

# FINAL BILL REPORT

## 2SHB 1044

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Synopsis as Enacted

**Brief Description:** Creating prison to postsecondary education pathways.

**Sponsors:** House Committee on Appropriations (originally sponsored by 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).

**House Committee on College & Workforce Development**  
**House Committee on Appropriations**  
**Senate Committee on Human Services, Reentry & Rehabilitation**  
**Senate Committee on Ways & Means**

### **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 use 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 incarcerated persons at state correctional institutions 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;

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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;
- 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.

An incarcerated individual's county of origin is the county of the individual's first felony conviction in Washington. 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:**

### 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.

The DOC must establish and periodically review goals for expanding access to postsecondary education certificate and degree programs and increasing program completion for all incarcerated individuals, including persons of color. The DOC may contract and partner with any accredited educational program sponsored by a nonprofit entity, community-based postsecondary education program, or institution with historical evidence of providing education programs to people of color.

### 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. State-recognized preapprenticeship programs are also permitted. Priority consideration based on the number of years remaining on an individual's sentence is removed. Incarcerated persons sentenced to death or subject to deportation may participate in a postsecondary education degree program if it is paid for by a third party or the individual.

The DOC must work with the State Board for Community and Technical Colleges (SBCTC) to develop a plan to 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 at no cost any time the person completes a

postsecondary education program, is transferred to a different facility, or is released.

#### 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.

The definition of "county of origin" is changed to the county of the incarcerated individual's residence at the time of the individual's first felony conviction. Upon release, the DOC may approve a residence location that is not in the individual's county of origin if the DOC determines the residence location would be appropriate based on any court-ordered condition of the individual's sentence, victim safety concerns, and factors that increase opportunities for successful reentry and long-term support, including location of family, supporting persons or organizations, ability to complete an education program that the individual is enrolled in, availability of appropriate programming or treatment, and access to housing, employment, and prosocial influences in the community. The DOC must approve residence locations in a manner that will not cause any one county to be disproportionately impacted.

#### 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. The DOC must work with the individual's case manager, counselor, education navigator, or other appropriate person to attempt to meet the needs of the DOC and the individual.

#### 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), the Education Research and Data Center, and the SBCTC must provide the data necessary to complete the study. The study's findings are to be published in two reports: a preliminary report due October 1, 2024, and a final report due October 1, 2027. The WSIPP study must include:

- patterns and effects on post-release enrollment and participation in the community and technical college sector by individuals who, while incarcerated, participated in postsecondary education;
- differential outcomes for individuals participating in different types of postsecondary education courses, certificates, and degree programs;
- changes in enrollment and completion of postsecondary education courses, certificate programs, and degree programs due to the expansion in postsecondary education

- programming; and
- recidivism outcomes other than incarceration for those individuals who participated in postsecondary education while incarcerated.

State Agency Report on Postsecondary Education Programs and Incarcerated Persons.

The DOC, SBCTC, WSAC, and the 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. The state agencies must consult and engage with nonprofit and community-based postsecondary education providers during the development of the annual report. The report must strive to include the voices of current or formerly incarcerated individuals, and must include 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 participation in educational programming, and the barriers to the identification and assessment of these persons with recommendations for improvement;
- 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 and community-based postsecondary education organizations at state correctional facilities that provide postsecondary education programs and reentry services, including a list of programs and services offered and recommendations to improve program delivery and access.

References to offender, inmate, and prisoner are changed to incarcerated individual. Third party includes a nonprofit entity or community-based postsecondary education program that partners with the DOC to provide accredited postsecondary education degree and certificate programs at state correctional institutions.

**Votes on Final Passage:**

House	96	2	
Senate	28	20	(Senate amended)
House	59	37	(House concurred)

**Effective:** July 25, 2021