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**HOUSE BILL 1166**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Representatives Shavers, Ryu, and Simmons

AN ACT Relating to establishing the providing effective education for reentry success act; amending RCW 72.09.460, 72.09.465, and 72.09.480; adding a new section to chapter 28B.50 RCW; and creating new sections.

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

NEW SECTION. **Sec.**  This act may be known and cited as the providing effective education for reentry success act.

NEW SECTION. **Sec.**  The legislature recognizes that people who experience prolonged gaps in education face significant challenges in academic and personal development, particularly if those gaps occur during critical developmental years. The legislature intends to prioritize timely access to education during an incarcerated individual's developmental years while also prioritizing continuity of enrollment for students who resume their education later in life. Therefore, the legislature intends to establish the providing effective education for reentry success act to ensure that incarcerated individuals can meaningfully pursue postsecondary education and digital literacy.

Furthermore, the legislature finds that the goals of digital equity, inclusion, and literacy include incarcerated individuals. The legislature intends that the department of corrections implement security and monitoring of internet access by incarcerated individuals in a manner that does not hinder participation in postsecondary education degree programs or digital equity, inclusion, and literacy. The legislature intends to encourage incarcerated individuals to pursue postsecondary education and digital literacy by enabling equitable and inclusive access to online learning through Wifi, including the opportunity to possess, as personal property, laptop computers with Wifi capability, together with the accessories necessary for online learning. The legislature intends that the department ensure that no correctional facility enter any contract or implement any regulation in a manner that hinders an incarcerated individual from enrolling in an accredited program of distance learning at an institution of higher education as access to online distance education is necessary to create significant educational pathways that meet the diverse educational aspirations of incarcerated individuals.

The legislature supports the use of digital devices, such as continuous glucose, heart rate, and sleep quality monitors, by incarcerated individuals to improve health outcomes. The legislature finds that education and health work together to support rehabilitation and successful reentry, and that personal health technologies can improve the lives of incarcerated individuals.

NEW SECTION. **Sec.**  A new section is added to chapter 28B.50 RCW to read as follows:

(1) The providing effective education for reentry success program is established within the department of corrections to ensure that incarcerated individuals can meaningfully pursue postsecondary education and digital literacy. In administering the program, the department shall:

(a) Permit incarcerated individuals to purchase and retain individual laptop computers using current technology including Wifi capability, an external mouse, camera, and microphone, as part of their personal property. The department may approve health-related digital technologies for incarcerated individuals to purchase and possess as part of their personal property;

(b) Subject to amounts appropriated for this specific purpose, amounts available in the incarcerated individual betterment fund, and funds from grants and donations for this purpose, ensure that every correctional facility install and maintain the broadband infrastructure necessary to provide internet access to incarcerated individuals who possess laptop computers from all locations where they reside;

(c) Collaborate with the governor's statewide broadband office established in RCW 43.330.532 to ensure that incarcerated individuals have meaningful opportunities for digital inclusion and digital equity. The department may apply funds from the incarcerated individual betterment fund to the costs of implementing digital inclusion opportunities for incarcerated individuals;

(d) Ensure that websites of educational value requested by faculty or incarcerated individuals are made accessible within two weeks of the request;

(e) Ensure that incarcerated individuals who use their online access privileges responsibly to pursue educational goals do not have access limited due to concerns about the misuse committed by others; and

(f) Approve distance education programs and correspondence courses offered by an accredited institution of higher education that are part of a program leading to an associate, bachelor, or graduate degree, or a direct transfer associate degree as defined by RCW 28B.10.696, as prison education programs for the purposes of 20 U.S.C. Sec. 1091(t)(B)(iii).

(2) For purposes of this section, the following definitions apply:

(a) "Broadband" has the same meaning as defined in RCW 43.330.530;

(b) "Broadband infrastructure" has the same meaning as defined in RCW 43.330.530;

(c) "Digital equity" has the same meaning as defined in RCW 43.330.530 and includes:

(i) Enrolling and fully participating in online undergraduate and postgraduate degree programs, online distance education programs, and correspondence courses provided by an institution of higher education. Participation may include videoconferencing, submitting documents electronically, other online methods, and operating associated computer programs and applications;

(ii) Purchasing, borrowing, and retaining digital books;

(iii) Accessing online scholarly repositories and library resources available through an education program;

(iv) Accessing educational and scholarly resources, including online resources;

(v) Taking available online tests, assessments, certifications, including graduate school admissions exams;

(vi) Preparing and e-filing legal documents in court proceedings in which the incarcerated individual is named;

(vii) Storing files to cloud-based storage and sending files out for preservation or printing;

(viii) Applying for state and federal financial aid; and

(ix) Subscribing and accessing educational and scholarly resources available by subscription;

(d) "Digital inclusion" has the same meaning as defined in RCW 43.330.530; and

(e) "Digital literacy" has the same meaning as defined in RCW 43.330.530.

**Sec.**  RCW 72.09.460 and 2024 c 272 s 1 are each amended to read as follows:

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

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

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

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

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

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

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

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

(b)(i) If programming is provided pursuant to (a)(i) through (iii) of this subsection, the department shall pay the cost of such programming, including but not limited to books, materials, and supplies for adult basic education programs and any postsecondary education program that is not financial aid eligible at the time the individual is enrolled or paid for by the department or third party.

(ii) For financial aid eligible postsecondary programming provided pursuant to (a)(i) through (iii) of this subsection, the department may require the individual to apply for any federal and state financial aid grants available to the individual as a condition of participation in such programming. The individual may elect to use available financial aid grants, self-pay, or any other available third-party funding, or use a combination of these methods to cover the cost of attendance for financial aid eligible postsecondary programming provided under this subsection (4)(b)(ii). If an individual elects to self-pay or utilize third-party funding, the individual is not subject to the postaward formula described in (c) of this subsection. If the cost of attendance exceeds any financial grant awards that may be available to the individual, or the person is not eligible for federal or state financial aid grants, the department shall 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.

(c) If programming is provided pursuant to (a)(iv) of this subsection, incarcerated individuals shall be required to pay all or a portion of the costs, including books, fees, and tuition, for participation in any vocational, work, or education program as provided in department policies. The individual may apply for and utilize federal and state financial aid grants available to the individual. If the individual is not eligible for federal financial aid grants, the individual may apply for and utilize state financial aid grants available to the individual. Department policies shall include a postaward formula for determining how much an incarcerated individual shall be required to pay after deducting any amount from available financial aid or other available sources. The postaward formula shall include steps which correlate to an incarcerated individual's average monthly income or average available balance in a personal savings account and which are correlated to a prorated portion or percent of the per credit fee for tuition, books, or other ancillary educational costs. Any postaward formula offsets and funds paid for by the department for educational programming shall not result in the reduction of any gift aid. The postaward formula shall be reviewed every two years. A third party, including but not limited to nonprofit entities or community-based postsecondary education programs, may pay directly to the department all or a portion of costs and tuition for any programming provided pursuant to (a)(iv) of this subsection on behalf of an incarcerated individual. Such payments shall not be subject to any of the deductions as provided in this chapter.

(d) All incarcerated individuals shall receive financial aid and academic advising from an accredited institution of higher education prior to enrollment in a financial aid eligible postsecondary education program. Eligible individuals who choose not to participate or choose to cease participation in a financial aid eligible postsecondary education program shall not result in a loss of privileges.

(e) Correspondence courses are ineligible for state and federal financial aid funding unless such course is part of a program leading to an associate, bachelor, or graduate degree.

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

(g) Any funds collected by the department under (c) and ((~~(h) [(f)]~~)) (f) of this subsection and subsections (11) and (12) of this section shall be used solely for the creation, maintenance, or expansion of incarcerated individual educational and vocational programs.

(5) The department shall provide access to a program of education to all incarcerated individuals who are under the age of eighteen and who have not met high school graduation requirements or requirements to earn a high school equivalency certificate as provided in RCW 28B.50.536 in accordance with chapter 28A.193 RCW. The program of education established by the department and education provider under RCW 28A.193.020 for incarcerated individuals under the age of eighteen must provide each incarcerated individual a choice of curriculum that will assist the incarcerated individual in achieving a high school diploma or high school equivalency certificate. The program of education may include but not be limited to basic education, prevocational training, work ethic skills, conflict resolution counseling, substance abuse intervention, and anger management counseling. The curriculum may balance these and other rehabilitation, work, and training components.

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

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

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

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

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

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

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

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

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

(9) The department shall establish, and periodically review, goals for expanding access to postsecondary degree and certificate education programs and program completion for all incarcerated individuals, including persons of color. The department 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.

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

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

(12) Notwithstanding any other provision in this section, an incarcerated individual subject to the provisions of 8 U.S.C. Sec. 1227:

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

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

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

(d) Shall be subject to the requirements relating to incarcerated individual financial responsibility for programming under subsection (4) of this section.

(13) If an incarcerated individual has participated in postsecondary education programs, the department shall provide the incarcerated individual with a copy of the incarcerated individual's unofficial transcripts, at no cost to the individual, upon the incarcerated individual's release or transfer to a different facility. Upon the incarcerated individual's completion of a postsecondary education program, the department shall provide to the incarcerated individual, at no cost to the individual, a copy of the incarcerated individual's unofficial transcripts. This requirement applies regardless of whether the incarcerated individual became ineligible to participate in or abandoned a postsecondary education program.

(14) For the purposes of this section:

(a) "Third party" includes a nonprofit entity or community-based postsecondary education program that partners with the department to provide accredited postsecondary education degree and certificate programs at state correctional facilities.

(b) "Gift aid" has the meaning provided in RCW 28B.145.010.

**Sec.**  RCW 72.09.465 and 2024 c 272 s 2 are each amended to read as follows:

(1)(a) The department may implement postsecondary degree or certificate education programs at state correctional institutions.

(b) The department may consider for inclusion in any postsecondary degree or certificate education program, any education program from an accredited community or technical college, college, or university that is limited to no more than a bachelor's degree. Washington state-recognized preapprenticeship programs may also be included as appropriate postsecondary education programs.

(2) Incarcerated individuals not meeting the department's priority criteria for the postsecondary degree education program offered by the department or its contracted providers shall be required to pay the costs for participation in a postsecondary education degree program if they elect to participate through self-pay, including costs of books, fees, tuition, or any other appropriate ancillary costs, by one or more of the following means:

(a) For a postsecondary degree education program that is eligible for financial aid, the incarcerated individual who is participating in the program may, during confinement, provide the required payment or payments to the school;

(b) For a postsecondary degree education program that is not eligible for financial aid, the incarcerated individual who is participating in the program may, during confinement, provide the required payment or payments to the department; or

(c) A third party may provide the required payment or payments directly to the department on behalf of an incarcerated individual, and such payments shall not be subject to any of the deductions as provided in this chapter.

(3) The department may accept any and all donations and grants of money, equipment, supplies, materials, and services from any third party, including but not limited to nonprofit entities, and may receive, utilize, and dispose of same to provide postsecondary education to incarcerated individuals.

(4) An incarcerated individual may be selected to participate in a state-funded postsecondary degree or certificate education program, based on priority criteria determined by the department((~~, in which the following conditions may be considered:~~

~~(a) Priority should be given to incarcerated~~)) provided that no more than 67 percent of the seats available in any program be reserved for individuals prioritized in this manner unless the program is a preapprenticeship program. Priority criteria may consider the following conditions in the order listed:

(a) Incarcerated individuals who, according to the accrediting body, have completed a prerequisite for a state-funded postsecondary degree or certificate education program:

(i) Within the last five years;

(ii) Within the last five to 10 years; and

(iii) More than 10 years ago;

(b) Incarcerated individuals who do not already possess a postsecondary education degree; and

((~~(b)~~)) (c) Incarcerated individuals with individual reentry plans that include participation in a postsecondary degree or certificate education program that is:

(i) Offered at the incarcerated individual's state correctional institution;

(ii) Approved by the department as an eligible and effective postsecondary education degree program; and

(iii) Limited to a postsecondary degree or certificate program.

(5)(a) The department shall collaborate with nonprofit entities and community-based postsecondary education programs to create and expand postsecondary degrees and certificate programs. Participating nonprofit entities and community-based postsecondary education programs shall provide:

(i) Accredited postsecondary education degree or certificate programs to incarcerated individuals; or

(ii) Faculty, graduate or undergraduate students, or community professionals in correctional facilities to support postsecondary learning and professional development through study groups, lectures, seminars, peer-to-peer and peer-led study, and other activities.

(b) The department shall provide approved nonprofit entities and community-based postsecondary education programs with at least one room in each correctional facility for incarcerated individuals and the staff, volunteers, and sponsors of such nonprofit entities and programs to maintain and use technology, including smart boards, computers with internet access, photocopiers, and printers, for fulfilling educational goals.

(c) Each nonprofit entity and community-based postsecondary education program must cover the cost of the technologies and supplies it uses.

(6) The department shall work with the college board as defined in RCW 28B.50.030 to develop a plan to assist incarcerated individuals selected to participate in postsecondary degree or certificate programs with filing a free application for federal student aid or the Washington application for state financial aid.

((~~(6)~~)) (7) Any funds collected by the department under this section shall be used solely for the creation, maintenance, or expansion of postsecondary education degree programs for incarcerated individuals.

**Sec.**  RCW 72.09.480 and 2024 c 32 s 3 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply to this section.

(a) "Cost of incarceration" means the cost of providing an inmate with shelter, food, clothing, transportation, supervision, and other services and supplies as may be necessary for the maintenance and support of the inmate while in the custody of the department, based on the average per inmate costs established by the department and the office of financial management.

(b) "Minimum term of confinement" means the minimum amount of time an inmate will be confined in the custody of the department, considering the sentence imposed and adjusted for the total potential earned early release time available to the inmate.

(c) "Program" means any series of courses or classes necessary to achieve a proficiency standard, certificate, or postsecondary degree.

(2) When an inmate, except as provided in subsections (4) through (11) of this section, receives any funds in addition to his or her wages or gratuities, except settlements or awards resulting from legal action, the additional funds shall be subject to the following deductions and the priorities established in chapter 72.11 RCW:

(a) Five percent to the crime victims' compensation account provided in RCW 7.68.045;

(b) Ten percent to a department personal inmate savings account;

(c) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court;

(d) Twenty percent for any child support owed under a support order;

(e) Twenty percent to the department to contribute to the cost of incarceration; and

(f) Twenty percent for payment of any civil judgment for assault for all inmates who are subject to a civil judgment for assault in any Washington state court or federal court.

(3) When an inmate, except as provided in subsection (10) of this section, receives any funds from a settlement or award resulting from a legal action, the additional funds shall be subject to the deductions in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11 RCW.

(4) When an inmate who is subject to a child support order receives funds from an inheritance, the deduction required under subsection (2)(e) and (f) of this section shall only apply after the child support obligation has been paid in full.

(5) The amount deducted from an inmate's funds under subsection (2) of this section shall not exceed the department's total cost of incarceration for the inmate incurred during the inmate's minimum or actual term of confinement, whichever is longer.

(6)(a) The deductions required under subsection (2) of this section shall not apply to funds received by the department from an offender or from a third party on behalf of an offender for payment of education or vocational programs or postsecondary ((~~education~~)) degree or certificate education programs as provided in RCW 72.09.460 and 72.09.465.

(b) The deductions required under subsection (2) of this section shall not apply to funds received by the department from a third party, including but not limited to a nonprofit entity on behalf of the department's education, vocation, or postsecondary education degree programs.

(c) The deductions required under subsection (2) of this section shall not apply to funds received by the department from a third party, including a nonprofit entity on behalf of an incarcerated individual for the costs of purchasing a laptop computer and any associated accessories and technology permitted under section 3 of this act, as well as any costs associated with pursuing online learning, including tuition, fees, electronic books and media, and online subscription services.

(7) The deductions required under subsection (2) of this section shall not apply to any money received by the department, on behalf of an inmate, from family or other outside sources for the payment of postage expenses. Money received under this subsection may only be used for the payment of postage expenses and may not be transferred to any other account or purpose. Money that remains unused in the inmate's postage fund at the time of release shall be subject to the deductions outlined in subsection (2) of this section.

(8) The deductions required under subsection (2) of this section do not apply to any money received by the department on behalf of an inmate from family or other outside sources for the payment of certain medical expenses. Money received under this subsection may only be used for the payment of medical expenses associated with the purchase of eyeglasses, over-the-counter medications, and offender copayments. Funds received specifically for these purposes may not be transferred to any other account or purpose. Money that remains unused in the inmate's medical fund at the time of release is subject to deductions under subsection (2) of this section.

(9) The deductions required under subsection (2) of this section do not apply to any money received by the department on behalf of an inmate from family or other outside sources for the purchase of commissary items. Money received under this subsection may only be used for the purchase of items on the facility commissary list. The amount received by each inmate under this subsection may not exceed the monthly allowance for commissary purchases as allowed by the department. Funds received specifically for these purposes may not be transferred to any other fund, account, or purpose. Money that remains unused in the inmate's commissary fund at the time of release is subject to deductions under subsection (2) of this section.

(10) Inmates sentenced to life imprisonment without possibility of release or sentenced to death under chapter 10.95 RCW receives funds, deductions are required under subsection (2) of this section, with the exception of a personal inmate savings account under subsection (2)(b) of this section.

(11) The deductions required under subsection (2) of this section do not apply to funds for subsistence issued by the department to an inmate:

(a) Upon the person's transfer from total confinement to partial confinement, or transfer from total confinement to community custody, pursuant to RCW 72.02.100; or

(b) For a furlough pursuant to RCW 72.66.070.

(12) The secretary of the department of corrections, or his or her designee, may exempt an inmate from a personal inmate savings account under subsection (2)(b) of this section if the inmate's earliest release date is beyond the inmate's life expectancy.

(13) The interest earned on an inmate savings account created as a result of the plan in section 4, chapter 325, Laws of 1999 shall be exempt from the mandatory deductions under this section and RCW 72.09.111.

(14) Nothing in this section shall limit the authority of the department of social and health services division of child support, the county clerk, or a restitution recipient from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 9.94A, 26.23, 74.20, or 74.20A RCW including, but not limited to, the collection of moneys received by the inmate from settlements or awards resulting from legal action.

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