
College & Workforce Development Committee

HB 1044

Brief Description: Creating prison to postsecondary education pathways.

Sponsors: Representatives Leavitt, Simmons, Johnson, J., Eslick, Lovick, Kloba, Lekanoff, Wylie, Bateman, Senn, Goodman, Bronoske, Valdez, Callan, Ramos, Hackney, Morgan, Ormsby, Fey, Frame, Santos, Davis, Pollet and Bergquist.

Brief Summary of Bill

- Permits the Department of Corrections (DOC) to implement postsecondary education certificate and degree programs at state correctional institutions.
- Modifies the DOC's educational goals for incarcerated persons to include special education services and postsecondary education certificates or degrees.
- Requires the DOC to establish a process for identifying, assessing, and accommodating incarcerated persons with learning disabilities, traumatic brain injuries, and cognitive impairments.
- Requires the DOC to provide unofficial transcripts to incarcerated persons who participated in postsecondary education programs any time the person completes a program, is transferred to another facility, or is released.
- Requires the DOC to consider an incarcerated person's educational programming when considering transfers to other facilities and when releasing a person to their county of origin.
- Requires the Washington State Institute for Public Policy to study and report on enrollment, completion, and recidivism rates of incarcerated

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

persons in the postsecondary education system post release by October 1, 2023.

- Requires an annual report from the DOC and other state agencies that includes a variety of data and information on incarcerated persons and postsecondary education.

Hearing Date: 1/20/21

Staff: Megan Mulvihill (786-7304).

Background:

Individual Reentry Plans.

The Department of Corrections (DOC) is required to develop individual reentry plans for each incarcerated person under its jurisdiction except for those persons sentenced to life without the possibility of release, sentenced to death, and those subject to deportation. Individual reentry plans include: plans to maintain contact with family; a portfolio of the person's educational achievements, previous employment and work experience, and any training received; and a plan to facilitate reentry into the community that addresses education, employment, substance abuse treatment, mental health treatment, family reunification, and other needs.

The Department of Corrections' Educational Goals for Incarcerated Persons.

The DOC is required to offer certain education and work programs to persons incarcerated at a state correctional institution based on available funding and with the following goals, prioritized in the order listed:

1. the achievement of basic skills by obtaining a high school diploma or the equivalent;
2. the achievement of vocational skills necessary for work programs and to qualify for work upon release;
3. participation in additional work and education programs necessary to comply with an individual reentry plan; and
4. participation in other appropriate vocational, work, or educational programs not necessary for compliance with an individual reentry plan, including associate degree programs.

If programming is provided for goals 1, 2, or 3, the DOC is responsible for the cost, including books, materials, and supplies. If programming is provided for goal 4, the incarcerated person is required to pay all or a portion of the cost, including books, fees, and tuition based on a DOC formula that correlates to the incarcerated person's average monthly income, available savings, and a prorated percent of the per-credit fee. A third party may pay the DOC directly for all or a portion of the programming costs aligned with the fourth goal.

Associate Workforce Degree Programs at State Correctional Institutions.

In 2017 the DOC was authorized to implement associate workforce degree programs at state correctional institutions without specific funds being appropriated for that purpose. The associate workforce degree programs must be offered by an accredited community or technical college, college, or university designed to prepare incarcerated persons to enter the workforce. The DOC may select an incarcerated person to participate in a state-funded associate degree program based on priority criteria, including consideration of the following:

- persons within five years or less of release should be prioritized;
- the person does not already possess a postsecondary education degree; and
- the person's individual reentry plan includes participation in an associate degree program that is: (1) offered at their state correctional institution; (2) approved by the DOC as an eligible and effective postsecondary education degree program; and (3) is limited to an associate workforce degree.

Incarcerated persons who wish to participate in a state-funded associate degree program, but do not meet the priority criteria, must pay for the program themselves. Incarcerated persons sentenced to life without the possibility of release, sentenced to death, or subject to deportation under federal law are not allowed to participate in a state-funded associate degree program.

County of Origin Discharge Considerations.

The DOC must determine which county is the appropriate residence for a person released to community custody. The DOC is prohibited from approving a residence that is not in the person's county of origin unless the DOC determines that returning to the county of origin would be inappropriate due to: any court-ordered condition of the person's sentence; victim safety concerns; negative influences on the person from within the community; or the location of family, other sponsoring persons, or organizations supporting the person.

Summary of Bill:

The Department of Corrections' Educational Goals for Incarcerated Persons.

The DOC's educational goals for incarcerated persons are modified as follows:

1. the achievement of basic skills by obtaining a high school diploma or the equivalent, including achievement by those persons eligible for special education services pursuant to federal or state law;
2. the achievement of vocational skills necessary for work programs and to qualify for work upon release;
3. participation in additional work and education programs necessary to comply with an individual reentry plan, including special education services and postsecondary education certificate or degree programs; and
4. participation in other appropriate vocational, work, or educational programs not necessary for compliance with an individual reentry plan, including postsecondary education certificate or degree programs.

The DOC must establish a process for identifying and assessing incarcerated persons with learning disabilities, traumatic brain injuries, and other cognitive impairments to determine whether they require accommodations in order to effectively participate in educational programming, including General Educational Development (GED) tests and postsecondary education. The DOC must establish a process to provide accommodations to these persons.

Postsecondary Education Programs at State Correctional Institutions.

The DOC's authority to implement associate workforce degree programs at state correctional institutions is expanded to postsecondary education certificate or degree programs, but is limited to no more than a bachelor's degree. In addition, priority consideration may be given to incarcerated persons within 10 years or less of release. Incarcerated persons sentenced to life without the possibility of release, sentenced to death, or subject to deportation may participate in a postsecondary education degree program if it is paid for by a third party. The DOC may assist incarcerated persons participating in state-funded postsecondary education with filing a Free Application for Federal Student Aid (FAFSA) or the Washington Application for State Financial Aid (WASFA).

The DOC is required to provide incarcerated individuals who participated in postsecondary education programs with a copy of their unofficial transcript any time the person completes a postsecondary education program, is transferred to a different facility, or is released. This copy must be provided at no cost to the individual.

Tuition Fees.

Standard tuition fees charged at public institutions of higher education do not apply to persons incarcerated under the DOC who participate in credit-eligible postsecondary education if the expenses are funded by non-tuition resources, such as grants, contracts, and donations.

County of Origin Discharge Considerations.

Upon release, the DOC must consider an incarcerated person's return to their county of origin to be inappropriate if the person is enrolled in an educational program that cannot be completed in their county of origin, unless there are victim safety concerns.

Transfers of Persons Incarcerated at Correctional Facilities.

When determining whether to transfer an incarcerated person to a different in-state facility, the DOC is required to consider whether the person is enrolled in a vocational or educational program, including programs operated by approved outside providers, which cannot be continued at the receiving facility.

Washington State Institute for Public Policy Study.

The Washington State Institute for Public Policy (WSIPP) must study recidivism, enrollment, and completion rates of incarcerated persons in the postsecondary education system post-release. The DOC, the Washington Student Achievement Council (WSAC), and the State Board for Community and Technical Colleges (SBCTC) must provide the data necessary to complete the study. The study, which is due October 1, 2024, must include:

- the effects of post-release enrollment in the postsecondary education system by persons who, while incarcerated, completed some course work but did not earn a certificate or degree;
- post-release patterns of participation in postsecondary education of persons who, while incarcerated, participated in postsecondary education;
- differential outcomes for persons participating in different types of postsecondary education courses, certificate, and degree programs; and
- an examination of recidivism outcomes after incarceration.

State Agency Report on Postsecondary Education Programs and Incarcerated Persons.

The DOC, SBCTC, WSAC, and Washington Statewide Reentry Council, in collaboration with an organization representing the presidents of the public four-year institutions of higher education, must report to the committees of the Legislature with oversight over higher education and correctional matters, by December 1, 2021, and annually thereafter, on the following:

- a review, disaggregated by demographics, of the number of incarcerated persons served and not served in the DOC's postsecondary education system, the number of persons leaving the DOC's custody after a minimum of one year without a high school equivalency certificate, and the number of persons released without any postsecondary education;
- a review of the DOC's identification and assessment of incarcerated persons with learning disabilities, traumatic brain injuries, and other cognitive impairments or disabilities that affect their ability to participate in educational programming, and the barriers to the identification and assessment of these persons with recommendations to improve;
- identification of issues related to ensuring that credits earned in credit-bearing courses are transferable, including a breakdown of both transferable and nontransferable credits awarded;
- a review of transfer policies, including the identification of barriers or challenges, in order to create recommendations to ensure the seamless transfer of incarcerated persons to postsecondary educational institutions;
- the number of persons participating in correspondence courses and the completion rates, disaggregated by demographics;
- an examination of the collaboration between correctional facilities, educational programs, and the postsecondary educational institutions, with the goal of clearly defining roles and responsibilities; and
- a review of partnerships with nonprofit organizations at state correctional facilities that provide postsecondary education programs and reentry services.

Appropriation: None.

Fiscal Note: Requested on January 11, 2021.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.