

HOUSE BILL REPORT

HB 1338

As Reported by House Committee On:
Postsecondary Education & Workforce
Appropriations

Title: An act relating to education and vocational programs in state correctional institutions.

Brief Description: Concerning education and vocational programs in state correctional institutions.

Sponsors: Representatives Reeves, Waters, Walen, Senn, Simmons, Kloba, Reed, Lekanoff, Gregerson, Doglio, Tharinger, Springer, Fosse, Davis and Orwall.

Brief History:

Committee Activity:

Postsecondary Education & Workforce: 1/25/23, 2/17/23 [DPS];
Appropriations: 2/23/23, 2/24/23 [DP2S(w/o sub PEW)].

Brief Summary of Second Substitute Bill

- Changes requirements relating to postsecondary education programs at state correctional institutions.
- Changes membership requirements of the Correctional Industries Advisory Committee.

HOUSE COMMITTEE ON POSTSECONDARY EDUCATION & WORKFORCE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler, Hansen, Jacobsen, Klicker, Leavitt, McEntire, Pollet, Schmidt and Timmons.

Staff: Jim Morishima (786-7191).

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.

Background:Postsecondary Education Programs in State Institutions.

The Department of Corrections (DOC) may implement postsecondary degree or certificate programs at state correctional institutions. Programs that may be considered for inclusion include any education program from an institution of higher education, up to a bachelor's degree, and state-recognized apprenticeship programs.

The DOC may select an incarcerated individual to participate in a postsecondary education program based on priority criteria determined by the DOC. Priority should be given to incarcerated individuals who do not already possess a postsecondary education degree and individuals with reentry plans that include participation in a postsecondary degree or certificate program that is offered at the individuals' correctional institutions, approved by the DOC as eligible and effective, and limited to a postsecondary degree or certificate program.

The DOC pays the cost of educational programming that achieves a high school diploma or high school equivalent certificate, vocational skills necessary for purposes of work programs or to qualify for work upon release, and additional work and education programs necessary for compliance with an individual reentry plan. The incarcerated individual may be required to pay all or part of the costs of all other educational programming.

In determining whether to transfer an incarcerated individual to a different facility, the DOC must consider whether the individual is enrolled in a vocational or educational program, which will not 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 regarding the transfer. A third party must provide payments for postsecondary education programming to the DOC.

The Correctional Industries Advisory Committee.

The Correctional Industries Advisory Committee (Committee) makes recommendations to the DOC on the Correctional Industries Program. The Committee consists of nine voting members and four nonvoting legislative members. The nine voting members must include three representatives from labor, three representatives from business, and three members from the general public. The business members must represent cross sections of industries and all sizes of employers.

Summary of Substitute Bill:Postsecondary Education Programs in State Institutions.

The Department of Corrections (DOC) may give priority to program participants based on earliest release date, but no more than 67 percent of program participants may be prioritized in this manner. If programming that is eligible for financial aid is provided, a participant may be required to apply for and utilize any federal or state financial aid grants. If the costs of attendance exceed the grant award, or the person is not eligible for financial aid or is unable to apply, the DOC must pay the cost of attendance. A third party may provide the requirement payments directly to the DOC.

The DOC must, in its postsecondary education programs, provide access to a direct transfer associate degree as a pathway of employment in living wage career fields or as a transfer degree to a baccalaureate degree. The DOC, in consultation with the State Board for Community and Technical Colleges, must identify direct transfer agreement courses as common courses throughout the community and technical colleges to avoid difficulties in transferring credits. "Direct transfer agreement" means a degree awarded by a community or technical college to students who have completed a transfer curriculum to fulfill most general education requirements for purposes of a baccalaureate degree.

The Correctional Industries Advisory Committee.

The business members of the Correctional Industries Advisory Committee must represent businesses that employ formerly incarcerated individuals.

Substitute Bill Compared to Original Bill:

The substitute bill:

- allows individuals participating in postsecondary education programs at state correctional institutions to apply for and utilize federal and state financial aid;
- allows the Department of Corrections (DOC) to accept third-party payments for postsecondary education and allows, rather than requires, such third parties to provide payments directly to the DOC;
- requires the DOC to provide access to direct transfer associate degrees, otherwise known as associate's degrees;
- reduces the cap on the number of individuals who may be prioritized for participation by release date from 90 percent to 67 percent;
- removes the requirement that the DOC consult with an individual's educational program prior to transfer;
- removes the 50 percent participation goal for the postsecondary education program; and
- removes the requirement that the DOC prioritize programs that result in vocational credentials or qualifications for living wage jobs once an individual is released from incarceration.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 19, 2023.

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

Staff Summary of Public Testimony:

(In support) This bill is about restorative justice. People should have the opportunity to pay their debts to society, come back to their communities, reenter the workforce, and put roofs over their families' heads. This bill dovetails with past legislation. The state has made progress toward this goal, but there are still some challenges that need to be addressed. Our values and goals should align with the way postsecondary education programs are implemented.

Being employed is an important element of reducing recidivism. Investments in education and training create significant financial returns and prevent crime. These programs are funded by taxpayer dollars, so attention must be paid to return on investment. Individuals are released from incarceration, but do not have the education and training to get a credential. This creates a barrier to employment. If people start in low-wage jobs, they stay in low-wage jobs. Conversely, it is easier to progress to higher wages if you start there and education helps people to do this. An associate's degree is the only pathway to a bachelor's degree. This bill is not prescriptive, but creates a goal to get individuals licensed or certified after release.

Transfer orders can get in the way of education completion. Often transfers are done without consultation with the educational program, which can adversely affect academic standing and financial aid. Consultation should be required before a transfer.

(Opposed) None.

Persons Testifying: Representative Kristine Reeves, prime sponsor; Pat Seibert-Love and Hanan Al-Zubaidy, State Board for Community and Technical Colleges; and Vicki Christophersen, Justice Action Network.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Postsecondary Education & Workforce. Signed by 28 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg, Chandler, Chopp, Connors, Couture, Davis, Dye, Fitzgibbon, Harris, Lekanoff, Pollet, Riccelli, Rude,

Ryu, Sandlin, Senn, Simmons, Slatter, Springer, Steele, Stonier and Tharinger.

Minority Report: Without recommendation. Signed by 2 members: Representatives Stokesbary, Ranking Minority Member; Schmick.

Staff: Yvonne Walker (786-7841).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Postsecondary Education & Workforce:

The substitute bill adds a null and void clause, making the act null and void if specific funding for the purpose of the act, referencing the act by bill or chapter number, is not provided by June 30, 2023 in the omnibus appropriations act.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 19, 2023.

Effective Date of Second Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) This is a bipartisan, common sense piece of legislation. Washington is ahead of other states on providing educational programs in prison facilities. However, data has shown that the number of people incarcerated has increased by 3 percent although enrollment in educational classes has decreased by 17 percent over a ten-year period. This bill will attempt to fill those gaps by expanding enrollment in educational courses.

The primary factor leading to recidivism is a lack of employment. The primary influencer on employment is education. Today it takes at least a two-year degree to enter the labor force above poverty. It would be unethical and inappropriate for students to be forced to use federal or state financial aid for limited vocational certificates and degrees while not being authorized to seek a two-year degree. This is an articulated degree to all universities in Washington and most out-of-state universities. It is the predominate degree pathway to self-sufficient careers and bachelor's degrees. Allowing 33 percent of students access to classes, which would otherwise not be accessible to them due to their lengthy sentences, will provide for longer term cultural and environmental changes to the correctional system.

(Opposed) None.

Persons Testifying: Noah Bein, Justice Action Network; and Pat Seibert-Love, State Board for Community and Technical Colleges.

Persons Signed In To Testify But Not Testifying: None.