide the required payment or payments  
38 directly to the department on behalf of an ~~((inmate))~~ incarcerated

1 individual, and such payments shall not be subject to any of the  
2 deductions as provided in this chapter.

3 (3) 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 provide postsecondary  
7 education to ~~((inmates))~~ incarcerated individuals.

8 (4) An ~~((inmate))~~ incarcerated individual may be selected to  
9 participate in a state-funded ~~((associate))~~ postsecondary degree or  
10 certificate education program, based on priority criteria determined  
11 by the department, in which the following conditions may be  
12 considered:

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

15 ~~(b) The inmate does))~~ incarcerated individuals who do not already  
16 possess a postsecondary education degree; and

17 ~~((c) The inmate's))~~ (b) Incarcerated individuals with individual  
18 reentry ((plan includes)) plans that include participation in ((an  
19 associate)) a postsecondary degree or certificate education program  
20 that is:

21 (i) Offered at the ~~((inmate's))~~ incarcerated individual's state  
22 correctional institution;

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

25 (iii) Limited to ~~((an associate workforce))~~ a postsecondary  
26 degree or certificate program.

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

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

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

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

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

38 ~~(ii) Approved by the department as an eligible and effective~~  
39 ~~postsecondary education degree program.))~~ The department shall work  
40 with the college board as defined in RCW 28B.50.030 to develop a plan

1 to assist incarcerated individuals selected to participate in  
2 postsecondary degree or certificate programs with filing a free  
3 application for federal student aid or the Washington application for  
4 state financial aid.

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

9 NEW SECTION. Sec. 6. A new section is added to chapter 72.68  
10 RCW to read as follows:

11 (1) In determining whether to transfer an incarcerated individual  
12 to a different facility in the state, the department shall consider  
13 whether the incarcerated individual is enrolled in a vocational or  
14 educational program, including those operated by approved outside  
15 providers, which cannot be continued at the receiving facility. The  
16 department shall work with the incarcerated individual's case  
17 manager, counselor, education navigator, or other appropriate person  
18 to attempt to meet the needs of the department and the incarcerated  
19 individual regarding transfer.

20 (2) Nothing in this section creates a vested right in  
21 programming, education, or other services.

22 **Sec. 7.** RCW 72.68.010 and 2020 c 318 s 4 are each amended to  
23 read as follows:

24 (1) Whenever in its judgment the best interests of the state or  
25 the welfare of any (~~prisoner~~) incarcerated individual confined in  
26 any penal institution will be better served by his or her transfer to  
27 another institution or to a foreign country of which the (~~prisoner~~)  
28 incarcerated individual is a citizen or national, the secretary may  
29 effect such transfer consistent with applicable federal laws and  
30 treaties. The secretary has the authority to transfer (~~offenders~~)  
31 incarcerated individuals between in-state correctional facilities or  
32 to out-of-state governmental institutions if the secretary determines  
33 that transfer is in the best interest of the state or the  
34 (~~offender~~) incarcerated individual. The determination of what is in  
35 the best interest of the state or (~~offender~~) incarcerated  
36 individual may include but is not limited to considerations of  
37 overcrowding, emergency conditions, or hardship to the (~~offender~~)  
38 incarcerated individual. In determining whether the transfer will

1 impose a hardship on the (~~offender~~) incarcerated individual, the  
2 secretary shall consider: (a) The location of the (~~offender's~~)  
3 incarcerated individual's family and whether the (~~offender~~)  
4 incarcerated individual has maintained contact with members of his or  
5 her family; (b) whether, if the (~~offender~~) incarcerated individual  
6 has maintained contact, the contact will be significantly disrupted  
7 by the transfer due to the family's inability to maintain the contact  
8 as a result of the transfer; and (c) whether the (~~offender~~)  
9 incarcerated individual is enrolled in a vocational or educational  
10 program that cannot reasonably be resumed or completed if the  
11 (~~offender~~) incarcerated individual is transferred to another  
12 correctional institution or returned to the state.

13 (2) (a) The secretary has the authority to transfer (~~offenders~~)  
14 incarcerated individuals to an out-of-state private correctional  
15 entity only if:

16 (i) The governor finds that an emergency exists such that the  
17 population of a state correctional facility exceeds its reasonable,  
18 maximum capacity, resulting in safety and security concerns;

19 (ii) The governor has considered all other legal options to  
20 address capacity, including those pursuant to RCW 9.94A.870;

21 (iii) The secretary determines that transfer is in the best  
22 interest of the state or the (~~offender~~) incarcerated individual;  
23 and

24 (iv) The contract with the out-of-state private correctional  
25 entity includes requirements for access to public records to the same  
26 extent as if the facility were operated by the department, (~~inmate~~)  
27 incarcerated individual access to the office of the corrections  
28 ombuds, and inspections and visits without notice.

29 (b) Should any of these requirements in this subsection not be  
30 met, the contract with the private correctional entity shall be  
31 terminated.

32 (3) If directed by the governor, the secretary shall, in carrying  
33 out this section and RCW 43.06.350, adopt rules under chapter 34.05  
34 RCW to effect the transfer of (~~prisoners~~) incarcerated individuals  
35 requesting transfer to foreign countries.

36 NEW SECTION. **Sec. 8.** A new section is added to chapter 72.09  
37 RCW to read as follows:

38 (1) The department, the state board for community and technical  
39 colleges, the student achievement council, and the Washington  
Code Rev/ES:jlb 15 S-2055.2/21 2nd draft

1 statewide reentry council, in collaboration with an organization  
2 representing the presidents of the public four-year institutions of  
3 higher education, shall submit a combined report, pursuant to RCW  
4 43.01.036, by December 1, 2021, and annually thereafter, to the  
5 appropriate committees of the legislature having oversight over  
6 higher education issues and correctional matters. The state agencies  
7 shall consult and engage with nonprofit and community-based  
8 postsecondary education providers during the development of the  
9 annual report.

10 (2) At a minimum, the combined report must include:

11 (a) The number of incarcerated individuals served in the  
12 department's postsecondary education system, the number of  
13 individuals not served, the number of individuals leaving the  
14 department's custody without a high school equivalency who were in  
15 the department's custody longer than one year, and the number of  
16 individuals released without any postsecondary education, each  
17 disaggregated by demographics;

18 (b) A review of the department's identification and assessment of  
19 incarcerated individuals with learning disabilities, traumatic brain  
20 injuries, and other cognitive impairments or disabilities that may  
21 limit their ability to participate in educational programming,  
22 including general educational development testing and postsecondary  
23 education. The report shall identify barriers to the identification  
24 and assessment of these individuals and include recommendations that  
25 will further facilitate access to educational programming for these  
26 individuals;

27 (c) An identification of issues related to ensuring that credits  
28 earned in credit-bearing courses are transferable. The report must  
29 also include the number of transferable credits awarded and the  
30 number of credits awarded that are not transferable;

31 (d) A review of policies on transfer, in order to create  
32 recommendations to institutions and the legislature that to ensure  
33 postsecondary education credits earned while incarcerated transfer  
34 seamlessly upon postrelease enrollment in a postsecondary education  
35 institution. The review must identify barriers or challenges on  
36 transferring credits experienced by individuals and the number of  
37 credits earned while incarcerated that transferred to the receiving  
38 colleges postrelease;



1 (e) The number of individuals participating in correspondence  
2 courses and completion rates of correspondence courses, disaggregated  
3 by demographics;

4 (f) An examination of the collaboration between correctional  
5 facilities, the educational programs, nonprofit and community-based  
6 postsecondary education providers, and the institutions, with the  
7 goal of ensuring that roles and responsibilities are clearly defined,  
8 including the roles and responsibilities of each entity in relation  
9 to ensuring incarcerated individual access to, and accommodations in,  
10 educational programming; and

11 (g) A review of the partnerships with nonprofit and community-  
12 based postsecondary education organizations at state correctional  
13 facilities that provide accredited certificate and degree-granting  
14 programs and those that provide reentry services in support of  
15 educational programs and goals, including a list of the programs and  
16 services offered and recommendations to improve program delivery and  
17 access.

18 (3) The report shall strive to include, where possible, the  
19 voices and experiences of current or formerly incarcerated  
20 individuals.

21 **Sec. 9.** RCW 28B.15.067 and 2020 c 114 s 4 are each amended to  
22 read as follows:

23 (1) Tuition fees shall be established under the provisions of  
24 this chapter.

25 (2) Tuition operating fees for resident undergraduates at  
26 institutions of higher education as defined in RCW 28B.10.016,  
27 excluding applied baccalaureate degrees as defined in RCW 28B.50.030,  
28 may increase by no more than the average annual percentage growth  
29 rate in the median hourly wage for Washington for the previous  
30 fourteen years as the wage is determined by the federal bureau of  
31 labor statistics.

32 (3) The governing boards of the state universities, regional  
33 universities, and The Evergreen State College; and the state board  
34 for community and technical colleges may reduce or increase full-time  
35 tuition fees for all students other than resident undergraduates,  
36 including nonresident students, summer school students, and students  
37 in other self-supporting degree programs. Percentage increases in  
38 full-time tuition may exceed the fiscal growth factor. Except during  
39 the 2013-2015 fiscal biennium, the state board for community and

1 technical colleges may pilot or institute differential tuition  
2 models. The board may define scale, scope, and rationale for the  
3 models.

4 (4) The tuition fees established under this chapter shall not  
5 apply to high school students enrolling in participating institutions  
6 of higher education under RCW 28A.600.300 through 28A.600.400.

7 (5) (a) The tuition fees established under this chapter shall not  
8 apply to eligible students enrolling in a dropout reengagement  
9 program through an interlocal agreement between a school district and  
10 a community or technical college under RCW 28A.175.100 through  
11 28A.175.110.

12 (b) The tuition fees established under this chapter shall not  
13 apply to students incarcerated with the department of corrections who  
14 are participating in credit-eligible postsecondary education courses  
15 and degree programs when the program expenses are funded by  
16 nontuition resources such as, but not limited to, grants, contracts,  
17 and donations.

18 (6) As a result of any changes in tuition under section 3,  
19 chapter 36, Laws of 2015 3rd sp. sess., the governing boards of the  
20 state universities, the regional universities, and The Evergreen  
21 State College shall not reduce resident undergraduate enrollment  
22 below the 2014-15 academic year levels.

23 NEW SECTION. Sec. 10. If specific funding for the purposes of  
24 this act, referencing this act by bill or chapter number, is not  
25 provided by June 30, 2021, in the omnibus appropriations act, this  
26 act is null and void."

**2SHB 1044** - S COMM AMD

By Committee on Human Services, Reentry & Rehabilitation

**ADOPTED 04/09/2021**

27 On page 1, line 2 of the title, after "pathways;" strike the  
28 remainder of the title and insert "amending RCW 72.09.270, 72.09.460,  
29 72.09.465, 72.68.010, and 28B.15.067; amending 2019 c 397 s 1  
30 (uncodified); adding a new section to chapter 72.68 RCW; adding a new  
31 section to chapter 72.09 RCW; creating new sections; and providing an  
32 expiration date."

EFFECT: Adds the legislature's intent to support expanded access and opportunities to postsecondary education programs for persons of color; alters county of origin to allow DOC to approve residence locations outside the county of origin based on court-ordered sentence conditions, victim safety concerns, and factors that increase opportunities for successful reentry and long-term support including, among other things, the ability to complete an educational program; alters the definition of county of origin and requires DOC to approve locations in a manner that will not have disproportionate impacts on counties; clarifies third parties include nonprofit entities and community-based postsecondary education programs; requires DOC to establish and periodically review goals for expanding access to postsecondary education programs for all incarcerated individuals, including persons of color, and allows DOC to contract and partner with accredited educational programs sponsored by a nonprofit entity, community-based postsecondary education programs, or institutions with historical evidence of providing education programs to people of color; alters priority criteria by removing priority for persons within 10 years or less of release; removes the prohibition on educational programming for persons serving life sentences; requires state agencies to consult and engage with nonprofit and community-based postsecondary education providers during the development of the annual, multi-agency report; includes nonprofit and community-based education providers in the examination of collaboration between facilities and programs for the multi-agency report; and includes community-based postsecondary education organizations in the review of partnerships and requires a list of programs and services offered with recommendations to improve program delivery and access.

--- END ---