
Postsecondary Education & Workforce Committee

SSB 5953

Brief Description: Concerning financial aid grants for incarcerated students.

Sponsors: Senate Committee on Human Services (originally sponsored by Senators Wilson, C., Frame, Hasegawa, Kuderer, Lovelett, Nguyen, Nobles, Salomon, Trudeau and Valdez).

Brief Summary of Substitute Bill

- Allows incarcerated individuals to apply for and utilize federal and state financial aid grants for postsecondary education programs at the Department of Corrections.

Hearing Date: 2/16/24

Staff: Saranda Ross (786-7068).

Background:

Postsecondary Education Programs in State Correctional Facilities.

The Department of Corrections (DOC) offers certain education and work programs to incarcerated individuals 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;
3. participation in additional work and education programs necessary to comply with an individual reentry plan, including special education services and postsecondary degree or certificate education programs; and
4. participation in other appropriate vocational, work, or educational programs not necessary

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for compliance with an individual reentry plan, including postsecondary degree or certificate education programs.

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

Incarcerated individuals are selected to participate in postsecondary education programs based on priority criteria determined by the DOC. Priority should be given to individuals who:

- do not already possess a postsecondary education degree; and
- have a reentry plan that includes participation in a postsecondary degree or certificate program that is offered at the individual's correctional facility, approved by the DOC as eligible and effective, and is limited to a postsecondary degree or certificate program.

Incarcerated individuals who do not meet the priority criteria for the DOC's postsecondary degree education program must pay the DOC to participate in a postsecondary education degree program, including books, fees, or tuition, or a third party can provide payments to the DOC on the individual's behalf.

Financial Aid for Incarcerated Students.

As a result of statutory changes enacted through the Free Application for Federal Student Aid (FAFSA) Simplification Act, incarcerated individuals enrolled in approved prison education programs have been eligible for federal Pell Grants since July 2023. Pell Grants are a form of need-based federal student aid that generally does not need to be repaid. Pell Grants are usually only awarded to undergraduate students who display exceptional financial need and have not earned a bachelor's, graduate, or professional degree. A person can receive Pell aid for no more than 12 academic terms or the equivalent. Award amounts vary based on expected family contribution, cost of attendance, full-time or part-time status, and plans to attend for a full academic year or less. A person must complete the FAFSA to determine their eligibility for a Pell Grant, and there is a separate FAFSA form for incarcerated applicants.

The Washington College Grant (WCG) provides need-based financial aid to income-eligible resident students pursuing education beyond high school. Award amounts vary based on income, family size, and the school or program attended. The WCG is available to Washington residents, including undocumented individuals, who: demonstrate financial need; are enrolled at a Washington higher education institution or an approved, registered apprenticeship program; file a financial aid application; and do not already have a bachelor's degree or higher. Individuals who do not file a FAFSA can file a Washington Application for State Financial Aid (WASFA) to apply only for state financial aid.

The DOC is required to work with the State Board for Community and Technical Colleges to develop a plan to assist incarcerated individuals selected to participate in postsecondary degree or certificate programs with filing a FAFSA or WASFA.

Gift Aid.

Gift aid is financial aid received from the federal Pell Grant, the WCG, the College Bound Scholarship Program, the Opportunity Grant program, or any other state grant, scholarship, or worker retraining program that provides funds for educational purposes with no obligation of repayment. Gift aid does not include student loans, work-study programs, the Basic Food Employment and Training program administered by the Department of Social and Health Services, or other employment assistance programs that provide job readiness opportunities and support beyond the costs of tuition, books, and fees.

Summary of Bill:

If programming provided for goals 1, 2, and 3 is not financial aid-eligible at the time an incarcerated individual is enrolled or paid for by a third party, the DOC maintains the duty to pay the cost of such programming.

If programming provided for goals 1, 2, and 3 is eligible for financial aid grants, the DOC may require an incarcerated individual to apply for, but may not require utilization of, any available federal and state financial aid grants as a condition of participation in such programming. It is at an incarcerated individual's discretion to utilize available financial aid, self-pay, third-party funding, or a combination of these methods for financial aid-eligible postsecondary programming provided for goals 1, 2, and 3. If the cost of attendance exceeds available financial aid grant awards or an incarcerated individual is not eligible for financial aid, then the DOC must pay the cost of attendance not otherwise covered by third-party funding. All regulations and requirements set forth by the United States Department of Education for federal Pell Grants for prison education programs apply to financial aid-eligible postsecondary programming.

An incarcerated individual remains responsible for paying all or a portion of the costs for programming provided for goal 4, but may apply for and utilize available federal and state financial aid grants for such programming.

The DOC must adjust its award formula for determining how much an incarcerated individual pays for programming under goal 4 to become a postaward formula that deducts amounts from available financial aid or other sources. Any postaward formula offsets and funds paid by the DOC for educational programming under goal 4 cannot result in the reduction of gift aid. An incarcerated individual who chooses to self-pay or utilize third-party funding for postsecondary programming is not subject to the postaward formula.

All incarcerated individuals must receive financial aid and academic advising from an accredited institution of higher education prior to enrollment in a financial aid-eligible postsecondary education program. Choosing not to participate or stopping participation in a financial aid-

eligible postsecondary program will not result in a loss of privileges.

Incarcerated individuals not meeting the DOC's priority criteria for postsecondary degree education programs offered by the DOC or its contracted providers must pay for the costs of participation by one or more of the following means:

- for a postsecondary degree education program that is eligible for financial aid, an incarcerated individual may provide the required payments to the school;
- for a postsecondary degree education program that is not eligible for financial aid, an incarcerated individual may provide the required payments to the DOC; or
- a third party may provide the required payments to the DOC on an incarcerated individual's behalf.

Incarcerated individuals subject to a detainer are subject to financial responsibility requirements for programming under the postaward formula. Restrictions on participation for individuals sentenced to death are removed.

Appropriation: None.

Fiscal Note: Available.

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