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**HOUSE BILL 1931**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Representatives Leavitt, Waters, Slatter, Ramel, Reed, Simmons, Ormsby, Doglio, Paul, Goodman, Lekanoff, Reeves, Hackney, and Davis

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1 AN ACT Relating to financial aid grants for incarcerated  
2 students; and amending RCW 72.09.460.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 72.09.460 and 2021 c 200 s 4 are each amended to  
5 read as follows:

6 (1) Recognizing that there is a positive correlation between  
7 education opportunities and reduced recidivism, it is the intent of  
8 the legislature to offer appropriate postsecondary degree or  
9 certificate opportunities to incarcerated individuals.

10 (2) The legislature intends that all incarcerated individuals be  
11 required to participate in department-approved education programs,  
12 work programs, or both, unless exempted as specifically provided in  
13 this section. Eligible incarcerated individuals who refuse to  
14 participate in available education or work programs available at no  
15 charge to the incarcerated individuals shall lose privileges  
16 according to the system established under RCW 72.09.130. Eligible  
17 incarcerated individuals who are required to contribute financially  
18 to an education or work program and refuse to contribute shall be  
19 placed in another work program. Refusal to contribute shall not  
20 result in a loss of privileges.

1 (3) The legislature recognizes more incarcerated individuals may  
2 agree to participate in education and work programs than are  
3 available. The department must make every effort to achieve maximum  
4 public benefit by placing incarcerated individuals in available and  
5 appropriate education and work programs.

6 (4)(a) The department shall, to the extent possible and  
7 considering all available funds, prioritize its resources to meet the  
8 following goals for incarcerated individuals in the order listed:

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

14 (ii) Achievement of vocational skills necessary for purposes of  
15 work programs and for an incarcerated individual to qualify for work  
16 upon release;

17 (iii) Additional work and education programs necessary for  
18 compliance with an incarcerated individual's individual reentry plan  
19 under RCW 72.09.270, including special education services and  
20 postsecondary degree or certificate education programs; and

21 (iv) Other appropriate vocational, work, or education programs  
22 that are not necessary for compliance with an incarcerated  
23 individual's individual reentry plan under RCW 72.09.270 including  
24 postsecondary degree or certificate education programs.

25 (b) If programming is provided pursuant to (a)(i) through (iii)  
26 of this subsection that is eligible for financial aid, the department  
27 may not require an incarcerated individual to apply for or utilize  
28 financial aid grants available to the incarcerated individual as a  
29 condition to participation in such programming. At the incarcerated  
30 individual's option, the incarcerated individual may apply for and  
31 utilize federal and state financial aid grants for use towards  
32 postsecondary education. If the cost of attendance exceeds the grant  
33 award, or the incarcerated individual is not eligible for financial  
34 aid or chooses not to apply for or utilize financial aid, or if  
35 financial aid is not available, the department shall pay the cost of  
36 such programming not otherwise covered by third-party funding,  
37 including but not limited to books, materials, and supplies.

38 (c)(i) If programming is provided pursuant to (a)(iv) of this  
39 subsection, incarcerated individuals shall be required to pay all or  
40 a portion of the costs, including books, fees, and tuition, for

1 participation in any vocational, work, or education program as  
2 provided in department policies. At the incarcerated individual's  
3 option, the incarcerated individual may apply for and utilize federal  
4 and state financial aid grants and may receive department-approved  
5 donated education materials funded by grants and donations and  
6 supplied by education providers. The department may not require an  
7 incarcerated individual to apply for or utilize financial aid as a  
8 condition of participation in an educational program. Department  
9 policies shall include a postaward formula for determining how much  
10 an incarcerated individual shall be required to pay after deducting  
11 any amount from available financial aid or third-party funding. The  
12 postaward formula shall include steps which correlate to an  
13 incarcerated individual's average monthly income or average available  
14 balance in a personal savings account and which are correlated to a  
15 prorated portion or percent of the per credit fee for tuition, books,  
16 or other ancillary educational costs. The postaward formula shall be  
17 reviewed every two years. A third party, including but not limited to  
18 nonprofit entities or community-based postsecondary education  
19 programs, may pay directly to the department all or a portion of  
20 costs and tuition for any programming provided pursuant to (a)(iv) of  
21 this subsection on behalf of an incarcerated individual. Such  
22 payments shall not be subject to any of the deductions as provided in  
23 this chapter.

24 (ii) For the purposes of this subsection, postaward formula  
25 offsets and funds paid by the department for educational programming  
26 shall not result in the reduction of any "gift aid," as defined in  
27 RCW 28B.145.010.

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

33 (e) Any funds collected by the department under (c) and (d) of  
34 this subsection and subsections (11) and (12) of this section shall  
35 be used solely for the creation, maintenance, or expansion of  
36 incarcerated individual educational and vocational programs.

37 (5) The department shall provide access to a program of education  
38 to all incarcerated individuals who are under the age of eighteen and  
39 who have not met high school graduation requirements or requirements  
40 to earn a high school equivalency certificate as provided in RCW

1 28B.50.536 in accordance with chapter 28A.193 RCW. The program of  
2 education established by the department and education provider under  
3 RCW 28A.193.020 for incarcerated individuals under the age of  
4 eighteen must provide each incarcerated individual a choice of  
5 curriculum that will assist the incarcerated individual in achieving  
6 a high school diploma or high school equivalency certificate. The  
7 program of education may include but not be limited to basic  
8 education, prevocational training, work ethic skills, conflict  
9 resolution counseling, substance abuse intervention, and anger  
10 management counseling. The curriculum may balance these and other  
11 rehabilitation, work, and training components.

12 (6) (a) In addition to the policies set forth in this section, the  
13 department shall consider the following factors in establishing  
14 criteria for assessing the inclusion of education and work programs  
15 in an incarcerated individual's individual reentry plan and in  
16 placing incarcerated individuals in education and work programs:

17 (i) An incarcerated individual's release date and custody level.  
18 An incarcerated individual shall not be precluded from participating  
19 in an education or work program solely on the basis of his or her  
20 release date, except that incarcerated individuals with a release  
21 date of more than one hundred twenty months in the future shall not  
22 comprise more than ten percent of incarcerated individuals  
23 participating in a new class I correctional industry not in existence  
24 on June 10, 2004;

25 (ii) An incarcerated individual's education history and basic  
26 academic skills;

27 (iii) An incarcerated individual's work history and vocational or  
28 work skills;

29 (iv) An incarcerated individual's economic circumstances,  
30 including but not limited to an incarcerated individual's family  
31 support obligations; and

32 (v) Where applicable, an incarcerated individual's prior  
33 performance in department-approved education or work programs;

34 (b) The department shall establish, and periodically review,  
35 incarcerated individual behavior standards and program outcomes for  
36 all education and work programs. Incarcerated individuals shall be  
37 notified of applicable behavior standards and program goals prior to  
38 placement in an education or work program and shall be removed from  
39 the education or work program if they consistently fail to meet the  
40 standards or outcomes.

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

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

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

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

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

18 (12) Notwithstanding any other provision in this section, an  
19 incarcerated individual (~~(sentenced to death under chapter 10.95 RCW~~  
20 ~~or~~)) subject to the provisions of 8 U.S.C. Sec. 1227:

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

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

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

30 (d) Shall be subject to the applicable provisions of this chapter  
31 relating to incarcerated individual financial responsibility for  
32 programming.

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

1 incarcerated individual's unofficial transcripts. This requirement  
2 applies regardless of whether the incarcerated individual became  
3 ineligible to participate in or abandoned a postsecondary education  
4 program.

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

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